



Appeal Decision

Site visit made on 8 October 2020

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09/12/2020

Appeal Ref: APP/C3620/W/20/3251586

Meadowview, Commonsides, Bookham KT23 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bailey against the decision of Mole Valley District Council.
 - The application Ref MO/2020/0152/PLA dated 24 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is described as demolition of outbuildings and erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt
 - ii) the effect on the development on openness of the Green Belt and the character and appearance of the area;
 - iii) the effect of the proposed development on protected species and habitat.
 - iv) whether, in the event that the development is deemed inappropriate, any other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. Policy CS1 of the Mole Valley Local Development Framework, Core Strategy (2009) (the Core Strategy) sets out the spatial strategy for development. Part of the policy highlights that development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2 'Green Belts'. The National Planning Policy Framework (2019) (the Framework) replaces PPG2 setting out planning policy in relation to the Green Belt.

4. The Framework identifies forms of development which are considered not inappropriate in the Green Belt. The proposed development does not fall within any of the exceptions listed within the Framework. Consequently, in not complying with any of the listed exceptions, the proposal would be inappropriate development in the Green Belt. According to paragraph 143 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.
5. There is conflict with Policy CS1 of the Core Strategy which amongst other things seeks to protect the Green Belt from inappropriate development. The proposed development would be contrary to the Framework which also seeks to protect the Green Belt from inappropriate development, preserving its openness and permanence.

Openness, Character and Appearance of the Area

6. The appeal site is an area of land adjacent a detached bungalow, containing a number of detached outbuildings and adjacent an agricultural building which has prior approval to change the use to a dwelling.
7. The wider plot has a semi-rural character, separated from the built-up area of Great Bookham by the railway line, a large telecommunication mast has been erected very close to the site which can be clearly seen above the mature trees and hedges which surround and screen the site from the surrounding properties.
8. My attention has been drawn to the appeal decision dated September 2019¹ relating to a similar proposal. The previous Inspector considered the former proposal would result in a suburban appearance by the creation of a separate residential curtilage, with parking, turning and domestic paraphernalia which would erode its rural character, causing loss to the openness of the Green Belt.
9. The appeal proposal before me is different, proposing the removal of five outbuildings and the relinquishment of the prior approval scheme adjacent to the appeal site.
10. The replacement of a building which has a realistic prospect of converting into a dwelling for an alternative dwelling by the relinquishment of the prior approval scheme would not result in an intensification of use of the site. The proposed development would also amalgamate the amount of built form.
11. However, whilst the land and building which the prior approval scheme relates is within the ownership of the Appellant, I am not persuaded that a planning condition could secure its relinquishment. There is no mechanism before me, for instance a legal agreement which would secure this. I cannot be certain that the prior approval would be relinquished and therefore I give the relinquishment of the prior approval scheme limited weight.
12. An essential characteristic of Green Belts is their openness. By introducing additional built form within the semi-rural area, the proposal would reduce the openness of the Green Belt.
13. The creation of an additional residential curtilage, with parking, turning and domestic paraphernalia would moderately harm the openness of the Green Belt

¹ APP/C3620/W/19/3232249

and the character and appearance of the area. There would be conflict with Policy CS14 of the Core Strategy and Policy ENV22 of the Mole Valley Local Plan (2000) (the Local Plan) which seeks amongst other things to ensure development respects the site, character and appearance of the locality.

Biodiversity

14. The presence of a protected species is a material consideration. The site on which the proposed dwelling would be located is a relatively open grassed/planted area, however outbuildings would be removed as part of the development.
15. Planning Practice Guidance² is clear that local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is a reasonable likelihood of a protected species being present and affected by development.
16. A Preliminary Ecological Appraisal (the PEA) has been provided (dated 27 November 2017), one of the buildings assessed was identified as having low potential for roosting bats, it was recommended a single bat emergence survey takes place.
17. The proposed development includes removal of a number of outbuildings, including the building which was identified as having low roosting potential. The PEA is three years old and given bat mobility I find this is to be out of date, there is opportunity for bats to be present on the site and the bat survey recommended in the PEA has not been provided. Therefore, I cannot be certain that the proposed development would not harm priority species.
18. I conclude that the appellant is unable to demonstrate that the development would not harm a protected species and habitat. There is conflict with Policy CS15 of the Core Strategy and ENV15 of the Local Plan which amongst other things seek to protect biodiversity. There is conflict with the Framework which amongst other things seeks to protect and enhance the natural environment.

Other Considerations

19. The relinquishment of the dwelling which could be created by the prior approval scheme is a significant material consideration. This combined with the removal of outbuildings would reduce the effect of built form on the Green Belt and character and appearance of the area.
20. Whilst this is a factor which weighs considerably in favour of this appeal, as there is no mechanism to secure the relinquishment of the prior approval scheme before me the weight I attach is significantly diminished. I therefore attach limited weight to the relinquishment of the prior approval scheme.

Conclusion

21. The appeal scheme would be inappropriate development in the Green Belt which is harmful by definition. It would also result in harm to the openness of the Green Belt, and to the character and appearance of the area. According to the Framework, substantial weight has to be given to any harm to the Green Belt.

² Paragraph: 018 Reference ID: 8-018-20190721

22. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist, and the proposal would conflict with Policy CS1 of the Core Strategy and the Framework.
23. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR