



Appeal Decision

Site visit made on 12 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/M3645/W/20/3257354

**Land between The Laurels and Oakview, London Road, Felbridge
RH19 2QZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hatch Homes against the decision of Tandridge District Council.
 - The application TA/2020/643, dated 24 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is an outline application (for means of access and layout) for the erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is made in outline with access and layout to be determined at this stage. Matters relating to appearance, landscaping and scale have been reserved for later approval.

Main Issues

3. The main issues are:
 - Whether the proposal is an inappropriate form of development in the Green Belt
 - If inappropriate, the effect on openness
 - If inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The site lies within the Green Belt. Policy DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 regards the construction of new buildings as inappropriate in the Green Belt unless, amongst other criteria, they comprise limited infill development within defined villages in accordance with Policy DP12. Felbridge is one such defined village. The appeal site lies outside the village boundary as shown on the Policies Map, the nearest part of which runs

- along the northern boundary of Oakview and includes the developed land to the south.
5. Paragraph 145(e) of the National Planning Policy Framework (the 'Framework') contains a similar exception to the inappropriate construction of buildings in the Green Belt where it would comprise limited infilling in villages.
 6. The appeal site forms part of a parcel of rough ground with trees and other foliage along the boundaries, including the frontage to London Road. A public footpath runs diagonally across the land. To the south are residential dwellings fronting London Road and the residential roads taking access from it as well as a retirement housing institution. To the north is a scatter of loosely knit dwellings surrounded by open countryside. To the rear is open countryside. On the opposite side of London Road is open land and the extensive grounds to large dwellings.
 7. In my view the development would not comprise infilling within the village of Felbridge. I agree that the existing buildings to the south of the site do form part of the village as this area is built up on both sides of London Road with development in depth. While some properties, such as Oakview and Brownwood, have large gardens the majority are smaller and more suburban in form and scale. In contrast, the houses to the north of the appeal site are more dispersed, less regular in their siting and form, generally have larger gardens or grounds and exhibit a more rural feel. My impression is that this scatter of houses is more characteristic of the rural area surrounding Felbridge than the built up part of the village to the south of the appeal site.
 8. As such, the appeal scheme would not comprise infilling within an existing substantially developed frontage, as allowed by Policy DP12, but would instead result in an extension of built form into countryside beyond the edge of the village.
 9. The appellant has drawn attention to the decision of the Court of Appeal in *Julian Wood v SSCLG and Gravesham BC [2015] EWCA Civ 195*. In this decision it was held that while a village boundary as defined in a local plan would be a relevant consideration, it would not necessarily be determinative for the purposes of assessing whether a site fell within a village. While I acknowledge the principle set out in that judgement, in this particular case I consider the village boundary as defined in the Policies Map is consistent with the perceived boundary of the village on the ground, in so far as it relates to the appeal site, for the reasons I have set out above.
 10. The appellant has also drawn attention to 3 appeal decisions in other parts of the country where the issue of infilling in a village was addressed. I do not find these decisions particularly helpful as, while they illustrate the principle in *Wood*, the question of whether development does comprise infilling is very much a matter of judgement based on the particular circumstances of each case. As the developments subject of the appeal decisions differ markedly in detail from the appeal scheme, I give them little weight.
 11. I conclude that the appeal site would conflict with Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 because it lies outside the village boundary of Felbridge and would not therefore comprise limited infill development within a defined village. It would also fail to comprise limited infilling within a village within the terms of paragraph 145(e) of the

Framework, for the reasons given above. As such, the proposal would be inappropriate development in the Green Belt.

Openness

12. The introduction of three detached dwellings together with an access road, driveways and parking and turning areas would add a significant amount of new development on to the site which is at present undeveloped. The buildings and associated works would be readily visible both from London Road and the public footpath that runs along the rear of the site.
13. The essential characteristics of Green Belts are their openness and their permanence. The introduction of the proposed development on to the site would significantly reduce its sense of openness and its undeveloped character. This would harm the openness and permanence of the Green Belt, contrary to its essential characteristics as set out in the Framework. This harm attracts substantial weight.

Other considerations

14. The Council currently only has a 1.93 years supply of housing, which is severely below the supply of housing land that the Council is expected to be able to demonstrate by national planning policy. The proposed development would provide an additional 3 dwellings, which would help alleviate, albeit in a small way, the lack of housing supply in the District. This is a benefit on which I place some limited weight.

Very special circumstances

15. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. The harm caused by the inappropriate nature of the development attracts substantial weight. The impact on the openness of the Green Belt would also be an adverse consequence of the development and would add substantially to the harm.
17. Balanced against that harm is the limited benefit of providing 3 additional dwellings to help meet the District's housing need.
18. I consider the limited benefit offered by this other consideration does not clearly outweigh the substantial harm caused by the inappropriate nature of the development and the harm to the openness of the Green Belt. Consequently, very special circumstances to justify the development do not exist.
19. Because of the lack of a five year housing land supply, I accept that policies relating to housing supply in the Local Plan are out of date within the context of paragraph 11 of the Framework. In such circumstances, the Framework directs permission to be granted unless, amongst other criteria, policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.

20. The Green Belt is recognised as one such area of particular importance in footnote 6 of the Framework. As I have concluded that the proposal is an inappropriate form of development in the Green Belt and that there are no very special circumstances to justify making an exception in this case, national Green Belt policy as set out in the Framework provides a clear reason for refusing the development. It follows that the 'tilted balance' in paragraph 11 of the Framework does not apply in this case.

Conclusion

21. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR