
Appeal Decision

Site visit made on 11 January 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/R3650/W/20/3258515

Land adjacent to Clover Cottage, Prestwick Lane, Chiddingfold, Godalming GU8 4XP

- 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 J Day against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0612, dated 31 March 2020, was refused by notice dated 11 August 2020.
 - The development proposed is erection of a detached dwelling together with associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Day against Waverley Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on landscape character, having particular regard to the location of the site within the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value; and
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is land within the residential curtilage of Clover Cottage, a detached two storey dwelling. The site falls within land designated as Green Belt and is located within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

5. The proposal is to erect a new single storey detached dwelling and associated works within the garden land to the west of Clover Cottage. A new access would be formed off Prestwick Lane.

Whether the proposal would represent inappropriate development

6. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, there are exceptions to this which, amongst other things, include 'limited infilling in villages'¹.
7. There is no dispute between the main parties that the appeal site lies outside the defined settlement boundary of Chiddingfold. However, the appellant asserts that the proposed development constitutes a limited infill within a recognised village despite being outside the built-up area boundary.
8. As acknowledged by the appellant and the Council and referenced by caselaw², the boundary of a village defined in a local plan may not be determinative for this purpose. Therefore, whether the site is in the village is a matter of planning judgement having regard to the situation on the ground.
9. The compact suburban development pattern of Chiddingfold changes to a more rural character along Combe Lane west of the junction with Woodside Road and Ridgley Road. Combe Lane, a country road with no pavements, heads north west from the aforementioned junction, past the entrance to a recreation ground, towards open countryside. Combe Lane to the junction with Prestwick Lane is, by virtue of the dispersed nature of development, lightly settled and rural in character with fields, areas of woodland and other vegetation.
10. The appeal site is located to the south of Prestwick Lane close to the junction with Combe Lane, around 0.5 km from the settlement boundary of Chiddingfold. The site is open in nature with a largely grassed area and woodland to the rear. The pattern of development in the vicinity of the site is sporadic and hence there is a greater sense of openness around and between buildings, which is uncharacteristic of the Chiddingfold settlement. The character of the area is unmistakably rural and so not representative of the village. For the above reasons, I would not describe the appeal site as being located within the village.
11. The appellant points out that the Council's officer report describes the site as 'undeveloped'. However, it is clear from reading the officer report that this description merely refers to the lack of built form in regard to the Council's landscape assessment and not a statement about the designation of the site in the context of the definition of previously developed land in the Framework. Thus, this matter does not alter my view that the appeal site is not located within the village of Chiddingfold.
12. Even if I was to conclude that the appeal site was within the village, I do not consider that the proposal would constitute 'infilling'. Infilling is not defined in the Framework and hence remains a matter for the decision maker. I consider that the Council's definition of infilling in the glossary of the Waverley Borough

¹ Paragraph 145 e) of the Framework.

² Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195.

Council Local Plan 2002 is reasonable in so far that it states that it is “*the development of a vacant site in a substantially developed frontage*”.

13. In this case, while it is recognised that the site is located within a cluster of dwellings, the pattern of development is sporadic with buildings randomly dispersed and set within plots of varying sizes. Moreover, there is significant open space between Clover Cottage and the neighbouring property, Hatchbolt, with the host property also set further forward within its plot than the neighbouring dwelling. Thus, for these reasons, in my view, notwithstanding the presence of other buildings within the vicinity of the site, the frontage along the south side of Prestwick Lane is not substantially developed.
14. Accordingly, for the reasons outlined above, the proposal would comprise inappropriate development in the Green Belt as it would not represent limited infilling in a village. To this extent, it would not accord with the Framework or with Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1) which seeks, in accordance with the Framework, to protect the Green Belt from inappropriate development.
15. The appellant refers to land to the south of the appeal site which he says is being advanced within the Chiddingfold Neighbourhood Plan (NP) as an allocation for four dwellings and so, he contends, emphasises the appropriate location for the development as a limited infill. However, the evidence indicates that the NP is still at an early stage and so carries limited weight in decision making terms. Moreover, the draft allocation has been made as a rural exceptions site made up entirely of affordable housing and not limited infilling. In any event, I have determined the appeal proposal based on its individual planning merits and the existence of the draft allocation referred to by the appellant does not alter or outweigh my overall conclusion on this main issue.

Openness of the Green Belt

16. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Indeed, the essential characteristics of Green Belts are their openness and their permanence.
17. The erection of a single storey dwelling within the appeal site would result in built development where there is presently none. The footprint of the dwelling and its bulk would inevitably lead to a loss of openness. This is particularly the case as the garden land to the west of Clover Cottage currently has no buildings or other development on it.
18. Thus, owing to the largely open nature of the site, which is readily visible from Prestwick Lane over the low hedge along its frontage, with trees as part of the backdrop, the proposed development would represent an unacceptable visual intrusion into the Green Belt. The proposed planting and strengthening of the boundary vegetation would, to a degree, help to reduce the visual impact. However, the openness of the Green Belt has a spatial aspect as well as a visual aspect. Thus, overall, for the reasons outlined above, the proposed detached dwelling would result in a moderate loss of Green Belt openness.

Landscape character

19. Owing to the position of the site within a cluster of dwellings and the existence of surrounding trees and areas of woodland, the proposed single storey dwelling would have limited impact in wider landscape views.
20. However, the short distance views of the site from the public domain along Prestwick Lane, with its open largely grassed area and woodland beyond, positively contribute to the character and beauty of the AONB. It is acknowledged that the appeal site constitutes the curtilage of an existing residential property, which could be used to host domestic paraphernalia. However, even after taking into account the proposed planting and strengthening of the boundary vegetation and the architectural detail and design of its low-rise form, the proposed dwelling together with the new access and parking area at the front of the site would, nonetheless, erode the landscape character of the site.
21. Although the landscape impact of the development would be localised, the proposal would neither conserve nor enhance the landscape and scenic beauty of the AONB, contrary to paragraph 172 of the Framework which states that great weight should be given to this matter.
22. For the above reasons, I conclude that the proposal would cause harm to the landscape character of the AONB and the AGLV. Consequently, the proposed development would be contrary to Policy RE3 of the LPP1. It states that new development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located. In this case, this includes the Surrey Hills AONB and the AGLV which, in accordance with Policy RE3, is afforded the same principles of protection as the AONB. In so far as it is a material planning consideration, the proposal would also conflict with the landscape character protection aims of the Surrey Hills Management Plan 2020-2025.

Other considerations

23. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state, in paragraph 144, that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. The appellant suggests that the Council is unable to demonstrate a five-year supply of housing land and this is not expressly refuted by the Council. However, specific policies within the Framework relating to the Green Belt indicate that development should be restricted. Consequently, paragraph 11 d) of the Framework is not engaged. This limits the weight which could be attached to the benefit of one additional dwelling. That said, the proposal would seek to boost the supply of housing, which is a clear aim of the Framework. However, the modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree.

Other Matter

25. The appeal site is located within the Wealden Heaths I Special Protection Area 5 km buffer zone and Wealden Heaths II Special Protection Area 5 km buffer zone. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission. Thus, given my overall conclusion on the main issues it has not been necessary for me to pursue this matter any further.

Planning Balance and Conclusion

26. I have found that the proposed development would amount to inappropriate development in the Green Belt. In addition, it would have a moderate harmful impact on the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
27. I have also found that the proposal would cause harm to the landscape character of the AONB and the AGLV. I afford great weight to this matter as part of the determination of this appeal.
28. Against the above, must be balanced the relatively limited contribution that the proposal would make to the supply of houses in the area.
29. On balance, I conclude that the substantial weight to be given to the Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify a grant of planning permission.
30. For the reasons given above, and having regard to all other matters raised, including the representations of support for the proposed development from interested parties, the appeal is dismissed.

Andrew Bremford

INSPECTOR