



Appeal Decision

Site visit made on 16 February 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2021

Appeal Ref: APP/C3620/W/3263324

Norwood Hill House, Norwood Hill, Horley RH6 0ET

- 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 Ms Esther Winstone against the decision of Mole Valley District Council.
 - The application Ref MO/2020/0761/PLA, dated 05 May 2020, was refused by notice dated 9 September 2020.
 - The development proposed is the creation of 1 No. single storey dwelling including new access following the demolition of an existing building ('Black Barn' constituting previously developed land).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework, 2019, and;
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons

3. The appeal site is located in the Metropolitan Green Belt. Policy CS1 of the Mole Valley Local Development Framework, Core Strategy (2009) (the Core Strategy) sets out the spatial strategy for development. Policy CS1 directs development to established settlements and although dated is broadly consistent with the Framework. The site is not within a defined settlement boundary. Part of the policy also 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 makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, and similarly to Policy CS1 of the Core Strategy, it states that a local planning authority should regard the construction of new buildings in Green Belt as inappropriate, albeit with a set of exceptions. Key to

the appeal before me is Paragraph 145 g) of the Framework, which states that one such exception is limited infilling or the partial or complete redevelopment of previously developed land, (PDL) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing building. Openness in this regard can have a spatial as well as visual impact. I have no evidence that the proposal would contribute to an identified affordable housing need, as such I have not considered it against the second element of Paragraph 145 g) but rather the first element referred to above.

5. The location of the proposed building sits in the existing gardens of the donor dwelling. The appellant has provided various supporting documents, including legal judgement and a previous Inspector's Decision¹, to demonstrate that the land constitutes previously developed. Both main parties have provided their rationale as to the impact of the proposal on openness and I consider that below.
6. The existing building to be demolished, is largely separated from the donor dwelling's wide gardens by virtue of another neighbouring building, appearing to be of residential use. These two existing buildings form a compact parallel arrangement of built form, they also sit close to other existing buildings to the north and east. As such the current building's impact on openness is limited.
7. Notwithstanding the presence of vegetation and trees, there is also currently a generous gap between Norwood Hill House and this cluster of existing development, creating openness to the site.
8. Spatially the proposal would result in a building of similar bulk and footprint to that which would be demolished. However, visually the positioning of the proposed development, intended to be located within the current gap in built form, would be orientated such that it would greatly reduce the existing openness between Norwood Hill House and the existing group of development. The proposal would be set further forward than the existing building to be demolished, making it more apparent than that it would replace when seen from the road. I do though accept that the proposed building would be partially screened by virtue of vegetation when seen from public points. Also, that any associated domestic paraphernalia of the proposal would have a very limited impact on openness. However, these matters do not overcome the impact on openness.
9. Notwithstanding the appellant considers the proposal would enhance the appearance of the area and have less of an effect on openness than that which currently exists, in my view, as detailed above, the proposal would result in the harmful spread of built form across the open site, between the existing development to the east and the donor dwelling. Consequently, the proposal would have a greater impact on openness than that it would replace.
10. Therefore, the proposal would not constitute an exception as described in paragraph 145 g) of the Framework given its impact on openness. There is also conflict with the underlying objectives of Policy CS1 of the Core Strategy, which amongst other things seeks to protect the Green Belt from inappropriate development.

¹ APP/C3620/W/17/3189829

Other considerations

11. The Framework states that substantial weight should be 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.
12. The appellant points out that the proposal would provide an additional energy and water efficient dwelling to the local housing supply and make more efficient use of land. However, in my view these matters are of limited benefit given the proposal is for one dwelling.
13. That the building would be intended to be constructed of high-quality sustainable materials, matching the existing form, does not in my view amount to a significant benefit. I appreciate further conditions could be imposed regarding the appearance of the proposal. However, such conditions would not outweigh the identified impact to openness.
14. An absence of local objections to the proposal does not make it acceptable. That there would be no harm to the living conditions of neighbours and future occupiers, or subject to conditions, trees or flood risk is of neutral weight.
15. The appellant points out that the proposal would result in drainage improvements to the location. However, I have little evidence of this or any current drainage issues, as such I afford this very limited weight.
16. The Framework attaches great importance to Green Belts and states that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness given it would have a greater impact on openness than that which it would replace. Balanced against that are the other considerations identified above. 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.
17. As such the proposal does not accord with Policy CS1 of the Core Strategy. Similarly, the proposal would not accord with Framework.
18. The Council is currently unable to demonstrate a 5-year forward supply of housing land. As such Paragraph 11d of the Framework is triggered and the most important policies in determining the application are considered out of date, granting approval unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As demonstrated above, although there would be benefit to the local housing supply, the application of policies in the Framework relating to development in the Green Belt provide a clear reason for refusal. The proposal would not therefore constitute sustainable development.

Conclusion

19. For the reasons above, the appeal is dismissed.

M Scriven

INSPECTOR