



Appeal Decision

Site visit made on 1 March 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/C3620/W/20/3261130

Boxhill Kennels and Cattery, Boxhill Road, Boxhill, Surrey KT20 7JF

- 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 Gary Waghorn of Headley Mews Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1108/PLA, dated 1 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is the demolition of the disused kennel and cattery buildings with associated sheds at the rear of the application site (land acquired from the original Boxhill Kennels and Cattery) and the provision of two residential dwellings with associated access road and outdoor space for each property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - b) the effect on the character and appearance of the area, having particular regard to the location of the site within the Surrey Hills Area of Outstanding Natural Beauty (AONB); and
 - c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The site is located in the Metropolitan Green Belt. The Framework explains that inappropriate development should not be approved within the Green Belt except in very special circumstances. The construction of new buildings is regarded as inappropriate. Paragraph 145 of the Framework sets out various exceptions which include limited infilling in villages (criterion e) and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (criterion g).

4. Policy CS1 of the Mole Valley Core Strategy (2009) (MVCS) pre-dates the Framework and its language is not entirely consistent with more up-to-date national policy. The policy permits infilling on previously developed land within the small rural villages of the District, and this includes the settlement of Boxhill.
5. The proposed development would occupy land behind properties on the south side of Boxhill Road. The appeal site was formerly used as a kennels and cattery in conjunction with the dwelling on the road frontage and I saw that the buildings all lie within the same curtilage. There is a close physical relationship between the dwelling and its outbuildings and therefore, for the purposes of applying planning policy, it is reasonable to treat the appeal site as forming part of the village. The key question for me to consider is whether the proposal would constitute 'limited infilling'. This term is not defined in the Framework.
6. The Council cites case law¹ in which infill was interpreted as 'development in a gap in an otherwise built up frontage'. This is a logical starting point; it seems to me that in order to constitute an infill plot, the land must be flanked or at least closely bounded by existing buildings such that the proposed development would effectively be occupying a gap. However, the appeal site does not display these characteristics. There is a residential property beyond a track to the south-west and a stable block to the north-east, but these do not enclose the site to any great extent. The immediate locality retains a largely open and undeveloped character. I therefore find that the proposal does not comprise infill or benefit from the exception set out in criterion e) under paragraph 145 of the Framework. There is conflict with MVCS Policy CS1 insofar as this restricts development in Boxhill to infilling on previously developed land.
7. It is common ground that the proposal would constitute the redevelopment of previously developed land. Given that the site contains buildings that were formerly in commercial use, I have no reason to take a different view. However, in order to qualify for the exception under criterion g) of paragraph 145 of the Framework, the development should not have a greater impact on the openness of the Green Belt than the existing development.
8. The site is presently occupied by a number of redundant kennels and cattery buildings. These structures have modest volume and limited visual impact due to their single-storey form. The proposal is for a pair of 4-bedroom chalet style dwellings which would be significantly larger in footprint, height and overall bulk compared to the existing buildings. The mass and physical presence of built form on the site would be substantially greater and this would diminish the openness of the land and by extension that of the Green Belt. Accordingly, it follows that the exception set out within criterion g) under paragraph 145 does not apply.
9. I conclude that the proposal would constitute inappropriate development which the Framework states is, by definition, harmful to the Green Belt.

Character and appearance

10. The proposed dwellings would be positioned to the rear of properties on Boxhill Road. The locality already contains some development in depth and therefore the principle of backland housing has been established. Devonshire Avenue is the closest example to the appeal site and one that is referenced by the appellant. These houses are relatively dispersed, the individual properties set

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

within spacious well-landscaped plots. The resulting low density development is discreet and appropriate to the edge of settlement location by providing a staged transition to open countryside.

11. By comparison, the appeal scheme would be constructed at a much higher density. The dwellings would be closely spaced and they would fill their plots. The small gardens and abundance of hard surfacing would leave little or no room for meaningful planting. The development would be significantly larger in scale and bulk relative to the existing low level outbuildings on the site, and the dwellings would be materially taller than the residential properties on the street frontage, due in part to the rising topography. Public views from the street would be limited to distant glimpses, but this in itself is not determinative. The scheme would be uncharacteristically urban and out of keeping with the looser, more informal pattern of development which adjoins the site.
12. Concerns are raised that the proposal would be detrimental to the Surrey Hills AONB. However, this is an edge of village location and the site relates more to the settlement than it does the countryside. The Council's evidence fails to persuade me that there would be any significant impact on the landscape and scenic beauty of the AONB as a whole. Consequently, I do not find any conflict with development plan policy in this regard².
13. MVCS Policy CS14 stipulates that all new development must respect and enhance the character of the area in which it is proposed. Saved Policy ENV23 of the Mole Valley Local Plan (2000) (MVLDP) is consistent with this in requiring development to respect its setting. The policy states that proposals will not be permitted where they would constitute overdevelopment of the site by reason of scale, height or bulk or in relation to the boundaries of the site and/or surrounding developments. Saved MVLDP Policy ENV24 resists development where it would result in a cramped appearance having regard to the general space around buildings in the locality. In failing to have regard to the surrounding context, the proposal would conflict with these policy requirements and it would cause material harm to the character and appearance of the area.

Other considerations

14. The Council has previously granted permission (now lapsed) for a dwelling on the appeal site. The approved plans are not before me, but I note from the officer report that the property would be single-storey. Figures within the report also indicate that there would be a net reduction in the volume and footprint of development relative to the existing buildings on the site. This led to the conclusion that the proposal was not inappropriate development. That is clearly not the case in the current appeal as the mass of proposed buildings would be greater. The schemes are not directly comparable and therefore the planning history does not carry any significant weight in support of the appeal.
15. I note from the Design and Access Statement that the proposal would allow for two related families to live close together and provide support to each other. No further details are provided as to the particular circumstances and moreover it is not clear what other options have been considered. I have given this benefit very little weight.

² MVCS Policy CS13 and MVLDP Policy ENV4

16. The proposal would contribute to the supply of new homes in the District. The officer report indicates that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The importance of housing delivery carries significant weight, but the benefits are tempered by the fact that the scheme would deliver a very modest number of dwellings.

Green Belt Balance and Conclusion

17. The proposal would constitute inappropriate development in the Green Belt and it would result in a loss of openness, identified by the Framework as one of the essential characteristics of Green Belts. Additionally, the proposal would be detrimental to the character and appearance of the area.
18. The Framework states that substantial weight will be given to any identified harm to the Green Belt, and that 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.
19. Whilst I have taken account of the scheme's benefits, and in particular the delivery of new homes, they do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated and the scheme would conflict with national policy. This provides a clear reason for refusing planning permission.
20. The proposal would conflict with the development plan taken as a whole and there are no material considerations to indicate a decision otherwise than in accordance with the development plan. For the above reasons, and having taken all matters into account, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR