The Planning Inspectorate

Appeal Decision

Hearing (Virtual) Held on 16 March 2021

Site Visit made on 16 March 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/C3620/W/20/3257983
Orchard House, Water Lane, Bookham, KT23 3QH

- 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 Claremont Finesse Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2020/0467/OUT, dated 9 March 2020, was refused by notice dated 30 April 2020.
- The development proposed is outline application for the consideration of access in respect of the erection of 3 No. residential dwellings following demolition of existing outbuildings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is in outline form with access to be determined at this stage and appearance, layout, scale and landscaping reserved for subsequent approval. Illustrative plans have been submitted showing siting and design details for the three proposed dwellings.

3. Prior to the Hearing the Council combined the second and third refusal reasons into a single reason on the character and appearance of the area as the two reasons relate to similar issues and are covered by the same policies.

4. At the Hearing, the appellant submitted an updated site plan AAL-19-205-P01 Revision C showing the vehicular access point to plot 2 moved farther east to enable improved vision splays.

Main Issues

5. The main issues are:

   (a) whether the proposal would constitute inappropriate development in the Green Belt,

   (b) the effect of the proposal on the character and appearance of the area,

   (c) the adequacy of the proposed accesses in relation to highway safety, and

   (d) if it is inappropriate development, 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

6. The appeal site is located on the northern side of Lower Road to the west of its junction with Water Lane. Orchard House is a large detached house sited near to the road junction within a substantial landscaped garden to the north and west and with mature screening along its southern boundary with Lower Road. The District boundary is approximately 25 metres to the west of the site. The site and surrounding area are located within the Metropolitan Green Belt.

7. Paragraph 143 of the National Planning Policy Framework (the Framework) states that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". The proposal is for 3 large houses. Paragraph 145 of the Framework confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant contends that exception (e) "*limited infilling in villages*" applies to the proposal.

8. Policies CS1 and CS2 of the Mole Valley Core Strategy (2009) direct new development towards the built up areas and seek to protect the Green Belt. The Core Strategy pre-dates the Framework and is not wholly consistent with it in relation to exceptions to inappropriate development. The Council is preparing a new development plan, which is at an early stage, and is not yet relying on its provisions. My examination of inappropriate development is therefore based primarily in relation to the Framework.

9. The Framework does not provide definitions for the terms "*village*", "infilling" or "*limited*". The Court of Appeal case Julian Wood[1] established that the boundary of a village defined in a local plan may not be determinative in relation to this exception and that when considering whether a settlement is a village or whether a site is in a village decision takers should have regard to the situation "*on the ground"* as well as to any relevant policies.

10. At the Hearing, the appellant opined that the appeal site could reasonably be regarded as part of the settlement of Bookham in respect to the continuous built nature from its defined boundary towards and beyond the appeal site. The boundary is about 260m to east of the appeal site at the junction of Lower Road with Little Bookham Street. Whilst parts of the built up area have a hard edge with open countryside beyond, there are buildings to both sides of Lower Road extending beyond the defined boundary towards the appeal site. The density and urban form of buildings is greatest closer to the defined boundary. The Gracewell Nursing Home, with its large car park, and the recently built residential estate, The Saddlery, on the former Preston Farm Stables site, are large sites with little soft landscaping located just beyond the boundary.

11. But from the evidence before me and from my observations on the ground the balance of buildings to open space changes in the vicinity of the appeal site. Orchard House is clearly visible from Lower Road and in some views is perceived with the dwelling on the opposite side of the junction with Water Lane, although this is heavily screened by conifer trees. In views west from the junction along Lower Road, trees and shrubs within the appeal site extend close to the carriageway and obscure the next dwelling 348 Lower Road which

[1] Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

is set back from the road. To the southern side of Lower Road there is open space to both sides of the crossroads, also bound by lines of trees and shrubs, allowing glimpses to the open fields beyond. There are dwellings to the east of the crossroads along Lower Road back towards the built up area but in the vicinity of the appeal site they are just on the northern side of Lower Road and are set within substantial landscaped grounds.

12. In views north along Water Lane, Orchard House is not readily perceived with the nearest dwelling, Little Acre, due to a considerable separating distance between the dwellings, the narrow carriageway to Water Lane, and screening vegetation between the dwellings and along the carriageway edge. Little Acre is perceived as one of three large detached dwellings, set back from Water Lane, positioned near to a group of smaller detached and semi-detached houses sited closer to the carriageway. These form part of a cluster of houses mainly on the western side of Water Lane with a degree of separation from Orchard House and other dwellings. The eastern side of Water Lane is marked by trees and shrubs with open fields beyond.

13. To the west of the appeal site, beyond the District boundary, is a substantial area of glass houses at Vineries Garden Centre set back from the northern side of Lower Road. To the west of this is a considerable area of open space with permission for a new school and a large residential development alongside. These would be located towards the northern edge of Effingham, within the adjacent Guildford Borough Council administrative area, and could not be regarded as part of the settlement of Bookham.

14. My findings are that the setting of the appeal site draws its context as much from surrounding areas of open space as from built development in its vicinity. Even in relation to nearby housing there is not a consistency in either physical separation distances or in how these are perceived on the ground. The area is characterised by loosely knit dwellings surrounded by open space and does not clearly read as part of the more built up settlement of Bookham to the east.

15. Policy CS2 to the Core Strategy defines "infilling" as "*the development of a small gap in an otherwise continuous built-up frontage, or the small scale redevelopment of existing properties within such a frontage*". To the east of the site the nearest houses are set in substantial landscaped grounds and to the west the gap between Orchard House and No.348 is large. The gap from Orchard House to Little Acre is greater still and is not perceived as part of a continuous frontage.

16. The illustrative plans for the proposed houses depict substantial dwellings of comparable width to Orchard House and massing similar to some of the larger dwellings in the area. These would be limited in number but not in scale. The proposal would not amount to "*development of a small gap in an otherwise continuous built-up frontage"* and so would be contrary to Policy CS2.

17. My findings are that the proposal would not amount to limited infilling in a village and would therefore constitute inappropriate development. The scale of the three dwellings would result in a significant floor area and volume of new development over the demolition of outbuildings at the site and would be harmful to the openness of the Green Belt. There would also be limited harm with two of the purposes of the Green Belt at Paragraph 134 of the Framework. The proposal would add to the sprawl of the large built-up area beyond the

recognised boundary of Bookham and would contribute in a small way to its merging with the neighbouring settlement of Effingham.

18. I acknowledge that Bookham is regarded by the Council as one of the more sustainable locations within the District, and that the proposal would not be far from some of its services. There are bus stops near the site which help in connectivity but as the appellant notes the nearest train station is not at Bookham but at Effingham. Proximity to services and facilities particularly at Bookham does not change my findings on the nature of the site and its immediate surroundings or on its relationship with Bookham.

19. The major redevelopment for a school and housing beyond the District boundary would result in a significant planned change to the Green Belt on the edge of Effingham. I have not been presented with the reasons for these proposals. But it is apparent from the planning history of the appeal site and aerial photographs over the last 34 years presented by the Council, that the site and its immediate vicinity have little changed over this time. Reference was made at the Hearing to the possible allocation of land near Water Lane for housing as part of the Council's plans to meet future housing needs. This has not been confirmed and is subject to a separate planned process. I have therefore attached little weight to this possible allocation. However, approval of the appeal proposal would provide some encouragement for infill within other spacious residential plots nearby which could cumulatively be harmful to the openness of this part of the Green Belt.

Character and appearance

20. The dwellings nearest to the appeal site along Lower Road and Water Lane are detached and set in large plots, albeit with some variation in the size of the dwellings and of the plots in which they are located. The illustrative drawings indicate that the proposed houses would be larger than most in the vicinity of the site but in plot sizes within the range of those locally. The character of the locality comprises open fields as much as housing but as the development would be within an existing residential curtilage, it would not result in an encroachment into the countryside.

21. Open spaces and large gardens near to the site are both generally marked by lines of trees and shrubs adjacent to the highway; these contribute to the verdant appearance to the street scenes. The proposed new access points to Lower Road and their associated vision splays would require removal of a significant proportion of the present screening vegetation to Orchard House. However, this is of variable width and quality, and surviving greenery could be supplemented by appropriate landscape measures approved as a reserved matter to maintain a satisfactory and sympathetic appearance to the street scene. There is an existing access to Water Lane for the house on plot 3 so the appearance of the street scene here would be less susceptible to change.

22. The proposal would result in a tightened grain and a more formal pattern of development at the site. Nonetheless, that pattern would be broadly reflective of the character and appearance of housing in the immediately surrounding area. The proposal would not therefore conflict with Policy CS14 of the Core Strategy or with Policies ENV22 and ENV23 of the Mole Valley Local Plan (2000) (MVLP) which require proposals to respect and enhance the character and appearance of the area, taking account of the scale, character and proportions of the surrounding built environment. Neither would there be conflict with

Policies BKEN2 and BKH2 of the Bookham Neighbourhood Plan made on 23rd May 2017; these require new development to respect the character and appearance of the surrounding area, including the gaps between buildings, and to integrate with the local surroundings and landscape context.

Access arrangements

23. The revised site plan moving the position of the vehicular access to the house on plot 2 slightly to the east along the Lower Road frontage would ensure that satisfactory vision splays could be provided across land owned by the appellant without crossing the frontage to the adjacent house to the west. The Council raised no objection to the revised plan at the Hearing. The vision splays for the new access to plot 1 would be adequate and plot 3 would utilise an existing access. There would be sufficient space to park and turn vehicles beyond the access points. The proposal would not conflict with Policies ENV22 and MOV2 of the MVLP which require proposals to provide safe access to the site and adequate parking. I have noted the representations from some local residents regarding the safety of the access arrangements, particularly in relation to anticipated additional traffic levels on Lower Road, but have no reason to disagree with the conclusions of the local highway authority.

Other considerations

24. The appellant has emphasised the importance of the proposal in delivering three family dwellings in a sustainable location in relation to the Council's ongoing under delivery of homes. The Council admits it currently can only demonstrate 2.74 years of housing land supply in relation to its 5 year target. This is a significant shortfall, sufficient to trigger the tilted balance at Paragraph 11(d) of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 to Paragraph 11(d) confirms that "*land designated as Green Belt*" can provide such a clear reason.

Planning balance

25. The proposal would have the benefit of providing three family dwellings in a sustainable location within a District that currently cannot provide sufficient housing to meet Government targets. I have found that the proposal would not be detrimental to the character and appearance of the area. But an absence of harm or a reduced level of harm in relation to character cannot be counted as a positive consideration in support of a scheme. It is a neutral consideration.

26. The proposal would amount to inappropriate development in the Green Belt and would result in a loss of openness. Paragraph 144 of the Framework states that "*substantial weight is given to any harm to the Green Belt*". The benefits resulting from three additional dwellings do not clearly outweigh the substantial weight that must be afforded to harm to the Green Belt. Footnote 6 to Paragraph 11(d) to the Framework also affirms that harm to the Green Belt provides a reason for refusing developments in these circumstances. Other considerations amounting to the very special circumstances necessary to justify the development therefore do not exist. The proposal would be contrary to the provisions of the Framework taken as a whole.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kay Collins	Solve Planning (agent)
Sijan Kawar	Solve Planning (agent)
Tom Grimshaw	Claremont Finesse (Director)
David Allen	Homeowner Orchard House

FOR THE LOCAL PLANNING AUTHORITY:

Donna Penson	Senior Planning Officer Mole Valley District Council
Mark Brodie	Team Leader Dev. Management Mole Valley District Council

INTERESTED PARTIES:

Marc & Magdalena Meyer, Little Acre (observing)

DOCUMENTS

Site Plans for the replacement Howard of Effingham School development and adjacent Berkeley Homes residential development.

PLANS

Site Plan AAL-19-205-P01 Revision C showing repositioned access to Plot 2