
Appeal Decision

Site visit made on 26 April 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 May 2021

Appeal Ref: APP/Q3630/W/20/3264633

The Smudge, 61 Wey Meadows, Addlestone KT13 8XY

- 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 Mr J Winterfeld against the decision of Runnymede Borough Council.
 - The application Ref RU.20/0701, dated 1 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is described as demolish the existing dwelling and erect a replacement dwelling to modern day standards
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. A site plan including a dashed footprint representing the proposed dwelling was however submitted with the application. This is labelled as 'for size proportion purposes only', which I interpret as meaning that it is indicative. The proposed dwelling is however also described in detail within the Design and Access Statement (the DAS), within which specific figures are provided in relation to the external floor area, finished floor level, and ridge height. These details have been partly dictated by flood levels, and the need to accommodate basic facilities which the buildings on site currently lack. As such I consider that the dashed footprint and figures provided within the DAS provide a reasonable guide to the nature of the scheme likely to be presented at reserved matters stage. I have therefore assessed the scheme on that basis.
3. The decision notice cites saved policies from the Runnymede Borough Local Plan Second Alteration 2001 (RBLP) alongside emerging policies from the Runnymede 2030 Local Plan (the Local Plan). Since the Council made its decision the Local Plan has been adopted, and this has replaced the RBLP. I have therefore assessed the scheme against cited policies from the Local Plan.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - whether the development could provide acceptable access and parking;

- the effects of the development in relation to flood risk;
- the effects of the development in relation to trees; and
- if the proposal would be inappropriate development, whether 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 it.

Reasons

Whether the proposed development would be inappropriate development

5. The site is located within the Metropolitan Green Belt. It contains a flat roofed timber cabin and 2 sheds, one of which is described as a 'spare room'. According to the appellant, the site has only been occasionally occupied since 1985, and indeed it lacks the basic day-to-day bathroom facilities that would support more permanent occupation. The development would entail replacement of the 3 buildings with a single dwelling.
6. Paragraph 145 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are set out in paragraphs 145 and 146. Two of these are of potential relevance in this case.
7. The first, as set out in paragraph 145(c) of the Framework, and Policy EE14 of the Local Plan, indicates that the replacement of a building is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces. In this regard a group of buildings can potentially be taken into account. Proceeding on this basis, the DAS states that the 3 buildings currently on site have a combined external floor area of 59.3m², whereas the replacement would have an external floor area of 80m². In addition, the floor level of the new dwelling would be raised considerably higher than that of the cabin in order to counter flooding, and the DAS states that it would feature a pitched roof. Therefore, notwithstanding the lack of precise figures, and scope for variation which might exist within the context of the reserved matters, it is clear that the replacement building would be materially larger than that of existing buildings in terms of both site coverage and volume. As such the development would not comply with the exception set out in paragraph 145(c), or Policy EE14 of the Local Plan.
8. The second exception, as set out in the first bullet of paragraph 145(g) of the Framework, and Policy EE17 of the Local Plan, indicates that the partial or complete redevelopment of previously developed land is not inappropriate providing there would be no greater impact on the openness of the Green Belt than the existing development. In view of my findings above, a dwelling which was materially larger than the existing development on site would clearly have a greater impact on the openness of the Green Belt as it would occupy more space. Broader visibility of the dwelling would be restricted by its location, and so too would scope for its effects to be widely perceived. Be that as it may, the development would have a limited adverse effect on the openness of the Green Belt, thus it would not comply with the exception set out in the first bullet of paragraph 145(g) of the Framework, or with Policy EE17 of the Local Plan.
9. For the reasons set out above I conclude therefore that the development would be inappropriate development in the Green Belt. It would therefore conflict with

Polices EE14 and EE17 of the Local Plan as outlined above. Inappropriate development is by definition harmful to the Green Belt, and paragraph 144 of the Framework indicates that substantial weight should be given to any such harm. I therefore attach substantial weight to the harm that the development would cause by reason of its inappropriateness.

Access and parking

10. The accessibility to and within a site for vehicles, cycles and pedestrians, in terms of the positioning and treatment of access and circulation routes, and how these fit into the surrounding access network, all fall within the scope of the reserved matter of access. With regard to on-site parking, some overlap additionally exists in relation to the reserved matter of layout.
11. Article 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) nonetheless requires that where access is a reserved matter, the application must state the area or areas where access points to the development proposed will be situated. The point of access is not shown on the plans, but the appellant has indicated that access to the site would be as existing, and, furthermore, that adequate parking and turning space are available.
12. The plot within which the site is located is currently accessed via a gateway from Wey Meadows, which is a single track lane offering no potential for residential on-street parking. The gateway provides vehicular entry into the adjacent north western end of the plot, within which space for parking is located. Further vehicular entry into the plot appears to be prevented by large trees, and onward travel is provided by a path which leads to the cabin. The appeal site however only includes the south eastern end of the plot, on which the existing buildings are located. As such, it excludes the gateway, parking space, and frontage on Wey Meadows. As the site is otherwise bounded by the River Wey and by other plots, the development would have no direct access to a highway. In this regard, no obvious scope for vehicular entry into the site, or parking within it, appears to exist. It is not therefore clear how future occupants would access the site, or where they would park. In the additional absence of any evidence to indicate that car-free occupancy of the site would be either practical or likely, both the lack of proper access to the site, and lack of capacity to park vehicles within or near to it, would provide unacceptable living conditions for future occupants of the development.
13. In view of the above, it is doubtful in the first instance whether the application in fact complied with the requirements of Article 5(3) DMPO. My findings otherwise indicate that it is improbable that an acceptable scheme could be presented at reserved matters stage.
14. For the reasons outlined above I conclude that it has not been demonstrated that the site would be accessible or capable of providing parking space. The scheme therefore conflicts with Policy SD4 of the Local Plan, which seeks to secure safe access, egress and servicing, and, given my findings above, additionally with Policy EE1 of the Local Plan, which requires that proposals ensure that there is no adverse impact on the amenities of occupants of a proposed development. This is a matter to which I attach substantial weight.

Flooding

15. The site is located adjacent to the River Wey, within Flood Zone 3b. It therefore lies within the functional flood plain, within which the Planning Practice Guidance (PPG) generally indicates that development should not be permitted.
16. A Flood Risk Assessment (FRA) was submitted with the application. The information that this contains is sparse, and limited to an indication of the proposed finished floor level of the dwelling, and statement that flood voids would be incorporated. Notwithstanding the outline nature of the scheme, this lack of information means that the flood risk cannot be fully assessed in line with national policy set out within the Framework and the PPG.
17. In the above regard, the Council indicates that the FRA has been rejected by the Environment Agency. Whilst I do not have their comments before me, I have little reason to doubt this. Indeed, contrary to the PPG, the FRA does not provide a level of detail proportionate to the risks that evidently exist on site, or which adequately address the potential of the development to increase flood risk elsewhere. Whilst the provenance of the data used to inform the proposed finished floor level has not been identified, the FRA contains no consideration of the safety of future occupants of the development over its lifetime. This is particularly pertinent given my findings in relation to the site access above, which in this context similarly apply in relation to escape.
18. The existing buildings on site are evidently not designed to be flood resilient. Therefore, if they were occupied, the occupants would be placed at a high level of risk. This does not however justify a failure to properly consider potential risks to the safety of future occupants of the proposed development. These would indeed be likely to differ insofar as a larger replacement dwelling containing 'modern day' facilities could presumably accommodate a larger number of more permanent occupants than the existing buildings.
19. For the reasons outlined above I conclude that it has not been demonstrated that the effects of the development would be acceptable in relation to flood risk. The scheme therefore conflicts with Policy EE13 of the Local Plan, which supports the assessment of flood risk in line with national policy set out within the Framework. This is a matter to which I attach substantial weight.

Trees

20. The site contains varied vegetation including large trees. These, together with others outside the site, make a positive contribution to the character and appearance of the riverside environment. They presumably also hold some biodiversity value. The application was not however supported by arboricultural or ecological evidence, and nor has any been provided by the Council.
21. The plans and DAS indicate that the replacement dwelling would occupy the same location as the existing cabin. There are no large trees located adjacent to the cabin. Whilst this does not remove the potential for the development to adversely affect wider spreading tree roots, it does suggest that any impact would be limited. As such, and given that the reserved matter of landscaping extends to protecting the amenities of the site and the area in which it is situated, I am satisfied that tree protection could be addressed at reserved matters stage, as could the potential for biodiversity enhancement. In this regard clarificatory conditions could be applied.

22. In view of my findings in relation to access, I have no reason to believe that any works to trees would arise in this context.
23. For the reasons outlined above I conclude that the development would be acceptable in relation to its likely effects on trees. It would not therefore conflict with Policy EE1 of the Local Plan, which seeks to secure appropriate landscaping strategies; Policy EE11 of the Local Plan, which seeks to avoid fragmentation of green infrastructure; or Policy EE9 of the Local Plan which seeks net gains in biodiversity.

Other considerations

24. The development would see substandard accommodation replaced with a modern dwelling, which could presumably support permanent occupation of the site. This would contribute towards an improvement of the local housing stock. The contribution would however be very small in scale, and thus attracts limited weight.
25. The appeal scheme would involve building work that would be of some benefit to the broader economy. The scale of benefit would however be very limited, and so attracts very limited weight.
26. The potential for net gains in biodiversity has been considered above. Such a potential could be realised, albeit the scale of any benefit is unknown. I therefore attach negligible weight to this consideration.
27. The appellant has drawn attention to a dwelling which has been recently constructed to the southwest of a site. I have however been provided with no information regarding this dwelling, or the considerations applicable in its apparent approval. That being so I cannot assume that the circumstances are identical, or take its existence as an indication that the appeal scheme should be allowed, particularly when taking account of the site specific matters outlined above. I therefore attach no weight to this consideration.

Planning Balance and Conclusion

28. I have found that the scheme would constitute inappropriate development within the Green Belt, which would have a limited adverse effect on its openness. As outlined above, any harm to the Green Belt attracts substantial weight. In addition, I have attached substantial weight to harm likely to arise in relation to the lack of direct access to a highway, lack of parking, and flood risk.
29. In this case, the combined weight of the harm identified would not be clearly outweighed by the limited collective weight of the other considerations advanced in favour of the scheme. These other considerations are therefore insufficient to demonstrate the existence of very special circumstances necessary to justify approval of the scheme.
30. The scheme would conflict with the development plan as a whole, and material considerations otherwise indicate that planning permission should be refused. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR