



Appeal Decision

Virtual Hearing Held on 15 December 2020

Site visit made on 19 December 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/R3650/W/20/3252167

Grayswood Beeches, Highercombe Road, Haslemere, GU27 2LH

- 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 & Mrs Taylor against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1784, dated 15 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed was originally described as erection of a new detached dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant did not call evidence on the Council's housing land supply position in the hearing. However, after the event was closed new evidence was submitted, indicating that the Council had conceded in another appeal in early 2021 that it could not demonstrate a 5 year housing land supply, with its stated position being 4.99 years. In subsequent written correspondence the Council accepted this position for the purposes of this appeal decision.
3. The appellant has indicated that they do not wish for the hearing to be reopened. I have therefore dealt with the appeal on the basis of the written evidence and exchanges, which indicate that the housing land supply in Waverley is 4.99 years.

Main Issues

4. The site is located in the Green Belt so the main issues are
 - i) 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;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect on highway safety; and
 - iv) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
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Reasons

Inappropriate Development

5. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, with certain exceptions. This position is reiterated in Policy RE2 of the Waverley Local Plan Part 1 (2018) (Local Plan).
6. One exception, as set out in paragraph 145 (e) of the Framework is limited infilling in villages. The Council suggest that to benefit from the exception a proposal must comprise a vacant site in a substantially developed frontage. This is reflected in text in a local planning policy document dating back to 2002. However, this predates the publication of the Framework, which is less prescriptive, by many years. I therefore agree with the appellants' contention that a broader view of the definition is justified, having regard to national planning policy.
7. In this case the site falls within a loosely developed area on the fringe of Haslemere. The proposed building would sit equidistant between a cluster of four very large, detached, residential properties which sit on Highercombe Road and Three Gates Lane. Accordingly, it would fall within a gap. As a single dwelling, the development would clearly be limited in character. As such, having regard to the definition in the Framework, the proposal would meet the definition of limited infilling.
8. However, the site falls within Haslemere, which is commonly regarded as a town and not a village. This is not simply due to its population size. There is a large civic area, high street and shopping centre, along with supermarkets and various public buildings. All these factors contribute to the longstanding characterisation of Haslemere as a town.
9. Turning to the Framework, were the intention to include towns in paragraph 145 (e) it would have been worded a different way. It does not say all settlements larger than villages; it specifically identifies villages as benefitting from the exception in the form that it is written. On two occasions Inspectors have found that development in Leighton Buzzard and Blackburn, settlements regarded as towns, have benefitted from the exception¹. However, the wording in the Framework is very clear, and I cannot endorse the same approach in relation to this case. The proposal does not fall within a village and does not therefore meet the exception set out in paragraph 145 (e) of the Framework. This interpretation is consistent with another appeal decision cited by the Council, in relation to development in Cheltenham².
10. The second exception of potential relevance is paragraph 145 (g) of the Framework. The Council and the Appellant were both in agreement that the proposal should be regarded as the partial or complete redevelopment of previously developed land. There was no suggestion that the proposal would comprise affordable housing, so the acceptability of the development in relation to this exception turns on whether or not it would have a greater impact on the openness of the Green Belt than the existing development.

¹ APP/T2350/W/16/3164118 and APP/P0240/W/18/3196341

² APP/B1605/W/19/3225401

11. In this respect the land at present clearly has a very open character, despite its former use as a residential garden. It is comprised of sloping grassland, interspersed with various clusters of shrubs, and surrounded by trees.
12. A new residential building would be built on the site, with a formalised driveway. Even though steps have been taken by way of design to reduce its impact on the landscape, for instance through the adoption of a green roof, the site would undoubtedly appear much more built up and intensively used than it is at present. Large structures, and other activity on the site would be visible from other vantage points within the Green Belt, including other residential properties and the adjacent road. So there would clearly be a greater impact on the openness of the Green Belt than the existing development. As such, the extent of development proposed would significantly exceed that envisaged under the terms of this exception.
13. It follows that the proposal would not meet either of the exceptions and, having regard to local and national planning policy, amounts to inappropriate development in the Green Belt. The Framework directs that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with policy RE2 of the Local Plan and the Framework which seek, amongst other things, to avoid inappropriate development in the Green Belt and preserve its openness.

Openness

14. I have found in my reasoning above that the development would have a greater impact on the openness of the Green Belt than the existing development on the site. Even taking account of the mitigating factors previously identified, the increase in built form would be substantial, given the considerable size and scale of the building. The impacts would extend beyond the immediate site. Despite the attempts to make the building blend in with the landscape, it would be visible from the road and the neighbouring properties previously identified. The surrounding area would therefore have a significantly more intensive residential character than is found at present, as a consequence of the development.
15. Consequently, in both spatial and visual terms there would be a loss of openness to the Green Belt. Various conditions could be used to control the appearance of the building, for instance to ensure that a green roof is used. However, in any scenario there would be a significant loss of openness to the Green Belt, which is a consideration that weighs against the proposed development.

Highway Safety

16. The proposal would utilise an existing opening on to Three Gates Lane which has historically been used in connection with a residential property. In common with others along the road, this opening is enclosed by vegetation which limits visibility when exiting the site. Consequently, a car would need to pull out slightly into the road to see any oncoming traffic, before committing to any manoeuvre. This would potentially cause a brief obstruction on the highway, possibly requiring oncoming traffic to brake or swerve at short notice.
17. The traffic along this road has been surveyed and shown to be very infrequent, and at a low average speed. The risks already exist, as there is an existing

opening which serves residential land, along with others of a similar layout serving residential properties. With only one dwelling being provided here, the intensification in highways terms and associated additional risk above the existing situation is of minimal significance.

18. Visibility splays are proposed, however there is uncertainty regarding the enforceability of a planning condition requiring these to be set out and maintained, as it requires work on land outside the appellant's control. Furthermore, whilst the Highway Authority have powers to remove vegetation on unregistered land, these are not ordinarily used in instances like this.
19. However, the risks here are very low given the context. It became apparent in discussion at the hearing that the appellant has previously taken steps to maintain the vegetation in question, and it is reasonable to assume that this would continue to be the case in the future, given that it would be in their interest to ensure adequate visibility up and down the road around the site. Taking all of the above in-to account, planning permission should not be refused on highway safety grounds. There is no unacceptable impact, in this respect.
20. As such, there is no conflict with policy ST1 of the Local Plan, which, amongst other things, seeks to ensure that new development contributes to transport infrastructure improvements where appropriate. Nor does the proposal conflict with the Framework, which requires a safe and suitable access, where new development is proposed.

Very Special Circumstances

21. At the hearing the appellant set out a series of other considerations that are considered to weigh in favour of the proposal.
22. Housing and Green Belt policy. The appellant queried the omission of towns from the wording of paragraph 145 (e) of the Framework, arguing that it is perverse. I accept that this proposal would not significantly conflict with any of the purposes of including land in the Green Belt. It would also comply with policy set out in other parts of the Framework, which broadly seeks to encourage development in towns, as such locations are typically accessible to services and facilities. In locational terms there are some advantages of the development, as the centre of Haslemere is within walking distance of the site. It would also add to the supply of housing within the Borough, which is heavily constrained, particularly given the lack of a 5 year housing land supply. These considerations attract moderate weight in favour of the proposal.
23. Design. The proposal is architecturally interesting. It would sit well within the landscape and would be sympathetic to the grassed appearance of the hillside, enabling a large building to be accommodated on the site in a sensitive way. A high standard of environmental performance would be secured, and internally a very high standard of accessibility would be achieved. Landscape and ecological improvements to the site could be secured by planning condition. The quality of design would exceed that of much modern residential development.
24. In broad terms, the Framework places great importance on good design, and that would clearly be achieved here. However, the design would primarily utilise established technologies, which limits the extent to which it can be regarded as innovative. The use of an internal lift is a common feature in

buildings such as this. Whilst other buildings have been found to be particularly outstanding or innovative at appeal, that is not the case here. The positive design attributes of the development nonetheless weigh in its favour, attracting moderate weight.

25. Self Build. The proposal would be a self-build scheme, fulfilling a personal need. In principle such development is encouraged in the Framework, and the appellant noted that there is no adopted planning policy that makes provision for such development within the District. This attracts moderate weight, in favour of the proposal.
26. Personal situation of the appellant. The building itself has been designed to meet the health needs of the appellant, which were discussed in the hearing. It would therefore be highly accessible, particularly for wheelchair users, and adaptable for future occupants. The development would clearly provide a very good standard of living accommodation, in this respect, supporting the appellant to participate fully in everyday life and the local community in which they are established. Future users of the development would also benefit from the high levels of accessibility provided. These considerations attract moderate weight, in favour of the proposed development.

The Green Belt Balance

27. The proposal is inappropriate development in the Green Belt and the Framework requires me to attach substantial weight to this harm. It would also lead to a loss of openness to the Green Belt. The absence of harm to highway safety is a neutral factor. The other considerations cited do not, even when considered together, clearly outweigh the harm arising from inappropriateness. The very special circumstances necessary to justify inappropriate development in the Green Belt therefore do not exist.
28. The fact that the Council cannot demonstrate a 5 year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case the application of policies in the Framework that protect areas of particular importance, in this case the Green Belt, provide a clear reason for refusing the development proposed. As such, the presumption in favour of sustainable development does not apply.

Conclusion

29. The proposal conflicts with the development plan, when it is considered as a whole, and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

Appearances

For the Appellant

Mr Charles Banner Q.C	of Counsel
Ms Janet Long of Planit Consulting	Planning Agent
Mr Peter Taylor	Appellant
Mr Andrew Cook of Pegasus Group	Landscape Consultant
Mr Steve Parsons of Vision Transport Planning	Highways Consultant

For the Local Planning Authority

Mr Carl Housden	Planning Officer
Mr Chris French	Team Leader
Ms Zoe Trower of Surrey County Council	Highways

Interested Parties

Mr Ian Ellis of Southern Planning Practice (representing Mr and Mrs Jopp)

Documents submitted at the hearing

- 1) Letter from Planit Consulting to the Planning Inspectorate dated 8 December 2020.
- 2) Letter from Vision Transport Planning to the Planning Inspectorate dated 4 December 2020.
- 3) Highlighted copy of Euro Garages vs SSHCLG

Documents submitted after the hearing.

- 1) Email from Planit Consulting dated 17 December 2020 confirming no objection to site visit arrangements.
- 2) Email from Planit Consulting dated 7 January 2021 suggesting a highway condition.
- 3) Email from Waverley District Council dated 7 January 2021 suggesting planning conditions.
- 4) Email from Mr Ian Ellis dated 9 January 2021 providing comments on suggested conditions.
- 5) Email from Surrey County Council dated 13 January 2021 providing further comments on planning conditions.
- 6) Email from Planit Consulting dated 14 January 2021 providing comments on suggested conditions.

- 7) Email from Planit Consulting, dated 17 May 2021 regarding on 5 year housing land supply, including a document regarding the Council's closing position on an appeal at Land at Lower Weybourne Lane, Badshot Lea, Farnham.
- 8) Email from Planit Consulting, dated 26 May 2021 confirming they do not wish for hearing to be resumed.
- 9) Email from Waverley Borough Council regarding housing land supply issues, dated 8th June 2021.