



Appeal Decision

Site visit made on 7 April 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15th September 2021

Appeal Ref: APP/C3620/W/20/3260039

Westcoates, Clayhill Road, Leigh, Reigate RH2 8PB

- 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 K Tork against the decision of Mole Valley District Council.
 - The application Ref: MO/2020/0681/PLA dated 17 April 2020, was refused by notice dated 6 August 2020.
 - The development proposed is removal of mobile structures and demolition of an open shelter together with a linked barn building conversion of two buildings to 6 No dwellings (C3) with associated access parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows on from a previous proposal for a similar development (to provide 7 dwellings across three retained buildings), which was refused under the Council's reference MO/2018/2068 and dismissed on appeal under reference APP/C3620/W/19/3234020. The appeal decision has been provided to me and both the Appellant and the Council have referred to that previous scheme and decisions in their consideration of this proposal. Whilst I have had regard to these previous decisions, I am required to consider the proposal on its individual merits.

Main Issues

3. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) The effect of the proposed development on the character and appearance of the local area, and
 - c) Whether or not a financial contribution to affordable housing should be provided.

Reasons

Issue a) Whether inappropriate development

4. The appeal site lies on the southern side of Clayhill Road in a rural location outside the village of Leigh. The site falls within the Green Belt. It comprises a number of buildings and barns, currently partly vacant and partly in use for a range of commercial/storage uses, together with large areas of compacted ground and hard standings. There has been a long and complex planning history relating to different elements of the site and on the basis of the information provided I have no reason to reach a different conclusion to the one reached by the previous Inspector in relation to the extent of previously developed land and land where agricultural use remains the lawful use.
5. The proposals before me would convert two of the existing buildings, referenced as M1 and M3, to provide 4 x 3 bedroom and 2 x 2 bedroom properties with the demolition of other buildings and structures and the surrounding land would provide car parking and shared amenity areas.
6. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraphs 145 and 146 set out the categories of development which may be regarded as not being inappropriate. These include at Paragraph 145 c) *the extension and alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building* and at Paragraph 146 d) *the re-use of buildings providing that the buildings are of permanent and substantial construction*. All the categories of development falling within Paragraph 146 are only to be regarded as not inappropriate if they preserve its openness and do not conflict with the purposes of including land within it.
7. The Council referred to Policy CS1 of the Mole Valley Development Framework Core Strategy DPD 2009 (Core Strategy) but this sets out a spatial strategy for the district and indicates that in the countryside, development will be considered against other policies and government guidance (at that time reference was made to PPG2: Green Belts). The Appellant has also referred to Policy RUD19 of the Mole Valley Local Plan which sets out criteria for the re-use and adaptation of rural buildings including within the Green Belt.
8. It is noted that under the previous appeal a key consideration was whether the site fell to be considered as previously developed land which relates to one of the exceptions set out at paragraph 145 g) of the Framework. In view of the conclusions of the Inspector that the whole site did not fall to be so defined, this argument has not been relied upon in the proposal before me and it is not necessary for me to consider it further. In addition, that previous appeal scheme included the retention of a third building, identified as M4, but under consideration of the requirements of paragraph 146 d) of the Framework in respect of this building, the Inspector found that the proposal was likely to require the replacement of the walls, roof and floor of the building. The Inspector therefore considered that the proposal in respect of that one building did not fall to be considered as a re-use of an existing building and was

therefore outside of the requirements of paragraph 146 d). In the proposal before me, Building M4 is proposed to be demolished and the land would be hard and soft landscaped as part of the overall landscaping proposals for the new residential units. As a result of his conclusion in respect of Building M4, and contrary to the assertions of the Appellant, the Inspector did not consider whether the proposed works in respect of Buildings M1 and M3 would fall within the requirements of paragraph 146 d) of the Framework.

9. The two buildings proposed to be converted, identified as M1 and M3, are constructed of a mix of blockwork and brickwork together with corrugated sheeting with windows and doors and solid flooring. A structural report dated August 2018 has been submitted which indicates that the buildings would require some upgrading and strengthening works but would be suitable for re-use. In particular I have noted that both buildings have a concrete ground bearing slab which is considered in the report adequate to take the loads from a residential conversion; the existing external walls are generally in good condition and can be upgraded. I agree with the Council that the report is regrettably not as thorough as it could be but, nonetheless, I am satisfied that it demonstrates that the buildings are of permanent and substantial construction and suitable for re-use, albeit with some alterations.
10. It is also necessary for me to consider whether the proposals would preserve Green Belt openness and would not conflict with the purposes of including land within it, in order to meet the requirements under paragraph 146 of the Framework. The existing site contains a number of large buildings and structures together with open areas of hardstanding. The proposed development, including the removal of some of the existing structures, would have the potential to reduce the amount of built form on the site and in particular open up spacing and gaps between the retained buildings. I consider that both visually and spatially the removal of some of the existing buildings would improve the openness of the Green Belt.
11. The area around the buildings would become a mix of hard and soft landscaping for shared amenity space as well as the parking of cars. Given the nature of the shared amenity space I consider that the introduction of outbuildings and domestic paraphernalia would be limited. Furthermore, were no other matters of concern, and planning permission were to be granted, such matters could be addressed by condition. However, compared with the amount of parking at the site and the extent of hard surfacing already existing, I consider that the effect on openness would at the very least be neutral if not beneficial.
12. Taking all these factors together I consider that the proposed scheme, particularly from the removal of existing buildings, would have a beneficial impact on openness. Furthermore, and as a result I also consider that it would assist in safeguarding the countryside from encroachment; there would be no conflict with the purposes of including the land within the Green Belt.
13. The proposals would also include a number of alterations to the buildings including in the external appearance and therefore, for the sake of completeness, also need to be considered against the tests set out under Paragraph 145 c). This states that *the extension and alteration of a building would not be disproportionate providing that it does not result in disproportionate additions over and above the size of the original building.*

From the information provided the proposed works would be primarily within the envelope of the retained buildings. The works would include for the installation of new first floors for the residential units; this would inevitably increase the overall floorspace of the buildings, but would not increase the volume or external dimensions of the buildings to be retained. In the particular circumstances of this case, I am satisfied that the alterations proposed would not result in disproportionate additions over and above the size of the original buildings.

14. Taking all these factors into consideration, I am satisfied that the proposed conversion of the two of the buildings to residential use, together with the other proposals forming part of the overall scheme, would not be inappropriate development for the purposes of the Framework and development plan policy. There is therefore no need for the development to be justified by very special circumstances.

Issue b) Effect on the character and appearance of the local area

15. The site lies outside of the village of Leigh and accessed along a rural lane with hedgerows on either side with fields and woodland beyond. There is scattered residential development along Clayhill Road including immediately adjoining the appeal site. Views into the site are relatively limited, apart from directly outside the access point towards the western end of the site, where the main buildings are clearly visible.
16. The existing site contains a number of large buildings and structures together with open areas of hardstanding. The proposed development, including the removal of some of the existing structures, with appropriate hard and soft landscaping, would have the potential to result in an improvement in the appearance of the site and open up views through to the countryside beyond.
17. I recognise that the development would be outside of the village of Leigh but given its proximity to the village, with residential development also immediately adjoining it, it would not be an isolated form of development. Given that the buildings on the site and hardstandings already exist, and the number of buildings would be reduced, I do not agree with the Council that the proposal would lead to an 'unwarranted encroachment into the countryside' as stated in the second reason for refusal. As I have set out above, I consider that there would be an improvement in the appearance of the site which would contribute to an improvement in the appearance of the local area. Given the existing residential uses in the local area and that the development would not extend into green field areas, I also do not consider that there would be any harm to the character of the local area.
18. The Officer's report also concluded that the proposal would have a modest positive effect on the character of the area and the issue is not further addressed in the Council's statement.
19. I do not therefore consider that the proposed development would harm but would have a positive effect on the character and appearance of the local area. There would be no conflict with Policy CS1 of the Core Strategy or the Framework to respect the local context.

Issue c) Affordable Housing

20. Policy CS4 of the Core Strategy requires a financial contribution equivalent to providing 20% of the total number of dwellings as affordable is made, for all housing development of 1-9 gross dwellings. There is an Affordable Housing SPD alongside the policy which has been updated several times, to reflect changing national planning guidance, the most recent update being in June 2019 to reflect the changes introduced in the Framework in February 2019. The original SPD appears to have been the subject of consultation and the updates have been made to reflect government guidance but without changing the relevant affordable housing policy from the Core Strategy.
21. The Framework at paragraph 63 is clear that *provision of affordable housing should not be sought for residential developments that are not major development, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*. The Glossary to the Framework defines designated rural areas as *National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985*.
22. I have very limited information before me but the June 2019 Affordable Housing SPD Addendum produced by the Council indicates at paragraph 1.6, the parishes which are defined as 'rural', with Footnote 1 cross referencing Section 157 (1) of the Housing Act 1985 and the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) (No 2) Order 2005/2908. The civil parish of Leigh is included within the definition.
23. The Appellants have noted that the request was not made in respect of the previous application but that pre-dated the publication of the 2019 Framework, following which the Addendum was produced. As the policy and SPD in so far as this matter is concerned reflect the advice in the Framework, they carry weight in my consideration of the appeal.
24. Although relating to the period 2017/18 there is nothing in the Council's Authority Monitoring Report, provided to me by the Appellant, which suggests that there is not an ongoing need for affordable housing provision. No legal agreement has been provided to me. I recognise that the offer made at the application stage to make a contribution was on the basis that permission would be forthcoming and that it is open to the Appellants to challenge the reason for refusal at the appeal stage.
25. On the limited information before me, I consider that the scheme, given the number of units proposed and the location within a designated rural area would require a contribution to be made towards affordable housing in order to comply with development plan policy. In the absence of an agreement to provide such a contribution, the development would not provide affordable housing as required. This would conflict with Policy CS4 of the Core Strategy in respect of affordable housing provision.

Other Considerations

26. A number of other matters have been raised in addition to the points already addressed under my main issues.
27. I have noted the concerns raised by local residents that the site is not served by public transport as indicated by the Appellant. However, this is not a new

development being proposed in this location, but the reuse of existing buildings as allowed under Green Belt guidance.

28. There are concerns about the ability of the local infrastructure to support the addition on 6 houses. However, if no other matters were of concern and planning permission were to be granted, it would be appropriate to impose pre-commencement conditions to ensure that such matters were addressed and satisfactorily resolved. The Council did not raise this as a reason for refusal.

Planning Balance and Conclusion

29. The Appellant has stated that the Council cannot demonstrate a 5 year housing land supply. In support of this, the Appellant has provided me with the Council's Authority Monitoring Report (AMR) 2017/2018 where the position is confirmed in Table 8. The Council has not commented on this matter and I am not aware of the up to date position, including the current 5 year housing land supply position on the basis of the standard housing need assessment currently in operation. I have nonetheless considered this matter as part of the overall planning balance.
30. Paragraph 59 of the Framework refers to the government's objective to boost significantly the supply of housing, and paragraph 68 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. In this instance, the proposal would contribute six additional units.
31. In terms of its component dimensions there would be a social benefit in providing an extra 6 housing units. Economic advantages would also arise from the construction and occupation of the new houses and potentially through support by the incoming residents for local facilities and services. I have also found that there would be a beneficial environmental effect in terms of the openness of the Green Belt and the character and appearance of the local area.
32. However, the proposed dwellings would all be market housing and the proposal would not make any contribution towards affordable housing. The Framework is clear that the needs of groups with specific housing requirements should be addressed and the proposal would fail with regard to this social objective. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
33. I have found that the proposal would conflict with the development plan when taken as a whole. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
34. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR