



Appeal Decision

Site visit made on 27 August 2021

by **G D Jones BSc(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 September 2021

Appeal Ref: APP/C3620/W/21/3272846

Tilleys Croft, Horsham Road, Forest Green, RH5 5RZ

- 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 Mrs June Havard against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1844/PLA, dated 13 October 2020, was refused by notice dated 25 February 2021.
 - The development proposed is the erection of a detached dwelling and car port in land adjacent to Tilley's croft.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was made before the publication of the current version of the National Planning Policy Framework (the Framework). Both main parties were given opportunity to adjust their evidence in light of the new Framework. I have had regard to any subsequent submissions when making my decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would conflict with the area's adopted strategy for the location of new housing;
 - Its effect on the character and appearance of the area, including in respect to Forest Green Conservation Area; and
 - Whether any development plan conflict and harm arising, would be outweighed by any other considerations, including that the Council cannot currently demonstrate a Framework compliant supply of housing land.

Reasons

Strategy for the Location of New Housing

4. Policy CS 1 of the Mole Valley Core Strategy, October 2009, (the Core Strategy) states that new development, including housing, will be directed to previously developed land within the built-up areas of five settlements that have been identified as the five most sustainable locations within the District. It goes on to say that limited development and infilling will take place on previously developed land within six *larger rural villages* and infilling only on such land within eleven *small rural villages* of the District.

5. Forest Green does not form part of any of the urban or rural settlements identified in Policy CS 1. It stands within the countryside for the purposes of the development plan where Policy CS 1 goes on to say *development will be considered in the light of other policies within the Core Strategy and the provisions of PPG2 'Green Belts', PPS7 'Sustainable Development in Rural Areas' and Policy C4 'Landscape and Countryside Management' of the South East Plan.*
6. Given that PPG2 and PPS7 have long since been replaced by successive versions of the Framework and as South East Plan Policy C4 no longer forms part of the development plan, Core Strategy Policy CS 1 is out-of-date in the terms of the Framework. Of course, in terms of its role as a housing policy, CS 1 is also out-of-date because the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land.
7. Nonetheless, Policy CS 1's general approach of directing new development to more sustainable locations following a clearly prioritised hierarchy while also allowing for some development in the countryside having regard to national planning policy, accords with the thrust of the Framework. On this basis Policy CS 1 continues to carry considerable weight.
8. Policy ENV3 of the Mole Valley Local Plan, October 2000, (the Local Plan), in contrast, is far more restrictive. For instance, amongst other things, it states that development in the countryside will only be acceptable for the reasonable needs of agriculture, and forestry or comprises essential facilities for outdoor sport and outdoor recreation, mineral extraction and waste disposal. This is considerably more restrictive than the government's policy approach to rural housing as set out in the Framework. It would also serve to constrain the supply of new homes in an area that is currently experiencing difficulties in that regard. Consequently, in this context and for the purposes of this appeal decision, Policy ENV3 carries limited weight only.
9. Given the site's location within Forest Green, the proposed development would not result in an isolated home in the terms of the Framework. The Framework recognises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to say that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
10. Although the Core Strategy pre-dates the Framework, the adopted strategy for the location of new housing, including via Policy CS 1, indicates that new rural housing should normally be directed to larger rural settlements rather than smaller settlements with limited access to services and facilities, such as Forest Green. While Forest Green does have some facilities, including a farm shop, church, village hall, pub and cricket club, they are limited and unlikely to support most of the day to day needs of the occupants of the proposed family sized dwelling.
11. Consequently, it is very likely that those occupants would regularly rely on use of private vehicles to access services and employment elsewhere. Potential additional customers / service users are likely to be welcomed in the village and nearby. However, there is no evidence that any of these local facilities are in significant need of further support or in danger of closing or being reduced in

any way were the proposed development not to proceed. While the appellant's desire to continue to live in the area is understandable, nor is there any substantiated evidence that the proposed development would significantly enhance or maintain the vitality of Forest Green or any other nearby rural community.

12. On this basis the proposed development would not accord with the rural housing policy of the Framework. Nor would it accord with Core Strategy Policy CS 1 and Local Plan Policy ENV3 such that it would be at odds with the area's adopted strategy for the location of new housing. Although, for the reasons outlined above, the conflict with Policy ENV3 is of limited weight, overall this matter carries substantial weight against the appeal proposal.

Character & Appearance

13. The appeal site lies within Forest Green Conservation Area (the Conservation Area). Although the pattern of development is much more close-knit beyond its boundary, as Appendix 6 to the Local Plan identifies, relative to its size there are few buildings within the Conservation Area, and these are of varied appearance and age. The Conservation Area, therefore, comprises a loose grouping of varied buildings, mostly arranged around the extensive and largely open Green, which lies at its heart. The area also retains a sense of a small community in a forest clearing. It is principally from these characteristics that the Conservation Area's significance is derived.
14. The proposed development would not alter the sense that Forest Green remains a small community in a forest clearing. Given the range and variety of existing buildings in the vicinity, the design of the proposed buildings would not be out of place in the Conservation Area as a matter of principle.
15. Although the appeal site has a fairly long frontage to Horsham Road and abuts a right of way to the rear, it is reasonably well-contained visually. This is due, in large part, to mature planting along and around its boundaries, and to an extent to existing development to the north and south. There is no good reason to believe that this planting is likely to fail or that it would be removed, particularly given that most trees within conservation areas benefit from protection.
16. Nonetheless, the presence of the proposed house, outbuilding and likely associated manifestations of the more intensive residential use of the site would be very likely to be apparent in glimpsed/filtered views from the public realm through the planting thereby having an influence on the character and appearance of the area. Furthermore, the proposed development would be very evident when viewed from within the site due to its relative scale, such that it would bring about a significant change to the site's current largely open character.
17. For these reasons, the appeal scheme would result in a more closely knit pattern of development in this part of the Conservation Area, which would be clearly legible and thereby undermine the existing loose arrangement of buildings and the general sense of openness. Consequently, the appeal scheme would have a harmful effect on the character and appearance of the area, including in respect to Forest Green Conservation Area. It would, therefore, conflict in that regard with Policy ENV39 (Development in Conservation Areas) of the Local Plan and Policy CS 14 (Townscape, Urban

Design and the Historic Environment) of the Core Strategy. The harm to the significance of the Conservation Area would be less than substantial in the terms of para 202 of the Framework.

Other Considerations

18. As neither Local Plan Policy ENV39 or Core Strategy Policy CS 14 contain the public benefits balance of Framework para 202 they are out-of-date. Nonetheless, given the importance given to protecting conservation areas via current legislation and national policy, they continue to carry significant weight.
19. Moreover, given the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, the identified harm to the Conservation Area carries substantial weight against the proposed development, such that it comfortably outweighs the public benefits suggested bearing in mind the modest contribution that the proposed house would make to housing delivery and wider associated benefits identified by the appellant, especially bearing in mind my findings in respect to the first main issue.
20. Consequently, notwithstanding that the most important development plan policies for determining the appeal are out-of-date, the so-called tilted balance of Framework para 11 does not apply in this case. Bearing in mind the outcome of the public benefits balance outlined above along with the additional harm associated with the first main issue, the combined benefits of the development claimed by the appellant are substantially outweighed by the total harm and associated development plan conflict identified. Accordingly, the appeal scheme would not be sustainable development in the terms of the Framework such that there is no presumption in its favour.

Other Matters

21. I note the personal circumstances of the appellant and have taken these into account in making my decision. However, as planning is primarily concerned with land use in the public interest, the protection of such private interests attracts no more than very limited weight. While I have taken into account the other matters raised by interested parties, they have not altered my overall decision.
22. I also note the other development referred to in the evidence. However, as I am not familiar with all of the related circumstances and bearing in mind that appeals must be determined on their individual merits, that evidence has not altered my overall decision either.

Conclusion

23. The proposal would conflict with the development plan taken as a whole and there are no material considerations that have led me to conclude that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

G D Jones

INSPECTOR