

Appeal Decisions

Site visit made on 14 September 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021

Appeal A Ref: APP/M3645/W/20/3251582

Half Acre, Snow Hill, Domewood, RH10 3EZ

- 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 Coaker against the decision of Tandridge District Council.
 - The application Ref TA/2019/1681, dated 18 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is erection of detached dwelling.
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Appeal B Ref: APP/D3820/W/20/3251583

Half Acre, Snow Hill, Crawley Down, RH10 3EZ

- 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 Coaker against the decision of Mid Sussex District Council.
 - The application Ref DM/19/3465, dated 16 August 2019, was refused by notice dated 19 November 2019.
 - The development proposed is demolition of detached garage and outbuilding and erection of new dwelling.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Procedural Matters

2. The appeal site is bisected by the boundary between Tandridge district and Mid Sussex district. The appeals are against the decisions of these two Councils. However, notwithstanding the differences in the site address and description of development as set out in the banner headings above, the appeal site and proposed development are the same in both appeals. For simplicity and efficiency I have therefore dealt with both appeals in one decision letter.
3. The elevational drawings submitted with the application lack detail but are adequate for me to determine this appeal.

Main Issues

4. The boundary between the two districts is also the boundary of the Metropolitan Green Belt, with the northern part of the appeal site in Tandridge district being within the Green Belt and the southern part, in Mid Sussex district, being outside. However, I have to consider the development as a whole and this is therefore a main issue in both appeals. There is commonality in the other reasons for refusal for both Councils.

5. The main issues in both appeals are therefore:

- i) whether the proposal would be inappropriate development within the Green Belt;
- ii) the effect on the openness of the Green Belt;
- iii) whether the appeal site is in an appropriate location for housing having regard to national and local policies and the accessibility of facilities and services;
- iv) the effect of the proposed development on the character and appearance of the area; and
- v) would any harm, by reason of inappropriateness, and any other harm be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

- 6. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the TLP) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate development will only be permitted where very special circumstances exist. This approach reflects paragraph 147 of the National Planning Policy Framework (the Framework).
- 7. Policy DP13 of the TLP sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 149 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions. These exceptions include e) limited infilling in villages.
- 8. Although apparently a separate plot in the past, the appeal site currently forms part of the garden area to 'Half Acre', one of a row of large detached two- and single storey dwellings primarily in extensive, spacious plots fronting Snow Hill. To the north of the site is Domewood, a large private low density residential estate. The site therefore has housing to three sides and the proposal, as a single dwelling, would represent 'limited infilling'.
- 9. Policy DP13 of the TLP limits infilling to 'Defined Villages' in accordance with Policy DP12, which do not include Domewood. However, this is not necessarily determinative of whether the appeal site is within a village for the purposes of paragraph 149 of the Framework. Whilst using the term 'village' rather than, say, 'built-up area', the Framework does not set out a definition of 'village' nor specify a particular minimum size for a village. This is thus a matter of planning judgement, including an assessment of the position 'on the ground'.
- 10. Other than a collection of dwellings, Domewood has no characteristics that might reasonably be expected in a village, such as a focal point, recognised centre or facilities or services. Whilst not all of these are essential to consider a settlement a village, the absence of any such other attributes leads me to the view that Domewood does not constitute a village for the purposes of paragraph 149 of the Framework. The appeal site is too distant from the built-up areas of Felbridge or Copthorne to be considered as part of these villages.

11. In this respect, the proposal differs from that the subject of an appeal to which the appellant draws my attention where the appeal site was outside but at the edge of the boundary of Felbridge¹. For the reason above, the proposal does not satisfy the exception in Policy DP13 or paragraph 149 e) of the Framework. It has not been put to me that the proposal satisfies any of the other exceptions in this policy or paragraph 149.
12. I therefore conclude that the proposed development would be inappropriate development which would conflict with local and national policy to protect the Green Belt.

Openness

13. Given my conclusion above, it is appropriate for me to consider the effect of the proposed development on the openness of the Green Belt. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are therefore their openness and permanence. Openness has both spatial and visual aspects.
14. From Mid Sussex District Council's Planning Officer's Report, the district and Green Belt boundary runs to the rear of an existing double garage on the site. That part of the appeal site within the Green Belt therefore primarily comprises a lawn and a summerhouse. The site is enclosed by vegetation which limits its contribution to the wider openness of the Green Belt. Nevertheless, the general openness of the site itself together with the large undeveloped garden areas of other dwellings on this part of Snow Hill and Domewood result in characteristic spaciousness that contributes to the openness of this part of the Green Belt.
15. The proposed dwelling would straddle the boundary of the Green Belt, with it appearing from the proposed site plan that part of the dwelling within the Green Belt would be two storeys in addition to a single-storey rear extension. The proposed dwelling would thus be significantly higher than the existing garage and summerhouse. It would therefore be materially larger than the existing summerhouse, the very limited benefit of the removal of which would be negated by the proposed dwelling. Consequently, spatially, the proposal would result in a loss of openness.
16. The existing garage is largely hidden from Snow Hill by an existing dense hedge to the frontage of the site with only an oblique view through the existing access to 'Half Acre'. However, the second storey of the proposed dwelling and higher ridgeline would make it significantly more visible than the garage, particularly as the proposal includes a new access closer to the proposed dwelling, thus giving a more direct view from Snow Hill. The proposal would therefore also result visually in a loss of openness.
17. I therefore conclude that the proposed development would result in the loss of openness, both spatially and visually, which would be harmful and conflict with national policies to preserve the openness of the Green Belt.

¹ APP/M3645/W/19/3242482

Location

18. In addition to Domewood not being a 'Defined Village' in the TLP, 'Half Acre' and its neighbouring dwellings in Mid Sussex district do not have a defined built up area boundary in the Mid Sussex District Plan 2014-2031 (2018) (the MSDP). The appeal site lies outside the defined built up area boundaries for Crawley Down, Copthorne or Felbridge. It is therefore within the countryside for the purposes of planning policy in both the TLP and the MSDP.
19. Policy DP12 of the MSDP permits development in the countryside provided, amongst other things, it is supported by a specific policy reference in the development plan. Both the appellant and Mid Sussex District Council's Planning Officer's Report refer to Policy DP6 of the MSDP. This policy supports the expansion of settlements outside defined built-up area boundaries where the proposed development is for fewer than 10 dwellings, is demonstrated to be sustainable and the site is contiguous with an existing built up area. Policy DP15 allows new dwellings in the countryside in specific circumstances, including where the site complies with the settlement hierarchy of Policy DP6, provided that the dwellings would not be in conflict with Policy DP12.
20. There are very limited facilities for day to day living within the vicinity of the appeal site with the nearest facilities being only a small convenience store attached to a petrol station on the A264 to the south-east and a garden centre to the north-west. Whilst the store may be useful for occasional purchases of daily essentials, it is unlikely to be used for any more substantive shopping and the garden centre does not provide for day to day living.
21. Furthermore, there is no continuous footway from the site to these services and the route is unlit, which would discourage walking, particularly in the dark or inclement weather. Copthorne and Felbridge have more facilities and services but are not within comfortable walking distance.
22. For a greater range of facilities and services it would therefore be necessary for future occupants of the proposed dwelling to travel to larger settlements such as East Grinstead or Crawley. Both are accessible by a regular bus service along the A264, approximately 300 m from the appeal site. However, the appellant has not demonstrated that the nearest bus stops on the A264 are themselves within reasonable walking distance.
23. Moreover, without a continuous and illuminated footway from the site to the A264 the bus is unlikely to be attractive option, particularly for any future occupants with young families or who are elderly or of limited mobility or in the dark or in inclement weather. With no dedicated cycleway passing the appeal site and the B2037 being narrow subject only to a 50 mph restriction, cycling would not be an attractive alternative.
24. Future occupants of the proposed dwelling are therefore likely to be reliant on the private car to access the majority of facilities and services. The vehicle movements associated with a single dwelling would be limited and the site is not isolated in terms of paragraph 80 of the Framework. The Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
25. Nevertheless, this reliance on the private car would be contrary to the Framework's policies for limiting the need to travel; prioritising pedestrian and

cycle movements; promoting walking, cycling and the use of public transport; and facilitating access to high quality public transport so far as possible. The appellant draws my attention to a previous decision at Bletchingley in which the Inspector found the proposed development to accord with policy aims relating to the use of private cars². However, the development proposed was the conversion of an existing building which the Inspector noted was supported in the countryside by local and national planning policies. This was therefore a materially different proposal to that before me.

26. I have no evidence before me of any facilities, services or community activities in Domewood. Copthorne and Felbridge have a greater range of facilities and services but have poor accessibility from the appeal site other than by private vehicle. It has not been demonstrated and is unlikely that the proposed single dwelling would make any meaningful contribution to the vitality of these communities.
27. I therefore conclude that the site is not an appropriate location for housing, having regard to local and national policies and the accessibility of facilities and services. The proposal would therefore not represent sustainable development and would undermine both Councils' spatial strategy. This conclusion is consistent with that of the Inspector who determined an appeal for a single dwelling on the A264 closer to the convenience store at the petrol station and bus stops than the site in the appeal before me to which the Council draws my attention³. I find this to be significant harm.
28. Accordingly, in this respect, the proposal would conflict with Policy CSP1 of the Tandridge District Core Strategy (TDCS) which sets out that development should be located where there is a choice of mode of transport and where the distance to travel to services is minimised. The proposal would also conflict with Policy DP1 of the TLP which supports sustainable development.
29. In addition the proposal would be contrary in this respect to Policies DP12 and DP15 of the MSDP. Also, although not cited in Mid Sussex District Council's reason for refusal, the proposal would conflict with Policy DP6 of the MSDP as it has not been demonstrated that the development would be sustainable with regard to the accessibility of facilities and services. The proposal would also conflict in this respect with Policy DP21 of the MSDP and Policy CDNP10 of the Crawley Down Neighbourhood Plan (2016) (CDNP) which seek to ensure that developments are located to minimise the need to travel and promote sustainable transport.

Character and appearance

30. With the exception of the relatively narrow plot of 'Russelldene' to the other side of 'Half Acre', the locality of the appeal site is characterised predominantly by generous plots with space around the dwellings. In this context, the proposed dwelling would represent a more constrained form of development relatively close to the site boundaries to either side and result in a similarly constrained plot for 'Half Acre'.
31. The proposed development would therefore be at odds with the prevailing pattern of development and represent a consolidation of the existing built development. The increased visibility of the proposed dwelling compared to

² APP/M3645/W/19/3224519

³ APP/D3830/W/17/3181272

the existing garage would emphasise its incongruity. However, as the development would not encroach into open countryside and conditions could ensure an appropriate design and appearance, were planning permission to be granted, this harm would be limited.

32. I therefore conclude that the proposal would result in limited harm to the character and appearance of the area. Accordingly, in this respect, it would conflict with Policy CSP18 of the TDCS and Policy DP7 of the TLP which require new development to reflect and respect the character and contribute to the distinctiveness of the area. The proposal would also not conform with Policy DP8 of the TLP on residential garden land development which allows infilling only in specified settlements, which do not include Domewood.
33. The proposed development would also conflict with Policies DP12 and DP26 of the MSDP which seek to protect the quality of the rural and landscape character of the District and require proposed development to be sensitive to the countryside. Consequently, the proposal would not comply with Policy DP13 of the MSDP on coalescence which, although not cited in Mid Sussex District Council's reason for refusal, is referenced in the Planning Officer's Report and requires compliance with Policy DP12.
34. Furthermore, the proposal would also not conform with the aims of Policies CDNP05 and CDNP08 of the CDNP which seek to protect the openness and character of the landscape. Although also not cited in the reason for refusal, the proposal would not conform with Policy CDNP04.2 of the CDNP which seeks to protect character with proposals for infill development and to which Worth Parish Council refers in its representations on the proposal.

Other considerations

35. The proposed development would have social and economic benefits and could be built out quickly, which weigh in favour of the scheme. However, as a single dwelling, the benefits would be minimal and the weight limited. I note the lack of objection from the occupier of the dwelling to the other side of 'Half Acre' than the appeal site, but this is not a benefit of the scheme and attracts neutral weight in my decision.
36. I accept that the proposal would comply with the TLP and MSDP in respect of the living conditions of the occupiers of neighbouring dwellings, the adequacy of the accommodation for future occupiers and trees. Subject to conditions were planning permission to be granted, the proposal would also comply in respect of biodiversity, energy efficiency, drainage, access and parking. However, compliance with adopted policies is not a benefit of the proposal and therefore carries neutral weight in my determination.

Other Matters

37. The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) are vulnerable to recreational pressure and air quality impacts. However, the appeal site is outside the 7 km zone of influence of the SPA. Mid Sussex District Council assessed the proposal in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and concluded that the proposed development would not have an adverse effect on the integrity of the SPA or a likely significant effect, alone or in combination

with other plans and projects, on the SAC. I have no reason to reach a different conclusion. This is therefore a neutral factor in this appeal.

Green Belt Balance

38. I have found that the proposed development would be harmful to the Green Belt by reasons of inappropriateness and effect on openness. This harm attracts substantial weight. I have also found significant harm arising from the location of the appeal site and limited harm from the effect of the proposal on the character and appearance of the area. I find that the other considerations in this case do not clearly outweigh this harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Planning Balance

39. Although Mid Sussex District Council can demonstrate a 5-year supply of deliverable housing sites, Tandridge District Council cannot. The Council's Authority's Monitoring Report 2020, to which the appellant refers me, indicates a supply of 1.71 years measured against standard methodology figures at the present time. This shortfall is thus very substantial.
40. Paragraph 11 d) of the Framework is therefore engaged and the policies of the TDCS and TLP are deemed to be out of date. Nevertheless, the basic approach of Policies DP10 and DP13 to development in the Green Belt, Policies CSP1 and DP1 to the location of new housing and Policies CSP18, DP7 and DP8 to character are generally consistent with the Framework's approach in these regards. Thus the conflict with these policies taken as a whole attracts significant weight notwithstanding the extent of the shortfall.
41. Moreover, given my conclusions above, the application of the policies in the Framework relating to Green Belts provide a clear reason for refusing the development proposed in accordance with paragraph 11 d) i) and footnote 7 of the Framework. There is therefore no need for me to apply paragraph 11 d) ii) and the presumption in favour of sustainable development does not apply in this case.

Conclusion

42. The proposal conflicts with the development plans for both Tandridge and Mid Sussex districts. There are no considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with these development plans.
43. For this reason, and having regard to the other matter raised, both Appeal A and Appeal B are dismissed.

Martin Small

INSPECTOR