



Appeal Decision

Site Visit made on 27 September 2021

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2021

Appeal Ref: APP/M3645/W/20/3254788

Surrey Hill House, Tandridge Hill Lane, Godstone RH9 8DD

- 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 Neal Saunders against the decision of Tandridge District Council.
 - The application Ref TA/2019/2055, dated 21 November 2019, was refused by notice dated 23 April 2020.
 - The development proposed is conversion, extension and alteration of existing buildings to create 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The appeal site lies in the Green Belt. The main issues are therefore:
 - a) whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan policy and the revised Framework;
 - b) whether the site is suitable for additional residential development having regard to its accessibility to services and facilities;
 - c) the effect of the proposal on the character and appearance of the area;
 - d) whether the site could be provided with safe and suitable access;
 - e) 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.

Reasons

Inappropriate development

4. The appeal site comprises a collection of residential buildings including a detached chalet bungalow, a detached cottage which is ancillary to the main dwelling, a garden, stables, garage, barn and paddock. The site was previously used as a cattery and kennels but is now solely in residential use with the adjoining paddock, stabling and sand school for personal use only.

5. The appeal site is within the Green Belt to which the Government attaches great importance. Their essential characteristics are their openness and their permanence. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies, adopted 2014 (Local Plan) is entirely consistent with the Framework in this regard.
6. Policy DP13 of the Local Plan sets out further details of the Council's approach to the assessment of proposals in the Green Belt. These are also consistent with the Framework. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate, subject to a list of specific exceptions. Two of those are relevant to this case: c) which relates to extensions and g) which addresses the partial or complete redevelopment of previously developed land (PDL). In addition, paragraph 150 d) states that development which involves the re-use of buildings that are of permanent and substantial construction may not be inappropriate. I will deal with each of these exceptions in turn.

a) Extension of existing buildings

7. Paragraph 149 c) of the Framework permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This is consistent with Section E of Policy DP13 which provides additional precision about the definition of the original building in relation to the date of its construction.
8. There is no information before me about the date of construction of the existing dwelling. However, it was extended following the grant of planning permission in 2001. The permission granted involved the demolition of some existing buildings and a series of other alterations, the full details of which are not before me. However, the extension, which increased floor area by 151% and volume by 72%, was acknowledged to be disproportionate. The scheme was only approved after being referred to the Secretary of State as a departure from the development plan. The proposal was therefore inappropriate development and appears to have been permitted by very special circumstances.
9. Since this permission was implemented a conservatory has been added to the western elevation. The proposal would remove that structure but replace it with an extension on the northern elevation that would be of similar footprint, but taller and bulkier. As the previous enlargement was considered disproportionate, it follows that any further enlargement would also be disproportionate and therefore, by definition, inappropriate development.
10. The proposal would also add significantly to the footprint of the existing garage with extensions to its northern and eastern elevations. These would amount to disproportionate extensions to that building. That would be the case regardless of the intention to incorporate part of the garage into the existing dwelling and to create a new, smaller gap between the two enlarged buildings. The division of previous additions between the 2 dwellings which are proposed is irrelevant to an assessment of the extensions in terms of their relationship to the existing buildings. This element of the proposal would therefore also be inappropriate development.

11. The extension which would link the ancillary residential building to the garage/haybarn would be small. It would not be disproportionate to either of the existing buildings and on that basis would not be inappropriate development.
12. Nevertheless, the cumulative effect of the extensions within the scheme would be disproportionate to the original buildings and would be inappropriate development. The proposal would be contrary to Policy DP13 of the Local Plan and would fail to meet the exception set out in paragraph 149 c) of the Framework.

b) Redevelopment of previously developed land

13. Paragraph 149 g) of the Framework permits partial or complete redevelopment of PDL, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Section G of Policy DP13 of the local plan is entirely consistent with this exception.
14. The main parties are agreed that the site falls within the definition of PDL set out in the Framework. The determining factor in assessing the scheme in relation to this exception is therefore the effect of the proposal on openness. Openness is the absence of development and has both spatial and visual dimensions.
15. The increased footprint, height and bulk of the enlargement to the existing house and garage would give rise to a spatial loss of openness on the site. The replacement of the existing gap between the house and garage by a smaller one means that the buildings would tend to merge when seen from anywhere other than directly in line with the gap. This would be visually harmful to the openness of this part of the site. Even though the extension between the ancillary building and the garage/haybarn is not disproportionate, the amalgamation of the two buildings would still result in a small loss of openness on this part of the site.
16. Additionally, there would be spatial and visual effects on openness arising from the combination of extensions and the formation of an additional 3 dwellings on the site. Separate plots would be delineated for each dwelling. At present the area to the rear of the ancillary building is completely open with no enclosing features. To the south of the existing house and garage there is a sand school and an open area of paddock. These would be replaced by three rectangular garden plots.
17. All these plots would require boundary treatments and their use as gardens would introduce a variety of domestic paraphernalia such as sheds, children's play equipment, tables and chairs and additional hard surfacing into these undeveloped and open areas. This would be visually harmful to openness, even though public views of the site would be limited. These gardens would also represent an encroachment of residential activities into the countryside as they would replace areas that are currently undeveloped fields and paddock. Furthermore, effects on openness are not confined to permanent physical works. The occupants of 4 houses would have more vehicles and it seems likely that not all of these would be permanently parked in the proposed garages. More vehicles parked on the hard surfaced areas within the site would also adversely affect openness.

18. This combination of factors means that the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore conflict with Policy DP13 of the Local Plan and fail to meet the exception set out in paragraph 149 g).

c) Re-use of existing buildings

19. Paragraph 150 c) of the Framework states that the re-use of buildings, provided that they are of permanent and substantial construction, may not be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Section H of Policy DP13 is broadly consistent with the Framework, but also requires any re-use to take place without major alterations, adaptations or reconstruction and to be wholly or substantially contained within the building identified.
20. The proposal goes beyond re-use of the existing buildings. It relies on the addition of extensions and alterations to them. In addition, it will be seen from my reasoning in relation to the exception set out under paragraph 149 g) that I have already found the scheme to have a greater impact on the openness of the Green Belt than the existing development. It therefore follows that openness would not be preserved.
21. The scheme would therefore be contrary to Policy DP13 of the Local Plan and fail to meet the exception set out in paragraph 150 d).

d) Effect of extensions on openness

22. Where extensions are found to be disproportionate it is necessary to also consider their effect on openness. This would apply to the extensions proposed on the main dwelling and its associated garage. It will be seen from my reasoning in relation to the exception set out in paragraph 149 g) of the Framework that I have found those extensions would harm openness.
23. Although the extension connecting the ancillary building and the garage/haybarn would not be disproportionate, I found that there would be harm to openness arising from the creation of the domestic curtilage that would be associated with the use of these buildings as a separate dwelling.

e) Findings

24. Taking all the above into consideration, I conclude that the development would be inappropriate development in the Green Belt, contrary to local and national policy to protect it. It would also be harmful to the openness of the Green Belt and give rise to limited encroachment of development into the countryside. These are matters to which the Framework requires me to attach substantial weight.

Location

25. The Council's spatial strategy, set out in Policy CSP1 of the Tandridge District Core Strategy 2008 (Core Strategy), seeks to focus new development within existing built up areas. One of the primary reasons for doing so is to promote sustainable patterns of travel, ensuring that there is a choice of travel mode and the distances to services is minimised.
26. The appeal site is located outside any built up area on Tandridge Hill Lane, an unlit, narrow, rural country road with no footways. The nearest bus stops are

on the A25, some 470-600m from the site. Manual for Streets (MfS) defines a walkable neighbourhood as one where key destinations can be reached within 10 minutes. Walking distances in town centres tend to be between 200-400m but may increase to 500m or more for the purpose of getting to work and may be an attractive alternative to the car for trips of up to 2km. However, choosing to walk is not only a matter of distance but is also significantly affected by the perception of safety along any route and the ability of the individual to walk.

27. Whilst it may be possible to walk along Tandridge Hill Lane, doing so would not be a comfortable experience due its width and the lack of footways and lighting. This would be particularly the case in the dark or inclement weather. Neither would it feel safe for anyone young, elderly or with mobility problems. Consequently, it is unrealistic to expect future residents to regularly choose to walk to shops, schools or other facilities from the appeal site; they are simply too far away. Anyone living here would be highly likely to own a car and using it would be an easier and more convenient way to access the services and facilities they need, even if they occasionally chose to walk or cycle.
28. The provision of charging points for electric vehicles could reduce the use of fossil fuels. However, it is unlikely to encourage a move away from car dependence when this would be the safest and quickest way to get around.
29. The Framework (paragraph 105) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities (paragraph 79). In view of the distance from the appeal site to any local services, I am not persuaded that the scheme would achieve that objective.
30. I therefore conclude that the site is not a suitable location for the provision of additional homes. It would conflict with the provisions of Policy CSP1 of the Core Strategy and the aim of Policy DP5 of the Local Plan to promote access by means other than the car.

Character and appearance

31. The existing dwelling is late 20th century mock tudor style chalet bungalow with rendered walls and dormer windows in the roof. Its rear garden is enclosed by a brick wall and there is a large area of paving and brick work in a courtyard in front of it. The ancillary building mirrors the style of the main dwelling, whereas the garage/haybarn is of a more rural style with timber cladding.
32. Three of the four dwellings would be approached from the courtyard. Units 2 and 3 would have their front doors facing it. Unit 4 would have its front door on the western elevation. This pattern of development would be unusual in this rural area which is otherwise characterised by individual dwellings within their own discrete plots. It would therefore be more reminiscent of a sub-urban development. However, the physical changes would be modest in scale and the proximity of the dwellings to each other would only be apparent from within the site. There would be no harmful effects on the wider countryside, arising from the changes to the buildings.
33. The creation of gardens with the associated boundary treatments would encroach into the undeveloped paddock and fields. There would also be some erosion of the rural character of the area due to the increased number of

dwelling and the associated domestic activities to, from and within the site. However, the impact of these changes on the surrounding area would be marginal.

34. I therefore conclude that the scheme would not be unduly harmful to the character or appearance of the area. It would accord with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan which require development to respect its context ensuring that it does not result in any unacceptable intensification of the built form. I find no conflict with Policy DP8 of the Local Plan as this primarily relates to the use of garden land within named settlements.

Highway safety

35. Tandridge Hill Lane is subject to a 40mph speed limit. The highway authority therefore advised that the access would require improvement to achieve visibility splays of 2.4m x 120m to comply with the standards set out in the Design Manual for Roads and Bridges (DMRB).
36. A traffic count and associated speed survey was undertaken over a week which showed that daily traffic flows were small, less than 200 vehicles per day, and average speeds were 28-30mph. On this basis I consider the use of DMRB to determine the required visibility standards is not appropriate. In my view visibility requirements should be based on the guidance set out in MfS, which indicates that splays of 2.4 x 43m would be adequate.
37. At present visibility is restricted by the growth of a substantial hedge along the roadside boundary of the site. However, as this is within the appellant's control, I am satisfied that the appropriate visibility splays could be secured by means of a condition requiring the hedge to be kept trimmed or, if necessary, replanted further from the boundary. As concerns about safety for pedestrians along Tandridge Hill Lane have been considered earlier, I have confined my assessment here to the issue of safe access for vehicles.
38. I therefore conclude that, subject to provision of the visibility splays, the site could be provided with a suitably safe access for vehicles. It would therefore comply with Policy CSP 12 of the Core Strategy and Policy DP5 of the Local Plan, insofar as those policies require development to comply with the appropriate highway design guidance for safe and suitable access.

Other Considerations

39. The provision of 3 additional dwellings would bring social benefits by providing homes for more families. However, these carry limited weight in the balance as I have found the location to be unsuitable due to the distance from local services the reliance that future occupants would have on private transport to access them. Economic benefits would be largely confined to those associated with the works during the construction period and are therefore of very limited weight.
40. As part of the proposal the existing stable block would be removed. However, facilities for outdoor sport and recreation are not inappropriate in the Green Belt. Any increase in openness arising from the removal of the stables would be more than off-set by the increased size of the buildings and the creation of the gardens associated with each of the proposed dwellings. Its removal is therefore a benefit of very limited weight.

Green Belt Balance

41. I have found the scheme to be inappropriate development in the Green Belt which would also be harmful to openness and would give rise to limited encroachment into the countryside. The Framework requires me to give these collective harms substantial weight.
42. On the other hand, the benefits outlined above carry very limited weight. These other considerations do not clearly outweigh the substantial harm I have identified due to inappropriateness, loss of openness and encroachment into the countryside. Consequently, the very special circumstances to justify the proposal do not exist.

Planning balance

43. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, the application of policies in the Framework that protect the Green Belt [one of the areas referred to in footnote 7 to paragraph 11 d) i)] provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

44. I conclude that the proposal conflicts with the development plan and other material considerations do not indicate that the appeal should be determined otherwise.
45. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR