



Appeal Decision

Site Visit made on 9 November 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/R3650/W/21/3278780

Old Schoolhouse, Church Lane, Godalming GU8 4DR

- 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 T Coleman against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0106, dated 8 December 2020, was refused by notice dated 10 May 2021.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

3. The main issues are:
 - a) whether the development is inappropriate development in the Green Belt including the effect upon the openness of the Green Belt;
 - b) whether the appeal site would be a suitable location for new housing with specific regard to the Council's spatial strategy and access to services;
 - c) the effect of the proposed development on heritage assets with specific regard to its effects on the Hambledon B Conservation Area (HBCA) and the setting of a listed building;
 - d) the effect of the proposed development on the landscape with specific regard to the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV);
 - e) the effect of the proposed development on protected species; and

¹ National Planning Policy Framework (2021)

- f) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

4. Policy RE2 of the Strategic Policies and Sites Local Plan² (SPSLP) concerns development in the Green Belt. It indicates that the construction of a new building in the Green Belt will constitute inappropriate development unless the building falls within the list of exceptions identified by the Framework. Paragraph 149 of the Framework lists the exceptions, which includes limited infilling in villages and also limited infilling or the partial or complete redevelopment of previously developed land (PDL).
5. When considering whether a site is in a village regard should be had to the situation "on the ground" as well as any relevant policies. The village of Hambledon is not defined and therefore any judgment will depend on factors such as the number of buildings or properties that are grouped together, their inter-relationship and spacing and any open land beyond.
6. The terms 'limited' and 'infilling' are not defined in the Framework. Therefore, these will be essentially a question of fact and judgement, having regard to such matters as the nature and size of the development itself, the site's relationship to other, existing development adjoining and adjacent to it.
7. In this regard, I have been provided with various examples of other developments which have been permitted within the borough. Whilst these provide helpful background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.
8. There are existing buildings to the east, west and south of the appeal site. These buildings occupy sizable plots. Some buildings are set back within their plots and others set closer to their frontages and some are not at 90-degrees to their frontages. The character of the area is very much that of a low-density, rural area with extensive areas of space around and between buildings. To the north of the site is a group of trees and very obviously there is open countryside to the south west. Within this context the existing buildings present as a loose knit group and thus there is not a clear frontage or gap into which the appeal site would obviously fit, without appearing as an intrusive element into this setting. The proposal would not therefore represent limited infilling in the village and as such, would not therefore fall within the exception listed in paragraph 149(e) of the Framework.
9. There is a dispute between the main parties as to the use of the appeal site. The appellants suggest it forms part of the residential curtilage of the Old Schoolhouse and also a base for their contracting operation. On this basis, it is said to form PDL. From my observations, the appeal site did not appear to form part of the residential curtilage of the dwelling. From my site visit observations, the dwelling's garden area appeared to be delineated by the boundary along the western side of the driveway, with that area within containing the paraphernalia more commonly associated with a domestic garden.

² Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018)

10. The appeal site is to the east of the driveway and is principally formed of an unmown, grassed area. It is enclosed by trees to the north and west and a hedgerow to the boundary with Church Lane. It contained two trailers, one of which was positioned in the centre of the appeal site. The other was on an area of hardstanding to the front of a three-sided shed. The shed is adjacent to the driveway and housed a tractor and a tracked digger/excavator. It was therefore not readily apparent that the appellant's contracting operations encompassed the whole of the appeal site.
11. Even if the appeal site were to form part of the residential curtilage or be occupied by the appellant's contracting operations, and it were to constitute PDL, I would still have to have regard to the second limb of paragraph 149(g) of the Framework.
12. Although the dwellings are shown as being on an east-west alignment, they would have a high degree of prominence from Church Lane. The dwellings would also be visible in more distant views of the site. Having regard to their position, size and scale they would visually reduce the space around the Old Schoolhouse, which would be a significant loss of openness were the development to proceed. Thus, the erection of two, two-storey dwellings would, when viewed from both within the site and from Church Lane itself, have a greater impact on the openness of the Green Belt than the existing development. Consequently, on this basis, the proposal would not fall within the exceptions listed in paragraph 149 of the Framework.
13. I therefore conclude that the proposal would be inappropriate development in the Green Belt, contrary to Policy RE2 of the SPPLP and the Framework. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Other considerations

Location

14. As Hambledon village does not have a defined boundary the appeal site is considered to be located in the open countryside. In the interests of encouraging sustainable patterns of development and access to services, the SPSPSLP generally directs new development to larger, defined settlements. Policy SP2 of the SPSPSLP therefore seeks to avoid development in the open countryside and in sensitive locations in particular. The policy indicates that there is no planned growth for the smallest of villages but acknowledges that there could be small scale windfall sites to meet local needs.
15. I observed a bus stop on Hambledon Road, to the north of the appeal site, close to the pub, but have no evidence before me as to the frequency of any service. There is also a village shop further south from the appeal site and the village church is further along Church Lane, to the west. The village school is immediately to the rear of the appeal site and so in closer proximity than these other facilities. There are therefore limited facilities within Hambledon.
16. Whilst I accept that the distances involved would, in theory be walkable or cyclable, most of these routes would not be overly attractive to many people given the width of the lanes in places and the absence of segregated footpaths.

A lack of street lighting would make such options particularly unattractive during the winter months. If a resident at the appeal site needed to access local services, the most likely mode of transport would, it seems to me, be by car. This is the least sustainable travel option.

17. I must therefore conclude that future occupants of the appeal site would be likely to rely on the use of the car with little usable or practical alternative such as public transport, walking/cycling etc. The principle of the proposed development with specific regard to the Council's spatial strategy and access to services is therefore unacceptable in this open countryside location.
18. Whilst the appellants have indicated that the houses would be for their family, there is no evidence as to how this would address local needs, nor is there any mechanism put forward to secure this. The Planning Practice Guidance³ advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach. As such, the proposal conflicts with the requirements of Policy SP2 of the SPSP which, among other things, seeks to restrict development in the open countryside and protect it from inappropriate development that is inaccessible to local services.

Heritage

19. The HBCA has a rural character derived from a combination of factors. The buildings have a traditional style and appearance and use a palette of traditional external materials in their construction. The buildings are generally domestic in scale with space between and around them. Together with the wooden or stone boundary treatments and mature planting, the Conservation Area has a spacious and verdant character that contributes positively to the area.
20. Church Lane is a quiet lane, which narrows to the east, beyond the appeal site. The residential dwellings along it and in the vicinity of the appeal site are generally typical of the conservation area. Some of the buildings are set back within their own plots, whilst others are closer to the lane. The appeal site provides an undeveloped, verdant area within Church Lane. It is currently shielded from the lane by a boundary hedge but the mature trees around the site's boundary ensure it contributes to the peaceful surroundings. As noted above, such spaces are an important part of the conservation area and the appeal site is reflective of this character.
21. Having regard to the Arboricultural Assessment & Method Statement submitted in support of the proposal, I find that the development could be undertaken without harming the overall contribution that the trees on the site make to the Conservation Area. It has been suggested that the position of the houses close to the eastern tree belt would result in future pressure for some lopping or felling of these trees. Given the proposed position of the houses, their orientation and internal layouts, I am satisfied that there would not be undue pressure for the lopping or felling of these trees.

³ Paragraph: 015 Reference ID: 21a-015-20140306

22. Regardless of the specific design of the houses, the proposed development would nevertheless result in the introduction of substantial buildings, into a currently undeveloped green space. The impact of the proposed development on the views from the distant surrounding countryside, as illustrated in the appellants Townscape and Visual Impact Assessment would be limited, mainly due to the mature tree and boundary planting and the local topography. However, the more local views and the character along Church Lane would be affected by the loss of the openness and the introduction of a more formalised vehicular entrance and built form. I also acknowledge that at certain times of the year the vegetation would be less dense giving more visibility to the site. Over time vegetation can also be lost or removed, but the proposed development would be a permanent feature.
23. Although I have found in the appellant's favour in regard to the trees in the Conservation Area, for the reasons set out above I conclude that the development would fail to preserve or enhance the character or appearance of the HBCA. As such it would be contrary to Policy HA1 of the SPSLP and Policy HE8 of the Local Plan⁴ (LP), which amongst other things, seek to ensure that new developments conserve or enhance heritage assets, including conservation areas.
24. The proposed development would be to the east of the Old Schoolhouse, a Grade II Listed Building. The land is originally said to have formed part of the school's playing fields. According to the listing description the building dates from the 16th century with 17th and 19th century additions. The school extension to the north is of no special interest. However, the main building's Hambledon Road elevation displays its timber framed construction and with its brick infill under scalloped tile hanging it is a notable feature of the area.
25. From the public realm, the listed building is principally seen from Hambledon Road and glimpsed when passing the site along Church Lane. The boundary planting largely prevents wider views. When passing the western elevation of the listed building, the appeal site is not seen as part of its setting. When positioned closer to the junction with Church Lane, wider views are afforded, and the roofs of the proposed dwellings could become visible at this point.
26. From within the site, the relationship between the listed building and proposed dwellings would be more obvious. The houses would be set away from the listed building and on a lower part of the site. Despite the appeal site not appearing to have a functional relationship with the listed building, the proposed dwellings would nevertheless represent a noticeable incursion of built form and more formal residential curtilages into part of the Old Schoolhouse's setting. The building's setting has hitherto derived much from this land simply being kept open, unencumbered by other built form. It also alludes to the building's previous use as a Schoolhouse, which would historically have sat within large grounds. The proposal would therefore provide a distraction and cause harm to the setting of the listed building.
27. The proposal therefore does not accord with Policy HE3 of the LP which, amongst other things, seeks to prevent harm to the setting of listed buildings and ensure the special architectural or historic interest of the building is preserved or enhanced. The Council has also referred to Policy HE5 of the LP

⁴ Waverley borough Council Local Plan (2002)

but as this appears to relate more to works to a listed building or curtilage buildings, I am satisfied that it is not directly relevant to my decision.

28. Given that the proposed development would be set on lower ground, back from the site frontage and away from the Old Schoolhouse, I conclude that the harm I have identified to the heritage assets would be moderate. This would be 'less than substantial' in the context of paragraph 199 of the Framework. Nevertheless, any harm to the significance of any designated heritage asset should require clear and convincing justification and in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal.
29. The appellant has not specifically identified any public benefits associated with the scheme but has indicated it to be self-build housing for their family. The Government attaches importance to the supply of self-build and custom build housing. The appellant states that there is no evidence to demonstrate the Council is addressing this need. If insufficient permissions have been given to meet demand in accordance with the statutory duty, then this would be a material consideration in favour of the development. However, I do not have any evidence before me to be certain that there is insufficient supply. Notwithstanding this, even if there were an insufficient supply of such housing, certain matters relating to self-build could not be secured through a planning condition. As there are no details before me as to how the self-build element of the scheme would be secured were the appeal to be allowed, I can give this matter only limited weight.
30. In addition, two new dwellings might provide some economic benefits during the construction phase, which may, for a time limited period, give rise to extra local employment. In the longer-term the development would be likely to boost Council tax revenues. Whilst it is not clear whether the intended occupants currently reside in the village, additional accommodation would increase the overall number of residents and thus the potential support for local facilities such as the shop, school, church and pub. Such benefits would be limited by the small scale of the development.
31. In coming to my decision in accordance with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and have had special regard to the desirability of preserving the setting of the listed building. I have attached considerable importance and weight to this desirability. I therefore conclude that the limited public benefits would not mitigate the harm caused to the heritage assets.

Landscape

32. The area is characterised by tree belts and areas of undulating fields offering views across the open countryside. This forms an important setting to the village and the appeal site. Indeed, the site is bound to the north and east by mature trees and there are wider, albeit shorter distant, south easterly views across open fields towards a sweeping belt of trees. The appeal site therefore relates well to the undeveloped character of the area and notwithstanding the nearby buildings, the site makes a positive contribution to the character of the Area of Outstanding Natural Beauty (AONB). To underline the sensitivity and

landscape importance of the area, the site is also within an Area of Great Landscape Value (AGLV).

33. Policy RE3 of the SPSLP seeks to limit development in the AONB, in order to protect its intrinsic beauty and qualities. This policy applies similar protections to AGLV. This approach to the AONB reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas.
34. The proposed development of the site for two dwellings would permanently alter the open character and appearance of this part of the AONB. The ground level is set slightly below the adjoining land and a landscaping scheme may help to mitigate some of the potential harmful effects of the scheme on the area. Whilst I have noted that longer distance views of the site would be limited, the proposal, both in terms of the built form and how the site would be used, would nevertheless result in a change to the intrinsic, undeveloped and open character of the land and thus its value to the AONB and AGLV.
35. It is suggested that the development would make a contribution to the social and community dimension articulated by AONB policy. As I have already noted, I am unable to attach weight to who the intended occupants might be and whilst additional residents may contribute to 'village life' and support local facilities, the weight I could attach to this matter would be limited, particularly in view of the harm to the AONB that I have identified.
36. The proposal would therefore cause harm to the character and appearance of the area including the openness and undeveloped character of the AONB and AGLV. Accordingly, it would be contrary to Policies RE3 and TD1 of the SPSLP, which amongst other things, seek to ensure that proposals protect the character and features of the borough including the natural environment, and in particular the qualities and distinctiveness of the AONB and AGLV.

Protected species

37. It is suggested that further clarification regarding reptiles and amphibians and also biodiversity net gains are required. The Council has not elaborated on these requirements but has indicated that the ecological consequences of the development cannot be fully assessed without them.
38. The ecological report submitted with the planning application indicates that certain enhancement and mitigation details are yet to be resolved, but nevertheless does identify possible options. As a result, the Council has understandably taken a precautionary approach, particularly given its conclusions on the other main issues.
39. Whilst ideally some of the outstanding information would have been provided, I have no reason to doubt the evidence submitted in the ecological report or the robustness of its findings. I am therefore satisfied that the report provides a sufficiently firm basis on which to conclude that the development could provide sufficient protection for protected species and provide net biodiversity gains. Were I minded to allow the appeal, such matters could be addressed through appropriate conditions. Accordingly, I find that the proposal would comply with Policy NE1 of the SPSLP which, amongst other things, seeks to protect and enhance local biodiversity, including habitat and protected species. As such, the development would provide sufficient protection for those species identified and

listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

Site specific matters

40. It has been pointed out that the Council raised no objections to the housing mix, size of dwellings or the potential impact on residential amenity for existing and proposed residents. However, such matters represent a lack of harm and as such, would be neutral considerations in any balance.
41. It is said that some objections to the scheme may be based on concerns that any development of the appeal site could represent a precedent that would be replicated on other nearby sites. However, each appeal proposal is considered on its own individual merits and I have based my decision only on the evidence before me.

Conclusion

42. I have found that the appeal scheme would be harmful to the Green Belt, constituting inappropriate development for the purposes of the Framework, and reducing the Green Belt's openness. I have identified other considerations advanced in favour of the proposed development but found these to be worthy of only limited weight for the reasons I have given. As such, they would be insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
43. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt, Conservation Areas, the setting of Listed Buildings, landscape and natural environments such as AONB and AGLV. The fact that I have found in the appellant's favour with regard to any effects on protected species does not outweigh the totality of the harm I have identified, and does not alter my conclusions. I have considered all other matters raised but none outweigh the conclusions I have reached.
44. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR