The Planning Inspectorate

Appeal Decision

Site visit made on 25 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/Y3615/W/21/3276061
Round Tree Farm, The Street, West Horsley, KT24 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Round Tree Development Limited against Guildford Borough Council.
- The application Ref 20/P/02233, is dated 24 December 2020.
- The development proposed is erection of two detached dwellings to replace Round Tree Farm Cottages, Nos. 251 and 253 The Street, West Horsley.

Decision

1. The appeal is dismissed and planning permission is refused for the erection of two detached dwellings to replace Round Tree Farm Cottages, Nos. 251 and 253 The Street, West Horsley.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted by the Council during the appeal. These set out its concerns regarding the effect of the proposal on the Green Belt, the character and appearance of the area, the setting of the nearby listed building, and matters of sustainable design and construction.

3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). It is clear from the submissions that the main parties are aware of this matter. All references to the Framework within my decision shall be taken from the 2021 version.

4. I have also dealt with another appeal (Appeal Ref APP/Y3615/W/21/3276462) at this site. This appeal is the subject of a separate decision.

Main Issues

5. The main issues are:

   (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,

   (b) The effect of the proposal on the character and appearance of the area,

(c) The effect of the proposal on the setting of the nearby listed building, known as Roundtree Farm House,

(d) Whether the proposal would comply with local sustainable design and construction policy, and

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

Reasons

Green Belt

6. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal would see the existing semi detached cottages replaced with two detached dwellings. The replacement building would therefore be in the same use.

7. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS) establishes that where a new building would not be sited on or in a position that substantially overlaps that of the original building, which would be the case for the appeal proposal, it would be acceptable if it would not increase the overall impact on the openness of the Green Belt.

8. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.

9. In terms of the spatial aspect of Green Belt openness, the new dwellings would be constructed on land that is currently free from development. I accept that they would replace an existing building and would thus leave an area of the site free from built form. They would be larger than the existing building, although the percentage increase would appear to be similar to that which the Council has accepted elsewhere.

10. It is suggested that this would be no more than the localised rearrangement of built form within an enclosed site. However, the existing cottages are more closely grouped with existing buildings and relate to a modest band of development that runs from Roundtree Cottages to the north to Roundtree Farmhouse to the south, and is set back from the road behind the undeveloped area of the application site. The proposal would thus see built form at the site extended forward, into an area that is currently undeveloped, which would have a harmful impact on the spatial aspect of Green Belt openness.

11. In terms of the visual aspect of Green Belt openness, the proposed dwellings would be taller, would be sited in a more prominent position, and would be on higher ground than the existing building. Furthermore, the visual impact of two separate buildings that would stand apart would be more significant than that of the existing building, which is limited owing to its simple linear form and modest adjuncts. This impact would be exacerbated by the large domestic curtilage and garden areas, which would include the existing domestic curtilage

and a large area that is not currently used as garden, bringing with it the presence of domestic paraphernalia across the site and the parking of cars.

12. Although the hedge at the front of the site would screen wider views of the proposed buildings to a certain extent, they would still be glimpsed over the height of the hedge and through gaps or sparse areas, resulting in an increased presence of built form from the road junction. Furthermore, Unit 1 would be more prominent than the existing building when viewed across the more open area of the site alongside Roundtree Cottages. For these reasons I also find that the proposal would have a harmful impact on the visual aspect of Green Belt openness.

13. The appellant also suggests that the proposal could be considered favourably against paragraph 149 g) of the Framework. However, as I have found that the proposal would harm the openness of the Green Belt it could not satisfy this exception.

14. In summary, the proposal would be inappropriate development in the Green Belt. It would not accord with Policy P2 of the LPSS which seeks to protect the Green Belt against inappropriate development.

Character and appearance

15. The appeal site is at the edge of the village and relates to a group of loosely arranged buildings associated with the farmstead. The site and the adjacent buildings have a strong agricultural character and connection to the surrounding undeveloped agricultural land, reinforced by the hedges that front the road and form a verdant edge to the site and limit views of the existing buildings from the road. In contrast, built form on the other side of the road is much more dense, has a largely planned appearance with rows of matching dwellings, and relates to the developed character of the settlement. The dwellings closest to the site fronting Long Reach have a strong sense of uniformity owing to their consistent arrangement in matching semi-detached pairs. They are elevated above the road level and thus much more prominent to view than the Roundtree Farm buildings.

16. The existing undeveloped site separates most of the Roundtree Farm buildings from the road, reinforcing their loose and informal arrangement. The site is to the front of the existing farmhouse cottages and its current appearance provides a verdant foreground to these cottages, allowing them to address the road in a modest and unassuming manner that is very different to the formal and prominent siting of the pairs of dwellings opposite. Historic maps suggest that this area has always been undeveloped.

17. The proposal would see the cottages demolished and two detached dwellings erected on the undeveloped area of land to the front of the existing buildings. The two dwellings would have an almost identical appearance. This would be at odds with the existing farm buildings, which are all different and appear to have developed more organically. The two dwellings would take on the same alignment, which would not relate well to the loose arrangement of nearby buildings or the alignment of the roads fronting the site. The proposal would result in a development that would not relate well to its agrarian context and would have a harmful urbanising impact.

18. The existing hedgerow would screen the proposal to a certain extent, however it would be clearly seen through gaps in the hedgerow and over its height, as well as across open aspects from the north when looking south alongside Roundtree Cottages. I am also mindful of the very close relationship between the front of Unit 1 and the retained hedgerow. The existing hedgerow appears unmanaged and is unlikely to succeed as a domestic boundary. Furthermore, it is highly likely that future occupiers of this dwelling would seek to reduce the hedgerow in some way, to improve access to the fronts of the dwelling and provide a better outlook and level of light to its northeast facing openings. This would result in the proposed dwellings appearing more prominent than the submitted plans suggest.

19. I note that there are several extant permissions at the site. These relate to the conversion of existing agricultural buildings into four dwellings. I accept that this would have an impact that would include an inevitable change to its agricultural character, however none of the extant permissions permit a new building. They would maintain the existing vernacular arrangement of buildings, and, unlike the appeal proposal, would not introduce a suburban formality into an undeveloped part of the site.

20. In summary, the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy D1 of the LPSS, Saved Policy G5 of the Guildford Borough Local Plan 2003 (SLP) and Policy WH3 of the West Horsley Neighbourhood Plan 2016-2033 (NP), which together seek to ensure that development proposals are designed to a high quality that responds to distinctive local character and reinforces locally distinct patterns of development.

21. The Council also refers to Policy H1 of the LPSS in its draft refusal reason relating to character and appearance. This Policy seeks to deliver a variety of homes that provide all tenures, types and sizes. It does not appear to be relevant to matters of character and appearance.

Listed building

22. Nos. 1 and 2 Roundtree Cottages stand to the northwest of the site and together form a grade II listed building, referred to on the national list as Roundtree Farmhouse. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

23. The building dates from the 16th century and faces towards the appeal site. It has a low slung form that is dominated by its prominent steeply pitched roof with hips and small end gablets. It has a simple vernacular appearance to the front, with an irregular arrangement of openings. Its timber frame is expressed externally to the side and rear. Its antiquity and age, vernacular form and materials are significant contributors to its special interest.

24. Although referred to in the list as a farmhouse, it would appear from the evidence before me to be more likely that the building served as two or three tenements for much of its life. Even if these tenements have had a functional relationship that has long been separate from the agricultural land uses to the

south, they have always been close to these uses and functions. Despite the various changes that have occurred the building appears to have always faced out to the south, over an area that was more enclosed in the past, towards the undeveloped area of the appeal site. Thus, although subject to change over the years, the relationship between the listed building, the agrarian uses of the wider site and the undeveloped appeal site appear long standing.

25. The listed building also enjoys a longstanding relationship with the open fields to the north and west. There are clear views of the front of the building from the adjacent road junction where its relationship with the open land beyond, along with its association with the agrarian land uses to the south towards which the building faces, are aspects of the building's setting that contribute to its special interest and the way it is appreciated as a vernacular rural dwelling.

26. The proposal would introduce two buildings into this context, on the undeveloped parcel of land to the front of the listed building. Although Unit 1 would be more modest than the combined mass of Units 1 and 2 that form part of the other proposal[1] it would still step forward beyond the road facing end of the listed building. It would be more prominent than the existing buildings at the site, which are set further away from the road and at a lower level, and would intrude into the view of the listed building that is currently enjoyed from the road junction.

27. The existing hedge would soften the proposal's impact to a certain extent. However, the buildings would be seen through the numerous gaps in the hedge and over the top; and as I have already established I have concerns over the potential to retain the hedge in its current form so close to the front of Unit 1.

28. The suburban form of the two dwellings, derived from their almost identical appearance and formal alignment, would erode the agrarian setting of the building, which is a strong component of its setting that contributes to its special interest. The proposal would thus cause harm to the building's special interest.

29. The appellant suggests that the setting of the building would be changed anyway as a result of the implementation of the extant permissions to convert existing buildings into dwellings. However, these buildings already exist, and their form and loose arrangement would be maintained. I am thus satisfied that they would not have the same urbanising impact, nor would they impact on the views of the listed building from the road junction to the same extent.

30. The proposal also includes the demolition of the semi detached dwellings, Nos. 251 and 253 The Street. This building has been altered through the introduction of replacement doors and windows and the addition of various extensions. Despite these changes it still retains a traditional appearance, derived from its simple flat fronted form, narrow depth and steeply pitched roof. It is suggested that it dates from the early 19th century, although no assessment of the floor plan is before me and I note the substantial chimney breasts, which could indicate an earlier date.

31. Although evidence of common ownership or shared purpose is not clear, from within the site the orientation of the buildings towards the same undeveloped area of land gives them a discernible interrelationship. The building has a

[1] Appeal Ref APP/Y3615/W/21/3276462

modest form and occupies an unassuming siting at a low level alongside other agricultural buildings. The interrelationship between this building and the listed building, combined with its mature and well weathered patina, reinforces the historic agrarian setting of the listed building.

32. I appreciate that this is a relationship that is primarily experienced within the site area, which is not subject to public rights of access. However, Historic England guidance[2] clarifies that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

33. Whilst I accept that the significance of the listed building is not intrinsically related to or founded upon this building, this is a high test that does not appear to be based on legislation or caselaw. I am of the view that the building is a component of the listed building's setting that contributes moderately to its significance. Its demolition would thus cause harm to the special interest of the listed building.

34. In terms of the Framework the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.

35. The information before me suggests that the Nos. 251 and 253 The Street are in a poor condition. I accept that they do not appear to be laid out to satisfy the Nationally Described Space Standards, however I am not satisfied that it is appropriate to apply these standards in a retrospective manner. It is likely that the cottages are not well insulated, and I can see from the details before me that the party wall arrangement is unconventional.

36. However, based on the limited information before me, there is nothing that convinces me that there is any inherent deficiency in the construction or siting of these dwellings that would prevent them from providing good quality domestic accommodation in the future, once they had been subject to a well considered scheme of repair and replanning, which could include carefully designed replacement extensions. I therefore give this matter little weight.

37. I do give some weight to the economic benefits that would arise from the labour required to demolish the existing building and construct the two replacement dwellings.

38. I give the harm I have identified considerable importance and weight. Indeed, paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the benefits of the proposal would not be sufficient to outweigh the degree of harm identified.

39. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the special interest of the listed building. It would be contrary to Policy D3 of the LPSS, Policy HE4 of the SLP and Policy WH8 of the NP, which together seek to ensure that development proposals conserve and enhance the historic environment and would not be granted where they would adversely affect the setting of a listed building.

[2] Historic England The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Sustainable design and construction

40. Policy D2 of the LPSS requires proposals to include information that sets out how sustainable design and construction practice would be incorporated. With regard to part (1) (a) and (b) of the Policy the information submitted in the Climate Change, Energy and Sustainable Development Questionnaire (the Questionnaire) is limited. Where details are required none are given. For example there are no details to demonstrate how the use of primary materials would be minimised, where excavation material would be reused on site or how non-mineral construction waste would be minimised.

41. This is particularly significant for a proposal that includes demolition. Policy D2 states that proposals should include information setting out how sustainable design and construction practice will be incorporated. The demolition of these dwellings would generate a significant volume of waste material. No mention is made of the inherent environmental benefits of retaining and reusing an existing building and thereby maximising the use of its existing embodied energy.

42. With regard to part (1) (c) no details have been provided in the questionnaire to show how the layout of the site or the orientation of buildings would take into account solar gain or how passive cooling or ventilation measures would be incorporated.

43. With regard to part (1) (d) no details have been provided in the questionnaire to show how water efficiency measures would be incorporated into the scheme to reduce the demand for water, or how the scheme would incorporate water harvesting.

44. Therefore, although the submitted details demonstrate a reduction in the building's carbon emissions of over 20%, no assessment is made of the environmental impact of demolishing the existing dwellings and I cannot be satisfied that the criteria set out in Policy D2 and expanded upon in the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2020 has been satisfied.

Other considerations

45. It is suggested that the proposal would secure the replacement of two dilapidated and poorly constructed dwellings of no architectural merit. However, for the reasons set out above I give these matters no weight.

46. I have identified that there would be some economic benefits arising from the proposal, which attracts moderate weight.

47. The proposal would create two replacement dwellings that would be closer to the settlement boundary than the existing dwellings. However, for the reasons already given I am not satisfied that this is a matter that should weigh significantly in favour of the proposal.

48. It is suggested that the proposal would improve the run down appearance of the site and address years of neglect. However, the appeal site area is limited to the existing cottages and an undeveloped area. Permissions exist to convert other buildings at the site into dwellings and these are unrelated to the appeal proposal. I therefore find that this matter attracts limited weight.

Conclusion

49. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt and development should not be approved except in very special circumstances. In addition, I have found that the proposal would harm the character and appearance of the area, the special interest of the listed building and would not comply with local sustainable design and construction policy. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

50. The other considerations before me carry limited weight. Consequently, the very special circumstances necessary to justify the development do not exist.

51. Therefore, for the reasons above, I conclude that the appeal should be dismissed and planning permission should be refused.

A Tucker

INSPECTOR