
Appeal Decision

Site visit made on 7 June 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/M3645/W/21/3286617

Barberry, The Approach, Dormans Park RH19 3NU

- 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 Luke Phillimore-Kelly against the decision of Tandridge District Council.
 - The application Ref 2021/1428, dated 30 July 2021, was refused by notice dated 28 October 2021.
 - The development proposed is the erection of 1x new detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the original description of development, as set out within the application form, as this more accurately reflects the proposed development.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - if the development is inappropriate development, the effect of the proposed development on the openness of the Green Belt; and
 - 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

Whether Inappropriate Development

4. The appeal site comprises a parcel of open land positioned to the west of Wilderness Rise and south of the dwelling known as Barberry. The topography of the site is such that it is elevated above the road, sloping down towards it. The site is within the Green Belt.
5. The green and open nature of the site, together with the mature trees and landscaping that exist both within it and along the highway, contribute to a rural and verdant character in this part of Dormans Park. The land to the east of the site is predominantly used for grazing and equestrian purposes,

interspersed by woodland. This, too, contributes to the rural character of the area. Nearby residential properties, positioned on the same side of the road as the appeal site, are large and detached, set within expansive and well landscaped plots. This mature landscaping is such that the visual connections between the appeal site and neighbouring sites is limited. The site appears as a discrete parcel of land.

6. The proposed development would comprise a fairly narrow but long, detached and single-storey dwelling with a dual pitched roof. An area of hardstanding would be created to the front, side and rear of the property. This would accommodate parking and turning areas, refuse and cycle storage and private amenity space.
7. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP) broadly conforms to the general thrust of national Green Belt policy, setting out that inappropriate development in the Green Belt will normally be refused whilst supporting the limited infill development within Defined Villages. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances'. One exception to that position is the limited infilling in villages¹.
8. The appellant contends that Dormans Park is a village and therefore criteria e of Paragraph 149 of the Framework applies. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the development plan, the site falls outside of a Defined Village, a fact that is not disputed by the appellant (notwithstanding any former policy boundaries).
9. Notwithstanding the fact that the appeal site falls outside of any formal settlement boundary, I have taken into account the evidence before me given that no such specificity exists within the Framework. That includes potential indicators put forward by the appellant, together with observations during my site visit.
10. Firstly, I note that there are a reasonable number of properties located within Dormans Park. These are positioned along privately managed roads and grounds in large plots. Some commercial and community uses exist in the wider area, as referenced by the appellant, however these appear to sit some way away from the Dormans Park development rather than forming a part of it.
11. The fact that there is some built form within Dormans Park, and that this is distinguishable from the open fields that lie opposite the site, is not reason to conclude that it is in fact a village. I have no substantive evidence before me of the contended social and communal characteristics of Dormans Park. Furthermore, whether or not the site is sustainably located, noting the presence of a railway station within the wider area, does not necessarily confirm its status as a village or otherwise. For these reasons, taking all potential indicators with respect to whether Dormans Park constitutes a village for planning purposes, they only provide limited support for the contention that it is. I am not of the view that the appeal site, or the wider Dormans Park, has a village character in the traditional sense. Rather, it appears as a planned

¹ Paragraph 147 (e)

grouping of houses within a sylvan setting, seemingly built at a similar time. Although of a reasonably significant cumulative scale, Dormans Park is of limited coherence and in my view forms the rural fringe of East Grinstead rather than identifiable collective. Consequently, I do not find the infilling of the appeal site to meet the requirements of Paragraph 149 (criteria e).

12. My findings in that respect are consistent with the principles of *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]*, in that assessing whether or not a proposed development constitutes limited infilling in a village is a question of planning judgement which includes assessment of the position on the ground. Further, whilst a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative.
13. As I have found that the site is not within a village for the purposes of paragraph 149 (criteria e) of the Framework, it is not necessary to consider whether the proposal would represent infilling, nor whether any infilling would be limited.
14. The appellant makes reference to previous planning permissions within the Dormans Park area, with specific reference to a case Ref 2014/69. I do not have the full details of that, or those other, cases before me. However, it is clear that the planning context has changed since the adoption of the new Local Plan in 2014 and I am determining the application with reference to both the Framework and the adopted local development plan. My attention has also been drawn to an appeal² at another site. Whilst I have had regard to that appeal, the circumstances of that case are not directly comparable to that in front of me. The site is not situated close to the appeal site and is subject to a very different context. From a review of the location, it would appear that the location there does fall within a more traditional village context by reason of its make-up, the obvious village core surrounded by shops and services and features such as a village hall. As reasoned above, this is not the case here. Similarly, the list of appeals³ provided are located in very different contexts, many of which in other parts of the country. Those schemes are not directly comparable to the appeal before me, and I have considered the appeal site based on the evidence before me and my observations on site.
15. Consequently, the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. The proposed development would be contrary to the relevant provisions of LP Policies DP10 and DP13, which in summary seek to protect the Green Belt from inappropriate development. This is consistent with the Framework and with the approach in Policy TLP03 of the emerging Tandridge Our Local Plan: 2033, which seeks to achieve similar aims as the relevant provisions of the development plan set out above.

² APP/M3645/W/20/3256736

³ APP/P0240/W/17/3185864; APP/Q4625/W/17/3188046; APP/P1940/W/17/3183388; APP/Q4625/W/3191758

Openness

16. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open.
17. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
18. Whilst I accept that the dwelling proposed has been designed with sensitivity to prevailing building forms, materials and detailing, it would nonetheless result in built development where there is presently none. The footprint of the dwelling, its bulk and the accompanying domestic paraphernalia including the parking area, cycle and waste storage and amenity areas, would all inevitably lead to a loss of openness, both physically and visually. Accordingly, the proposed development would cause harm to the openness of the Green Belt.

Other Considerations

19. The appellant sets out that the proposed development could deliver a 24% biodiversity net gain, arguing that the development would be a minor addition to previously developed (garden) land and sets out that it would not set a harmful precedent and would boost the local economy in respect of jobs and local spend.
20. From the evidence before me, it would take approximately 25 years for the enhancement habitats to reach the target condition set out. Nevertheless, I accept that the appellant is committed to achieving a biodiversity net gain and that this is a clear benefit. However, I do not consider that this benefit would sufficiently outweigh the harm identified. In any case, the enhancement of the site for the benefit of biodiversity is not, in my view, inherently dependant on the wider redevelopment of the site. I therefore give this matter moderate weight.
21. The reference to the scheme forming a precedent does not change my conclusion, based on the fact that I am assessing this scheme on the evidence before me and my observations on site. I do not disagree that the proposed development would contribute, to some extent, to the local economy both during construction as a result of jobs and, once occupied, by supporting spend and trade in local businesses. However, this benefit would inevitably be very limited due to the scale of the proposed development and I give this matter limited weight.
22. I accept that the site could be argued to be garden land, as contended by the appellant. However, as I have reasoned above, the proposed development would have a greater impact on openness than is currently the case. The same reasoning would apply under criterion g of paragraph 149. I therefore give this matter limited weight.
23. The Council is currently unable to demonstrate the necessary forward supply of housing sites, or recent delivery, as required by the Framework. In this regard, the proposal has the potential to generate one additional home which would make a positive, albeit very limited, contribution to the current undersupply.

This would also support the Government's objective of significantly boosting the supply of homes. I have given this matter moderate weight.

Green Belt Balance

24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness here. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
25. Cumulatively, I attach no more than moderate weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt.
26. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with the Green Belt aims of LP Policies DP10 and DP13 or the Framework, as set out above, or with the approach in Policy TLP03 of the emerging Tandridge Our Local Plan: 2033, which seeks to achieve similar aims as the relevant provisions of the development plan.
27. The lack of a 5 year housing supply means that the policies which are most important for determining the proposal are out-of-date in accordance with paragraph 11.d) of the Framework. However, bullet (i) of paragraph 11.d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in this instance.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

A Price

INSPECTOR