



Appeal Decision

Site visit made on 5 July 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/M3645/W/21/3281211

Land Rear of The Rookery, Cherry Tree Cottage, Orchard Cottage and Russets, Kings Cross Lane, South Nutfield RH1 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Betts against the decision of Tandridge District Council.
 - The application Ref TA/2020/2188, dated 2 December 2020, was refused by notice dated 28 May 2021.
 - The development proposed is erection of up to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal seeks outline permission, with all matters reserved except for access. I have considered the appeal on this basis and have treated any plans in relation to all other matters as illustrative.

Main Issues

3. The main issues are:
 - i. Whether the development proposed is inappropriate development in the Green Belt;
 - ii. The effect of the development proposed on the openness of the Green Belt;
 - iii. The effect of the development proposed on the character and appearance of the area, and;
 - iv. If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 137 identifies that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state, at paragraph 147, that inappropriate development is, by definition,

- harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings is inappropriate, but lists exceptions, which includes limited infilling in villages.
5. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the LPDP) generally reiterates the overall Green Belt objectives of the Framework. Policy DP12 refers to Defined Villages in the Green Belt which the Council consider suitable for limited infilling and which includes South Nutfield. This contains a list of criteria where such development proposals would be supported, including at point A1, infilling within an existing substantially developed frontage.
 6. The appeal site is located in the Defined Village of South Nutfield. While properties on the southern side of the street have gaps between them and are separated from the highway by a substantial green verge, the buildings nonetheless create a consistent and substantially developed frontage. The proposed access would be situated between two existing buildings, however, the proposed houses themselves would not be positioned within this frontage, nor infill an existing break, and would instead entail the creation of new built forms behind the frontage. For this reason the proposal would not comprise infill development within the frontage and would conflict with LPDP Policy DP12. Under the provisions of the Framework the development would be inappropriate by definition.
 7. The appellant agrees the proposal does not constitute infill development as referenced within the LPDP, but refers to other nearby decisions where infilling has been accepted without being in strict accordance with the descriptions provided by the LPDP. This includes the land rear of 34 Kings Cross Lane, which the Council found was not inappropriate development. As this was not a matter in dispute between the main parties it was not a main issue under the subsequent appeal, which was dismissed for other reasons¹. While I do not have full details of that proposal before me, based on the evidence, that site displayed important differences to the current appeal which informed the Council's judgement. As well as containing existing structures, the Council found that site to relate well to the village and existing houses, particularly on Thepps Close, and that the development would naturally round off the village. For these reasons I do not consider the two sites to be directly comparable nor find that decision to provide reason to alter my judgement in respect of infilling.
 8. In the case of development at Little Hundith, to the east, this related to the redevelopment of previously developed land and a former commercial site with existing built forms. It therefore fell to be considered under a different exception to inappropriate development under the Framework, and so is not directly comparable to the proposal before me.
 9. For the reasons given, the proposal would not accord with the exception to inappropriate development under paragraph 149e) of the Framework. As a consequence, it would constitute inappropriate development in the Green Belt. The development would also conflict with policies DP10, DP12 and DP13 of the LPDP, which set out development which is not inappropriate in the Green Belt.

¹ APP/M3645/W/20/3251147

Openness

10. The appeal site has a strong sense of openness. It is free from any buildings and characterised by mounds of soil and vegetation, and is bound by a variety of boundary treatments which separate the site from the neighbouring gardens. Areas of woodland and open grassland exist further to the south.
11. Openness of the Green Belt has a spatial as well as a visual aspect, and both are relevant to this appeal. In spatial terms the sense of openness of the appeal site would be substantially reduced by erecting up to five houses and an associated access road. While not specified within this outline proposal, this would inevitably entail areas for parking and vehicle movements, boundary treatments and domestic paraphernalia that would arise from the residential occupation of each new dwelling.
12. In the absence of details of the layout and scale of the proposed houses, the extent of their likely visibility cannot be fully established. Nonetheless, it would be likely that the built forms would be visible to some degree from Kings Cross Lane from the access point, and between the gaps that exist between the existing houses, which currently give views of the open rear gardens and woodland beyond. The proposal would therefore entail a substantial reduction in both the visual and spatial openness.
13. The appellant has put forward that the appeal site could be considered previously developed land, as defined by the Framework. However, even if the appeal site were previously developed land for the purposes of exception g) of paragraph 149, the proposal would have a much greater impact on the openness of the Green Belt than the existing, and as such the proposal would still be inappropriate development.
14. For the reasons given, the proposal would cause substantial harm to the openness of the Green Belt, in conflict with the Green Belt objectives of the Framework.

Character and Appearance

15. The appeal site lies within the village boundary, and the settlement is characterised by residential properties in a predominantly linear arrangement along Kings Cross Lane. The gaps between the properties on the southern side of the road give views from the street of the woodland behind and this contributes to the spacious and rural character of the area.
16. There are examples of development behind the main rear building lines further to the east and also to the north on Thepps Close. These are modest sized cul de sacs which extend from the linear form of the village. Given the presence and proximity of these other developments, I do not find that the erection of housing on the appeal site would necessarily cause substantial harm to the character and appearance of the area or the established pattern of development in the village.
17. I share the Council's concerns that certain forms of development on the appeal site may cause harm to the character and appearance of the area, for example through its scale, height and positioning. However, I do not consider this matter to be insurmountable and a solution appropriate to the character and appearance of the area could be achieved through subsequent reserved matters submissions.

18. For these reasons the development proposed would be compliant with Policies CSP18 and CSP21 of the Tandridge Core Strategy 2008, as well as Policy DP7 of the LPDP, which together require development, among other things, to conserve landscape character and be a high standard of design that contributes to local distinctiveness. I do not find conflict with the design objectives of the Framework.

Other Considerations

19. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The Council cannot demonstrate a 5 year housing land supply and the proposed development would provide five new homes. As harm has been identified to the Green Belt, the presumption in favour of sustainable development, at paragraph 11d) of the Framework, is not engaged. However, the value of new housing nevertheless attracts additional weight given the considerable identified shortfall in housing delivery.
21. The new homes would be delivered on a small site, which paragraph 69 of the Framework identifies as one which could make an important contribution to meeting the housing requirement of an area, and which can often be built-out relatively quickly. Being located within an existing village, the appeal site is also in a sustainable location in terms of its accessibility to services and facilities. In addition, the development would deliver economic benefits through the construction process and the economic contributions of future occupiers. Cumulatively I ascribe these benefits considerable weight.
22. While I have not found harm arising to the character and appearance of the area, this is neutral and does not attract weight in favour of the development, particularly as the design characteristics are not yet established.
23. While the benefit of new housing and the economic benefits weigh in favour of the development, taken together, the weight of other considerations in this instance would not be sufficient to clearly outweigh the totality of harm to the Green Belt, which I am required to give substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

24. For the reasons set out above, the proposal would conflict with the development plan and the Framework. There are no material considerations, including approaches of the Framework, that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR