



Appeal Decision

Site visit made on 22 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/12/2022

Appeal Ref: APP/C3620/W/21/3288340

Cudworth Gate, Cudworth Lane, Newdigate, RH5 5BH

- 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 outline planning permission
 - The appeal is made by Mrs Jacqui Hiscocks against the decision of the Mole Valley District Council.
 - The application Ref MO/2021/1048, is dated 3 June 2021.
 - The development proposed is the erection of a pair of semi-detached, 2-bedroom, affordable self-build houses on the plot of unused land at Cudworth Gate, Newdigate, RH5 5BH.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was in outline with all matters reserved except for access, layout and scale. I have had regard to the location plans (drawing P21019-CTG-S-000-P1), proposed site plan (drawing P21019-CTG-S-002-P1) and proposed elevations (drawing P21019-CTG-S-004-P1), but have regarded all elements of these drawings as indicative apart from the details that relate to access, layout and scale.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; 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 or not the development would be inappropriate

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 149. Criteria e) and f) of paragraph 149 have been cited by the appellant as applicable to the appeal.
6. Paragraph 149 e) states that one such exception is the limited infilling in villages. There is a dispute in regard to the location of the appeal site between the parties, with the appellant indicating the appeal site is located within the Newdigate boundary and would be defined as a 'small rural village', whilst the Council consider the appeal site is located outside of any defined settlement boundary. From the evidence before me and following my site observations, the appeal site is located some distance from the centre of Newdigate village and there are large areas of open space and fields between. As such, it cannot be reasonably be treated as being within the village and this exception would not apply.
7. Paragraph 149 f) further highlights that limited affordable housing for local community needs under policies set out in the development plan can also be considered as an exception. The appellant has indicated on the application form that the proposed dwellings are to be affordable units, however there is no mechanism, such as a signed legal agreement, before me to secure these affordable units. Consequently, the exception contained under criterion f) is also not applicable, and in not complying with any of the listed exceptions, the scheme would therefore be inappropriate development in the Green Belt.

Effect on openness in the Green Belt

8. The appeal scheme would provide a pair of semi-detached two-storey dwellings on the site, resulting in built development where there is presently none. The indicative footprint and scale of the dwellings would inevitably lead to a loss of openness. Furthermore, given that it has been established that the appeal site is located outside the Newdigate village boundary, the site would be considered open countryside rather than as part of the village. Consequently, the development would lead to an encroachment of development into the countryside and result in a significant loss of Green Belt openness.
9. The appellant highlights that the proposal would remove some of the existing development from the site to improve openness. However, these structures include garages and stores, and given their single storey and ancillary nature, they are not directly comparable in terms of impact on openness to the introduction of a two-storey development within the Green Belt setting. The appellant also draws my attention to other approved schemes¹ in the locality,

¹ Mole Valley Planning Refs: MO/83/0986, MO/2019/1377/OUT and MO/2020/1145

however I have not been supplied with the full details of these cases, as such they would carry limited weight.

10. Taking all these factors together, this would result in a noticeable loss of openness in the Green Belt when compared to the existing situation. Accordingly, the proposal would conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

Character and appearance

11. Whilst it is acknowledged that the appeal site is located outside the Newdigate village boundary and is therefore located in the countryside, there are nevertheless other isolated dwellings located in the immediate vicinity. Many of the nearby properties occupy large plots and have a spacious feel, generally appearing as large, detached properties limited to two storeys. It is acknowledged that appearance has been reserved, however the indicative drawings highlight that whilst containing two dwellings the proposal would appear similar in scale to the other detached properties and thus would adhere to the vernacular of the area. As a result, the proposal would not appear bulky or harm the spacious feel which characterises this area.
12. The appeal proposal provides a similar site layout to the existing properties in Cudworth Lane and Green Lane and would respect and complement the identity of the local rural area. Whilst appearance has been reserved, from the details before me I am not convinced that a similar appearance to the existing properties could not be achieved here. Furthermore, the layout drawings highlight that the plot would provide adequate amenity space for both units, and thus the proposal would not appear cramped. Overall, the layout and scale would be in keeping with the open pattern between dwellings which is an important factor of the spaciouly sized plots defining the character of the area.
13. The proposal would not therefore harm the character and appearance of the surrounding area and would respect its distinctive qualities. As such, it would be consistent with Policy CS 14 of the Mole Valley Local Development Framework Core Strategy, adopted October 2009 (MVCS) which provides that, amongst other things, all new development must respect and enhance the character of the area in which it is proposed whilst making the best possible use of the land available. Furthermore, it would accord with Policies ENV22, ENV23 and ENV24 of the Mole Valley Local Plan, adopted October 2000 (MVLPL) which collectively provide that, amongst other things, development will normally be permitted where it respects its setting. It would also adhere to Paragraph 130 c) of the Framework which, amongst other things, seeks design to be sympathetic to local character and setting. Moreover, I do not find conflict with Policy CS 13 of the MVCS which focuses principally upon landscape character which is a reserved matter.

Other considerations

14. The proposal would contribute to the local housing choice with a provision of two smaller two bedroomed units assisting Mole Valleys housing undersupply situation. There would be limited benefits in the provision of two new dwellings in this location, however, I give this limited weight, as it appears to me that it

would be likely to be of no greater benefit than if these dwellings were to be constructed elsewhere, outside the Green Belt.

15. The proposal is envisaged to be a self-build plot. Whilst the appellant has provided little evidence to substantiate the demand for self-build development, I have no reason to doubt their assertions that demand exists. Paragraph 62 of the Framework supports self-build development and accordingly I have given this consideration moderate weight in favour of the proposal.
16. The proposed dwellings would be located fairly close to a range of local services and facilities thereby assisting their vitality. There is also a daily bus service to the larger settlements of Dorking and Crawley where mainline stations are available, thus providing more sustainable transportation options. Nevertheless, it is likely that the future occupiers would still be dependent on private vehicles to access services, facilities, healthcare and employment, and as such I have apportioned this limited weight.

Conclusion

17. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
18. For the reasons given above, the other considerations in combination do not clearly outweigh the harm to the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist.
19. The Council acknowledges that it is unable to provide a five-year supply of deliverable housing land, stating that it can only currently demonstrate 2.9 years. Accordingly, I must have regard to paragraph 11 of the Framework, which indicates that in such circumstances the most important policies for determining the application are out of date and that permission may be granted.
20. However, the balance in favour of granting planning permission at paragraph 11 d), is conditional on satisfying the first limb of whether there are policies in the Framework that protect areas of particular importance which provide a clear reason for refusing the development proposed. Green Belts are one such area. I have found that the application of policies in the Framework relating to the Green Belt provide a clear reason for refusing the development proposed. As a result, the second limb of paragraph 11 d) and the balance in favour of the grant of planning permission would not apply in this instance.
21. The proposed development would be contrary to the Framework and to the development plan which seek to protect the Green Belt. The fact that I have found in the appellant's favour with regard to any effects on character and appearance does not outweigh the totality of the harm I have identified and does not alter my conclusions, having considered all other relevant material considerations, including the approach of the Framework. Consequently, the development is contrary to the development plan as a whole and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.

22. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR