



Appeal Decision

Site visit made on 4 January 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 JANUARY 2023

Appeal Ref: APP/C3620/W/22/3300456

The Chestnuts, Partridge Lane, Newdigate RH5 5EE

- 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 Martin Howes against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2320/PLA, dated 16 December 2021, was refused by notice dated 22 April 2022.
 - The development proposed is described as demolition of barn and erection of 3 / 4 bed house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Metropolitan Green Belt (Green Belt) having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect it has upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any 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

Green Belt

3. The Chestnuts is a large detached residential dwelling within a substantial plot in the Green Belt. The appeal site is part of the wider plot and is mainly laid to grass. In the corner of the site, closest to the main dwelling, is a single storey lean-to barn. This is attached to a stable block located outside of the appeal site and the stables are to be retained.
4. Although the appeal site is within a small cluster of dwellings, this is not considered a rural village, as set out in Policy CS1 of the Mole Valley Core Strategy (CS). The appeal site is, therefore, located within the countryside.

5. CS Policy CS1 refers to national policy when considering development in the countryside including that within the Green Belt. Paragraph 149 of the Framework sets out 7 exceptions when a new building is not considered inappropriate development in the Green Belt.
6. The proposed residential use is not compatible with the specified uses set out in 2 of the exceptions and the proposal would not constitute affordable housing, limited infill in a village or an extension or alteration of an existing building. It would, however, constitute a replacement of a building, but the new building proposed would not be used for the same purposes as that which it replaces. The proposal does not, therefore, fall within any of the 7 exceptions and so would not comply with Paragraph 149 of the Framework.
7. The proposed new dwelling would be positioned partly on the existing footprint of the barn but would be orientated at right angles to it. This would increase the overall spread of buildings across the site which would visually and physically narrow the gap between it and Partridge Road. An impact that would be compounded by the more visually intrusive effect the proposed 2 storey height would have in comparison to the existing barn.
8. It is appreciated the footprint of the proposed dwelling is commensurate with the existing barn. Nevertheless, the combination of the proposed location and height of the new dwelling and the domestic paraphernalia attributed to residential uses, which would be introduced onto otherwise undeveloped land, would spatially and visually reduce the openness of the site, and thereby fail to preserve the openness of the Green Belt it is part of.
9. Accordingly, the proposal would constitute inappropriate development which would fail to preserve the openness of the Green Belt. It would not comply with CS Policy CS1 and the Framework. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a matter which I will return to.

Character and appearance

10. The Chestnuts and its land, including the appeal site, are positioned on the inside of a bend within Partridge Lane, separated from it by a bunded boundary with mature trees and hedges creating partial screening. The bend in Partridge Road is surrounded by a small cluster of houses and the appeal site is centrally located within it. This clustering is characteristic of the wider area, whereby small groups of houses or farm buildings are located close to the road and separated from the next group by fields and hedgerows.
11. The style, form and design of the proposed new dwelling would be in keeping with the appearance of the surrounding houses. The proposed position within the site and comparative modest size of the new dwelling would ensure the proposal would not overwhelm or significantly crowd The Chestnuts, and so preserve its immediate setting. The central location of the appeal site within the existing cluster of houses would not expand the cluster further into the surrounding countryside, thus it would also preserve the wider landscape setting. Therefore, although the proposed new dwelling would be taller than the existing barn and would be partially visible from Partridge Lane, I am satisfied it would not have a detrimental impact on the appearance of the area and

would retain the rural character of the existing cluster of houses and their surroundings.

12. It is appreciated the proposed new dwelling would have a substantial amount of land attributed to it, and there could be future pressure to further domesticate this should the new dwelling be approved. Nevertheless, the proposal does not specify the location of the parking, formal gardens, boundary treatments or specific landscaping features within the appeal site. I am therefore satisfied appropriate landscaping conditions could ensure these elements could be suitably defined to retain the predominantly bucolic character of the site and its wider surroundings.
13. Consequently, the proposal would not harm the character and appearance of the area. It would comply with CS Policy CS13, and Policies ENV4 and ENV22 of the Mole Valley Local Plan (LP) insofar as they seek appropriate design and respect of landscape character. The proposal would also comply with all the criteria of LP Policy ENV23, which seeks development to respect its setting, excepting criteria 5 which refers to the Green Belt and has been dealt with above.

Other considerations

14. The proposal would create 1 new dwelling in a district where a 5 year housing land supply is not established. It is also proposed that renewable energy sources would be installed. However due to the small scale of the proposal I give these benefits limited weight.
15. The appellant considers that the previous use of the barn as part of the existing stabling had a more harmful effect on the area due to the intensity of that use. However, the stables are beyond the appeal site boundaries, and the appellant confirms they are no longer in use and considers them part of The Chestnuts, therefore as a benefit this has little weight.
16. A lack of harm has been found in relation to the character and appearance of the wider area, including the appellant's comments relating to the external design and scale of the proposed dwelling, quality and size of the existing barn, and lack of new access requirements. The main parties agreeing that the proposal would not impact on living conditions, highway safety, drainage, trees, or biodiversity would also constitute a lack of harm as these are all elements of reasonable and good design. However, a lack of harm is a neutral factor and so does not weigh for or against the proposal.
17. The appellant has put forward 7 examples of sites nearby where one or more approvals have been given for residential dwellings. Nevertheless, it appears the applications at Coomers Farm, Deanhurst and Evergreen Farm constituted the reuse of existing buildings and at The Red House the reuse of an existing building and its extension. These 4 examples are not, therefore, similar to the proposal which would constitute a replacement building. At Partridge Cottage the new dwelling was considered to be on previously developed land whereas this is not the case for the appeal site, and there is nothing before me to state the applications at Russley Acres or Halesbridge Farm are within the Green Belt. Thus, I am satisfied these examples are not directly comparable to that which is before me, and in this case do not provide circumstances whereby local or national policy has been interpreted differently.

18. Consequently, the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and its harm to openness. Therefore, the very special circumstances necessary to justify the development do not exist.

Planning Balance and Conclusion

19. As the Council cannot demonstrate a 5 year housing land supply, Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of Green Belt policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
20. The proposal would, therefore, conflict with the development plan as a whole, and material considerations, including the Framework, do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR