



Appeal Decision

Site visit made on 17 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/R3650/W/22/3298766

Dorotay Farm, Grayswood Road, Grayswood, Haslemere GU27 2DD

- 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 Michael Holden against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0213, dated 21 December 2020, was refused by notice dated 9 December 2021.
 - The development proposed is the demolition of existing redundant business and storage buildings and the creation of 1No new 5 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - whether the proposed development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy, including the effect on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV); 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 proposed development.

Reasons

Whether inappropriate development

3. The appeal site is located within land defined as Green Belt. As set out in paragraph 149 of the Framework, the construction of new dwellings is inappropriate within the Green Belt, subject to a number of exceptions. As the appeal site comprises three buildings formerly used for commercial workshops and storage, the following exception test is relevant:
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

Whilst the proposed development meets the first part of exception g), it is necessary to assess its impact on the openness of the Green Belt before determining if it would be inappropriate.

4. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (the Local Plan) reiterates the importance of the Green Belt, stating that new development in the Green Belt will be considered inappropriate unless very special circumstances can be demonstrated.
5. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness, the Planning Practice Guidance confirms that openness is capable of having both spatial and visual aspects¹. However, given that the impact of a development on the openness of the Green Belt requires judgement based on the circumstances of the case, spatial and visual impacts may not both be necessarily determinative in every case. Other matters may also be relevant, including the degree of activity generated by a development, such as traffic.
6. The existing buildings are single storey, with similar rectangular forms, albeit comprising different footprints, sited with a linear relationship to each other, with gaps between. They are grouped together near to the site access, with the remainder of the site being undeveloped and open. These factors, combined with their shallow pitched roofs, form, external materials and colour, mean that the existing buildings have an agricultural character and appearance. As such, they are visually unintrusive in this part of the Green Belt.
7. Whilst the proposed development would have a smaller footprint, floorspace² (4% reduction) and volume (20% reduction) than the existing buildings combined, spatial impacts are not limited to an area analysis or comparison. Regardless, the two-storey part of the proposed development would be significantly taller than the existing buildings and the L-shape layout would appear more substantial in terms of its mass and bulk. Furthermore, the proposed development would be sited beyond the part of the site where the existing buildings are grouped.
8. While the height of the proposed development is similar to other dwellings in the area, the ridgeline would be significantly higher than that of the existing buildings. Additionally, the proposed dwelling would be set away from the existing dwellings in the area and separated by trees and hedgerows. Therefore, they would be experienced in different views and vistas.
9. The existing landscape features on and surrounding the appeal site limit longer range views. However, although not set on a landscaped ridgeline, closer views are possible from a nearby bridleway and the elevated railway line that runs alongside the site boundary. From these locations, given its bulk and height, the proposed dwelling would be a prominent feature within an otherwise rural setting. Moreover, irrespective of any local vernacular references within its design, combined with the angled siting of the dwelling, the double height glazed gable features and substantial dormers of the proposed development would result in a striking form that draws the eye.

¹ Paragraph: 001 Reference ID: 64-001-20190722

² Gross External Floor Areas

10. Views from trains travelling along the railway line could be considered to be 'fleeting' or 'glimpses' however, they would, nonetheless, be possible. Similarly, although the bridleway is located beyond an adjacent paddock bounded by existing hedgerows with mature trees, even when in full leaf the gaps between tree trunks and where the hedgerows are sparse allow views of the appeal site. Regardless, even if the appeal site was hidden from public view, this would not mean otherwise unacceptable development would be allowed.
11. Although the appellant states that the proposed development would generate less traffic and activity than the commercial use of the appeal site, I have no evidence before me confirming this. Furthermore, whilst reference has been made to a lack of restrictions on the commercial use, based on the evidence before me, reasonable limits to the operational hours and use of external areas for storage have been imposed via the conditions attached to the planning permission granted at appeal³.
12. Whilst my attention has been drawn to the planning permission⁴ relating to the adjacent Oaklands Farm, as this relates to a replacement dwelling it was considered against a different exception test set out under paragraph 149⁵ of the Framework. Therefore, any comparison between Oaklands Farm and the proposed development is not determinative in this appeal.
13. Taking into account all of the above, I consider that the height, bulk and design of the proposed dwelling would result in a moderately harmful loss of openness to the Green Belt. Consequently, even though the appeal scheme would involve the complete redevelopment of previously developed land, it would result in a greater impact on the openness of the Green Belt than the existing development. Therefore, I conclude that, although located on previously developed land, the proposed development would result in a moderately harmful loss of openness to the Green Belt and, as a result, would not meet the exception test set out in paragraph 149 g) of the Framework. Therefore, the proposed development is inappropriate development in the Green Belt which is, by definition, harmful.

Character and appearance

14. The appeal site is located within the Surrey Hills AONB which has a natural beauty resulting from a mosaic of farmland, woodland, heaths, downs and commons, that supports protected species. In considering the proposed development I have had regard to paragraph 176 of the Framework which requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB, and that the AONB has the highest status of protection in relation to these issues. This is further emphasised by Policy RE3 of the Local Plan. The appeal site is also located within an AGLV, designated for its landscape value as well as a buffer to the AONB. Although a local landscape designation, Policy RE3 applies the same principles for protecting the AONB to the AGLV.
15. The existing buildings have previously been used for storage and workshops, with an associated toilet building. As previously stated, the existing buildings are agricultural in character and are grouped in one area, with the remainder of

³ Appeal ref: T/APP/R3650/A/93/231056/P7 relating to Council planning application ref: WA93/0628

⁴ Council planning application ref: WA/2019/0194

⁵ d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

the appeal site undeveloped. When viewed from the bridleway, given the low rooflines, materials and colour of the existing buildings, combined with the conditions attached to the 1994 planning permission controlling external storage, the existing built form is not an intrusive feature in the landscape. Furthermore, the undeveloped remainder of the site softens the visual impact of the built form within the landscape and makes a positive contribution to its character.

16. Whilst not major development, given the aforementioned height, bulk and design of the proposed development it would not compliment the existing rural character of the landscape. The appeal scheme would have a clear residential use and, in combination with the domestic paraphernalia associated with this use, it would have an inherent and harmful urbanising impact on the character of the area. Even if the location and orientation of the proposed dwelling has been designed to maximise solar gain and natural light, its prominent architectural features would draw the eye, particularly from the nearby bridleway and trains travelling along the railway line. Therefore, it would create a much stronger presence of built form on the largely undeveloped site that, at present positively contributes to the landscape character of the area.
17. Although the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Screening Direction⁶ concluded that the proposed development would not be likely to have a significant effect on the AONB this does not mean that there would be no harm to the AONB. In fact, the Screening Direction identifies that it is likely that there will be some impact on the AONB within the proposed development's immediately locality.
18. A detailed landscaping scheme could be required by a planning condition if I was minded to allow the appeal. However, any landscaping scheme would take time to mature and, given the height and bulk of the proposed dwelling, I do not consider that it would mitigate the harm I have identified above. As such, the proposal would result in harm to the special character and qualities of this part of the AONB and AGLV.
19. Notwithstanding that the removal of the existing buildings would result in an improvement to the overall appearance of the site, this is not a reason, in itself, to permit development which would result in harm to the character and appearance of the area.
20. Although not specifically referenced in the decision notice, concerns regarding light pollution from the large windows of the proposed dwelling are highlighted in the Officer Report. Even though the proposed dwelling would significantly increase the area of windows in comparison to the existing buildings, I have no evidence before me demonstrating that it would lead to an unacceptable level of light pollution that could not be mitigated through imposing a suitable condition.
21. In conclusion, the proposed development would unacceptably harm the character and appearance of the area, and the landscape and scenic beauty of the AONB would not be conserved or enhanced. Considering all the above, this harm would be limited and localised in relation to the overall AONB and AGLV. Nevertheless, this is a sensitive area in which great care must be taken to assimilate new development into the existing landscape. It would therefore be

⁶ Dated 12 August 2022

contrary to Policy RE3 of the Local Plan which requires new development to respect and, where appropriate, enhance the distinctive character of the landscape. I also find conflict with policies P1, P2 and P3 contained within the Surrey Hills AONB Management Plan 2020-2025 which aim to ensure new development enhances local character and the environmental quality of this nationally important setting. Finally, the proposed development would be contrary to the principles of paragraph 176 of the Framework, which seek to conserve or enhance the natural environment.

Other considerations

22. I appreciate that the appellant has sought to address the concerns of the Council in respect of a previously refused planning application and the length of time this has taken. This, combined with the fact that the planning officer had originally drafted a report recommending the planning application be approved, has not altered my determination of this appeal. Notwithstanding any lack of concerns from the Council relating to the principle of the loss of the existing use, the pre-application⁷ discussions confirmed that the acceptability of the development would depend upon the size of the dwelling proposed. In any event, the Council is not bound by the views of its officers. Therefore, this has little weight in support of the appeal scheme.
23. I recognise that, although the appeal site is currently vacant, there is the potential for another business or businesses to move into the existing buildings which would generate activity, traffic movements and parking. However, a building condition survey submitted with a previously refused planning application⁸ indicated that the existing buildings were nearing the end of their usable life and required substantial improvements if they were to meet current building standards. The report also found that there would be limited commercial interest for business use without major refurbishment or reconstruction and concluded that the likelihood of new businesses occupying the appeal site is low. Additionally, any use would be required to comply with relevant regulations in respect of noise and light levels which fall outside the remit of the planning system. As it is highly unlikely that a new business/es would occupy the existing buildings it attracts minimal weight as a fallback position.
24. As the proposed development would make use of previously development land, this is a limited benefit which counts in its favour. It would also boost the supply of housing in line with the Government's objective set out in paragraph 60 of the Framework in an area where there is a shortfall of housing supply. Given the scale of the development, the social and economic benefits derived from the occupation and construction of the dwelling would be modest. Even as a windfall site, these benefits, in combination, have modest weight in favour of the appeal scheme.
25. The appellant contends that the visual impact as a result of the increased height of the proposed dwelling in comparison within the existing buildings on the site could be mitigated by additional planting. Notwithstanding the fact that a detailed landscape scheme could be required by condition, no substantive details of this has been provided, and as already identified, any new planting

⁷ Council pre-application ref: PA/2017/0743

⁸ Council planning application ref: WA/2020/1156

would take time to grow. Furthermore, I cannot be certain that such measures would not lead to a reduction in the openness of the Green Belt.

26. Even if I were to conclude the appeal site is not isolated and that the proposed development would not cause harm to the living conditions of existing occupiers and would provide adequate conditions for future occupiers, these would be neutral factors. The lack of objections in respect of biodiversity, parking or trees, and the Highway Authority's view that the proposed development would not result in a significant increase in vehicular trips are also all neutral matters. Furthermore, the use of sustainable construction techniques and materials in accordance with Policy CC2 of the Local Plan does not alter my determination of this case.

Other Matters

27. The site is located within the buffer of the Wealden Heaths I Special Protection Area (SPA), Wealden Heaths II SPA and East Hants SPA, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017. Although not an issue raised by the Council, it is incumbent upon me as the competent authority to consider whether the proposed development would be likely to have a significant effect on the integrity of the SPAs. As I have found that the development is unacceptable for other reasons, it is not necessary for me further consider the implications on the SPAs.

Planning Balance and Conclusion

28. The proposed development would be inappropriate development in the Green Belt. Paragraph 148 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
29. For the reasons given above, the other considerations in combination, including the fallback position, do not clearly outweigh the harm to the Green Belt and the harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The appeal scheme would therefore conflict with Policy RE2 of the Local Plan. I have found that it would also conflict with Policy RE3 of the Local Plan. These policies are broadly consistent with the Framework, and I give the conflict with these policies substantial weight.
30. The Council has acknowledged that it cannot demonstrate a 5-year supply of deliverable housing sites. In such cases, paragraph 11 of the Framework states that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Such assets include land designated as Green Belt and an AONB (Footnote 7). I have found that the proposed development would be inappropriate development in the Green Belt and that the landscape and scenic beauty of the AONB would not be conserved or enhanced. In light of Footnote 7, for the reasons set out above, I consider that the application of the Framework's Green Belt and AONB policies provide clear reasons for refusing the proposal.

31. Consequently, the presumption in favour of sustainable development contained in the Framework would not weigh in support of this case. It is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, the appeal should be dismissed.

Juliet Rogers

INSPECTOR