



Appeal Decision

Site visit made on 28 February 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 APRIL 2023

Appeal Ref: APP/M3645/W/22/3296809

Holloway Meadow, Tanhouse Road, Oxted RH8 9PE

- 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 & Mrs A Bernard against the decision of Tandridge District Council.
 - The application Ref TA/2021/2043, dated 23 November 2021, was refused by notice dated 18 January 2022.
 - The development proposed is construction of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council's decision, a Preliminary Ecological Appraisal (PEA) has been completed¹. This was submitted with the appeal and therefore the Council and interested parties have had the opportunity to comment on its contents. I have likewise had regard to the PEA when considering the appeal.
3. My attention has been drawn to various policies in the submission version of the emerging Tandridge District Council Local Plan 'Our Local Plan: 2033', which was submitted for examination in public in January 2019. However, the reasons for refusal do not identify any specific conflict with these emerging policies and I have been given little evidence as to their current status or the expected date of adoption. As such, I have given the emerging Local Plan limited weight in my consideration of this appeal. However, I have had regard to points raised regarding the ongoing examination of the emerging Local Plan, to the extent that they are relevant to the issues before me.

Main Issues

4. The appeal site is within an area designated as Green Belt and is currently used for grazing of horses. There is no dispute between the main parties that the erection of a detached dwelling would be inappropriate development in the Green Belt. Against that background, the main issues are:
 - the effect of the proposed development on the openness and purposes of the Green Belt,
 - its effect on the character and appearance of the area, including landscape character,

¹ Arbtech Preliminary Ecological Appraisal, version 3 (Final – with BRD), dated 9/3/22

- whether the proposal would protect or enhance biodiversity,
- the suitability of the proposed arrangements for refuse and recycling, 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

Openness of the Green Belt

5. The appeal site comprises a series of small paddocks which are part of a larger equestrian site. It lies outside Hurst Green, in an area where there is a pattern of sporadic built development in the countryside. Close to the site is a ribbon of dwellings on one side of Tanhouse Road, together with a public house. The appeal site lies beyond the public house car park and garden and is separated from the nearby dwellings by an additional paddock.
6. Although the site is close to the nearby dwellings and public house, it has a substantially open character. There is a small field shelter in one of the existing paddocks, but the land is otherwise open, level and laid to grass. There is a stable yard and sand school beyond the site, which is within the same ownership. The appeal site and stable yard are enclosed by boundary hedgerows and tree belts, around which are open fields interspersed with sporadic detached houses and farm buildings.
7. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The introduction of a detached dwelling, together with its associated residential curtilage, would result in a loss of openness in spatial terms. It would introduce new built development into undeveloped land, beyond and somewhat separate from the established ribbon of housing and the nearby public house.
8. While the proximity of the site to existing buildings would to some extent mitigate the loss of openness in visual terms, the proposal would nevertheless introduce a new detached building into a parcel of land which is currently open in character. Although the dwelling would be on a single storey, it would have a relatively substantial footprint and a steeply pitched roof, resulting in a significant increase in building mass on the site. There would be a further loss of openness as a result of formation of a residential curtilage, including areas for parking vehicles, provision of a cycle store and the likely introduction of domestic paraphernalia such as play equipment or garden structures which fall outside the scope of planning controls.
9. While the land around the site has a degree of visual containment, by virtue of the boundary hedgerows, the site is open to view from Tanhouse Road and from the adjacent pub car park and garden. It is also overlooked by the nearby dwellings and their gardens, from which the site currently appears open and rural in character. Therefore, there would be a loss of openness in visual terms, from various perspectives within the immediately surrounding area.
10. In terms of the purposes of the Green Belt, the proposal would introduce residential development into an area currently used for equestrian purposes. Notwithstanding the site's proximity to existing buildings, it currently has a rural character, being used for stabling and grazing which are typical

countryside uses. Therefore, the introduction of residential development would result in a limited but material degree of conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

11. I conclude that the proposed development would be harmful to the openness of the Green Belt, in both spatial and visual terms. The proximity to existing development and the degree of containment by existing hedgerows are mitigating factors. Nevertheless, I conclude that there would be moderate harm to openness by virtue of the extent of built development and associated residential paraphernalia within this existing parcel of open land. The proposal would also conflict with the Green Belt purposes, albeit to a limited degree.
12. Since the proposal would be inappropriate development, it would also conflict with Policies DP10 and DP13 of the Part 2 Local Plan². These policies, amongst other things, state that planning permission for inappropriate development, including the construction of new buildings which do not fall within the categories set out in Policy DP13, will normally be refused.

Character and Appearance

13. While the appeal site lies outside any defined settlement, it is in an area where there is an existing pattern of individual dwellings and small residential enclaves, interspersed with open fields and woodland. The adjacent dwellings and public house are part of that pattern. There are several further residential enclaves along the surrounding lanes, outside the settlements of Hurst Green and Oxted. To that extent, individual detached houses standing in mature gardens are part of the established landscape.
14. While two storey dwellings are more typical of the area, the proposed design incorporates materials and features consistent with the local rural vernacular. These include the steeply pitched plain clay tile roof and use of oak framing with render and weatherboard cladding. The single storey design would help to integrate the building into the landscape, as would the retention of existing boundary hedgerows and introduction of additional native planting.
15. The effect on the landscape and the character and appearance of the area is a separate consideration from the effect on openness and the purposes of the Green Belt. Notwithstanding the conclusions reached above, the proposed development would be consistent with the established pattern of sporadic detached housing within the countryside around Hurst Green and Oxted. It would not be particularly prominent in the wider landscape, by virtue of its location set back from the road, close to existing buildings and enclosed by planting. Formation of a residential curtilage would urbanise the appearance of the site, but not to an extent that is inconsistent with its surrounding context.
16. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area, including landscape character. It would not conflict with Policies CSP18 and CSP21 of the Tandridge District Core Strategy 2008 or relevant requirements in Policy DP7 of the Part 2 Local Plan. These policies, amongst other things, require that new development reflects and respects the local context and conserves and enhances landscape character.

² Tandridge Local Plan Part 2: Detailed Policies 2014-2029, adopted July 2014

Biodiversity

17. The site mainly comprises grazed paddocks with short grass. There are also native hedgerows and tree belts around the periphery, as well as a ditch along one boundary and a line of recent hedgerow planting along another. The PEA identifies some potential risks to foraging and commuting species, but indicates that such risks are relatively low given the nature of the site and the limited desk-based evidence of protected species being present. No adverse impacts on statutory or non-statutory designated sites are identified and there is no identified requirement for additional protected species surveys to be undertaken.
18. The plans indicate that the existing hedgerows would be retained and protected, and that new native planting would be introduced. As such, the proposed development avoids undermining the biodiversity value of these existing habitats which connect the site with the surrounding landscape and have value as foraging and commuting habitat for a variety of species.
19. The PEA proposes a range of recommendations for precautionary measures during construction, together with opportunities for habitat creation and enhancement as part of the proposed development. Implementation of these measures could be achieved through suitably worded conditions, encompassing appropriate construction methodology, control over external lighting and habitat enhancement. While the Council has not commented on the extent to which the PEA addresses the third reason for refusal, I note that a condition requiring implementation of its recommendations is suggested in the Council's evidence.
20. Subject to the use of suitable conditions, I conclude that the proposed development would appropriately protect and enhance biodiversity. It would not conflict with Policy CSP17 of the Core Strategy or Policy DP19 of the Part 2 Local Plan. These policies, amongst other things, require that development proposals should protect biodiversity and provide for its maintenance and enhancement.

Refuse and Recycling

21. The appeal site is located towards the end of an existing private driveway which provides access to the stable yard. The proposed dwelling would therefore not adjoin the public highway and the proposed bin collection point would be somewhat remote. The Council suggests a total distance of up to 120m between the front driveway and bin collection point and no alternative figure has been provided.
22. As well as the collection point, an area would be provided for storage of bins within the curtilage of the dwelling, convenient for everyday use. The access track is level and mostly straight, such that wheeled bins could feasibly be walked along it when required. The arrangement would not be particularly abnormal in a rural area, where dwellings are often located some distance from the public highway.
23. While Policy DP7 of the Part 2 Local Plan refers to compliance with relevant Council standards for refuse and recycling, no specific standards have been brought to my attention. I note that the County Highways Authority allude to recommended distances of 25m from the highway and 35m from the dwelling,

but the rationale for these figures and the weight which should be attributed to them has not been further explained.

24. The proposed layout would not prevent the efficient collection of waste by refuse operatives. Therefore, any harm is limited to the degree of convenience for future occupiers. While the distance involved is likely to be somewhat inconvenient, I do not find that it would be so harmful as to result in an unacceptable living environment.
25. For the above reasons, I conclude that the proposed layout would provide sufficiently suitable arrangements for refuse and recycling. As such, the development would not conflict with relevant requirements in Policy DP7 of the Part 2 Local Plan, which amongst other things require that appropriate facilities are provided for refuse and recycling, avoiding adverse effects on the amenities of the proposed property.

Other Considerations

26. The Council cannot demonstrate a five year housing land supply. The appellant quotes a figure of 1.95 years' supply as at March 2021 and no alternative figures have been provided. This is a substantial shortfall. Furthermore, given evidence regarding the ongoing and somewhat protracted examination in public of the emerging Local Plan, there is little certainty as to when the shortfall will be resolved.
27. The proposal would contribute one additional dwelling, which is identified as being a self-build project providing accessible accommodation on a single storey, suitable for older occupiers. To that extent, it responds positively to the support in the National Planning Policy Framework (the Framework) for boosting the supply of self-build housing and housing suitable for different groups, including older people. The proposal would also bring forward development on a small site, which the Framework recognises as a means to bring forward development quickly, contributing to the supply of homes.
28. Set against that, no legal mechanism has been proposed to secure the delivery of the proposed dwelling as a self-build property, nor is there any evidence that its occupation would be limited to older people. While I recognise that the appellants' intention is to move closer to their adjacent stable yard, in planning terms there is no certainty that delivery of self-build housing suitable for older people would be secured.
29. Even if local demand for self-build housing is under-represented on the Council's Self Build Register, the evidence regarding CIL exemptions indicates that self-build housing is nevertheless being delivered. Therefore, there is no clear evidence that the proposal would address any specific local shortfall in this type of housing. Nor would the development address any under-supply of housing within Use Class C2, since the proposal is for a self-contained dwellinghouse without any specific care provision, which would not fall within that Use Class.
30. I have noted that the site is close to the settlement of Hurst Green, which provides a range of local services, including public transport, education facilities, local shops and employment facilities. There is also a wider range of local services and employment in nearby Oxted. The Council has not suggested that the proposed development would result in an isolated home in the

countryside and based on the evidence before me, I have no reason to reach a different view.

31. However, the pavements along Tanhouse Road are narrow and overgrown in places. Walking into the nearest parts of Hurst Green would be feasible, but a wider range of services and employment opportunities are located further away, such that occupiers would be likely to travel by car. Furthermore, given the modest scale of the proposal, any positive contribution to the viability of local settlements would be inherently limited. As such I have given limited weight to the benefits associated with the proposed new dwelling, including the contribution towards the substantial shortfall in housing land supply in a relatively accessible location.
32. The weight attached to economic benefits such as additional Council revenue would likewise be limited, given the modest scale of the development.
33. Since the appellants are already living locally, any net reduction in journeys to and from the stables is likely to be of insignificant public benefit. There would be advantages to the occupiers as a result of living next to the existing stables, in terms of security and convenience. However, this is primarily a private benefit, to which I have attributed very limited weight.
34. I have noted that the public house has been extended, although I also note that these extensions were classed as inappropriate development in the Green Belt. Planning permission was granted on the basis that very special circumstances existed, relating to economic and employment benefits of the development and the pub's status as an Asset of Community Value. Since none of these factors are relevant to the erection of a new dwelling, I have given this history of development being permitted in the Green Belt limited weight.
35. The Framework's support for more efficient use of land is largely focussed on the recycling of previously developed land which is not relevant in this case. Furthermore, the erection of a single detached dwelling in a generous garden would not be a particularly efficient form of development and therefore I have also given this factor very limited weight.
36. The proposed development would adopt a range of sustainable construction and energy efficiency measures, as well as incorporating renewable energy generation on site. These factors would help to mitigate against the effects of climate change. However, there is no clear evidence that the proposal would deliver benefits over and above policy requirements in the Core Strategy (policy CSP14) or expectations in the Framework and other regulatory regimes.
37. Absence of identified harm in relation to heritage (including the adjacent Conservation Area), the living conditions of existing or future occupiers, highway safety, car parking, flood risk, drainage or the effect on existing trees are all neutral factors which weigh neither for nor against the proposal.
38. While I have concluded that the proposed design would not harm the character and appearance of the area, I do not find that it would deliver any specific visual enhancement compared to the existing open paddocks. Therefore, the appropriateness of the design is also a neutral factor.

Green Belt Balance

39. The proposal would be inappropriate development in the Green Belt as defined in the Framework. There would be moderate harm to openness and more limited harm to the purposes of the Green Belt.
40. The Framework requires that any harm to the Green Belt be given substantial weight. While a number of factors have been highlighted in favour of the proposed development, for the most part I have given these limited or very limited weight, for the reasons explained above. This includes the proposal's modest contribution towards the substantial shortfall in housing land supply.
41. Taken together, these considerations would still carry only modest weight. Therefore, the harm to the Green Belt is not clearly outweighed by other considerations. On that basis, the very special circumstances necessary to justify the proposal do not exist.

Other Matters

42. By virtue of the shortfall in housing land supply, the development plan policies which are most important for determining the application are deemed to be out of date. As a result, the proposed development falls to be considered against Framework paragraph 11, which articulates a presumption in favour of sustainable development.
43. Paragraph 11d(i) makes clear that 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. Framework Footnote 7 confirms that the policies in question include land designated as Green Belt.
44. As there would be harm to the Green Belt and no very special circumstances to justify the proposal, policies of the Framework provide a clear reason for refusing the development. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development set out at Framework paragraph 11.

Conclusion

45. While I have found that no harm would arise to the character and appearance of the area or biodiversity, and that waste and recycling arrangements would be acceptable, the harm to the Green Belt brings the proposal into conflict with the development plan read as a whole. Material considerations, including the Framework, have not been shown to indicate that a decision should be taken otherwise than in accordance with the development plan. Accordingly, the appeal is dismissed.

Jane Smith

INSPECTOR