



Appeal Decision

Site visit made on 16 May 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2023

Appeal Ref: APP/R3650/W/22/3305250

Chiddingfold Scout Headquarters, Coxcombe Lane, Chiddingfold, Godalming, Surrey GU8 4QA

- 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 Ms Emma Collins against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01077, dated 31 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal included an amended plan 1/106-007 2a which show the visibility splays for the proposed accesses. I am satisfied this plan does not physically alter the proposed development and only seeks to clarify elements of that proposed. Therefore, its inclusion as part of the submission would not be prejudicial to any other parties, and so I have made my decision with consideration of it.
3. There is contention between the main parties as to whether the Preliminary Ecological Appraisal (PEA) submitted with the appeal was also submitted as part of the original application. The cover letter which accompanied the planning application states that biodiversity surveys and reports were part of the submission, and the PEA and other studies are dated prior to that submission. Hence, on the balance of probabilities it is likely the appellant is of the genuine belief the PEA was submitted. Nevertheless, as the PEA does not fundamentally alter the proposed development and all parties have been made aware of its existence at an early stage of the appeal, I am satisfied, having regard of the Wheatcroft principles, no parties would be unfairly disadvantaged by my acceptance of this document.
4. Since the appeal was submitted the Council adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) on 21 March 2023. This forms part of the development plan and the Council have confirmed which policies are now in place. The appellant has had opportunity to comment on them, and so I have referenced the revised policies in my decision.

Background and Main Issues

5. On review of plan 1/106-007 2a the Council has confirmed that the visibility splays shown would be acceptable and they no longer wish to pursue this as a reason for refusal.
6. Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the 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;
 - whether the proposed development would be appropriately located having regard to local spatial strategies;
 - whether the proposed development would preserve or enhance the character or appearance of the Chiddingfold Conservation Area (CA);
 - the effect of the proposal on protected species; and
 - 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 the proposal would be inappropriate development in the Green Belt

7. The appeal site is part of a field enclosed by hedging which is located on Coxcombe Lane. To one side is the scout building and village hall, and on the other side a pond and track which provides access to the churchyard and countryside beyond. To the rear of the site is a band of trees which, along with the appeal site, forms part of the patchwork of woodland, fields and formalised recreational open spaces which separates the historic centre of Chiddingfold from the village's main residential area.
8. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. The main parties agree that the appeal site is within Chiddingfold village and Paragraph 149 e) allows for limited infilling in villages. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (LPP1) and Policy KP1 of the Chiddingfold Neighbourhood Plan (NP) refer directly to the Framework, whilst criterion c) of LPP2 Policy DM14 specifically reflects Paragraph 149 e).
9. However, the Framework does not provide a definition of 'limited infill' nor do the afore mentioned development plan documents. Therefore, an assessment of whether the proposal would amount to limited infill, is a matter of planning judgement.
10. It is appreciated that the appeal site is next to the scout building, with the village hall behind that, and that Glebe House, a residential property, is opposite. Nevertheless, the site is not surrounded by development and due to Glebe House's extensive grounds, what there is, is limited to one side. This along with the appeal site's visual and physical relationship with the band of

open space, rather than the village's built-up areas, means that the development of the site would not constitute infill, irrespective of whether that proposed is limited or not.

11. That the site has been considered suitable for a car park within the NP is noted and further discussed below. However, the proposal before me is not for a car park and therefore must be assessed on its own merits in relation to its impact on the Green Belt.
12. Accordingly, the proposal would constitute inappropriate development, as described in Paragraph 149 of the Framework. As set out in Paragraph 147 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 below.

Openness

13. Openness is an essential characteristic of the Green Belt, as set out in Paragraph 137 of the Framework, and LPP2 Policy DM14, at criterion d), sets out several factors which could affect openness.
14. The proposal would divide the appeal site and introduce 2 buildings into an area which is currently undeveloped, and highly visible from the road and surrounding area. The solid nature and permeance of the proposal would create a physical mass which would encroach into the field for a considerable distance beyond the nearest existing development, the scout building.
15. Consequently, the proposal would both visually and spatially fail to preserve the openness of the appeal site, and accordingly the Green Belt, when compared with the existing situation. Thus, it would fail to comply with Paragraph 137 of the Framework and LPP2 Policy DM14.

Spatial strategy

16. NP Policy TP3, seeks to provide a village car park and has identified the field the appeal site is part of as the appropriate location. As the NP forms part of the development plan as defined by section 38 of the Planning and Compulsory Purchase Act 2004, the spatial strategy set out within it is relevant.
17. It has not been demonstrated why a departure from the NP would be acceptable nor that the prospect of a car park on the appeal site would be unrealistic or harmful. The proposal would also not provide scope for a car park to be created later. Therefore, it can only be concluded that the proposal would conflict with NP Policy T3 and so would not be appropriately located.

CA

18. The significance of the CA relates to its position along the ancient route between Guildford and Petworth, with the historic village centre the focus. The CA has a strong rural character and the village's countryside setting is an important part of this. Hence, the importance of the band of open space between the 2 parts of the village to the CA.
19. The proposal would reduce the separation between the two parts of the village and have an urbanising effect on Coxcombe Lane. The loss of the rural character of the lane would erode the visual and physical division between the two parts of the village and harm its countryside setting.

20. The design of the proposed dwellings neither respect or complement the traditional rural vernacular which dominates the CA, and the visual awkwardness of that proposed would be further exasperated by the relatively prominent location of the appeal site.
21. Consequently, due to the loss of the appeal site's open character and awkward design of the proposed dwellings, the proposal would fail to preserve the character and appearance of the CA. This harm would be less than substantial when considering the provisions of the Framework, therefore should be weighed against the public benefits of the proposal.
22. The appellant has identified that the Council cannot currently provide a 5-year housing land supply (5YHLS) and the proposal would provide 2 new homes. As a public benefit I attach moderate weight to this. Yet, this would not be sufficient to outweigh the great weight I am required to attach, by the Framework, to the identified harm to the CA.
23. Due to the distances involved the proposal is unlikely to harm the setting of Glebe House, a listed building, however a lack of harm is a neutral factor and so cannot outweigh the harm to the CA.
24. The proposal would therefore fail to preserve or enhance the character or appearance of the CA. This would be contrary to LPP1 Policy HA1, LPP2 Policy DM21, NP Policy BE6 and the Framework insofar as they seek to protect the significance, character, and appearance of the CA, as a designated heritage asset.

Protected species

25. The proposed site plan used as the basis of the PEA and associated reports is different from the proposed development before me. Notwithstanding the different location of the proposed dwellings and parking, it only shows one access point, whereas the proposed development would have 2. Therefore, the proposal would require more of the mature, road facing hedge to be removed. However, the PEA states in section 4.2, that all trees and hedges would be retained and so conflicts with that proposed. Consequently, I am not satisfied that the PEA and associated reports have fully considered the impact of the proposed development, and so, in this case, cannot be relied on to gauge the extent by which protected species may be affected by the proposal.
26. Nevertheless, the PEA and associated suite of reports have been undertaken by appropriately qualified persons. Hence, I am satisfied the methodologies they have used in relation to the bat and reptile surveys are sound. However, this does not overcome the fact the scheme considered within the PEA and associated reports is different to that which is before me.
27. It cannot, therefore, be shown that the proposal would not have a harmful effect on protected species. Accordingly, the proposal would conflict with LPP1 Policy NE1, LPP2 Policy DM1 and the Framework which, in summary, seek to conserve and enhance ecological assets including protected species.

Other considerations

28. The Council's 5YHLS indicates there is a modest shortfall in housing land, currently standing at between 4.15 and 4.56 years. The Framework also seeks to boost the supply of homes and make more efficient use of land in accessible

locations. The contribution 2 homes would have to the housing shortfall, along with the associated economic and social benefits and the appeal site's reasonably accessible location, would attract moderate weight.

29. The appeal site falls within the 5km zone of influence of the Wealden Heaths 1 Special Protection Area (SPA). The Council have drawn on guidance from Natural England and, due to the size of the proposal, do not considered it to have a significant effect on the SPA. Based on the evidence before me and with no objections to the contrary, I agree with this conclusion.
30. It is understood the appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree the special qualities of the AONB would not be adversely affected. This is due to the location, and woodland screening of the appeal site, which limit long distance views.
31. Along with the lack of harm to the SPA and AONB, the Council also recognise that the proposal would not cause harm to the living conditions of neighbouring residents, surface water drainage, land contamination, trees, and sustainability. However, a lack of harm is a neutral factor and therefore does do not weigh for or against the proposal.

Green Belt Balance

32. Very special circumstances need to clearly outweigh the substantial weight given to any harm to the Green Belt, and any other harm resulting from the proposal.
33. The other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and harm to openness, and the harm identified relating to the local spatial strategy, CA, and protected species. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would not therefore comply with the Framework and would conflict with LPP1 Policies RE2, NE1 and HA1, LPP2 Policies DM1, DM14, and DM21, and NP Policies KP1, BE6 and T3.

Planning Balance and Conclusion

34. As the Council cannot demonstrate a 5-year housing land supply Paragraph 11 d) of the Framework is triggered. However, in this case the application of policies in the Framework which protect the Green Belt and designated heritage assets provide a clear reason for refusing the proposed development in accordance with Paragraph 11 d)(i). As such, the presumption in favour of sustainable development does not apply.
35. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR