



Appeal Decision

Site visit made on 29 March 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/C3620/W/22/3308438

Woodways, Weare Street, Ockley, Surrey RH5 5JA

- 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 N Doe against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0773/PLA, dated 27 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The location of the appeal site states Woodways on the planning application form but the site is land adjacent to Woodways, as stated on the decision notice.

Main Issues

3. The main issues are: -
 - whether the site is a suitable location for housing having regard to the policies of the development plan; and
 - the effect of the proposed dwelling on the character and appearance of the area.

Reasons

Location

4. Weare Street is a rural country lane and the appeal site is a vacant area of land accessed via a field gate. A residential property and its garage, Woodways lies to the south and another residential property, Flowerwood lies to the north. There are also residential properties on the opposite side of the road. The surrounding houses are generally large detached properties set back from the road and in spacious grounds and mostly screened by mature planting. The well-spaced houses and the verdant setting give the area a semi-rural character.
5. Whilst this section of Weare Street comprises a linear residential development and so the site is not in an isolated location, it is not in a defined settlement

and other than houses, there are limited services/facilities nearby. A newsagent and a doctor's surgery in Capel village and the railway station at Ockley are referred to but these are some distance away. From my observations of the appeal site and its surroundings, future occupiers would generally be dependent on the use of a car.

6. As the appeal site is located outside a defined built-up area it falls to be considered as being within the countryside under Policy CS 1 of the Core Strategy¹. The policy indicates that new houses should be directed towards the built-up area and in sustainable locations. Also, Policy ENV3 of the Local Plan² applies to rural areas not included in the Green Belt and establishes that the countryside will be protected for its own sake and development affecting its open character will not be permitted. Exceptions are cited but the proposal would not fall within any of these categories and therefore the principle of residential development would conflict with policies CS 1 and ENV3.

Character and Appearance

7. The proposed dwelling would be a modest split level two-bedroom single storey property that would include a sedum roof to part of the dwelling and a rear patio that would be sunken. Whilst the appellant has sought to design a modest sized dwelling with timber cladding, in the context of the open appearance of the site and its rural characteristics and appearance, the development would have a markedly urbanising impact on the character and appearance of the area.
8. Moreover, whilst the proposed dwelling would be located some distance from Flowerwood but it would be fairly close to Woodways, the effect of which would be to erode the spacious gap between buildings that the existing open character of the appeal site provides. As well as the dwelling itself, its driveway and the paraphernalia associated with a dwelling, would be in stark contrast to the existing open field. Whilst the overall verdant character of the area provides a softening to the buildings along Weare Street, I do not agree that the proposal would recede into a woodland backdrop as suggested by the appellant but rather would introduce an urban character that would be visible from Weare Street.
9. Furthermore, Policy CS 13 relates to landscape character including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). Whilst the appeal site is not within the AONB or the AGLV, the policy, along with Local Plan Policy ENV 4 also requires development to respect and where, appropriate enhance the character and distinctiveness of the landscape character in which it is proposed and not detract from it. I note that Weare Street and its environs is mentioned in the Council's SPD³ and preceding Topic Paper⁴ as a small residential enclave but adding the proposed dwelling to this grouping would have an urbanising impact on this enclave within a semi-rural area, as explained above.

¹ The Mole Valley Local Development Framework Core Strategy, Adopted October 2009.

² Mole Valley Local Plan, Adopted 12 October 2000.

³ Mole Valley District Council Supplementary Planning Documents – Mole Valley Local Plan Landscape SPD July 2013.

⁴ Countryside Beyond The Green Belt January 2020 – Evidence base document consultation Draft Local Plan 2018-2033.

10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area and conflict with the objectives of policies CS 13 and ENV 4 together with Core Strategy Policy CS 14 and Local Plan Policies ENV22 and ENV23, in so far as they relate to the character and appearance of the area, and likewise, with sections 12 and 15 of the National Planning Policy Framework⁵.

Other Matters

11. Previous proposals for a dwelling on this site have been referred to along with references to earlier appeals which have been dismissed. The appellant states that the design of this dwelling has addressed issues raised in the assessment of those proposals. However, whilst limited information is supplied about those proposals, I do not have the appeals decisions referred to nor information about the context within which those decisions were made. Consequently, I am not able to make direct comparisons. In any event, I have assessed this appeal on the basis of the evidence before me.
12. Other matters have been raised including the design of the proposed dwelling to avoid any overlooking of neighbouring properties; the provision of satisfactory parking provision and the lack of harm to highway safety; space for bicycle and bin storage; lack of harm with regard to flooding and drainage; payment required under the Community Infrastructure Levy; the provision of renewable technology; and also, the management of bramble, trees and hedgerows. These matters would provide some economic, social and environments benefits and would not conflict with those aspects of Core Strategy CS 14 or Local Plan Policies ENV4, ENV22, or ENV23.

Planning Balance

13. There is no dispute between the parties that the Council does not have a five year supply of housing land as required by the Framework and so paragraph 11(d) of the Framework is engaged. The Council and the appellant refer to a provision of just 2.9 years which amounts to a considerable shortfall. I note the appellants point out that a shortfall has been evident for a number of years and that Core Strategy Policy CS 3 indicates that the Council will particularly seek the provision of two and three bedroom properties which the proposal would contribute towards and to which I attach significant weight. Therefore, in accordance with the Framework there is therefore a presumption in favour of sustainable development.
14. Due to the harm identified above, the proposal would conflict with the development plan and the Framework. Whilst the proposal would contribute to the supply of housing in the area, and not cause harm in relation to the other matters raised above, the benefits either individually or collectively would not outweigh the conflict with the development plan. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

⁵ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal is dismissed.

J D Clark

INSPECTOR