



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/22/3303849

Deerleap Bungalow, Coast Hill Lane, Westcott RH4 3LH

- 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 Sean Hayden against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0675/PLA, dated 9 April 2021, was refused by notice dated 26 January 2022.
 - The development proposed is demolition of existing dwelling and multiple structures on site, and erection of new partially submerged dwelling with integral garage and sedum roof.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether the proposal constitutes inappropriate development in the Green Belt;
 - the effect of the proposal on openness;
 - the effect of the proposal on the Surrey Hills Area of Outstanding Natural Beauty (AONB); and
 - whether any 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

Green Belt

3. The National Planning Policy Framework (the Framework)¹ explains that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Framework makes it clear that the construction of new buildings is considered inappropriate unless it satisfies one of the exceptions cited. Amongst other things, these include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

Local Plan² Policy RUD8 is referred to in the decision notice and relates to replacement dwellings in the countryside. Whilst it does not specifically refer to Green Belts, it requires replacement dwellings in the countryside not to be materially larger than the dwelling it replaces.

4. The appeal site comprises a timber dwelling that is currently in a poor state of repair and uninhabitable. I note that a considerable period of time has lapsed between the appellant submitting the planning application and my assessment of this appeal. I am therefore mindful that the dwelling and any associated structures will have deteriorated to some degree during that time.
5. Deerleap Bungalow is located in a substantial plot of land that is overgrown and includes a variety of outbuildings, also in poor repair and an overgrown access from Balchins Lane. It is also accessible on foot from Coast Hill Lane via a public footpath. The land rises from both Coast Hill Lane and Balchins Lane with the dwelling being elevated. However, the land continues to rise up the footpath before levelling off.
6. Notwithstanding the condition of the existing dwelling, it is a single storey structure that would have provided living accommodation on one level. The plans indicate a four bedroom property with a living room, dining room, kitchen, utility room and a bathroom. The proposal would replace it with a new dwelling that would be contemporary in its design with a flat roof and extensive glazing. It would be partly dug into the land in order to limit its height.
7. The appellant and the Council have submitted calculations regarding the existing dwelling compared to the proposed replacement³. Notwithstanding these, the existing single storey bungalow is modest in scale and whilst the design of the proposed dwelling aims to reduce its visual impact, it would be noticeably larger. It would provide two floors of living accommodation in an elongated building and therefore, excluding any outbuildings, the replacement building would be materially larger than the building it would replace. This being the case, the proposal would be inappropriate development in the Green Belt. The Framework requires that any harm caused by inappropriateness carries substantial weight.

Openness

8. The Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. The proposed dwelling would be materially larger than the dwelling it replaces and would therefore have an impact on openness in spatial terms. Visually the proposal would also have an impact by virtue of it adding more bulk and massing when compared with the existing dwelling.
9. However, views of the site are limited due to the topography of the land and existing vegetation. The site and the existing house are visible from the public footpath but this is mainly glimpses through the wire mesh boundary fence and the existing vegetation and consequently the actual impact is limited although the proposed house would extend further than the existing one close to the

² Mole Valley District Council Mole Valley Local Plan, Adopted 12 October 2000.

³ Excluding the outbuildings, the appellant calculates that the existing dwelling is about 99 square metres whilst the Council calculate it as being slightly smaller at 90 square metres. Both parties state the proposed dwelling would have a floorspace of 171 square metres. In terms of volume calculations, both parties quote 374.9 cubic metres for the existing dwelling and approximately 690 cubic metres for the proposed dwelling.

boundary with the footpath. Whilst its design and the topography of the site would assist in lessening the visual impact, it would still reduce the openness of the Green Belt. This would conflict with the Framework and carries significant weight.

AONB

10. The appeal site is within the wider Surrey Hills AONB. As set out in the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's. As I have already explained, the dwelling would be larger than the one it would replace but it has been designed to be relatively unintrusive in that it would incorporate a sedum roof in order to blend into the landscape and its flat roof design together with its partial submersion into the slope of the land and integral garage would help to minimise its impact. In addition, the general topography of the area and the well established trees and vegetation would ensure that the dwelling would not impact on any distant views of the area.
11. In terms of closer views, the proposed dwelling would be close to the adjacent public footpath which is fairly narrow. The dwelling would be visible from the footpath and it would be larger than the dwelling it would replace but any interruption in views of the wider landscape would be minimal and I do not consider that the proposal would appear unduly cramped when viewed from the footpath. I am mindful that there are not clear open views of the surrounding landscape now and whilst the building would have some impact from the footpath these would be minimal in terms of the wider AONB.
12. Core Strategy⁴ Policy CS 13 sets out that the Surrey Hills AONB is of national significance and the conservation of the natural beauty of the landscape will be a priority in this area. Further guidance is provided in the Surrey Hills Management Plan⁵, within which Policy P2 requires development to give particular attention to the impact of development on ridgelines, public views and tranquillity in its objective to protect the AONB. For the reasons set out above, I do not consider that the proposed dwelling would conflict with this policy or guidance in that the AONB would not be harmed and its scenic beauty would be retained. This would carry moderate weight in favour of the proposal.

Other Considerations

13. The appellant points out that the existing structures on the site, which although in varying states of disrepair, should be taken into account when assessing the impact of the proposal in Green Belt terms. Although the house is mainly a timber structure and is now in a very poor state of repair, it is clear that it formerly provided a home and the remaining structures were part of that.
14. Even though the Council has issued a Certificate of Lawfulness for the erection of a single storey rear extension and two detached outbuildings⁶, the condition of the former dwelling is in a derelict state and it is doubtful that the structure could be extended without major works which would be likely to require separate planning permission. I have no evidence before me to indicate that it

⁴ The Mole Valley Local Development Framework Core Strategy, Adopted October 2009.

⁵ Surrey Hills Area of Outstanding Natural Beauty – Surrey Hills Management Plan 2020 – 2025. Adopted by Surrey County Council, Mole Valley District Council, Guildford Borough, Tandridge District Council, Reigate & Banstead Borough Council and Waverley Borough Council.

⁶ Reference: MO/2020/1065/PCL, dated 21 August 2020.

would be possible to extend the former dwelling without such works. I am therefore doubtful about the physical capabilities of an enlargement to the existing dwelling.

15. The Certificate of Lawfulness includes two outbuildings and as these would be physically detached from the existing dwelling, they would be capable of being built structurally and therefore are material to the fall-back position. Erecting the outbuildings now would be possible but would be contrived and I am doubtful that this would occur in reality. I note the appellant's reference to the fall-back position and his intention to carry forward works permitted under the Certificate of Lawfulness. However, given the condition of the site, that intention is not sufficiently compelling for me to afford it more than moderate weight. I note that in determining replacement dwellings in the countryside Local Plan Policy RUD8 excludes the floorspace of garages, car ports or detached buildings.
16. The appellant points out the economic, social and environmental benefits of the proposal. In economic terms there would be short term benefits during the construction phase and in social terms; the proposal would provide one family home of a high standard; and the proposal could also result in environmental improvements to the visual appearance of the site in terms of buildings and landscaping as well as opportunities for ecological enhancements. However, whilst these are positive benefits, they are modest and therefore carry only moderate weight.

Other Matters

17. The Council refer to the impact of the proposal on the character and appearance of the area separately to the impact on the wider area and the AONB. In its report, the Council quote Local Plan Policies ENV22, ENV23 and ENV24 and Core Strategy Policy CS 14 which seek to protect the character and appearance of an area, a site's specific setting and the space around buildings, amongst other things. However, these policies are not referred to in the decision notice and I do not consider that they are relevant to the reasons for refusal and the main issues that I have identified. In any event, notwithstanding my conclusions relating to Green Belt policy and the AONB, I do not consider there to be any harm in this regard.
18. Other matters have been raised including the effect of the proposal on neighbouring properties but I do not consider that it would have an adverse effect due to the site's topography, existing vegetation and boundary treatment and the location of the proposed dwelling. There is a tennis court close to the access to Deerleap Bungalow from Balchins Lane but this is an existing access to the site where any overlooking already exists.
19. Concerns have been raised by neighbours in terms of design and whilst the proposed house would be more contemporary than those in the area, it would not appear particularly prominent or out of keeping in the landscape. I note that reference has been made to nearby properties which are Listed Buildings but these are not in such proximity as to be affected by the proposal. Whilst overgrown, there is an existing access to the site from Balchins Lane and the site itself is sufficient to provide adequate parking spaces. Likewise, there is no evidence that any harm would arise in terms of highway safety particularly given that there is already a dwelling on this site, although I note the concerns

raised about any construction vehicles. I have considered all other matters raised but none alter my conclusion.

Conclusion

20. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
21. The proposed dwelling would be inappropriate development and I have found that the openness of the Green Belt would be harmed. This carries substantial weight and whilst I have not found harm in terms of the effect of the proposal on the AONB and no conflict with Core Strategy Policy CS 13 or the Surrey Hills Management Plan, this carries only moderate weight. Furthermore, the position regarding the construction of an extension and outbuildings under permitted development carries only moderate weight.
22. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness do not exist. The scheme would conflict with the Framework and for the reasons stated, the proposal would also conflict with Local Plan Policy RUD8.
23. For the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR