



Appeal Decision

Site visit made on 1 June 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/R3650/W/22/3308640

Land at coordinates 485772 137420, Churt Road, Churt, Farnham

- 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 Simon Creech against the decision of Waverley Borough Council.
 - The application Ref WA/2021/03162, dated 12 November 2021, was refused by notice dated 14 April 2022.
 - The development proposed is the erection of two dwelling houses and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and description of development used in the banner heading above are taken from the details in the decision notice and appeal form, as they more helpfully identify the site and scope of the works for which permission is sought.
3. The appellant makes reference to Paragraph 145 (e) of the National Planning Policy Framework (the Framework) when referring to limited infilling in villages. I have taken this to mean Paragraph 149 (e) of the current version of the Framework, which addresses the same issue and whose wording is the same. It therefore does not prejudice either of the main parties.
4. The Council's appeal Statement confirms that between the application being refused and the appeal coming before me the Waverley Local Plan Part 2 (LPP2) has been adopted. Policy DM14 of the LPP2 is noted by the Council as being directly relevant to this appeal. As adopted policy I have taken it into account. The appellant had an opportunity to comment on this in their final comments.

Main Issues

5. The main issues are:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the effect of the proposal on the ecology of the area;

- d) the effect of the proposal on the retained trees; and
- e) 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

Whether Inappropriate Development

6. The Framework advises that in the Green Belt, development should be regarded as inappropriate. However, Paragraph 149 (e) of the Framework states that the limited infilling in villages is not inappropriate development in the Green Belt. The appellant considers the proposal to accord with this provision. It has not been put to me that the proposal would meet any of the other exceptions set out in the Framework for development in the Green Belt.
7. Policy RE2 of the Waverley Borough Local Plan Part 1 2018 (LPP1) states that the Green Belt will be protected from inappropriate development in accordance with the Framework. It does not reference the list of exceptions identified by the Framework. Policy DM14 of the LPP2 is more expansive and notes that limited infilling within villages may be considered appropriate. These policies are therefore broadly consistent with the Framework, and I therefore give them substantial weight in this appeal.
8. The main parties agree that the appeal site is not located within a village or settlement as defined within the Local Plan. However, I acknowledge that the Framework does not define what constitutes a village and case law highlights that a village boundary defined in a local plan may not necessarily be determinative for this purpose. Therefore, when considering whether a site is in a village it is important to have regard to the situation 'on the ground' as well as any relevant policies.
9. The site is said to have formally been part of the curtilage to Nineva, a dwelling which has since been converted to 5 dwellings and is now known as Tylney Wood. The appeal site principally comprises a disused tennis court with the remainder of the site generally being overgrown and with various trees positioned across the site and to its boundaries.
10. To the south of Tylney Wood is a large, detached dwelling and running to the south-west of this property, along Whitmore Vale Road, are three further large, detached buildings sitting within sizeable plots. Creech House is accessed from Whitmore Vale Road but is set further back from the road and so is positioned to the west of the appeal site. Road Farm Cottage is to the north of the appeal site, albeit screened by a close boarded fence with a buffer of trees beyond. These buildings are framed by the space between them and the surrounding countryside.
11. Along the A287, buildings take the form of a loose-knit ribbon of sporadic development with individual properties mainly set back from their site frontages and screened by boundary planting. The pattern of development generally follows that of the A287. Whilst Hindhead Golf Course provides a backdrop to some houses to the east, more generally the intervening open space between buildings is typical of development within the countryside.

12. Thus, the character of the area is very much that of a low-density, rural area with extensive areas of space around and between buildings. Within this context the site is a relatively verdant gap amongst a loose-knit grouping of buildings. I therefore do not find that the site to be amongst or next to buildings that could collectively be characterised as a settlement or a village.
13. I note that the site is said to be within a 10-20 minute walking distance of services in the centre of Churt and/or Beacon Hill. However, that in itself does not mean that the site is within a village or settlement.
14. It has been put to me that the post code of the site together with it being within the Parish of Haslemere and the ecclesiastical parish of Churt, point towards it being within a village. However, in my opinion these designations are more administrative and can cover wide areas, rather than relating to the specific context of the appeal site.
15. A previous appeal decision on a site in Gomshall has been brought to my attention although I have not been provided with full details. However, in the extracts reproduced, the focus of the decision is principally on the issue of infilling. I therefore cannot be sure that it represents a direct parallel with the current appeal, which I have considered on its individual merits and with regard to the specific circumstances of the site and its surrounds.
16. Consequently, my assessment is that the appeal site is not within a village for the purposes of Framework paragraph 149 (e). I therefore find the proposal would be inappropriate development in the Green Belt. In addition to conflicting with the Framework, the proposal would also be contrary to Policy RE2 of the LPP1 and Policy DM14 of the LPP2, which also seek to resist inappropriate development in the Green Belt.
17. Policy H6 of the Haslemere Neighbourhood Plan appears to be related to high quality external design and does not specifically reference inappropriate development within the Green Belt. It therefore does not appear to me that it is of direct relevance to this main issue.

Openness

18. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
19. The site is currently occupied by a hard surfaced tennis court and chain-link fencing around it. The proposal is for two detached dwellings, each of which would be part single, part two storey in their design. They would each comprise some 464m² and have a detached double garage and separate outbuilding. There would be associated hardstanding, vehicular access and parking. The result would be a large footprint and volume of permanent development. Consequently, there would be a significant spatial loss of openness.
20. The site is in a fairly secluded location and the works would be to the rear of Nos 1-5 Tylney Wood and so unlikely to be visible from the A287. The upper parts of the buildings might be visible from the footpath to the north of the site. However, the existing close boarded fence and limited width to the

footpath would make any views oblique and fleeting. Public vantage points of the proposed building would therefore, even if available, be very limited. It is therefore not clear to me that there would be a visual loss of openness.

21. Nevertheless, I have found that there would be a significant spatial loss of openness, which would be harmful to the Green Belt. This harm would not be mitigated by the absence of any visual loss. As per paragraph 148 of the Framework, any harm to the Green Belt attracts substantial weight.

Ecology

22. An ecological survey of the site was undertaken in January 2022. This did not identify protected species on the site or concerns more generally in relation to the proposal on the site. However, there was an absence of information in relation to the effect of the loss of the trees on the deciduous woodland (a Habitat of Principal importance (HPI)) and its habitat, to the west and south of the site. There was a lack of specific information as to what vegetation would be cleared and whether this would affect the HPI.
23. An Arboricultural Impact Assessment and Method Statement (AIMMS) prepared in June 2022 and submitted with the appeal provides more information regarding works to the trees. Whilst it details how particular trees would be retained and protected during the construction phase, there was no assessment as to the effect on the HPI.
24. The number of trees to be removed and the area of vegetation to be cleared could have some effect on the HPI. The trees to be removed are all identified as being mature and there is limited estimation of the vegetation to be lost. Without some further assessment, it seems to me that it is not possible to conclude with sufficient certainty that the proposal would not have an adverse effect on the ecology of the area and the HPI in particular. This is not a matter which could be overcome by condition.
25. Accordingly, this would be contrary to Policy NE1 of the LPP1 which, amongst other things, seeks to conserve and enhance biodiversity within the borough. The proposal would therefore not accord with Paragraph 174 of the Framework, which amongst other things, seeks to minimise impacts on biodiversity.

Trees

26. The Council has reviewed the AIMMS and not raised any concerns with regard to the proposed works or protection measures. I have no evidence before me to come to a different conclusion.
27. The Council's key concern is that the houses would be positioned close to a number of the retained trees. As a result, the concern is that leaf, bird excrement and dead wood falling from the trees or the trees swaying in windy conditions would lead future occupants to seek the cutting back and/or removal of these trees.
28. I accept that these issues could cause future occupiers some inconvenience, but I am also aware that the site's seclusion and verdant character, to which the trees are a positive contributor, would be an attraction to future occupiers. It therefore doesn't automatically follow that debris from the trees, or the trees swaying, would necessarily lead to pressure for their subsequent removal, particularly if it would lead to a loss of seclusion or the site's verdant character.

29. Were I minded to allow the appeal, I am satisfied that subject to appropriate conditions, the retained trees could be protected during the course of the development. Furthermore, for the reasons given above, it does not seem to me that the relationship between the houses and retained trees would be such that there would necessarily be an eventual further loss of trees from the site.
30. Accordingly, the proposal would accord with Policies TD1 and NE2 of the LPP1 which, amongst other things, seek to ensure the character of an area and in particular green infrastructure is protected.

Other Considerations

31. The Council has a small shortfall in its 5-year supply of housing land. The scheme would provide two additional dwellings and so this aspect attracts considerable weight in favour of the proposal.
32. The dwellings are said to have been designed to be environmentally friendly. However, in the absence of specific details or evidence I can give this matter only a very small amount of positive weight.
33. The Council has not objected to the design or appearance of the dwellings, nor does it consider the proposal to be out of keeping with the area's general pattern of development. Furthermore, no harm has been identified to the living conditions of neighbouring occupiers. However, such matters would be expected for any development to be considered acceptable and so therefore do not weigh positively in favour of the scheme.

Green Belt Balance

34. I have found the scheme to be inappropriate development in the Green Belt which would also be harmful to openness. The Framework requires me to give these collective harms substantial weight.
35. The provision of two dwellings in an area where there is a shortfall in supply supports the scheme. However, whilst this is weighty, this together with the other considerations in support of the proposal are not of sufficient strength to clearly outweigh the totality of harm. As a result, the very special circumstances necessary to justify the proposal do not exist.

Planning Balance

36. As there is no five-year supply of deliverable housing sites, footnote 8 of the Framework is relevant. However, as there is a clear reason to refuse the development proposed because of its location within the Green Belt, the presumption in favour of sustainable development set out at Paragraph 11 of the Framework does not apply.

Conclusion

37. I conclude that the proposal conflicts with the development plan taken as a whole and there are no other material considerations to outweigh this finding.
38. Accordingly, the appeal is dismissed.

Stewart Glassar

INSPECTOR