



Appeal Decision

Site visit made on 20 June 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/C3620/W/22/3306015

Land to the South East of Stonehouse, Broomehall Road, Coldharbour, Surrey, RH5 6HF

- 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 Mrs K Diederich against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2324/PLA, dated 17 December 2021, was refused by notice dated 10 June 2022.
 - The development proposed is the erection of single storey two bed dwelling following demolition of existing stable buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part of the appeal site is within the Coldharbour Conservation Area. As required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special attention to preserving or enhancing the character or appearance of a conservation area.
3. The appeal site lies within the Metropolitan Green Belt. The main parties are in agreement that the site comprises the redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development, and that additional ancillary buildings could be controlled by the removal of permitted development rights. On that basis the proposal is not inappropriate development in the Green Belt having regard to the policies of the National Planning Policy Framework (the Framework). Given this, the appeal turns on the impact of the scheme upon the character and appearance of the area.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the impact upon the Surrey Hills Area of Outstanding Natural Beauty, and also whether the proposal would preserve or enhance the character or appearance of the Coldharbour Conservation Area and its setting.

Reasons

5. The appeal site comprises two stable buildings, their yards and access, and is positioned upon a steeply sloping hillside to the southern side of Broomehall Road. There are associated post and railed paddocks supporting the stables within which there are a few specimen trees. The stables complex also has access from Stonehouse, which is a detached house within generous gardens.
6. The striking topography and the extensive woodlands are key elements of the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty (AONB). Upon the hillsides the trees dominate, with the presence of sunken lanes emphasising the seclusion of the area. The isolated hillside position of the village surrounded by woodland reflects the dominance of the landscape. The use of natural stone within many of the buildings and the repeated use of the red brick and plain tiles give an attractive and cohesive vernacular to the area, and one which reflects the geology. Within the Surrey Hills AONB Management Plan (2020 – 2025) reference is also made to the presence of dark skies being a feature of the remote parts of the AONB, as would be experienced by residents of the village.
7. The position of Coldharbour high up within the hills surrounded by woods gives the village an isolated character and appearance that is part of the significance of the conservation area. The village has a scattered layout formed of small, discrete clusters of housing, and this, the trees and the remote location creates a quiet, tranquil nature to the area. The clusters to the southern part of the village comprise mostly houses with large gardens, many of which contain and are bordered by tall trees. This verdant seclusion of the residential properties is part of the significance of the conservation area, as is the attractive vernacular form and repeated local materials found in many of the detached houses.
8. There are a variety of ages and styles of mostly houses within the village, albeit those near to the appeal site have a conventional form, including some that have the vernacular appearance that is so distinctive of the conservation area and of the AONB. The dwelling has been designed to reference the size, footprint, and form of the existing stables, being single storey with a shallow pitched concrete tiled roof, and dark stained timber walls. The positioning of the dwelling within a generous plot would be akin to the loose-knit scatter of nearby houses, and part of the site is already mown lawn, albeit separated from the garden of Stonehouse by a gate and fences. Nevertheless, unlike the nearby houses, the dwelling would have a strong contemporary appearance, not just because of its single storey, shallow roofed form, but due to its flat topped chimney, and numerous full height, wide windows. In such a context, the dwelling would appear eye-catchingly different to the nearby houses, thereby harming the cohesive appearance of the conservation area.

9. I saw at my site inspection that the stables are visible from the public realm, including from a nearby footpath and from Broomehall Road. Similarly, the dwelling would also be visible. The appellant considers the dwelling would be screened when viewed from the road, and in longer views it would be seen against the backdrop of these trees. However, the impact of the scheme relies in part upon the trees growing within the steep verge to the lane. These trees form a high, composite leafy backdrop to the stables, with their crowns extending over the roofs of the buildings. The age and proximity of these trees to the dwelling would be such that the development of the site would have an impact upon their health and vitality. At the very least the crowns would need to be reduced to accommodate the development, and works would be taking place within their root protection areas. Having regard to the likely totality of the works to the trees their screening impact could not be relied upon with any certainty.
10. The dominance of the landscape and woodlands gives the village a contained, remote character and appearance, and this is particularly so in the case of the cluster of dwellings near the appeal site. The Framework requires that the impact of light pollution from artificial light on dark landscapes should be limited. In this case, the front elevation of the dwelling comprises large elements of glazing, and light illumination would be evident from long distances away, including from Abinger Road and the nearby public footpath. In addition to the windows within the front elevation of the dwelling, there would also be a variety of windows in the rear, and large full-height windows in the east facing elevations. As the dwelling would be to one edge of the village, the size and number of these windows along with their proximity to the road would make them conspicuously intrusive at night, contrary to the Framework as well as eroding the remote appearance of the area that is such a feature of both the AONB and the conservation area.
11. There is internal lighting within the stables and also external lights to illuminate the yards. However, the functional form of the stables and size of its openings would result in less light pollution than would arise from the dwelling. External lighting and the prevention of rooflight installation could be controlled by condition. Nevertheless, even if the appellant installed and used black out blinds, it does not follow that future occupiers would live in such a way, particularly given the attractive views that would be available. In addition, such conditions would neither be reasonable nor enforceable, contrary to the requirements of the Framework.
12. The importance of the setting of a conservation area is also made clear in the Framework, as there is a requirement for proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. There may be no encroachment of residential uses into the paddocks, but equestrian uses are a legible, familiar countryside use, and this legibility is evident within

the setting of the conservation area. Compared to many of the surrounding dwellings, the appeal proposal would appear exposed rather than secluded, and it would be unduly visible, both during the day and night. Evergreen hedges have been proposed to some parts of the site boundaries, but landscaping cannot be relied upon to screen a proposal for the lifetime of the development, particularly where it would conceal attractive views. Furthermore, in this case the provision of long lengths of evergreen trees would have an overtly domestic appearance, particularly if managed, and the monoculture of these trees would form a monotonous edge to the site that would be at harmful odds with the rich diversity of the woodlands and trees that are such a feature of the AONB and the conservation area and its setting.

13. The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the scheme would lead to less than substantial harm given the size of the development compared to that of the conservation area and its setting as a whole. Nevertheless, these harms carry considerable weight, and the Framework requires that these harms must be weighed against the public benefits of the proposal.
14. The provision of an additional home would be a public benefit at a time when the Council has no five year housing land supply. Future occupiers would make a small contribution to the local economy and there would be a time-limited economic benefit arising from the construction of the dwelling. Balanced against this is the significant harm arising to the conservation area and its setting. Whilst there would be public benefits arising from the scheme, such benefits would not outweigh the significant harm to the conservation area and its setting.
15. There is some support for the scheme from local residents, and the appellant has drawn my attention to a subsequent refused application for a dwelling (application ref MO/2022/1513/PLA). The principle of residential development on the appeal site may be acceptable to the Council, but this in itself does not outweigh other harms that arise. In addition, this other application was also refused by the Council, and so the weight that I can attribute to this matter is limited.
16. For these reasons the proposal would have an unacceptable impact upon the conservation area and its setting, and upon the AONB. The suggested conditions would not mitigate this harm. The harm to the conservation area and its setting would not be outweighed by public benefits. Consequently, the scheme would fail to accord with the Framework and the Act, and would be contrary to Policies CS13 and CS14 of the Mole Valley Core Strategy (2009), Policies ENV4 and ENV39 of the Mole Valley Local Plan (2000), and Policies CA-COP01 and CA-ESDQ4 of the Capel Neighbourhood Development Plan (2016 – 2026). These policies require, amongst other things, that development will conserve, respect and enhance the character and distinctiveness of

the landscape and the area, give the highest level of protection to the natural and historic environment of the village, and that new development should preserve or enhance the character or appearance of the conservation area, thereby reflecting objectives of the Framework.

Planning Balance

17. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, Paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, or unless the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed. Such assets include AONBs and designated heritage assets.
18. The appellant considers that the policies in the Framework regarding AONBs do not provide a clear reason for refusing the proposal as the scheme is not major development and it would be sensitively located on previously developed land. However, I have found that there are clear reasons for refusing permission with regard to policies in the Framework that protect AONBs and conservation areas. Moreover, the Framework makes it clear that the scale and extent of development within AONBs should be limited, as great weight should be given to conserving and enhancing their landscape and scenic beauty. There is also a requirement to protect their settings, as development should be sensitively located and designed, but as the proposal is in the AONB, not within its setting, it is the high bar of great weight that needs to be applied.
19. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The scheme would fail to accord with policies in the Framework protecting AONBs and designated heritage assets, and this harm would significantly and demonstrably outweigh the economic benefits and even the weight that derives from the provision of an additional dwelling, when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

20. The scheme would cause unacceptable harm to the character and appearance of the area and the suggested conditions would not overcome this harm. The proposal would conflict with the development plan and there are no considerations that outweigh this conflict. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans INSPECTOR