



Appeal Decision

Site visit made on 1 August 2023

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/C3620/W/22/3305718

Joldwynds, Holmbury Hill Road, Abinger RH5 6NS

- 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 Francine Paszko against the decision of Mole Valley District Council.
 - The application Ref MO/2021/2344/PLA, dated 21 December 2021, was refused by notice dated 4 August 2022.
 - The development proposed is conversion of brick and timber building into 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB).
 - The effect of the proposed development on the setting of the Grade II listed Joldwynds.
 - The quality of living conditions for future occupiers with particular regard to bins.
 - 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be

regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 and 150 of the Framework.

4. Of relevance to this appeal are that 'the re-use of buildings provided that the buildings are of permanent and substantial construction', provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, is listed as an exception at paragraph 150d. Also, 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development' is also listed as an exception at paragraph 149g.
5. There is an outbuilding in brick and timber construction (the outbuilding) in the southern corner of the existing grounds of Joldwynds which would be converted to a dwelling. Both parties agree that the outbuilding is of substantial and permanent construction. Therefore, the evidence before me indicates that the development could be considered under the exception at paragraph 150d.
6. Furthermore, I have no reason to disagree with the main parties' assessments that the appeal site is previously developed land, and the appeal scheme would represent its redevelopment. Consequently, the development could also fall to be considered under the exception at paragraph 149g.
7. Both 149g and 150d include a consideration of openness to determine whether development would not be inappropriate. Following these requirements, I will now assess the impact on openness.

Openness

8. Openness has both spatial and visual dimensions. The development would not increase the size of the outbuilding, and there is already some hardstanding on the appeal site. However, the proposed change from an outbuilding to a dwelling includes the creation of car parking, a bike and bin store and an enclosed area of residential garden bounded by hedging and including terrace areas, along with the likely domestic paraphernalia associated with a separate dwelling. Given the proposed layout and residential use I am not satisfied that a condition would significantly alter this arrangement. Although small in scale, the proposed development would therefore introduce these new physical features to the site, and consequently there would be a minor but nevertheless harmful effect on openness.
9. The outbuilding is mostly screened from the main house at Joldwynds by existing trees and hedges, and from the countryside beyond by a hedge. Although planting is not a permanent feature, there is nothing before me that indicates that it is likely to be completely removed. Nevertheless, even with the existing planting in place, the proposed dwelling and its associated paraphernalia would be visible from some parts of the grounds.
10. For these reasons there would be a greater impact on the openness of the Green Belt than the existing development. Although the extent of this effect would be minor, nevertheless, this would not preserve the openness of the Green Belt. As such the proposed development would not satisfy the exceptions at paragraph 150d nor 149g and would be inappropriate development within

the Green Belt. Therefore, in this regard it would be contrary to the Framework and Policy CS1 of the Local Development Framework Core Strategy (2006) (CS) which requires that in the countryside, development will be considered in the light of PPG2, which has been superseded by the Framework, amongst other things.

11. My attention is drawn to other planning applications which have been approved in the Green Belt. Tamworth Farm (MO/2022/0439) was assessed under paragraph 150d of the Framework with a site specific assessment of openness, and I have followed this approach here. However, 1 Broome Hall (MO/2022/0181) is notably different to the appeal before me now in that it related to the creation of an outbuilding, not to a new dwelling.

Character and Appearance

12. The site is located within the AONB. The Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty in this area and it has the highest status of protection in relation to these issues. Policy CS13 of the CS and the advice in Policies P1 and P2 of the Surrey Hills Management Plan 2020-2025 (SHMP) also prioritise the conservation of the natural beauty of the landscape in the AONB and advise that great weight should be attached to any adverse impact on the amenity, landscape and scenic beauty of the AONB. Including particular focus on ridgelines, significant views, peace, tranquillity and levels of artificial light.
13. Joldwynds is a substantial Grade II listed house set in sizeable landscaped grounds with a number of outbuildings. It is located on elevated ground which falls away to the south and provides extensive views to and from the surrounding open countryside, with the scenic beauty of the open, green landscape of the AONB prominent in these long reaching views. It has an associated stable block and pavilion which are also listed, within its grounds. As well as a cluster of ancillary buildings including stables, a glasshouse and the outbuilding that is the subject of this appeal in the southern corner which are served by a separate hard surfaced access. The open and green nature of the generous grounds makes a positive contribution to the character and appearance of the countryside and the AONB.
14. The proposed development would result in an increase in domestic, urban features in this countryside location. As well as an increase in activity, with independent comings and goings from a separate dwelling which are likely to be more frequent than those to an outbuilding, even one in daily use. This would harmfully jar with the open rural characteristics and natural beauty of Joldwynds and its wider surroundings and would have an adverse effect on scenic beauty and the level of tranquillity associated with this location. Consequently, the development would not respect the landscape setting nor the AONB. This is notably different from the Broome Hill case where the proposed building was considered to be an enhancement from the existing.
15. Therefore, the proposed development would have a harmful effect on the character and appearance of the area, including the AONB. As such, it would be contrary to Policies CS13 of the CS and ENV4 and RUD19 of the Mole Valley Local Plan (2000) (LP). As well as the advice in Policies P1 and P2 of the SHMP. Together these seek to conserve the local landscape. As well as requiring that the reuse of rural buildings and the land surrounding the buildings must not have an adverse effect on the surroundings as well as the aims set out above.

Setting of the listed building

16. Joldwynds is a Grade II listed building. Its significance mainly derives from its appearance, being one of Oliver Hill's most noted examples of the International Modern Style, and its siting in generous grounds (which have been subdivided) in a prominent position on a hillside, from which there are far reaching rural views. There is also a listed Pavilion within the grounds, which is significant in that it is the remains of the original country house replaced by Joldwynds in the 1930s. As well as the stable block which dates from the 1870s and its significant features are its traditional appearance and character. There are also other ancillary buildings within the grounds of Joldwynds including the outbuilding which is the subject of this appeal.
17. The outbuilding forms part of the grounds of Joldwynds. It is a functional storage building, sited close to other ancillary buildings including stables and glasshouses. Its appearance, secondary to the host property, makes a positive contribution to the appreciation of the character of the grounds of Joldwynds, which form an important part of the experience of the listed building. Additionally, it is in keeping with the wider countryside surroundings. As set out above, there is some, albeit limited, visibility between the outbuilding and its access and the wider grounds of the host property. Consequently, the modest and ancillary character of this outbuilding makes a positive contribution to the setting of the listed building.
18. The proposed development would create a separate dwelling, independent from Joldwynds, with clearly domestic features of fenestration, car parking, bin stores and residential garden. This would undermine the outbuilding's secondary nature which would be harmful to the character and appearance of the grounds of the listed building, which are an important part of its setting. Furthermore, the urban features of the proposed separate dwelling would also detract from the important countryside setting of the listed building.
19. The decision at 1 Broome Hall has been drawn to my attention in this regard. In this case the report concludes that the existing building is unsightly and therefore the development proposed would not harm the listed building. That is notably different to the circumstances before me now, and therefore this does not alter my conclusion.
20. Therefore, the proposed development would have a harmful effect on the setting of the Grade II listed Joldwynds. As such, in this regard the proposed development would be contrary to Policy ENV43 of the LP which requires that the proposed development does not detract from the setting of the listed building, amongst other things.
21. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the listed building would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework that I weigh this harm against the public benefits of the scheme.
22. The proposed development would provide one new dwelling and the social and economic benefits associated with this. Taking into account the scale of the development, the benefits in this regard are limited. On the other hand, having regard to my statutory duty I am required to have special regard to the

desirability of preserving the setting of the Listed Building and I attribute considerable importance and weight to the harm identified in this regard. As such, the limited public benefits would not outweigh the unacceptable harm I have found to the setting of the listed building.

Living Conditions

23. The development proposes a bin store adjacent to the proposed dwelling, with refuse collection from the road. The Council's Waste Services have not objected to the collection from the road. However, this would require residents to wheel bins approximately 200m up a steep hill on collection day. This would be similar to the arrangement at Joldwynds, albeit along a different route. Nevertheless, it is evident that such a scheme is functional. Consequently, although it may not be ideal, it would nevertheless result in a satisfactory environment for future occupiers.
24. As such the proposed development would result in an appropriate quality of living conditions for future occupiers with particular regard to bins. Consequently, it would be in accordance with Policy ENV22 of the LP which requires that new development should provide a satisfactory environment for occupiers, amongst other things.

Other Considerations

25. The development would create a single new dwelling which would make a small contribution towards the provision of housing in the Borough and the social and economic benefits associated with this.

Green Belt Balance

26. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. Along with the harm to the setting of the Listed Building and the character and appearance of the area including the AONB. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
27. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with paragraph 148 of the Framework and Policy CS1 of the CS the aims of which are set out above.

Other Matters

28. I note that the appellant was not satisfied with the lack of pre application advice and the length of time that it took between submission and the date of the Council's decision. However, this does not affect the planning merits of the case and as such it does not alter my decision.

Conclusion

29. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR