



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: 22 August 2023

Appeal Ref: APP/C3620/W/22/3304914

Foxmead, Horsham Road, South Holmwood, Surrey RH5 4JX

- 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 T Abbott against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0824/PLA, dated 10 May 2022, was refused by notice dated 5 July 2022.
 - The development proposed is the erection of a detached 3 bedroom chalet style dwelling, with associated parking and access from existing drive.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: firstly, whether the proposal would be inappropriate development in the Metropolitan Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; secondly, the effect of the proposal on the openness of the Green Belt; thirdly, the effect of the proposal on the character and appearance of the area, having particular regard to the effect on the Surrey Hills Area of Outstanding Natural Beauty; and fourthly, 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 to justify the proposal.

Reasons

Whether Inappropriate Development

3. Positioned within a generous garden, Foxmead is a detached house with a gated access off Horsham Road. The gardens gently slope away from the house and are mostly laid to lawns. Tall railings, fences and walls surround the property, with trees and shrubs along the drive, and further trees to the south of the site and along Horsham Road. To the north is a parish church, a village hall, and a detached house, with another detached house and its gardens to the western boundary.
4. The appeal site is within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) makes clear that the fundamental aim of Green Belt is to prevent urban sprawl by keeping

land permanently open, with essential characteristics of Green Belts being their openness and permanence. The Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt except in specified circumstances as set out in paragraphs 149 and 150.

5. The main parties are in agreement that the proposal does not fall within any of the categories listed in these paragraphs and would represent inappropriate development in the Green Belt, as defined in the Framework, albeit inappropriate development is not defined in the Policies CS1 and CS2 of the Mole Valley Core Strategy (2009) (CS).
6. The appellants consider the dwelling would be within an enclave of development, close to the boundary of an existing settlement. However, the village of South Holmwood lies some way from the appeal property to the north, and is separated from it by the church, its churchyard and areas of public open space. Furthermore, the village has a compact form with a tight grain with mostly defined edges, albeit there is a disparate scatter of houses within the surrounding countryside, such as occurs with the few houses near to the church. The appeal site comprises part of the residential garden of a property which is physically set apart from the village, and as such the proposal does not form the limited infilling of a village. Consequently, the proposal would not accord with any of the exceptions cited in paragraphs 149 and 150 and would be inappropriate development in the Green Belt.
7. The Framework is clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. I will turn to that matter later.

Effect on the Openness of the Green Belt

8. The Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has a spatial aspect as well as a visual one, and in Green Belt terms openness can be taken to mean the absence of development. Although the appellants consider the house would be screened by trees and hedges and would share the use of the existing drive, this would not mitigate the impact of the scheme upon the openness of the Green Belt. The house would be visible within the surrounding area, including from the churchyard. The presence of a new dwelling along with the intensified domestic use of the site, such as through car parking and residential paraphernalia, would all result in a spatial and visual loss of openness of the Green Belt.

Character and Appearance

9. The appeal property is within the Surrey Hills Area of Outstanding Natural Beauty (AONB), and a distinct feature of the AONB is the topography and its associated land uses. There is a rural character and appearance to this part of the AONB, with woodlands, common land and

fields being dominant. Steep, wooded hills form a verdant backdrop to the village, which is on lower land that is characterised by gently undulating fields, commons, and woods. Trees and hedges form boundaries to the often irregular shaped fields, and these along with the woods, creates a verdant intimacy to the landscape. Despite the presence of the busy Horsham Road, there is a tranquil, rural feel to the area.

10. The proposed dwelling would be near to the church, which has an imposing, isolated location away from the village. There are a few houses nearby, and these and the appeal property form a loose group within the countryside that is physically divorced from the village by the graveyard and public open space. The dwelling would share the existing drive and be constructed of materials to reflect Foxmead, but the provision of an additional dwelling in such a location would harmfully erode the disparate scattered appearance of this cluster. This impact would be particularly noticeable given the generous gardens of these houses, which contribute to the open nature of the area. An additional dwelling would consolidate the few dwellings that are set apart from the village, thereby making the scheme an intrusive addition within an area that is dominated by the open, undeveloped nature of its landscape.
11. Residential properties within AONBs benefit from some permitted development rights, albeit in this case the appellants have not demonstrated that such rights apply to the appeal property. Even if the property has such rights, the ancillary domestic uses and buildings that could occur would not compare with the size of the proposed dwelling. Furthermore, the legible ancillary nature of such development with the host building would remain, whereas an additional dwelling and the creation of an additional household would intensify the use and built-up nature of the area, to the detriment of the special qualities of the AONB.
12. Dense hedges and trees serve to screen the appeal property and its garden from distant views, and such seclusion and enclosure of the dwellings in the countryside is a feature of this part of the AONB. The appellants consider the dwelling would be almost invisible due to the screening, with the hipped roof of the new dwelling reducing its visual impact. However, the house would be visible above the trees from certain views, such as from the church, and trees and hedges cannot be relied upon to screen a development for its lifetime, particularly if they are not within the ownership of the appellants. The Surrey Hills AONB Management Plan (2020 – 2025) advises that the visual impact of development can be ameliorated by landscaping, but this stance is caveated by the requirement that such development has to have been justified to occur in the AONB, with the landscaping conditionally retained. It may be the intention of the appellants to retain and supplement the landscaping, but it does not follow that future occupiers would wish to undertake such an obligation.

13. For the reasons given above, the scheme would have an unacceptable impact upon the character and appearance of the area, and would neither conserve nor enhance the landscape and scenic beauty of the AONB. The suggested conditions would not mitigate this harm. The scheme would be contrary to CS Policy CS13 and Policy ENV4 of the Mole Valley Local Plan (2000) (LP). These policies require, amongst other things, that development will conserve, respect and enhance the character and distinctiveness of the landscape, thereby reflecting objectives of the Framework.

Other Considerations

14. As considered above it might be the case that the garden could be filled with domestic paraphernalia and outbuildings under permitted development rights. Nevertheless, the scale and intensity of such development and uses would not equate to that of the proposed dwelling. Such a fallback situation has limited weight.
15. CS Policies CS1 and CS2 are concerned with the strategic direction of housing to larger settlements, rather than Green Belt matters. The provision of an additional home would be a modest benefit arising from the scheme. However, the position of the dwelling would intensify scattered development in the countryside rather than accord with the aims of these policies, which reflect objectives of the Framework. This limits the weight I can give to the benefit of providing one additional dwelling.
16. 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 Green Belts.
17. Although the appellants consider Paragraph 11(d) of the Framework is engaged, I have found that the application of policies in the Framework that protect areas of particular importance, in this case both a Green Belt and an AONB, provide clear reasons for refusing the proposal. 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. As such the presumption in favour of sustainable development does not apply.

Very Special Circumstances and Conclusion

18. The proposal would be inappropriate development in the Green Belt and would have a harmful effect on its openness, and the Framework is clear that substantial weight is given to any harm to the Green Belt. In addition, the proposal would cause harm to the character and

appearance of the AONB, and the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.

19. The provision of an additional home would be a modest benefit arising from the scheme. Future occupiers would make a contribution to local services and facilities, and would be within walking distance of a bus stop so as to be able to access the wider range of services and facilities in nearby towns. Such benefits both individually and cumulatively carry modest weight, and the very special circumstances needed to justify the scheme have not been demonstrated.
20. The proposal would conflict with the Framework and 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