



Appeal Decision

Site visit made on 23 August 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/M3645/W/22/3311896

29 West Street, Dormansland RH7 6QP

- 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 Aaron Green against the decision of Tandridge District Council.
 - The application Ref 2021/2152, dated 17 December 2021, was refused by notice dated 17 June 2022.
 - The development proposed is erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is subject of a separate decision.

Preliminary Matters

3. On my visit substantial building works to the appeal property were underway. Nevertheless, I have assessed the proposal as it is shown to relate to the existing dwelling on the submitted plans and determined the appeal on this basis.

Background and Main Issues

4. The Council's Decision Notice includes three reasons for refusal. These relate to the Green Belt, the effect of the proposal on the character and appearance of the surrounding area and the provision of foul drainage for the proposed development.
5. Planning permission¹ has recently been granted at the appeal site for the demolition of the existing porch and the erection of single storey side and rear extensions and replacement and enlargement to the roof. These permitted extensions and enlargements to the existing dwelling are of a similar scale to that proposed for the replacement dwelling.
6. Given this, the Council no longer wishes to advance its second reason for refusal relating to the effect of the proposal on the character and appearance of the surrounding area. The Council in its Officer's Report concluded that the proposed replacement dwelling would result in a harmful impact on the character and appearance of the area by virtue of its scale. Therefore, given the appeal proposal would not be any larger than a fall-back option available to

¹ Reference: TA/2023/464

the appellant, from the evidence before me and my observations on site, I do not disagree with the view reached by the Council.

7. As part of the appeal process, the Council also now consider that its third reason for refusal, relating to the provision of foul drainage, could be addressed through the imposition of a condition. While I recognise that the Environment Agency have objected to the proposal due to a lack of information about foul drainage, it would be reasonable to assume that the existing dwelling has sufficient foul drainage in place and a similar arrangement could be put in place for the proposal. I am therefore satisfied that if the appeal was to be allowed, this could be addressed by condition.
8. In the context of the above, 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; and
 - on the basis that the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Inappropriate Development

9. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (Local Plan) broadly reflects this.
10. The Local Plan identifies nine villages as Defined Villages within the Green Belt, including Dormansland where the appeal site is located. The Council consider these villages to be suitable for limited infilling and limited affordable housing.
11. Policy DP12 of the Local Plan sets out in more detailed what type of development would be permitted in Defined Villages within the Green Belt. This includes infilling within an existing substantially developed frontage and, also, the partial or complete redevelopment of previously developed land, even if this goes beyond the strict definition of infilling. It also includes any other form of development that is defined by the Framework as not being inappropriate in the Green Belt. This approach is broadly consistent with the Framework.
12. The supporting text of Policy DP12 of the Local Plan explains that all other villages located in the Green Belt, including those previously defined as 'Green Belt Settlements' that are not listed, are not considered sustainable locations for even limited development. These villages will therefore no longer be suitable for infilling (or redevelopment) and general Green Belt policy will apply. However, this explanation does not suggest that general Green Belt policy would not apply to Defined Villages within the Green Belt, and there is no substantive evidence before me to suggest Chapter 13 of the Framework is

not applicable in this case. Moreover, the extract from the Planning Policy Map set out in the appellant's statement of case shows Dormansland, including the appeal site, to be washed over by Green Belt and for Policy DP10 of the Local Plan to be applicable.

13. The development proposed is for the erection of a dwelling to replace the existing bungalow. It would not fill an existing space and would therefore not comprise infilling within an existing substantially developed frontage. In addition, the appeal site is located within the built-up confines of the village of Dormansland and is surrounded by many houses. It would therefore not meet the Framework's definition of previously developed land.
14. Furthermore, while Policy DP12 of the Local Plan does not refer to replacement dwellings directly, the text supporting the policy states that infilling does not include the replacement of existing dwellings with more intensive forms of residential development and that the redevelopment of existing properties other than like for like replacements will not be acceptable. This is broadly consistent with paragraph 149(d) of the Framework, which sets out that the replacement of a building is not inappropriate in the Green Belt, provided the building is in the same use and not materially larger than the one it replaces.
15. Although the replacement dwelling would be located on a similar footprint to the existing dwelling, it would be significantly larger. The Council state in the Officer's Report that the existing 3-bedroom dwelling is 400 cubic metres, and the proposed replacement 4-bedroom dwelling would be 745 cubic metres, which constitutes an increase in volume of 86.25%. This is a substantial increase in volume that is not contested by the appellant. Accordingly, even if the proposal was considered infilling or the redevelopment of previously developed land, it would not be a type of development that would be permitted by Policy DP12 of the Local Plan.
16. The appellant has provided details of the Council's assessment of five other developments in Dormansland that they consider demonstrate the way in which Policy DP12 should be applied. I do not have the full details of these developments before me. However there appear to be significant differences between them and the appeal proposal. Three of the five developments² relate to extensions rather than replacement dwellings, and the site at 54 to 56 High Street, Dormansland, RH7 6PY was considered by the Council to comprise previously developed land and the proposed development to constitute infilling. The permitted development at 48 Beacon Hill, Dormansland, RH7 6RH is perhaps the closest relatively speaking in characteristics to the appeal proposal. However, in that case, the proposed replacement dwelling was a similar size to the existing dwelling. As such, these examples are not determinative, and I afford them limited weight in my decision. In any event, I have determined the appeal on its own planning merits.
17. I visited both 41 and 48 Beacon Hill, Dormansland. However, my observations on site have not led me to a different conclusion.
18. For the reasons above, the proposed replacement dwelling would be materially larger than the existing dwelling. It would not accord with Policy DP12 of the

² 41 Beacon Hill, Dormansland, RH7 6RQ; 83 High Street, Dormansland, Lingfield, Surrey, RH7 6PU; and 4 Dormans Road, Dormansland, RH7 6QH.

Local Plan and would constitute an inappropriate form of development within the Green Belt, which, by definition, is harmful to the Green Belt.

Openness

19. The proposed replacement dwelling would be 86.25% larger in volume than the existing bungalow and would unavoidably take up more space, which would harm the spatial openness of the Green Belt.
20. The appeal site is set behind 29a West Street, also known as Rockvale Bungalow, which limits views of the existing bungalow from West Street. However, the appeal site and proposed replacement dwelling would also be visible from the neighbouring properties, Rosslyn Cottage and 31 and 33 West Street. Given this, the increase in bulk of the replacement dwelling would harm the visual openness of the Green Belt, albeit this harm would be limited and localised.
21. Accordingly, for the reasons above, the proposal would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework.

Other Considerations

22. I am satisfied that there is a reasonable prospect of the extant planning permission, ref: TA/2023/464 being implemented. It therefore constitutes a fallback position in the event that the appeal is dismissed.
23. The permitted development is of a similar scale to that of the proposed replacement dwelling. In terms of benefits, both the permitted development and the proposed replacement dwelling would result in modest economic and social benefits arising from their construction and improved living space.
24. However, the proposed replacement dwelling would also include the installation of renewable energy technology which would help lower carbon emissions. This weighs in favour of the proposal. However, while this benefit would not be realised by the permitted development, the permitted development would be no more harmful than the appeal proposal. Given this, the fallback position is a neutral consideration in my determination of the appeal.

Green Belt Balance

25. I have found the proposal would constitute an inappropriate form of development in the Green Belt and would not preserve its openness. It would therefore conflict with the development plan read as a whole. The Framework indicates that harm by reason of inappropriateness should be given substantial weight and that inappropriate development should not be approved except in very special circumstances.
26. I have given modest weight to the economic and social benefits arising from the construction of the proposal and the improved living space. I have also afforded moderate weight to the environmental benefits of the renewable energy technology. However, these benefits do not clearly outweigh the substantial harm by reason of inappropriateness and the harm I have identified to the openness of the Green Belt. Thus, there are not the very special circumstances necessary to justify the proposal. The proposal would therefore be contrary to Policy DP10 of the Local Plan and the aims of the Framework with regards to the Green Belt.

Conclusion

27. Accordingly, for the reasons above, and having had regard to the development plan as a whole and other material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR