



Appeal Decision

Site visit made on 19 July 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/M3645/W/23/3314633

2 Castle Cottages, Castle Street, Bletchingley, Surrey RH1 4NX

- 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 James Cook against the decision of Tandridge District Council.
 - The application Ref TA/2022/801, dated 10 June 2022, was refused by notice dated 1 November 2022.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would satisfactorily address the potential loss, or otherwise, of habitat suitable for protected species; and
 - the effect of the proposal on the living conditions of residents of Georgian Cottage, with regard to outlook and sunlight, and No. 1 Castle Cottages, with regard to privacy.

Reasons

Green Belt

3. Policy CSP1 of the Tandridge District Core Strategy (CS), October 2008, identifies that 'Green Belt Settlements' and their exact boundaries will be decided in the Site Allocations Development Plan Document and accompanying proposals map. Policy DP12 of the Tandridge Local Plan, Part 2: Detailed Policies 2014-2029 (LPP2), July 2014, identifies Bletchingley as a defined village in the Green Belt. LPP2 Policy DP12 explains that proposals for the infilling of land would be accepted in these defined villages.
4. Paragraph 149 of the National Planning Policy Framework (the Framework) outlines the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.

5. As above, CS Policy CSP1 and LPP2 Policy DP12 are largely consistent with the provisions of the Framework, except the Framework does not require villages to be defined for infilling development to be considered acceptable. I therefore ascribe limited weight to CS Policy CSP1 and LPP2 Policy DP12, in that regard.
6. The appeal site is the rear garden of No. 2 Castle Cottages (No. 2) within the built up area of Bletchingley. It is adjoined by two residential gardens and there is commercial development opposite. The proposed development is the erection of a single dwelling and therefore the appeal proposal is limited in scale. As such, the proposed development represents limited infilling in a village. This is not disputed by the main parties.
7. Accordingly, the appeal proposal would not comprise inappropriate development in the Green Belt as it would represent limited infilling in a village. It would therefore accord with paragraph 149 of the Framework.
8. Furthermore, if a proposal is not inappropriate development in the Green Belt, unless there is a specific requirement identified in the Framework to assess the actual effect on openness, it is implicitly considered not to affect the openness of the Green Belt. As the proposed development is not inappropriate development in the Green Belt under paragraph 149 (e) of the Framework, it would not affect its openness. There is therefore no conflict with the Green Belt protection aims of LPP2 Policy DP12.

Character and appearance

9. The appeal site is located close to the junction between Castle Square, Castle Street (A25) and Stychens Lane. The design and layout of development is varied in this location, the appeal site is located close to the corner of the junction, which is defined by tall trees and dense, mature vegetation.
10. Opposite the appeal site between Castle Square and Castle Street, is a number of properties sited close to the highway. This development alongside the grade II listed 'The Manse' which is located on the other side of the A25 has a narrowing effect on the junction as both are tall buildings sited close to the highway.
11. On the other side of the A25 from the appeal site is a wide grass verge. This along with the residential gardens, which the appeal site is part of, begins the transition from the tight knit pattern of development aligning the High Street, to a looser more suburban pattern of development aligning Castle Street.
12. Whilst the properties opposite the appeal site on Castle Square are sited close to the highway, the properties on this side of the road are set back and have extensive front gardens. These combine with the residential gardens to Castle Cottages to create a verdant character for this corner of the junction.
13. Although Castle Cottages are modestly sized terrace properties, their gardens wrap around to the side of the terrace block to address the corner. This creates an open and spacious setting for these properties.
14. The proposed appearance of the dwelling is reflective of neighbouring properties and is not objected to by the Council. Nonetheless, the proposed dwelling would be sited within the verdant corner of the junction, significantly forward of the neighbouring properties addressing this side of Castle Square. It would have an urbanising effect on its immediate surroundings and the small

- amount of separation between the proposed dwelling and its boundaries would amplify this harmful effect as it would dominate the plot.
15. Whilst the proposed development would be sited within the slope of the hill, it would add a bulk of development, significantly forward of neighbouring properties on this side of Castle Square. It would therefore appear incongruous in the street scene.
 16. The proposed development would lead to the sub-division of the garden area of No. 2. This would leave No. 2 with a significantly reduced garden when compared to neighbouring properties. Given the layout of the external space, wrapping around to the side of the property, it would leave No. 2 appearing cramped, as it would have a small footprint to plot ratio compared to its immediate neighbours.
 17. Whilst there are no adopted standards for the minimum amount of external space, the amount of external amenity space should be similar in size and layout as neighbouring properties to ensure that it is reflective of the local character and appearance. It is the appellant's contention that the Council has been inconsistent in their decision as they have not raised concerns with the size of the proposed dwelling's external space. However, No. 2 is viewed as part of a group of terraced properties and would appear cramped compared to its neighbours. Whereas the proposed dwelling would be viewed fronting Castle Square alongside garden areas only, due to its siting. It would therefore not appear cramped, due to an undersized garden, when viewed from Castle Square.
 18. For the reasons given above, the proposed dwelling would be at odds with the verdant character of its immediate surroundings. It would also disrupt the street scene and it would have an urbanising effect within an area that is part of a visual transition to a looser pattern of development. The sub-division of the garden area for No. 2 would also lead to it appearing cramped compared to neighbouring properties.
 19. In conclusion, the proposed development would have a harmful effect on the character and appearance of the area, it would be contrary to CS Policy CSP18, LPP2 Policy DP7 and paragraph 130 of the Framework. These policies indicate that the Council will require new development to be of a high standard of design and must reflect and respect the character, setting and local context; all new development will be expected to be of a high quality design; and, planning decisions should ensure that developments are sympathetic to local character.
 20. LPP2 Policy DP8 is identified within the first reason for refusal. However, this policy relates to development in specified settlements and special character areas. Bletchingley is not identified as one of the specified settlements and the appeal site is not within a special character area. As such, LPP2 Policy DP8 neither weighs in favour or against the proposed development.

Protected species

21. Within reason for refusal three, the Council indicated that the proposal shows a lack of regard to the habitats present on site and the extent to which these would be impacted, given the lack of ecological survey information. Surrey Wildlife Trust also commented on the planning application and requested further information.

22. The appellant has appended a preliminary ecological appraisal to their appeal statement which provides information on the habitats present on the site. The Council has not provided their own statement or final comments to address the evidence provided in the appraisal. Likewise, Surrey Wildlife Trust were consulted on the appeal but have not provided a comment. As both the Council and Surrey Wildlife Trust has had chance to review the appellant's statement and provide comment, they would not be prejudiced by me considering this information. No other interested parties raised comments in relation to protected species.
23. The preliminary ecological appraisal concludes that the site has negligible potential for great crested newts and dormouse, low potential for reptile species and the trees have potential for nesting birds, as well the margins have potential for hedgehogs and for these and other mammals to cross the site during the night. The preliminary ecological appraisal makes a series of recommendations for measures that could be implemented during the construction phase. If I were to allow this appeal, I would have attached a condition requiring these measures to be implemented.
24. Accordingly, on the basis of the evidence before me, the proposal would satisfactorily address the potential loss of habitat for protected species, it would therefore be in accordance with CS Policy CSP17 and LPP2 Policy DP19. These policies indicate that development proposals should protect biodiversity and there will be a presumption in favour of development proposals which seek to promote nature conservation.

Living conditions

25. Georgian Cottage neighbours the appeal site, the layout of the property is such that the main garden area wraps around the side of the property closest to the appeal site and to the front of the property. As above, the proposed dwelling would be cut into the slope of the appeal site, so to the rear of the property it would appear as a single storey but to the front it would appear as a two storey property. The appeal site is also uphill from Georgian Cottage.
26. Whilst the proposed development would lead to the partial reduction in sunlight experienced within the garden area of the Georgian Cottage, it would only be for limited periods of the day. The effect would also be limited as the two storey aspect of the proposed dwelling, which would cause the most overshadowing, would be next to the widest part of Georgian Cottage's garden next to an outbuilding. The proposed dwelling would therefore not materially affect the extent of overshadowing of Georgian Cottage's garden.
27. As the proposed dwelling would be set forward from Georgian Cottage there would only be direct views of the dwelling from the garden area. The tallest part of the proposed dwelling would be next to the outbuilding, and therefore separated from the garden area, and the section of the dwelling immediately next to the garden would appear single storey. It would therefore only rise above the boundary treatment by a limited extent. Also, the boundary includes thick vegetation, which if retained would largely screen the effect of the proposed dwelling.
28. It has also been alleged that the proposed dwelling would lead to a loss of privacy for residents of No. 1 Castle Cottage (No. 1). The proposed dwelling would not include windows within the side elevation facing No. 1. To the rear of

the property there would be French doors which would open up to the garden area. Views from this opening toward the ground floor and garden area of No. 1 would be largely screened by boundary treatments.

29. The proposed development would therefore not harmfully affect the living conditions of residents of either Georgian Cottage or No.1. The proposed development would therefore comply with CS Policy CSP18 and LPP2 Policy DP7, insofar as, they indicate that development must not significantly harm the amenities of occupiers of neighbouring properties and subject to other policies, permission will be granted where the proposal does not significantly harm the amenity and privacy of neighbouring properties.

Other Matters

30. The appeal site is located within Bletchingley Conservation Area. The Bletchingley Conservation Area Appraisal identifies that the village can be traced within Domesday, but it probably has Saxon origins. The significance of the Conservation Area includes its historic development and existing traditional architecture surrounding High Street and Castle Street. Of particular relevance to the appeal is the pattern of development to the north of the high street, of long narrow plots which date back to the foundation of Bletchingley. The appeal proposal would not affect this pattern of development and would be located away from most of the historic development at the other end of the village, close to The Whyte Harte Hotel. Under my duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude the proposed development would preserve the character and appearance of the Conservation Area.
31. The grade II listed 'The Manse' is also sited diagonally opposite the appeal site, its setting is informed by the historic layout of the roads and the prevailing pattern of development to the north of Castle Street and the High Street. Given the distance between the appeal site and the grade II listed building, the intervening development, and a lack of an effect on the aforementioned features, under my duty in Section 66(1) of the Act, I conclude that the proposed development would preserve the setting of the listed building.
32. LPP2 Policy DP20 indicates that there will be a presumption in favour of development proposals which seek to protect the architectural character of the District's heritage assets and historic environment. For the reasons given above, the proposal would protect the architectural character of both the Conservation Area and the grade II listed 'The Manse'. The Council's approach was also consistent with this policy.
33. Paragraph 120 of the Framework does indicate that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. However, for the reasons given above, the appeal proposal is not suitable as it would harm the character and appearance of the area; as such, only very limited weight can be given to this provision.
34. The Council has indicated within their Housing Delivery Test Action Plan that they would invite applications to come forward for developments that comprise infill development within settlements washed over by the Green Belt. Notwithstanding, they outline these proposals would still be assessed against the adopted development plan. Whilst this is a material consideration, only

limited weight can be given to this provision as the appeal proposal has been assessed against the adopted development plan.

Planning Balance

35. Benefits associated with the scheme include the provision of a dwelling; the possible inclusion of measures to reduce carbon emissions by 10% and the local economic benefits associated with the construction of the dwelling and the resultant spending by its residents. The provision of sufficient car parking and the proposal not causing highway safety concerns are neutral factors.
36. There are no policies in the development plan that positively favour development which is harmful to the character and appearance of the area. As the appeal scheme is contrary to the policies listed above, there would be a conflict with the development plan when considered as a whole.
37. It is acknowledged by both parties that the Council cannot demonstrate a five year housing land supply of deliverable housing sites and that they have under-delivered in terms of the Housing Delivery Test. Accordingly, the presumption in favour of sustainable development identified at paragraph 11 of the Framework is engaged.
38. Paragraph 11d) indicates that planning permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
39. The policies that protect areas or assets of particular importance include those relating to the Green Belt and designated heritage assets, including conservation areas and listed buildings. The proposed development would not have a harmful effect on these features and therefore there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development.
40. Paragraph 69 of the Framework indicates that small and medium sites can make an important contribution to meeting the housing requirement of an area. There would also be economic benefits associated with the construction of the development and an increase in population to support the vitality of services, as supported by paragraph 86 of the Framework. Paragraph 130 of the Framework requires planning decisions to ensure that developments create places that are accessible, the appeal site is in a location which is easily accessible by public transport and by walking or cycling. Nevertheless, these benefits can only be afforded moderate weight given the modest scale of development.
41. Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, paragraph 130 requires planning decisions to ensure that proposals are sympathetic to the local character.
42. The proposal would be contrary to paragraphs 126 and 130 of the Framework. Given the harm caused to the character and appearance of the area and the

importance the Framework places on achieving beautiful places, I ascribe significant weight to the harm caused by the proposed development.

43. In this instance, the harm that would be caused would significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

44. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations including the provisions of the Framework, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
45. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR