



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: 19 September 2023

Appeal Ref: APP/M3645/W/22/3308585

Rome Farm, 102 Godstone Road, Lingfield RH7 6BT

- 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 and Mrs D Harris against the decision of Tandridge District Council.
 - The application Ref TA/2022/87, dated 17 January 2022, was refused by notice dated 22 June 2022.
 - The development proposed is construction of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal the appellant has submitted additional information to address the objection of the Highway Authority and associated reason for refusal. This additional information¹ does not amend the proposal, rather it includes the results of an ATC speed survey to establish the actual speeds on the B2029 Godstone Road and TRICS data to demonstrate that the proposal would result in minimal additional traffic movements. The Council and interested parties have had opportunity to comment on this information as part of the appeal proceedings. Therefore, no party would be prejudiced by my consideration of it as part of the appeal.

Main Issues

3. 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, including the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the site and surrounding area;
 - the effect of the proposal on biodiversity, with particular regard to protected species and habitats of principal importance;
 - the effect of the proposal on highway safety, with particular regard to visibility; and

¹ Appeal Statement: Proposed Development at: Rome Farm, 102 Godstone Rd, Lingfield, Surrey; Prepared by GTA Civils and Transport; dated July 2022; Reference: 12036.

- 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

4. 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 Part 2) broadly reflects this.
5. Paragraph 149 of the Framework sets out that the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is not inappropriate in the Green Belt provided that it would not have a greater impact on the openness of the Green Belt than the existing development. Policy DP13 of the Local Plan Part 2 is broadly consistent with this approach.
6. The appeal site currently comprises garden space that serves the occupants of 102 Rome Farm. The section of garden where the proposed dwellings would be located is open and mostly laid to lawn with some trees and plants and a few small sheds to one side.
7. The proposed two detached dwellings would unavoidably take up space where there is currently very limited built form. It would therefore have a significantly greater impact on the openness of the Green Belt in spatial terms than the mostly undeveloped garden.
8. The appeal site is relatively well contained and mostly screened. The boundary of the site with Godstone Road comprising tall and fairly dense roadside planting. However, it appears from the submitted plans² that to implement the required visibility splays for the development, a large amount of this planting would need to be significantly cut back or removed entirely. This would necessarily open up views into the site from Godstone Road and would likely remain this way given the need to keep the visibility splay permanently clear of any obstruction above 1 metre in height. Furthermore, there would also be partial views of the proposed dwellings from the neighbouring dwelling, No 104 Godstone Road, and the access road to this property. The introduction of built form into this space would therefore have a greater visual impact on the openness of the Green Belt, albeit the impact would be relatively localised.
9. Accordingly, for the reasons above, the proposal would have a greater impact on the openness of the Green Belt than the existing garden. Therefore, whether or not the appeal site meets the definition of previously developed land, the proposal would constitute inappropriate development in the Green Belt, which, by definition, is harmful to the Green Belt and would conflict with Policy DP13 of the Local Plan Part 2.

² Drawing No. 12036/2100 Rev P2.

Character and Appearance

10. The section of Godstone Road, where the appeal site is located, connects a cluster of houses built around Lingfield Common Road and the village of Lingfield. There are some houses along this section of Godstone Road, which are predominantly detached and on generous plots. Most of the houses are set back from the highway, sometimes behind mature vegetation, and the majority face it. Frontages comprise mainly parking areas behind soft boundary treatments in the form of hedges, trees, and bushes. However, some frontages are more open than others. In between the groups of houses are open fields, as well as groups and belts of trees, and the highway is bounded by hedges. This makes the character of the area rural and verdant.
11. The proposed dwellings would have smaller plots and shorter gardens than most of the houses along this section of Godstone Road. Nevertheless, they would have sufficient space around them to not appear cramped and would front Godstone Road in a similar arrangement to the other properties along the road. While implementation of the visibility splays would open up the site, a comprehensive landscaping scheme could help integrate the development into the landscape, in a similar manner to other properties along Godstone Road. This could be secured by condition.
12. Overall, while the proposal may be considered to be slightly at odds with the pattern of development in terms of the proposed dwellings' plot sizes and garden depths, with a comprehensive landscaping scheme it is likely that this would not be appreciable from the public realm. The proposal would therefore not result in demonstrable harm to the verdant and rural character and appearance of the area.
13. Accordingly, the proposal would comply with Policy CSP18 of the Tandridge District Core Strategy (2008) (Core Strategy) and Policy DP7 of the Tandridge Local Plan Part 2. These seek to ensure that new development is of a high standard of design that reflects and respects the character, setting and local context, including features that contribute to local distinctiveness.

Protected Species

14. The Conservation of Habitats and Species Regulations 2017 imposes a duty to consider whether there is a reasonable likelihood of European Protected Species (EPS) being present and affected by the proposal. Great crested newts are listed as an EPS under these regulations. Slow worms and grass snakes are protected from killing and injury under the Wildlife and Countryside Act 1981.
15. The Ecological Appraisal Report³ (EAR) submitted with the application finds the appeal site to have low potential to be occasionally used by common reptiles and amphibians. Nevertheless, concludes, given the widespread distribution of reptiles and amphibians such as slow worms and grass snakes, it to be likely that they are using the site. Although the EAR does not require any formal surveys itself, this is on the basis that no formal surveys are requested by the Council.
16. The EAR concludes there to be no potential for great crested newts to be on site. However, this is based solely on there being no water bodies on site. There is no detailed information regarding off-site water bodies or their

³ Undertaken by Wychwood Environmental Ltd, dated September 2022

proximity to the site. The Surrey Wildlife Trust have raised the possibility of there being off-site water bodies close to the appeal site, and I note that the EAR refers to there being a number of ponds and small pools at the nearby Centenary Fields/Lingfield Wildlife Area Local Nature Reserves. Given this, and that the EAR found it likely for amphibians to be on site, I cannot be certain that there would not be great crested newts present.

17. Circular 06/2005⁴ advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. It goes on to advise that the need to ensure that ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I am not convinced that any such circumstances exist in this case.
18. Part of the appeal site comprises several apple trees, which are documented in the EAR to be remnant of an orchard. While the apple trees are not on the part of the site where the proposed dwellings would be located, the EAR states that two or more of the apple trees are planned to be removed.
19. Traditional Orchards are a habitat of principal importance (HPI) for the purpose of conserving biodiversity, and the Framework seeks to promote the conservation, restoration, and enhancement of these habitats. In the absence of an assessment to show whether the apple trees qualify as an HPI, I cannot be certain whether the loss of the apple trees would result in significant harm to biodiversity.
20. Given the above, I find that insufficient information and evidence has been provided to demonstrate that the development would not have an unacceptable adverse effect on protected species and priority habitat. The proposal would therefore conflict with Policy CSP17 of the Core Strategy, Policy DP19 of the Local Plan Part 2 and the similar provisions of the Framework, which seek to protect and enhance biodiversity. For the same reasons it would also fail to meet the statutory duty I have set out above.

Highway Safety

21. The Highway Authority are satisfied, based on the additional information provided by the appellant during the appeal, that appropriate visibility splays are achievable from the existing site access and that the development would result in minimal peak hour traffic movements. It is therefore prepared to withdraw its objection subject to conditions being imposed on any permission regarding visibility splays, turning and parking areas, electric vehicle charging points, and bicycle parking and charging points.
22. From the evidence before me and my observations on site, I do not disagree with the view reached by the Highways Authority. To implement the vision splays it is likely that a large amount of the existing roadside planting to the south of the existing access would need to be significantly cut back or entirely removed. I have dealt with the effect of this above.
23. Accordingly, the proposal would not compromise highway safety. It would therefore not conflict with Policy CSP12 of the Core Strategy and Policy DP5 of

⁴ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, dated 16 August 2005.

the Local Plan Part 2. These seek to ensure that new development has regard to adopted highway standards and complies with relevant Highway Authority's and other highways design guidance to provide safe and suitable access to the site. It would also accord with the objective of the Framework to ensure safe and suitable access to the site can be achieved for all users.

24. While Policy DP7 of the Local Plan Part 2 refers to parking, it does not relate directly to highway safety in terms of ensuring safe and suitable access and is therefore not relevant in this regard.

Other Considerations

25. In terms of benefits, the proposal would deliver two dwellings within walking distance of local services and facilities, which would contribute to the District's housing supply. I note that the Council does not currently have a five-year supply of deliverable housing sites. Given this, whether or not the site is previously developed land, it is considered that delivery of housing in this location is beneficial and not contrary to the Framework.
26. The Authority's Monitoring Report (2021) shows a significant shortfall in housing supply with only 1.95 years of deliverable housing sites. In addition, Housing Delivery Test data from 2021 returns a result of 38%, which shows housing delivery to have declined since 2020, which returned a result of 50%. The provision of any additional housing therefore carries significant weight. Nevertheless, the two dwellings in this case would only make a modest contribution to the District's housing supply.
27. The proposal would also have modest social and economic benefits resulting from the construction of the new dwellings and their subsequent occupation, as future occupants would be likely to contribute to the viability of local services and facilities.
28. The appellant refers to the construction of 20 dwellings at Pond Farm⁵, now known as Highfield Close, and a permission for 22 dwellings at Oldencraig, Tandridge Lane⁶. 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. For example, the sites are much larger than the appeal site and both developments include the demolition of existing buildings. As such, these examples are not determinative, and I have afforded them limited weight in my decision. In any event, I have determined the appeal on its own planning merits.

Green Belt Balance

29. I have found the proposal would, by virtue of having a greater impact on the openness of the Green Belt than the existing garden, be an inappropriate form of development within the Green Belt. While the proposal would not lead to demonstrable harm to the character and appearance of the area or compromise highway safety, insufficient information and evidence has been provided to demonstrate that the development would not have an unacceptable adverse effect on protected species and priority habitat. The proposal would therefore conflict with the development plan read as a whole.

⁵ Application reference: TA/2016/939

⁶ Application reference: TA/2019/330

30. 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.
31. The modest contribution that the dwellings would make to the District's housing supply and the social and economic benefits resulting from their construction and occupation, do not clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the potential harm to protected species and priority habitat that I have identified. Thus, there are not the very special circumstances necessary to justify the proposal. The proposal would therefore conflict with Policy DP10 of the Local Plan Part 2 and the aims of the Framework with regards to the Green Belt.

Planning Balance and Conclusion

32. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. I have found the proposal would be an inappropriate form of development within the Green Belt. Consequently, while the Framework seeks to significantly boost the supply of housing and recognises the important contribution that small sites can make to meeting the housing requirement of the area, in this case, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed. The proposal would therefore not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
33. Accordingly, for the reasons above, and having had regard to the development plan as a whole and other material considerations, I conclude the appeal should be dismissed.

Hannah Guest

INSPECTOR