



Appeal Decision

Site visit made on 12 September 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/C3620/W/22/3311816

The Seasons, Ifield Road, Charlwood, Surrey RH6 0DL

- 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 T S Leisure & Property against the decision of Mole Valley District Council.
 - The application Ref MO/2022/0632/PLA, dated 5 April 2022, was refused by notice dated 31 May 2022.
 - The development proposed is construction of a 1.5 storey traditional cottage style dwelling on a large plot on part of the site of the existing property.
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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 and its effect on the openness of the Green Belt and the purposes of including land within it;
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to noise;
 - the effect of the development on biodiversity and protected species; and
 - if the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 149). One of the exceptions to this is limited infilling in villages (paragraph 149e), and another is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in

continuing use which would not have a greater impact on openness than the existing development (paragraph 149g).

Limited infilling in villages

4. There is no definition of 'village' or 'limited infilling' within the Framework. The supporting text to Policy CS2 of the Mole Valley Local Development Framework Core Strategy (2009) (the CS) defines 'infilling' as, "the development of a small gap in an otherwise continuous built-up frontage, or the small scale redevelopment of existing properties within such a frontage."
5. The proposed dwelling would be located within the side garden of The Seasons, a 2-storey semi-detached dwelling at the southern end of a run of dwellings on the eastern side of Ifield Road. Further dwellings are located on the western side of Ifield Road opposite to the site. An agricultural field adjoins the site to the east and an area of trees is located to the south. The proposed dwelling would not be located within a continuous built-up frontage. The open countryside that would surround the dwelling to the east and south mean that it cannot reasonably be considered to represent infill.
6. Furthermore, whilst the proposed dwelling would form part of a cluster of buildings, the cluster is visually separated by open countryside from the main built-up area of Charlwood. As such, the site appears as part of a discrete group of dwellings within the open countryside rather than as part of the built-up area of Charlwood. The appellant's statement refers to the site as just outside Charlwood village and the site is some distance south of the roadside sign announcing the village. Given these factors, I find the site is not within a village.
7. Consequently, the development would not represent limited infilling within a village and the proposal does not accord with the exception to inappropriate development set out in Framework paragraph 149(e).

Previously developed land

8. For the purposes of the Framework, residential gardens outside of built-up areas are included in the definition of Previously Developed Land (PDL). The appeal site is part of a residential garden outside of a built-up area and can therefore be considered to be PDL.
9. An existing swimming pool and pool house currently situated in the side garden would be replaced by the proposed dwelling. The pool house is a modest timber structure. The proposed development would introduce a significantly greater quantum of development in terms of the volume of buildings on the site. Consequently, there would be a detrimental spatial effect on openness because of the greater bulk of the dwelling and detached garage. The visual impact of the proposal on openness would be more limited due to the substantial existing mature boundary planting that would largely screen the development from public viewpoints.
10. Overall, while acknowledging the site's status as PDL, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception criteria set out at paragraph 145(g) of the Framework.

Conclusion on Inappropriate Development

11. For the reasons set out, the development would, therefore, be inappropriate development in the Green Belt and would conflict with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. It would also conflict with CS Policy CS1 which aims to direct development in a manner that does not cause significant harm to the Green Belt.

Living Conditions

12. Gatwick Airport Ltd have objected to the development, advising that the site is exposed to current levels of aircraft noise from Gatwick Airport that falls within the Leq 16 hr 66dB contour and Leq 8 hr night 60dB contour (2019). The site, therefore, is within Noise Exposure Category C as defined by Appendix 14 of the Mole Valley Local Plan (2000) (the MVLP).
13. MVLP Policy ENV56 states that planning permission will not normally be granted for development of sites in Noise Category C unless exceptionally there are very special circumstances to justify development. Given the current noise levels, it is necessary that sufficient information is provided, prior to permission being granted, to ensure appropriate living conditions can be achieved. There is no substantive evidence before me to demonstrate how mitigation could be incorporated into the development, or what the effectiveness of any such mitigation measures would be.
14. As such, I find the development would not provide acceptable living conditions for future occupants with regard to noise. It is, therefore, contrary to MVLP Policy ENV56 and Framework paragraph 185, which taken together, amongst other things, seek to avoid housing development near a source of noise where it would give rise to significant adverse impacts on health and quality of life.

Biodiversity and Protected Species

15. The proposals are not supported by a preliminary ecological assessment. Whilst it may be possible to secure net biodiversity gains through a landscape plan secured by condition, insufficient information has been provided to adequately assess the potential ecological, habitats, and protected species impacts of the proposals. The site includes, and is adjacent to, significant areas of trees and vegetation, and such features can provide valuable habitat for protected species.
16. In the absence of any substantive ecological or habitats evidence, I cannot be certain that the development would not have an unacceptably harmful effect on ecology, habitats and biodiversity, or that any impacts on protected species could be adequately avoided or mitigated. Given this degree of uncertainty, the use of a condition would not be reasonable in this case.
17. For the above reasons, in the absence of sufficient evidence to the contrary, the proposed development would potentially cause unacceptable harm to ecology, habitats and biodiversity interests, including protected species. This would be contrary to policy MVLP Policy ENV15 and CS Policy CS15. Taken together, amongst other things, these policies require biodiversity to be protected and thorough site investigation to be undertaken where a proposed development would be likely to result in harm to protected species or their

habitat. For similar reasons, the proposal would not accord with the Framework, including paragraphs 174 and 180.

Other Considerations

18. The Council's officer report advises that the Council cannot demonstrate a deliverable five year supply of housing land. The Council's Housing Delivery Test (HDT) 2021 measurement is 70%, thus indicating past under-delivery. The proposal would add a single further dwelling to the Council's housing stock, positively contributing to the Government's objective of significantly boosting the supply of homes. However, given only a single dwelling is proposed, the benefit of increased housing supply carries only limited weight.
19. The proposal would also result in some economic and social benefits, including through its construction and as a result of an increase in spending, and patronage of facilities, in the local area. However, a single additional dwelling would only make a very limited contribution to the vitality of the local area. As such, these benefits attract only limited weight.
20. The Framework is clear that the use of PDL is encouraged subject to suitable opportunities existing. Due to the identified policy conflicts, the development cannot be viewed to represent a suitable opportunity to develop a PDL site and only limited weight is afforded to this consideration. The dwelling would also include a range of energy efficiency measures, representing a limited environmental benefit. Insufficient detail is provided to afford any biodiversity net gain that could be secured by condition any more than limited weight.
21. I have had regard to the residential developments granted permission as detailed in the appendices to the appellant's statement. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

Green Belt Balance

22. The development would be inappropriate development that would, by definition, harm the Green Belt, and would result in harm to openness. In accordance with the Framework, substantial weight is given to the identified harm to the Green Belt.
23. Having considered all matters in support of the development, they collectively would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal is contrary to the Framework, including paragraphs 137, 147, and 149. Taken together, these policies, amongst other things, seek to protect the essential characteristics of the Green Belt.

Planning Balance

24. In the absence of very special circumstances, in accordance with Framework paragraph 11d(i), the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed, and the so-called tilted balance does not apply in this case.

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. Substantial weight is given to the identified conflicts with the development plan, and the Framework, relating to Green Belt harm. In addition to this, I have identified harm and policy conflicts in relation to the living conditions of future occupiers, and regarding ecology, protected species and their habitats. The weight given to other considerations in favour of the proposal would not outweigh the identified harms.
26. The proposal would, therefore, conflict with the development plan, when read as a whole, and there are no other considerations, including the Framework, that outweigh the identified conflict.

Conclusion

27. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR