



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: 16 October 2023

Appeal Ref: APP/C3620/W/23/3314495

Five Oaks, Charlwood Road, Charlwood, Surrey RH6 0AJ

- 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 Steve Cheesman (Virtue Property Group) against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1588/PLA, dated 9 September 2022, was refused by notice dated 1 November 2022.
 - The development proposed is demolition of existing buildings and erection of 4 no. detached dwellings; revised application further to 5 dwelling refusal under MO/2021/1619.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal form and the Council's decision notice describes the development as 'demolition of existing buildings and erection of 4 no. detached dwellings'. This is a clearer description of what is being proposed. I have accordingly dealt with the appeal on the basis of this revised description.

Main Issues

3. 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;
 - the effect of the proposal on the character and appearance of the area;
 - 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

4. The site is located to the north of Charlwood Road and includes an existing vehicular access to the west of Five Oaks that leads up to a collection of

existing rural buildings, an area of hardstanding, and a manège, all located to the rear of Five Oaks. The existing rural buildings include two stable blocks (buildings 1 and 2), two pitch-roofed former agricultural sheds (buildings 4 and 5), and a mono-pitch roofed barn (building 3). The former agricultural sheds are ramshackle, overgrown and low-profile, appearing to be used for miscellaneous storage purposes at the time of my site visit. The appellant advises that the land to the rear of Five Oaks is ancillary equestrian land.

5. The site also includes part of the existing garden to Five Oaks, with two small garden sheds and a residential garage sited in this area. The council does not dispute that the site constitutes previously developed land (PDL) and I see no reason to disagree with that assessment.
6. 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 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).
7. The appellant advises that the demolition of existing buildings and construction of the proposal would result in a reduction in the gross external area (GEA) of built form floor space on the site from 527.67 sq m to 373.4 sq m. That represents a reduction of 154.27 sq m. The Council has not disputed these figures so I am content to rely on them.
8. Neither the appellant nor the Council have provided figures regarding the change in the total volume of built form on the site that would result from the development being completed. Nevertheless, the appellant advises that the proposal would result in a reduction in the volume of built form and the Council has not disputed this. However, the effect on openness cannot be judged upon floorspace and volume alone. Other than building 3, the existing buildings to be demolished are all low in height at below 3 m tall. Buildings 4 and 5 are ramshackle and overgrown by surrounding vegetation to such an extent that they are beginning to blend into the landscape. Buildings 1, 2 and 3 are situated adjacent to the mature boundary vegetation of the site, softening the visual presence of these buildings. The manège represents the provision of appropriate facilities for outdoor recreation in the Green Belt that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
9. Whilst the proposed bungalows include some architectural detailing typical of rural buildings, they would be significantly more urban in appearance than the existing buildings of equestrian and agricultural design. The urbanising effect of the dwellings would be exacerbated by their formal arrangement around a shared access drive that consolidates the built form more centrally within the site. Furthermore, the appellant advises that the dwellings would have a ridge height of approximately 6.25 m, over double the height of all existing buildings except building 3.
10. Views of the proposed dwellings would largely be limited to private views from adjacent fields, to views from the existing residents at Five Oaks and

Bluebird Gate, and from the future occupiers of the proposed dwellings. Nevertheless, the greater height of the dwellings, their urbanising appearance, and formal arrangement more centrally within the site away from the existing boundary vegetation, would result in built form that is significantly more prominent, both visually and spatially, than the low-profile rural buildings that currently exist. Consequently, I find that the dwellings would have a greater impact on the openness of the Green Belt than the existing buildings, contrary to Green Belt policy in the Framework.

11. Each property would have a large rear garden and a car parking area to the front. Given the size of the dwellings and their location outside of any settlement, it is reasonable to expect that the dwellings would be occupied by households who would own and rely upon at least one private car. Also, it is likely the development would result in domestic items, such as bins, furniture, clothes drying equipment, and barbeques spread within the gardens. Whilst parked cars and domestic paraphernalia would be largely hidden from public vantage points they would not preserve the spatial openness of the Green Belt. I accept that the existing equestrian use of the site also result in vehicles and associated paraphernalia on the site. However, the ancillary equestrian use indicated by the appellant's submissions can reasonably be expected to generate fewer vehicles and items of paraphernalia on the site than the proposed 4 dwellings.
12. Consequently, the development would result in a loss of both spatial and visual openness in the context of the locality, representing a form of urban encroachment into the countryside. As such, the development would not fall within the exception listed at paragraph 149(g) of the Framework and would constitute inappropriate development in the Green Belt, harmful to the openness of the Green Belt and the purposes of including land within it. It would also conflict with Policy CS1 of the Mole Valley Local Development Framework Core Strategy (2009) (the CS) which aims to direct development in a manner that does not cause significant harm to the Green Belt.

Character and Appearance

13. The site is predominantly surrounded by open fields to the rear of a run of dwellings along the northern side of Charlwood Road. The existing equestrian buildings and former farm buildings are low profile and are of typically rural appearance. As such, they blend comfortably into the surrounding rural landscape character of open fields to the rear of dwellings.
14. I acknowledge that the design of the dwellings includes some architectural detailing typical of rural buildings. Nevertheless, the proposed 4 dwellings would fundamentally change the rural character of the site to a more urban one. The dwellings would not be visually contained by existing development of a similar scale or character and would, therefore, project awkwardly into the open countryside, representing a harmful urban intrusion detrimental to the rural character of the area. Given the scale and formal arrangement of the dwellings, additional landscape planting would not significantly mitigate the harm to landscape character.
15. The development would, therefore, be harmful to the character and appearance of the area. Consequently, it would conflict with CS Policy CS14 and Policies ENV22 and ENV23 of the Mole Valley Local Plan (2000) (the MVLP). These policies, taken together, require, amongst other things, the scale and

design of development to be suitable for its setting, respecting the character of the area. For similar reasons the development would conflict with the Framework, including paragraph 130.

16. Policy ENV24 relates to the density of the development and the space about buildings. The Council has not provided any substantial evidence as to why the development would conflict with this policy. Each dwelling would be located within a large plot and there are a range of plot sizes in the local area. As such, I do not find the development to conflict with Policy ENV24.

Biodiversity and Protected Species

17. The appellant has submitted a detailed Ecological Impact Assessment (EcIA) encompassing a desk study, walkover survey, preliminary bat roost assessment and bat emergence survey. A supplementary Preliminary Bat Roost Assessment (PRA) has also been submitted regarding building 1 and the existing garage. These assessments found that no significant residual impacts are anticipated on any protected or notable species or valuable habitats because of the proposed works. Furthermore, the assessments conclude that proposed enhancement measures would result in an overall net gain for biodiversity at the site.
18. The Surrey Wildlife Trust has raised concerns that the EcIA and PRA have not appropriately surveyed relevant trees with bat potential, and considers the scope of assessment in relation to Dormice and reptiles to be insufficient. In these regards, however, the EcIA advises that there is negligible potential for the site to support dormice and reptiles. The EcIA also concludes that the scattered mature trees, in particular the mature Oak trees, are of high ecological value and have potential to support roosting bats. However, it is proposed to retain the mature Oak trees. Conditions could secure the inclusion of integrated bat tubes within the dwellings' masonry, bat access tiles on the roofs, and bat boxes on the mature trees around the site. This will offer additional roosting opportunities for bats within the site.
19. In light of the above circumstances, I conclude on this issue that, subject to appropriate conditions, the development would not cause unacceptable harm to biodiversity and protected species. As such, it would accord with MVL 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, in relation to this main issue, the proposal would accord with the Framework, including paragraph 180.

Other Considerations

20. 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 2021 measurement is 70%, thus indicating past under-delivery. The proposal would add a further 4 dwellings to the Council's housing stock, positively contributing to the Government's objective of significantly boosting the supply of homes. However, given the small scale of the proposal, the benefit of increased housing supply carries only moderate weight.

21. 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, 4 additional dwellings would only make a limited contribution to the vitality of the local area. As such, these benefits attract only limited weight.
22. 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 dwellings 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.
23. I have had regard to the residential development granted permission at Coomers Farm¹ detailed in 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, including in respect of location, dimensions, condition, and context of the existing buildings to be demolished. Considerations with regards to the effect of developments on the Green Belt must go beyond a mathematical calculation of floor space and volume and must consider the proposal in a site-specific manner. As such, I have determined this appeal on its own merits.

Green Belt Balance

24. The development would be inappropriate development which is, by definition, harmful. There would be harm to the openness of the Green Belt and conflict with one of the purposes of including land within the Green Belt given the proposal fails to assist in safeguarding the countryside from encroachment. These matters attract substantial weight against the development. Having considered all matters in support of the development, they collectively would not clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance

25. 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.
26. 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 character and appearance of the area. The weight given to other considerations in favour of the proposal would not outweigh the identified harms.

¹ LPA ref: MO/2021/1543

27. 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

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

S D Castle

INSPECTOR