



Appeal Decision

Site visit made on 31 October 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/C3620/W/23/3321407

Okebrook, Ockley Road, Forest Green, Surrey RH5 5SQ

- 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 P Walker-Duncalf against the decision of Mole Valley District Council.
 - The application Ref MO/2022/2105/PLA, dated 14 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is construction of a single-storey detached dwelling following demolition of existing residential outbuildings
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants refer to the emerging Local Plan within their submission. However, the Council confirms that the emerging Local Plan has been paused and the policies within it can be given no weight.

Main Issues

3. The main issues are:
 - whether the appeal site represents a suitable location for the proposed development; and
 - the effect of the proposed development on the character and appearance of the area, including the Area of Great Landscape Value (AGLV).

Reasons

Location

4. The appeal site lies within the countryside. Policy CS1 of the Mole Valley Core Strategy October 2009 (the Core Strategy) sets out the spatial strategy for the district. It seeks to direct new development towards previously developed land within the built-up areas. It also supports limited development and infilling on previously developed land within the larger rural villages and infilling only on previously developed land within the small rural villages. While there is existing built development on the appeal site, Forest Green is a small settlement, which for the purposes of Policy CS1 is excluded from the definition of a small or large rural village. Policy CS1 states that development in the countryside will be considered in light of other policies in the Core Strategy and national and regional policies, which have been superseded and revoked respectively.

5. Policy CS2 sets out the housing requirement for the district for the period from 2006 to 2026 and provides a similar hierarchy for housing development to that set out within Policy CS1. The supporting text to Policy CS2 advises that Forest Green is not included as an area suitable for housing development because it has very limited services and facilities and limited access to larger settlements. The supporting text also advises that infilling or limited development in this area could not take place without significantly affecting the character of the area or that of the surrounding countryside.
6. Policy ENV3 of the Mole Valley Local Plan October 2000 (the Local Plan) specifies certain uses and types of development that would be acceptable within the countryside. While this policy refers to the extension and replacement of dwellings, it does not support new housing development in the countryside. Accordingly, there are no policies within the development plan before me, which favour development of this kind in this location.
7. Given the proximity of other development in the locality, the appeal site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework). Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of local communities. Forest Green has limited services and facilities, including a village hall, church, public house and farm shop/butchers. There is a bus stop within Forest Green, which provides services to nearby towns and villages, albeit services are infrequent. The next nearest village is over 2.5 miles away.
8. There is no footway connecting the appeal site to the facilities within Forest Green. To access these facilities, future residents would have to walk along the highway or grass verge, which is uneven and not suitable for all users. The lack of footway and street lighting, distance and the speed of the traffic is likely to deter future residents from walking or cycling to the facilities within Forest Green. As a result, the appeal site is not considered to be located within an accessible location in relation to services/facilities. Future residents would be heavily reliant on private motor vehicles to meet their day to day needs and this weighs heavily against the development.
9. For the reasons given above, I conclude that the appeal site would not be a suitable location for the proposed development. The proposal would fail to comply with Policies CS1 and CS2 of the Core Strategy and Policy ENV3 of the Local Plan, which among other things seek to restrict new housing development within the countryside.

Character and appearance

10. Okebrook is a large, detached dwelling, which is sited within spacious grounds. The existing dwelling and outbuildings are set back some distance from the highway. The appeal site comprises of two parcels of land, one contains a barn, which is sited adjacent to the dwelling and the other incorporates land to the west of the dwelling, which includes a garage, outbuildings, tennis court and driveway. There is a public right of way (PRoW), which runs between the existing dwelling and garage. Topographically, the land slopes away to the rear of the site towards a watercourse and then rises again.

11. The boundary of the Surrey Hills Area of Outstanding Natural Beauty¹ (AONB) is located approximately 120 metres away from the proposed development on the opposite side of Ockley Road. The Framework requires that development within the setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The area is characterised by sporadic residential development, which is surrounded by agricultural land and woodland. While there is an existing tennis court and outbuildings/barn within the appeal site, the landscape surrounding the existing development is rural in character and open in nature. The appeal site and the surrounding landscape are picturesque and make a positive contribution to the setting of the AONB.
12. The site lies within an AGLV, which is a local landscape designation. The Surrey Hills AONB Management Plan (the AONB Management Plan) 2020-2025 identifies that Areas of Great Landscape Value act as a buffer to the AONB and have '*their own inherent landscape quality and are significant in conserving the setting of some towns and villages.*' The AONB Management Plan requires that new development respects public views and the peace and tranquillity of the AONB and seeks to restrict development that would cause light pollution. While residential development is visible from the PRow, the appeal site provides a relatively tranquil, open and picturesque landscape at the edge of the AONB, which users of the PRow would experience on approaching and leaving the AONB. Consequently, the appeal site makes a positive contribution to the setting of the AONB.
13. The proposal seeks to demolish an existing barn, garage and outbuildings and construct a new single storey dwelling. The existing barn is agricultural in appearance and respects the agricultural heritage of the locality. While planning permission has been granted to change the use of the barn to ancillary accommodation for the existing dwelling, the agricultural character of the building would be largely retained. The existing garage and outbuildings are of low architectural merit, modest in size and appear as ancillary structures. The site of the proposed dwelling is largely free from domestic paraphernalia.
14. The proposed dwelling would be modest in size and partly located on the footprint of the existing garage/outbuildings. It would occupy land further to the west than the existing built form and consequently would be less visible in views from the entrance to the driveway than the existing built form. The proposed development would be set well back from the road and partially screened by existing vegetation, as a result, only glimpsed views would be available from the highway.
15. While the proposal would result in a 3.1% reduction in footprint/floor area and considerable reduction in the extent of hardstanding compared to the existing development, the proposed dwelling would be taller and of greater volume than the existing outbuildings and barn. The proposed dwelling, parking area and patio would occupy a greater footprint and result in a greater mass of built form to the west of the PRow, spreading development further across the site into an area, which is currently free from development.
16. Although, the proposed dwelling would be set further away from the PRow than the existing built form and partially screened by a new native hedge, it would

¹ On 22 November 2023, all designated AONBs in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged.

be highly visible from the PRoW. The proposal would result in a more intensive form of development, adjacent to the PRoW. The proposed development, garden and resultant domestic paraphernalia would have a suburbanising impact on the area and would be harmful to the character and appearance of the area.

17. The appellants state that the design, scale and external materials reflect other buildings in the vicinity, including the existing garage to be replaced. However, the existing garage/outbuildings are of no particular architectural merit. While the proposed materials would respect the local vernacular and the window design would be similar to that on the existing dwelling, the proposed dwelling would be heavily fenestrated, which would add to its visual prominence particularly during the hours of darkness. The proposed development would result in a greater level of light pollution when compared to the existing garage and outbuildings, which have limited fenestration.
18. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would fail to comply with Policy CS13 and CS14 of the Core Strategy and Policy ENV22 of the Local Plan, which require that new development respects and where appropriate, enhances the character and distinctiveness of the landscape. The proposal would also conflict with the Framework which seeks that new development contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

19. The appellants have drawn my attention to other applications for residential development within the countryside beyond the Green Belt and AGLV that have been approved by the Council. The schemes at Woodstock House and Danesmead both resulted in a reduction in built footprint and volume, compared to the existing situation. The Woodstock House scheme also resulted in an enhancement to the character and appearance of the area. The scheme at Danesmead sought to replace a large commercial stable building. Both schemes are materially different to the scheme before me and thus I attach them little weight.
20. I acknowledge that planning permission has been granted at Wildwoods for a larger replacement building adjacent to a PRoW. However, the replacement building at Wildwoods sought to provide stables, a store and accommodation for staff looking after horses. The policy context is therefore materially different to the scheme before me. In any event, I am required to determine the appeal based on its own merits.
21. The appellants allege that the policies within the emerging Local Plan are more consistent with the Framework than the adopted development plan. Given that the emerging Local Plan has been paused and there is limited evidence before me of any unresolved objections to Policy EN2 of the emerging Local Plan, I attach very limited weight to this policy in my decision.
22. While the extent of the residential curtilage could be defined and permitted development rights removed for the proposed dwelling, this would not outweigh the harm that I have identified above.

Planning Balance

23. The Local Plan dates from 2000 and the Core Strategy from 2009, but the weight to be attached does not hinge on their age. Paragraph 219 of the Framework is clear that existing policies should not be considered out of date because they were adopted prior to the publication of the Framework and that due weight should be given to them, according to their degree of consistency with the Framework.
24. The Framework does not seek to protect the countryside for its own sake, neither does it seek to restrict development within the countryside for specific purposes. While the Framework supports the effective use of previously developed land, it expects development to be accessible, prioritise pedestrian and cycle movements and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. I find that the development plan policies referenced above are broadly consistent with the Framework and I give them significant weight in this appeal.
25. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. At the time of the Council's decision, the Council had a 2.9 year housing land supply, which is a substantial shortfall. The appeal site does not fall within a protected area for the purposes of footnote 7 of paragraph 11 of the Framework. In such circumstances, paragraph 11 d) ii) of the Framework advises that planning permission should be granted, unless any adverse impacts of doings so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The proposal would align with the aims of the Framework, which seek to significantly boost housing supply and make efficient use of land, particularly previously developed land. However, the provision of one new dwelling would make only a very small contribution towards the Council's housing land supply, which would have a very small social benefit. As such, I afford this benefit only limited weight in favour of the development.
27. There would be economic investment from the construction of the development and future residents would help to support local services and facilities, which I give limited positive weight. The proposal seeks to provide biodiversity enhancement measures, including a wildflower meadow, native hedgerow and hibernacula/log piles. I give the biodiversity enhancement measures limited weight in favour of the development.
28. Against these benefits, there would be harm by reason of the poor accessibility of the site to local services and facilities and harm to the character and appearance of the area, which I give significant weight. Overall, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply in this case.

Conclusion

29. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the

Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR