



Appeal Decision

Site visit made on 11 December 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/R3650/W/23/3319271

Sedgehurst, Tickners Heath, Dunsfold Road, Alfold, Surrey GU6 8HU

- 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 David Cockbill against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02267, dated 5 September 2022, was refused by notice dated 6 February 2023.
 - The development proposed is erection of 2 no. dwellings following demolition of existing non-agricultural buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision, and before the appeal was lodged, the Council adopted its Local Plan Part 2: Site Allocations and Development Management Policies, March 2023 (the LPP2). The Council referred to relevant LPP2 policies in its appeal statement, including LPP2 Policies DM1 and DM4 that respectively supersede saved Policies D1 and D4 of the Waverley Local Plan, April 2002 cited in the Council's decision notice. The development plan is now Local Plan Part 1: Strategic Policies and Sites, February 2018 (the LPP1) and the LPP2. The appellant had an opportunity to consider the LPP2 in his appeal statement and final comments.

Main Issues

3. The main issues in this case are:
 - whether the site would be a suitable location for the dwellings with regard to relevant development plan policies; and
 - the effect of the proposal on the character or appearance of the area, including an area of great landscape value.

Reasons

Location

4. Though not in the Green Belt, a National Landscape¹ or a conservation area, and even though large parts of the Borough are covered by such designations, the site is nonetheless in the countryside where new development is restricted.

¹ Formerly known as Areas of Outstanding Natural Beauty (with effect from 22 November 2023)

5. It is not in or adjacent to a settlement defined by the development plan and there is no evidence it is near such a settlement. Aside from the house and outbuildings at Sedgehurst, it is not close to other development so not part of any settlement. There is no evidence of any objective identified need for the dwellings to be specifically on the site for planning purposes. Nor that they would meet any exception for housing development in the countryside recognised by the development plan, including that they would not be affordable (social) housing or 'more affordable' market homes.
6. A small, franchised food store on the edge of Alford Crossways is part of a service station. It may be used by some people living near it in this settlement to meet some day-to-day convenience needs. However, these facilities are limited in scale and range, intended mostly for casual passing motorists rather than to meet residents' sustained weekly household shopping requirements.
7. It is anyway a significant distance (1.7 miles, 2.74km) from the site, reached by a long narrow private access drive to Sedgehurst, a lengthy stretch of Dunsfold Road and a shorter section of the A281 Horsham Road. This route includes national speed limit (60mph) mostly unlit roads and is mainly not linked by continuous pavement or usable verge. Not only would it be too far even for ambulant occupants of the houses to reasonably walk to, but it is also fundamentally not conducive or safe because of unacceptable risk of vehicular and pedestrian conflict, accident or injury.
8. While some cyclists could travel to the service station, I have not been referred to any other nearby facilities or services, including education, employment or public transport. The occupants of the dwellings would therefore increase travel demands in this rural location and be mainly reliant on a car to meet most living needs. Even if this helped to enhance or maintain the vitality of Alford Crossways (or any other settlement, such as the even more distant Alford or Cranleigh) two households would have a limited effect in these regards.
9. I find that the site would not be a suitable location for the dwellings having regard to the development plan and, as such, the proposal is contrary to LPP2 Policies DM4(e), DM9(a)(iii) and DM15(a). These include that development should promote access to community facilities and employment opportunities and maximise active travel modes such as walking, not increase the risk of accidents or endanger the safety of road users. Additionally, it should not be isolated from everyday services and facilities and avoid dependency on private vehicles, taking account of the nature and functional needs of forms of development acceptable in rural areas.

Character and appearance

10. The non-agricultural buildings (a stable block with concrete apron and a storage building) are in a small corner nub of the principal part of the site, which is a large, flat, almost square paddock. They border the garden of Sedgehurst on two sides, including next to some outbuildings and other tree lined paddocks or fields (including a manège) associated with this house. There is no objective evidence of a commercial equestrian enterprise, as opposed to ancillary or incidental use to Sedgehurst.
11. The site and all this existing development and land forms a pocket of mainly undeveloped land tightly surrounded and enclosed by mature woodland. It is discrete from nearby development which is also scattered or sporadic in siting

amongst trees or fields in this part of the countryside. This gives a distinctly remote, secluded rural feel where the landscape, not built form, prevails; features that are also important to the significance and local designation of a wider swathe of countryside as an area of great landscape value (the AGLV).

12. The site therefore makes a positive contribution to the character and appearance of the area and the AGLV.
13. Despite a superficial impression of rural barns converted to residential use and requisite external materials, the dwellings would be new buildings and broadly domestic (bungalow like) in overall scale and massing with prominent projecting front porches. Though single-storey and slightly smaller in overall floor area or footprint as the stable block and storage building, they would be higher to eaves level and, with more steeply pitched roofs, significantly taller to ridge level by up to twice as high. The deep roof profile, taller from eaves to ridge than from ground to eaves, and also in one dwelling the half-hipped gabled end elevations would give an unduly top-heavy appearance.
14. The dwellings would be widely spaced in the paddock and border part of the garden of Sedgehurst on one side. Though set back from the drive this part of the site would contain significant scale, massing and bulk of built form, especially at roof level. The exposed position on the site would be close to and facing the bridleway that runs next to the drive, just within the woodland edge to the north. It is unsurprising that the Rights of Way officer did not object to the proposal considering that it would not interfere with the route of the bridleway, moreover there are no immediate neighbours.
15. Even though gravel, there would be a significant amount of hardstanding at the front for access, turning or parking, as well as two culverted (or similar) means of access across a watercourse and ditch, punching two gaps into the paddock boundary fence and hedgerow. There would also be domestic activity, use and paraphernalia, including internal and external lighting and front garden parked cars with bin and cycle store outbuildings. This would be quite distinctly different in nature to equestrian paraphernalia at the stables, including by reason of intensity or frequency of active use and be more widespread given the size of each dwelling plot. Even though partly seen in the context of Sedgehurst (and garden and outbuildings) this would unduly emphasise the change of use and sub-division of the paddock into two plots with large gardens around all sides of each dwelling and unspecified use of about half of the paddock to the rear, within the site.
16. The proposal would, therefore, result in a negative, distinctly residential encroachment and more urban spread into this undeveloped part of the countryside, reduce spaciousness and unduly diminish the rural feel of this land, including to the detriment of the AGLV.
17. While opportunity for public scrutiny is limited to the bridleway, when in use there would be quite short distance angled and perpendicular views towards the dwellings and gardens along a significant length of it. It would be hard for horse riders, people on foot or cyclists (who can also use this public right of way) not to notice the unexpected and abrupt jarring presence of this residential development and change in stark contrast to a paddock, even during summer months. Further landscaping would not screen all the upper part of the dwellings nor prevent views through the vehicular accesses;

anyway, cannot be relied on in the long term and the absence of greater public visibility does not mean absence of innate harm.

18. The stable block and storage are not listed buildings and largely utilitarian in appearance and materials. However, with very shallow pitched roofs, almost flat roofs and in part a lean-to, open sided form they are low-key and innocuous in size (scale, massing and form), not unexpected in a rural area and tightly grouped. No figure has been provided to substantiate the claimed reduction of building volume and an overall reduction of 24sqm in building floorspace or footprint would not be significant in proportion to the cumulative respective sizes of these buildings or the dwellings. As a result, the demolitions and removals part of the proposal would not significantly increase spaciousness on this part of the site or in this immediate context. It would also be distant from the bridleway so not readily appreciated as such. This part of the proposal would not, therefore, be a comparable or compensatory like for like change.
19. I find that the proposal would not successfully integrate with its context or this rural setting and cause unacceptable demonstrable harm to the character and appearance of the area, including the AGLV. As such, it conflicts with LPP1 Policies RE1 and RE3(ii) and LPP2 Policies DM1(c) and (h), DM4, DM11 and DM15(b). These include that the intrinsic undeveloped character and beauty of the countryside should be safeguarded. In addition, development should respect the distinct character of a landscape and avoid detrimental impact on it, protect the AGLV by avoiding harm or damage to it, including light pollution.

Other Matters

20. The Council granted planning permission for 'erection of a dwelling following demolition of existing outbuilding' elsewhere in a rural location². However, on the excerpts of that officer report, the dwelling was in the same location as the building to be demolished, not visually prominent or visible, closer to a large settlement and accessible by footpaths or bridleways. While there is no evidence that the development plan insists on replacements on the same site, the other circumstances of that site are unlikely to be the same as in this case. This decision can therefore be distinguished from the current proposal.
21. The proposal would not affect trees or the living conditions of the occupiers of any existing dwellings, make satisfactory provision for energy efficiency and renewable technologies, be appropriate in highways terms including parking and not at risk of flooding. The absence of harm in these regards are neutral factors in my decision. Planning conditions relating to these or other details of the development could not, though, overcome or alleviate the underlying main issues fundamental in principle to a decision to grant planning permission.

Planning Balance

22. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites, with a 3.89 year supply. The appellant does not dispute this. National Planning Policy Framework (the Framework) paragraph 11(d) is therefore engaged. The starting point is that planning permission should be granted.
23. Two high quality, flexible single-storey dwellings suitable in size for small families or for adaption for older persons on this windfall rural site would make

² WA/2021/02157

effective use of it for housing and contribute to meeting the Council's housing requirement. They could be built relatively quickly, sustain employment during construction and establish biodiversity enhancement and net gains on the site. They would also generate community infrastructure levy receipts and the Council seeks to secure other infrastructure financial contributions. These outcomes would align with objectives of the Framework to significantly boost the supply of homes, meet family living needs, support the rural economy and conserve the natural environment. Given the small scale of the development, these would be limited social, economic and environmental benefits so in my view have modest weight in support of the proposal.

24. However, though the paddock serves the stable block in a necessary and reasonably useful way, so is part of the curtilage of this building and previously-developed land (PDL)³, the Framework sets out that it should not be assumed that the whole of the curtilage of PDL should be developed. There is no objective evidence that the existing buildings are under-utilised or that this site is available for reason other than of the appellant's private interests in pursuing the application.
25. The dwellings would not be in, next to or visually or physically well-related to any settlement, so by virtue of their remote location be Framework paragraph 80 isolated homes in the countryside⁴. The proposal would not re-use any building (paragraph 80(c)) and though innately well-designed there is no objective evidence that the dwellings would be of exceptional quality or truly outstanding to meet the high bar and test of paragraph 80(e). There is no specific need for the dwellings on the site and increased travel demands and living needs would primarily be met by private cars. The proposal would not reflect existing built form on, or use of, the site, not integrate with the countryside or maintain a rural sense of place. Once developed as proposed the contribution of the site to the character and appearance of the area and the AGLV would be lost. Unjustified proliferation of housing in the countryside would cause unacceptable harm to it.
26. This would undermine development plan objectives in these respects. Given the housing land supply position, reduced weight applies to these policies most important for determining the appeal.
27. But they are broadly consistent with objectives of the Framework to support or grow rural settlements to meet community needs and enhance or maintain the vitality of rural communities, including by use of local facilities. The proposal would not promote walking, cycling or public transport in a meaningful way or result in a pattern of development that supported these aims or ensured the safety of pedestrian occupants of the dwellings. While transport opportunity varies between urban and rural areas, the dwellings would not be in a location that is or could be made sustainable by limiting the need to travel or offer a genuine choice of useable travel modes.
28. The Framework also seeks to conserve the natural environment, recognise the intrinsic character and beauty of the countryside, protect valued landscapes and ensure that new homes on appropriate land in rural areas achieve

³ Framework Annex 2: Glossary

⁴ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610; especially paragraphs 31 and 32 of this Court of Appeal judgement, further to the earlier *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin) High Court judgement

well-designed places that are sympathetic to the prevailing local character and surrounding landscape setting to maintain a strong sense of place.

29. Consequently, notwithstanding the housing land supply position and the not insignificant scale of housing shortfall, I consider that the support given in the Framework to delivering housing is not at the expense of ensuring that residential development is appropriate and suitable in location, including for those who would occupy it, and conserves the natural environment. In my view these individually important and cumulatively compelling adverse social and environmental impacts have substantial weight against the proposal.
30. The adverse impacts of granting planning permission would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly the presumption in favour of sustainable development does not apply in this case.

Conclusion

31. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan⁵. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

⁵ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12