



Appeal Decision

Site visit made on 4 January 2024

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/C3620/W/23/3317313

Winterfold, The Drive, Leatherhead, Surrey KT22 8QW

- 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 McBride against the decision of Mole Valley District Council.
 - The application Ref MO/2022/1942/PLA, dated 15 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is the erection of 1 No 2-Bedroom dwelling following the demolition of the existing residential outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The parties' views on the potential relevance of the changes have been sought and I have determined the appeal in light of the representations received and the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether the proposal would be inappropriate development

4. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in paragraphs 154 and 155 of the Framework. The appellant contends that the proposal meets criterion d) of paragraph 154 – “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”.

5. The appeal site is partly enclosed by a brick wall and comprises of a single storey stable building together with an area of hardstanding and the remainder laid to grass. The building is currently used for domestic storage and has a rectangular footprint and a shallow felt roof. The proposal is for the demolition of the existing stable building and the construction of a two-bedroom dwelling in the same location as the existing building.
6. The proposed dwelling would have a pitched roof and a gable ended projection, thereby significantly increasing the footprint and overall bulk in comparison with existing. The gable ended projection would accommodate a sitting room and would fundamentally alter the shape, form and scale of the building. The proposed pitched roof form across the full length of the building represents a material increase over the existing shallow roof form. Whilst criterion d) allows for increases in the size of a replacement building as long as they are not materially larger than existing, the scale of the changes proposed in this case would clearly exceed that threshold. In light of my finding that the building would be materially larger, the proposal would fail to meet criterion d) of paragraph 154 and as such it is not necessary to consider the use of the building. The proposal would therefore constitute inappropriate development in the Green Belt.
7. Policy CS1 of the Mole Valley Core Strategy 2009 (CS) is the sole development plan policy cited in refusal reason 1. The policy seeks to focus development on previously developed land in built-up areas which have been identified as the most sustainable. The policy goes on to state that development will be considered against the provisions of the Planning Policy Guidance Note 2: Green Belts, this has been superseded by the Framework. There would be a conflict with the policy due to the location of the development on land within the Green Belt rather than on previously developed land in a built-up area.
8. There is some consistency between Policy CS1 and the Framework insofar as it seeks to focus development within built up areas, which aligns with the aims of Green Belt policy to keep land permanently open. However, the Policy is silent on the forms of development which are inappropriate in the Green Belt and given its reference to the superseded PPG, only moderate weight can be attached to the policy. The refusal reason and the submitted evidence directs me to the sections of the Framework relating to the Green Belt.

Openness

9. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open.
10. The replacement building would be clearly visible from within the site, and notwithstanding the wall which partially encloses the site, its roof form would be visible from beyond the site boundaries. This would result in an increased physical presence which in turn would intrude on the openness of the Green Belt. In addition, the proposal would result in a more intensive use of the site, with the upgrading of the existing access, the formation of two car parking spaces and greater pressure for domestic paraphernalia within its curtilage.
11. Whilst the scale, and partial screening of the replacement building would limit the degree of harm, harm to openness would nonetheless occur. This therefore weighs against the proposal.

Character and appearance

12. The appeal site sits within land associated with Winterfold, a large, detached dwelling set within a substantial plot. The locality is primarily residential in character, and is characterised by larger houses, similar in scale to Winterfold, set within generous plots. These larger houses are interspersed by clusters of smaller buildings, such as the existing building on the appeal site. The area of soft landscaping adjacent to the road, positively contributes to the rural character.
13. The current building is ancillary in terms of its size, scale and function to the host dwelling, Winterfold, and its appearance reflects its rural setting. The proposal, which would involve the creation of an independent dwelling as well as increases in the footprint, roof form and overall scale of the building would erase its ancillary function.
14. The plot size would be significantly smaller than the prevailing pattern of development which is primarily made up of larger houses within generous plots. Nonetheless, the size of the building would be proportionate to the plot it sits within, and given the presence of other smaller buildings, the scale of the building would be compatible with the surrounding pattern of development.
15. The intensified residential use, with particular regard to the formation of two car parking areas and upgraded vehicular access would erode the positive contribution that the existing soft landscaping provides. The proposed use of grasscrete for the parking areas would appear as an urbanising feature within the rural landscape which it sits. These adverse effects would be minimised by their limited scale, but nonetheless would amount to a minor adverse effect on the character and appearance of the area.
16. The proposal would therefore conflict with Mole Valley Local Plan policy ENV22 and ENV23 and CS policy CS14. These policies, insofar as relevant, require development to be appropriate in its scale, form and appearance, to respect its setting, and take account of the impact on the landscape.

Other considerations

17. The proposed development would be inappropriate development in the Green Belt resulting in a small loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. It is contended that the proposal would optimise the potential of the site and ensure it is put into effective use. The existing building has an ancillary storage function at present. The proposal would intensify the use of the site. There is emphasis within the Framework, including at paragraph 135, on optimising the potential of sites to accommodate and sustain an appropriate amount and mix of development. In light of the harms identified, I find that the proposal would not amount to the optimal use of the site and as such only very limited weight can be attached to this consideration.
19. The proposed replacement dwelling would make a modest contribution towards the supply of housing in a rural area, and towards the government's target to significantly boost the supply of homes. This is a benefit to the scheme,

although the modest scale of the development, limits the weight to be attached to this to moderate.

20. There are two approved applications that have been brought to my attention. Both decisions pre-date the Framework and the Mole Valley Local Plan and Core Strategy. Only limited details have been provided for each decision; however, both are for fundamentally different forms of development. The first decision, in Bookham, Leatherhead, relates to the erection of 3 family homes, and the second in Givons Grove, Leatherhead, a two-storey side extension. There is insufficient information before me as to the planning constraints which applied to each site and, as such, there is no indication that the developments are comparable to the appeal scheme which must be judged on its own merits.
21. Given the above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

22. The proposal would, therefore conflict with the development plan as a whole, and material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR