



Appeal Decision

Site visit made on 30 January 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.02.2024

Appeal Ref: APP/M3645/W/23/3325160

Talboys, Hall Hill, Oxted, Surrey, RH8 9PA

- 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 Terry Powis, KTC Developments against the decision of Tandridge District Council.
 - The application Ref TA/2022/444, dated 25 March 2022, was refused by notice dated 12 January 2023.
 - The development proposed is the erection of a detached dwelling, associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The main parties have been given the opportunity to provide observations on the new Framework.
3. The Council refused planning permission for 3 reasons. Reason for refusal 3 related to the effect of the proposal on a protected species. Following the submission of the appeal, further ecological information has been received. The Council, following consultation with their specialist advisors, has confirmed that sufficient information has now been submitted to address this reason for refusal. I have no reason to disagree with the Council's findings and I have proceeded to deal with the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt, including its effect on openness;
 - The effect of the proposal on the character and appearance of the surrounding area, including on the Broadham Green and Spring Lane Conservation Area; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

5. Paragraph 142 of the Framework states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and permanence.
6. The Framework states at paragraph 154 that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless they fall within the given list of exceptions. The proposal is for a new dwelling and does not fall within any of the exceptions listed.
7. Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 (adopted 2014) (LPP2) set out very similar provisions and are consistent with the Framework. It is noted that the appellant and the Council do not dispute that the proposal constitutes inappropriate development.
8. I conclude, therefore, that the proposal is inappropriate development and would be contrary to Policies DP10 and DP13 of the LPP2 and the Framework. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
10. The appeal site currently forms part of the garden of Talboys, a large two storey dwelling which is set back a considerable distance from the frontage of the site. The appeal site therefore has a sense of spaciousness and openness that contributes to the rural character of the area. Whilst the boundaries of the site are well screened by hedging, the proposed dwelling would be highly visible due to its height and proximity to the road. There would therefore be a moderate visual impact on openness.
11. In terms of spatial aspects, the proposal would introduce built form into a part of the site which is currently undeveloped and as such would inevitably reduce the spatial openness of the site.
12. Overall, therefore, the proposal would have a harmful effect on the visual and spatial openness of the Green Belt and would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Character and Appearance

13. The appeal site is located within the Broadham Green and Spring Lane Conservation Area (CA). The historic and architectural interest of the area lies in its appearance as a historic hamlet set around Broadham Green and its associated farmsteads which form its boundaries. The key features which reveal the character and appearance of the area include the vernacular and scale of the buildings, the rural character of the area and the openness of the green.
14. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is of considerable importance and

- weight. Paragraph 203 of the Framework states, amongst other things, that the desirability of new development making a positive contribution to local character and distinctiveness should be taken into account in determining applications. Paragraph 205 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
15. To the north of the site is Ash Cottage, whilst to the south east are a cluster of buildings associated with South House. As 'Talboys' is set back a generous distance from the road frontage, the appeal site has an open character and appearance.
 16. The proposed dwelling would be of a traditional architectural design and would be constructed in appropriate materials. The new dwelling would be served via an existing access thereby enabling the hedge along the site's frontage to remain intact.
 17. However, the proposed new dwelling would be sited close to the Hall Hill road frontage. Despite the evergreen hedge along the front boundary and beside the access leading to Talboys, the dwelling would be highly visible from Hall Hill where it would detract from the open character of the site and the surrounding area. Furthermore, the proposal would inevitably result in a more intensive use of land with the formation of new boundary enclosures, patio and driveway, all of which would further contribute towards the urbanisation of the site. This would erode the rural character and appearance of the area which is one of key characteristic of the CA. Consequently, I find that the proposal would fail to preserve or enhance the character or appearance of the CA.
 18. For the above reasons, I find that the proposal would have a negative effect on the significance of a designated heritage asset. However, given the relatively modest scale of the proposal, this would be less than substantial harm to the significance of the CA as a whole. Paragraph 208 of the Framework indicates that in such circumstances the harm should be weighed against the public benefits of the scheme.
 19. The main public benefit would be the provision of one additional dwelling. However, in providing for only one new dwelling the public benefits of the scheme would only be moderate and accordingly, would not outweigh the harm identified to the significance of the designated heritage asset. Consequently, the proposal would conflict with national policy to protect the historic environment.
 20. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area and on the CA. In addition to the conflict with national policy identified above, the proposal would also be contrary to Policy CPS18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP20 of the LPP2. Together these policies seek to protect the District's heritage assets and expect new development to be of a high-quality design which reflects and respects the existing character, setting and local context.

Other considerations

21. I am referred to a Lawful Development Certificate (the LDC) for the erection of two single storey rear extensions and the erection of outbuildings within the

- large garden area of Talboys. These extensions and buildings have not been constructed although I note that the appellant states that they have been registered for building control purposes.
22. The single storey extensions on the rear elevation of Talboys granted under the LDC are single storey, with a height of 4 metres. Whilst Talboys sit on an elevated part of the site, these extensions would be seen against the considerable bulk and mass of the main dwelling and would have minimal impact on the wider area.
 23. Of the outbuildings granted by the LDC, the largest building would have an area of 150sqm and would be located in a similar location as the proposed dwelling. Two further outbuildings are shown to be positioned close to the south-eastern boundary, although the larger of these (building C) falls outside of the application site. Although the appellant states that this building would have a first floor, this is not indicated on the drawings before me. All three outbuildings are shown to have a height of 4 metres and on the basis of the plans before me, would total around 272sqm floorspace.
 24. The proposed dwelling and garage would have a total floorspace of around 250sqm and the dwelling would have a ridge height of around 7.5m whilst the garage would have a height of approximately 5.6m.
 25. The appellant maintains that the outbuildings covered by the LDC would have a greater impact on the openness of the Green Belt and on the character and appearance of the CA than the appeal proposal. They state that in the event that the proposed development is allowed, the outbuildings would not be constructed and that this would be secured through the submission of a Unilateral Undertaking. No such Unilateral Undertaking has been provided and I disagree that this is something that could be secured through the imposition of a condition. Whilst it is also stated that a condition could be imposed to remove permitted development rights in relation to the new dwelling, this would only control land within the application site and would exclude the remainder of land associated with Talboys.
 26. Notwithstanding this, even if I were to accept the appellant's case, I am not convinced that the construction of the outbuildings granted under the LDC would result in a greater impact on the openness of the Green Belt or on the character and appearance of the CA compared to the appeal proposal. Whilst there would be a reduction in floorspace if all buildings were to the 'traded-in', there would be little reduction in volume, with the Council suggesting that the volume of LDC buildings would be within about 3.5cubic metres of the appeal proposal.
 27. Furthermore, the height of the proposed dwelling and associated garage would be significantly higher than that of the outbuildings and would be far more prominent in the local landscape than the low, dispersed domestic outbuildings. Consequently, I conclude that the appeal proposal would be more harmful in terms of its effect on the openness of the Green Belt and on the CA. I therefore attach little weight to this consideration.
 28. The Council accept that they are unable to demonstrate a five-year supply of deliverable housing sites and that they have performed poorly in relation to the housing delivery test. As harm has been identified to the Green Belt and to a designated heritage asset, the presumption in favour of sustainable

development at paragraph 11d) of the Framework is not engaged. Nonetheless, the Framework seeks to significantly boost the supply of housing and small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It also recognises the contribution small sites make to self-build and custom-build housing. However, in providing for one additional dwelling, the proposal would only make a small contribution towards housing supply which I assign moderate weight.

Conclusion

29. The proposal would be inappropriate development in the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. Other considerations provide only moderate support for the proposal. These do not, therefore, clearly outweigh the totality of harm and so very special circumstances do not exist.
30. Paragraph 205 of the Framework stipulates that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The moderate weight attributed to the public benefits of the scheme would not outweigh the less than substantial harm identified to the significance of the designated heritage asset. The proposal would harm the character and appearance of the surrounding area and would fail to preserve or enhance the character or appearance of the CA.
31. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations to outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR