



Appeal Decision

Site visit made on 20 February 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/C3620/W/23/3327433

**Access to Cunliffe Close, junction with Lee Green Lane, Headley, Surrey
KT18 6EG**

- 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 C Brett, Cunliffe Close Residents Association against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0424/PLA, dated 21 March 2023, was refused by notice dated 12 June 2023.
 - The development proposed is the erection of gates at access to Cunliffe Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (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
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, would clearly be outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The proposed development comprises the erection of wrought iron estate style fencing adjacent to the existing hedgerow, together with a new brick wall and pier on both sides of the entrance to Cunliffe Close, and new wrought iron entrance gates.
4. Policy CS1 of the Mole Valley Core Strategy 2009 (Core Strategy) sets out a spatial strategy for where development in the district will be directed, stating that in the countryside development will be considered in the light of other policies within the Core Strategy and the provisions of Planning Policy Guidance

Note 2: Green Belts (PPG2). The Framework has replaced PPG2 and sets out the Government's planning policy in relation to the Green Belt.

5. The Framework establishes that the construction of buildings in the Green Belt is inappropriate subject to a number of exceptions set out in paragraph 154.
6. The appellant disputes the Council's categorisation of the gates, fencing and brick piers as a building, considering them to be an engineering operation. By definition, as set out by paragraph 155 of the Framework, engineering operations are not inappropriate development providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The Framework does not define the term engineering operation or the term building. Section 336 of the Town and Country Planning Act (TCPA) states that engineering operations include the formation or laying out of means of access to highways. Conversely, the TCPA defines building as any structure or erection. As the proposed development would involve the erection of fencing, brick piers and gates it would therefore constitute a building.
8. I accept the appellant's point that engineering works would necessarily require the involvement or oversight of an engineer, and that a structural engineer would be required to ensure that the wall was appropriately constructed to support the gates. I do not accept that this would indicate the proposal constitutes an engineering operation for the purposes of applying Green Belt policy since the construction of any building or structure may also require the input of an engineer.
9. The proposed development, when judged against the wording of paragraph 154 of the Framework, is therefore inappropriate development in the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. In visual terms, the proposals would introduce new built form where there is currently none. The solidity and gradually increasing height of the brick supporting walls would detract somewhat from the perception of openness and views through to Cunliffe Close. Whilst I acknowledge that the proposed gates would be formed of wrought iron railings and would be a relatively open structure, their height and scale would be such that their presence would form a visual barrier.
11. I acknowledge that the gates would likely have the effect of reducing vehicular activity by non-residents within Cunliffe Close, potentially contributing to a reduction in overall activity connected with the immediate vicinity.
12. Consequently, the proposal would reduce the existing visual openness, albeit to a limited degree.

Character and appearance

13. The immediate area is characterised by small enclaves of residential development such as Cunliffe Close itself and Dale View, where there are narrow access roads into a small estate-like groups of buildings. These enclaves have a suburban appearance in terms of the style, spacing and character of development. Whilst the sporadic enclaves of development are

separated by wooded areas and fields, I do not consider that the area is wholly rural in character.

14. There are also several examples in the vicinity of gated driveways to individual properties and I noted also on my site visit the historic walls and gates to Headley Court. The presence of various forms of fencing, some metal railings along part of Lee Green Lane, along with boundary walls and gates to residential properties are common features in the vicinity of the appeal site. These features form part of the established character of the area.
15. As such, the proposed boundary treatment and gates would not constitute development that would be out of character with the area given the particular pattern of development locally. The gates and supporting walls would not be dominant in long views from either the east or west given their degree of set-back from the junction of Cunliffe Close and Lee Green Lane.
16. Accordingly, the proposals would be in line with Policies CS13 and CS14 of the Mole Valley Core Strategy 2009 and ENV22 and ENV23 of the Mole Valley Local Plan 2000. Taken together, and amongst other things, these policies seek to ensure new development respects and enhances the character of the area, respects its setting and is appropriate in terms of its scale, form and appearance. The absence of harm in this respect is afforded neutral weight in my overall consideration of the appeal.

Other considerations

17. One of the main reasons put forward for the necessity of the proposed gates is that the occupants of Cunliffe Close have experienced anti-social behaviour in recent years including joy riding and noise and disturbance, particularly late at night. I appreciate that the gates would help prevent this occurring and would provide additional security for residents. I consider these personal circumstances carry moderate weight in favour of the proposal.
18. Evidence submitted with the appeal indicates that historically the entrance to Cunliffe Close was gated when the site was occupied in connection with the armed forces. I have no information before me, however, regarding the appearance of that gate or its location and as such I afford this limited weight in my consideration.
19. I note that the highway authority had no objection regarding the effect of the proposal on highway safety, and the Council have not identified any harm to the living conditions of existing and future residents arising from the proposal. I have no reason to disagree with their assessment. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.

Planning balance and conclusion

20. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 152 of the Framework. I have also found that there would be limited harm to openness. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.

21. I find that the other considerations put forward by the appellant fall short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such, the proposal would be contrary to the development plan and Framework considered as a whole. The proposal would therefore not constitute a sustainable development and so should be dismissed.

L Francis

INSPECTOR