



Appeal Decision

Site visit made on 19 April 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/M3645/W/23/3332537

Land North West of Frith Manor, Lingfield Road, Baldwins Hill, East Grinstead RH19 2JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs C & S Harrison against the decision of Tandridge District Council.
 - The application Ref is TA/2022/1526.
 - The development proposed is described as "A self build, two-storey Passivhaus dwelling of exceptional quality, achieving an A+ embodied carbon rating, fully compliant with the requirements of Approved Document M4(3) for wheelchair accessible dwellings, to be appropriate for use by its elderly occupants. Extensive landscape and biodiversity improvements will be incorporated throughout the rest of the application site."
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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, during the course of this appeal. The Council's written statement and the appellant's final comments post-date this change. Therefore, I am satisfied both parties have had an opportunity to comment on the revised Framework.
3. I understand the Council is preparing a new Local Plan. I am not aware of the exact stage it has reached or whether its policies will be considered to be consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it very little weight.

Main Issues

4. 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;
 - whether the proposal would be in a suitable location in respect to the settlement pattern and local services and facilities; 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 inappropriate development

5. Paragraph 154 of the Framework states the construction of new buildings in the Green Belt is inappropriate subject to various exceptions. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP2) are broadly consistent with the Framework's approach to Green Belt.
6. There is no suggestion the proposal would satisfy any of the exceptions to inappropriate development in the Green Belt set out in Framework paragraph 154 or TLP2 Policy DP13. As regards Framework paragraph 84, this deals with the development of isolated homes in the countryside, which is a separate consideration to Green Belt. I will return to this under the third main issue.
7. For the above reasons, I conclude the proposal would be inappropriate development in the Green Belt, contrary to TLP2 Policies DP10 and DP13 and paragraph 154 of the Framework.

Openness

8. Openness can be perceived spatially and visually. By occupying space that is currently undeveloped, the proposed house would greatly reduce the spatial openness of the site. Visually, the house and associated parking area and domestic paraphernalia would erode the perception of openness within the wider Frith Manor site and in glimpses from the public highway. This is notwithstanding the presence of an extended dwelling on the adjacent plot, existing mature planting and the proposed provision of additional planting. Overall, I find there would be considerable harm to openness.

Settlement pattern and local services and facilities

9. Policy CSP1 of the Tandridge District Core Strategy 2008 (CS) sets out the spatial strategy for the location of development in the District. It states development will take place within existing built-up areas and where there is a choice of mode of transport available and the distance to travel to services is minimised. The site is not within the built-up areas defined in the Policy, so the proposal conflicts with it.
10. It is clear on the evidence before me that there would be alternatives to the private car to access local services and facilities. This was also the finding of the Inspector in the most recent appeal decision for the site¹. However, as in that case, whilst this factor would reduce the harm of the proposal in terms of accessibility to services and facilities, it would not be sufficient to outweigh the conflict with the aims of Policy CSP1. I acknowledge the previous appeal decision, five years ago, related to an application for permission in principle whilst the current proposal is accompanied by considerable detail. Be that as it may, there is no pertinent evidence that either the choice of mode of transport or the distance to travel to services from the site has materially changed since

¹ Appeal reference APP/M3645/W/19/3220067

then. Consequently, I see no reason to reach a different conclusion from the previous Inspector on this matter.

11. The proposed house would be close to the existing dwelling at Farm View Cottage and relatively close to Frith Manor. Therefore, I find it would not constitute an isolated dwelling in the countryside for the purposes of paragraph 84 of the Framework. Consequently, there is no need for me to consider whether the exception under paragraph 84e) would be satisfied. I will nevertheless return to the matter of design quality under other considerations.
12. The appellant has referred to another appeal decision and two previous planning consents relating to Frith Manor Farm. However, I do not have sufficient details of those decisions before me to be able to assess the extent to which they would be directly comparable to the circumstances before me. Consequently, I afford them little weight in my assessment of this main issue.
13. For the above reasons, I conclude the proposal would not be in a suitable location with respect to the settlement pattern, contrary to CS Policy CSP1.
14. TLP2 Policy DP1 relates to the presumption in favour of sustainable development in paragraph 11 of the Framework, to which I shall return under planning balance.

Other considerations

15. The Council does not dispute its supply of deliverable housing sites falls substantially below the required five years. In addition, on the evidence before me there is a clear shortfall in delivery of suitable serviced plots to meet the demand on the self-build register for the District. Planning Practice Guidance² states evidence of need for self-build housing should not be double counted with local housing need as a whole. The draft planning obligation proposed to secure the dwelling as self-build is not part of a completed legal agreement, but the description of development refers to self-build and a CIL exemption was applied for. Taking all this together, I give the proposed delivery of one self-build dwelling moderate weight.
16. I have had regard to the appellants' personal circumstances, including their long association with the area and issues arising from restricted mobility. I note the intention to comply with M4(3) design guidance for wheelchair accessible dwellings and the resulting suitability of the proposed dwelling for different life stages. However, there is no compelling evidence before me to substantiate the suggested lack of housing in the District suitable for accommodating people with mobility issues, or of Surrey Social Care's support for the proposal. I therefore give this consideration limited weight.
17. The proposal would have an economic benefit from construction activity and future occupiers' use of local services and facilities, which would help maintain the vitality of rural communities in accordance with the Framework. Bearing in mind the small scale of the proposal, I accord this benefit limited weight.
18. Energy efficiency and carbon reduction are required by other regulatory regimes. Nevertheless, the proposal to achieve Passivhaus certification – a higher level of energy efficiency – adds limited weight in favour of the

² PPG Paragraph: 011 Reference ID: 57-011-20210208

development, whether or not there are other such dwellings in the District. I also ascribe a little weight to the biodiversity enhancements proposed.

19. However, I am not persuaded the proposed design of the new house would in other respects be exemplary or exceptional. The proposed materials would respect the site's context, but there is little evidence to demonstrate how the design would be innovative or outstanding. Bearing in mind good quality design is expected of all development by the Framework, I ascribe minimal weight to this aspect of the proposal.
20. The Council is satisfied in relation to the effect of the proposal on character and appearance, living conditions, neighbouring occupiers, parking, highways, the local airport, trees, ecology and flood risk. On the evidence before me, I see no reason to disagree with these conclusions. I also note the appellants' willingness to accept the Council's proposed planning conditions were permission to be granted. However, an absence of harm in these respects is a neutral factor.
21. The proposed owner-occupation of the dwelling does not weigh in favour of the scheme, because this could change over time.
22. I appreciate the appellant has attempted to overcome concerns previously raised by the Council in preceding applications. I also note the comments about pre-application advice received. Nevertheless, I am required to assess the current proposal on its individual merits based on the evidence before me and these factors do not add weight in favour of the proposal.

Other Matters

23. The appeal site is within the setting of Frith Manor, a house dating from the 17th century with later renovations. Its significance as a grade II listed building includes its timber frame, red facing brick, tile hung cladding, hipped roof, tall central chimney stack and regular casement fenestration. Its setting includes the open land surrounding the house, which contributes to its significance by enabling appreciation of its architectural features. The border surrounding Frith Manor means there would be little intervisibility between it and the proposed dwelling. I therefore find the setting of the listed building would be preserved and there would be no harm to its significance.
24. Concerns about the Council's decision-making procedures, including publication of information submitted, are outside my remit in determining this appeal.

Planning Balance

25. According to paragraphs 152 and 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
26. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. I also give considerable weight to the harm I have found to the settlement pattern. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh these harms.

Consequently, the very special circumstances necessary to justify the development do not exist.

27. The shortfall in supply of deliverable housing sites in the District means the policies most important for determining the appeal are out of date. However, for the reasons set out above, policies in the Framework that protect Green Belt provide a clear reason for refusing the development proposed. Therefore, according to paragraph 11d)(i) and footnote 7 of the Framework, the presumption in favour of sustainable development does not apply.

Conclusion

28. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR