



Appeal Decision

Site visit made on 28 May 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Ref: APP/M3645/W/23/3326161

Norbryght, Tilburstow Hill Road, South Godstone RH9 8NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Akhtar against the decision of Tandridge District Council.
 - The application Ref is TA/2021/1793.
 - The development proposed is the demolition of a storage barn and erection of a new dwelling with associated parking and garden area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved except access. The application includes a site plan showing the proposed access (drawing number A0.5) and illustrative elevations and floor plans which indicate a 1½ storey dwelling. The Council has powers under Article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to direct for further details. In this case, it should have directed for at least some details of scale, layout and landscaping to avoid making assumptions about effects on openness, future living conditions and the character of the area. Nonetheless, I have determined the appeal based on the proposed access in the site plan, with the proposed elevations and floor plans for illustrative purposes only and taken as the maximum scale.
3. There is an existing structure on the site. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine the lawful use of the structure. If the appellant wishes to ascertain its lawful use, an application can be made under section 191 of the Act. Nevertheless, I have had regard to the use and presence of the existing structure in my overall decision.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

- whether the proposed development would provide acceptable living conditions for future occupiers and its effect on the character and appearance of the area;
- whether the site would be a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan; 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 proposal.

Reasons

Whether the proposal represents inappropriate development

6. The appeal site comprises a large metal barn with a shallow pitched roof, and a hardstanding accessed via a long driveway. Dwellings and their associated grounds, including Norbryght, lie on either side of it with stables and fields to the north. Much of the site is surrounded by mature trees.
7. The site lies within the Green Belt identified in the Tandridge Local Plan Part 2 Detailed Policies 2014 (DP). Policy DP13 of the DP outlines that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt, but it lists some exceptions. This includes the limited infilling or the partial or complete redevelopment of previously developed sites in the Green Belt where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This largely reflects the exception set out in paragraph 154(g) of the Framework.
8. The definition of previously developed land in the DP and the Framework refers to land which is or was occupied by a permanent structure, including the curtilage, although it excludes land that is occupied by agricultural buildings. The appellant states that the barn is used by a local farmer to store equipment and for livery purposes for storage of horse gear and hay. At the time of my site visit, the building appeared to be in use for domestic storage. There is no lawful development certificate and, given the mixed evidence on the use of the building, I am not satisfied that the site comprises previously developed land.
9. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions. Whether or not the proposal would have a greater impact on openness would depend on factors such as the scale of the development, its location on the site and how visible it would be.
10. Due to the outline nature of the proposal, the effects of the change on the site between the existing development and that proposed are not clearly demonstrated. Nevertheless, although a house within the tightly defined curtilage could have a significantly smaller footprint and volume than the existing building, the illustrative plans show one with a higher, more steeply pitched and thus more prominent roof than the barn.
11. Given the lack of details, it is not clear whether a house would be more visible from public and neighbouring land than the existing building. Further, until it is

established whether the site is previously developed land, I cannot determine whether the proposal would lead to a greater intensity of use than the existing building. Therefore, it is not possible to firmly conclude that the proposed development would not lead to a greater impact on the openness of the Green Belt, or to assess its impact on the purposes of the Green Belt.

12. As any outline permission is the planning permission, it would not be appropriate to assess the impact on openness, as a matter of principle, at the reserved matters stage.
13. For the reasons above, I cannot determine that the proposal would be an exception under Policy DP13 of the DP or paragraph 154(g) of the Framework. Consequently, I conclude that there has been a failure to demonstrate that the proposal would not be inappropriate development in the Green Belt. As such it would be contrary to Policy DP13 of the DP and would conflict with the Framework.

Living conditions and character and appearance

14. Any future house on the site, regardless of its position, would be close to the large surrounding trees. Whilst landscaping is a reserved matter, there are no details before me showing what is planned in respect of trees. Nevertheless, even if a dwelling included large windows, I have concerns about the proximity of the mature trees which could overshadow habitable rooms and external amenity space associated with a dwelling on the site. Further, there could be actual and perceived risks from falling trees, branches and debris. This could cause harmful living conditions to future occupiers of a dwelling in this location. To overcome this, there may be a need to prune or even remove the trees.
15. The appeal site is within the Low Weald, part of an Area of Great Landscape Value (AGLV) identified in Policy CSP20 of the Tandridge District Core Strategy 2008 (CS). Trees are a characteristic of the AGLV landscape, with those to the north of the site forming part of a longer line of landscaping extending towards Tilburstow Hill Road. The Council's tree officer considers that no important trees would need to be removed and that a condition protecting them would not be required. However, as the surrounding trees are part of the character of the AGLV and, in the absence of landscaping information, I cannot be certain that the proposal would not harm landscape character.
16. The existing barn occupies a large part of the site, but, unlike a barn, a house would need to be served by a suitably proportioned plot to provide garden and parking space. It has been put to me that a modest house with a barn-style design and sufficient garden areas could be accommodated given the size of the site, and the appellant's statement includes a plan showing a dwelling with space around it. However, without specific details of the proposed scale and layout, I cannot be satisfied that the proposal would not result in a cramped form of development.
17. Consequently, I conclude that it has not been demonstrated that the proposed development would provide acceptable living conditions for future occupiers and would not harm the character and appearance of the area. Therefore, I find conflict with Policies CSP18, CSP20 and CSP21 of the CS and Policy DP7 of the DP. Together, these require proposals to provide a satisfactory environment for the occupiers of new development and to respect the

character of the area and landscapes, including conserving the AGLV. I accord this planning harm moderate weight.

18. Policies DP10 and DP13 of the DP relate to development in the Green Belt. However, these do not directly link to the potential unacceptable living conditions and harm to character and appearance identified so I find no specific conflict with Policies DP10 and DP13 in reaching my conclusion on this issue.

Suitability of the location

19. Policy CSP1 of the CS seeks to focus development within existing built up areas where there is a choice of transport modes and where the distance to services is minimised. The appeal site does not fall within any of the settlement types outlined in this policy.
20. The site lies around 2.5km from South Godstone, the closest defined settlement, and the nearest bus routes could only be accessed by walking at least 2km on an unlit track and roads with limited footways to reach a bus stop. The distance to settlements and public transport means that future occupiers of the proposed dwelling would be likely to be reliant on private vehicles to access services.
21. The appellant states that the use of the barn for the storage of equipment associated with farming and equestrian uses nearby generates numerous daily car journeys. However, there is little evidence to substantiate this and, although only a snapshot in time, at my site visit I did not observe agricultural or equestrian vehicles on the site or associated equipment within the building. Therefore, it seems likely that a new dwelling would result in more journeys by private vehicle, albeit that this increase would be relatively small.
22. I note that the Council has approved schemes for dwellings in other locations where the occupiers would be heavily dependent on private vehicles (planning application refs TA/2017/420 and TA/2021/99). However, unlike the appeal proposal, these were not inappropriate development in the Green Belt and other factors, including permitted development rights, weighed in their favour. Therefore, they are not comparable to the appeal proposal.
23. Consequently, I conclude that the site would not be a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan. This would be contrary to Policy CSP1 of the CS and Policy DP1 of the DP where they seek to promote sustainable patterns of travel. However, as the proposal is only for a single dwelling, the overall impact on the pattern of growth and development in the district would be limited. Therefore, I attach limited weight to the consequent harm that would arise.

Other considerations

24. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sites can make, whilst supporting development which makes efficient use of land. The Council cannot currently demonstrate a five-year housing land supply required by the Framework and its Authority Monitoring Report 1st April 2021 – 31st March 2022 indicates a land supply of 1.57 years. The proposal would make a contribution of one additional home to the supply of housing, making better use of land in an area which is highly constrained by the Green Belt. It would contribute towards Tandridge District's

housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.

25. There would also be some economic benefits during the construction phase and once occupied when future residents would support local businesses. However, given the relatively small scale of the proposal, these benefits would be limited.
26. The Council did not find harm or development plan conflict in relation to several other matters, including the living conditions of neighbours, biodiversity, parking and carbon dioxide emissions. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Whether there would be Very Special Circumstances

27. Policy DP10 of the DP outlines that inappropriate development which is, by definition, harmful to the Green Belt, will only be permitted where very special circumstances exist. This aligns with the approach set out in the Framework. There has been a failure to demonstrate that the proposal would not be inappropriate development in the Green Belt. It has also not been demonstrated that the proposed development would provide acceptable living conditions for future occupiers and would not harm the character and appearance of the area. Further, the site would not be a suitable location for housing. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
28. I give modest weight to the provision of one additional home and limited weight to the economic benefits. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist and the proposal would conflict with Policy DP10 of the DP and the Framework.

Planning Balance and Conclusion

29. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a clear reason to refuse the development. The proposal would also be contrary to Policies CSP1, CSP18, CSP20 and CSP21 of the CS and Policies DP1, DP7, DP10 and DP13 of the DP.
30. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR