



Appeal Decision

Site visit made on 9 May 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/C3620/W/23/3335918

Coombers Minor, Partridge Lane, Newdigate, Surrey RH5 5EE

- 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 Mr and Mrs Dean and Julie Garvin against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1244/PLA.
 - The development proposed is the erection of 1 no. dwelling following demolition of existing of non-agricultural buildings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr and Mrs Garvin against Mole Valley District Council. This application will be the subject of a separate decision.

Main Issues

3. The main issues are (i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt; (ii) the effect of the proposed development on the character and appearance of the area; (iii) the effect of the proposed development on protected species; and (iv) whether the 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 or not the development would be inappropriate

4. Policy CS1 of the Mole Valley Core Strategy, October 2009 (CS) sets out the broad approach to development in the Green Belt, which is to adhere to the policies contained in PPG2, now replaced by the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
5. Paragraph 154(g) sets out that one such exception is the limited infilling or the partial or complete redevelopment of previously developed land (PDL). The appeal site comprises a garden area and various outbuildings associated with the existing residential dwelling. It is therefore PDL and I note that the

Council's officer report does not disagree with this position. The proposed development would involve the demolition of certain outbuildings and the erection of a single dwelling. The scheme therefore represents a partial redevelopment of the site and the initial requirement of paragraph 154(g) of the Framework is met.

6. Paragraph 154(g) continues by stating that a proposal for the redevelopment of PDL is not inappropriate provided that it would not have a greater impact on the openness of Green Belt than the existing development. In this instance the Council disagrees with the inclusion of the stables as being within the curtilage of the existing dwelling. If I were to take account of the floorspace of all the outbuildings proposed for demolition, including the stables, then it is possible that this figure would be broadly similar to that of the proposed dwelling, and therefore that there would not be any additional harm to spatial openness of the Green Belt.
7. However, any harm to visual openness must also be considered. In my view, a large single storey building would have a much greater impact upon visual openness than the combination of various small outbuildings. Furthermore, this harm would be exacerbated by the fact that the outbuildings are used for purposes that are commensurate with the rural character of the area. A residential dwelling, with all of the domestic paraphernalia that would go with it, would have a far greater visual impact.
8. As a result of this harm to visual openness, the proposed development would not accord with paragraph 154(g) of the Framework and would therefore be inappropriate development. I acknowledge that the proposed dwelling would likely only be glimpsed from the public highway. However, this reduces harm rather than eliminating it completely. I therefore find that the overall level of harm to the Green Belt would be moderate in nature.

Character and Appearance

9. The appeal site is located in a highly rural area within the countryside. While there are scattered buildings in the vicinity, the general character is one of spaciousness and verdancy.
10. The proposed dwelling would be of a considerable size when seen within the context of its plot. Indeed, it would be situated very close to the site's northern, southern and western boundaries thereby making the development feel quite cramped and 'hemmed in'. As a result, it would clearly appear incongruous and out of place in comparison to the spacious character of the surroundings. The verdancy of the area would also be somewhat eroded by the loss of a large section of garden space. As noted above, the fact that the site is not particularly visible from the public realm does not remove this harm completely.
11. I therefore conclude that the proposed development would result in harm to character and appearance. As such, it would conflict with CS Policy CS14 and Policies ENV22, ENV23 and ENV 24 of the Mole Valley Local Plan, October 2000 (LP). Taken together, the relevant aspects of these policies seek to ensure that development is well designed and that it preserves character and appearance.

Protected Species

12. The planning application was supported by a Bat Roost Potential Report (BRPR), dated August 2022. The report concludes that the buildings proposed for demolition have negligible potential for supporting roosting bats.
13. However, this report is now nearly two years old and, from the evidence before me, it does not appear to have been updated. While it might well be the case that those same outbuildings still only have negligible potential for roosts, I cannot be certain that this is the case without a more recent BRPR.
14. As such, I cannot conclude that the proposed development would not result in harm to protected species. It would therefore conflict with CS Policy CS15 and LP Policy ENV15 in this regard.

Other Considerations

15. The proposal would provide one new dwelling which would add to the housing stock of the area, with the associated economic benefits that this would bring.
16. Moreover, the site already benefits from planning permission for a smaller dwelling¹. The appellant has argued that, were this to be built, the property could then be extended under permitted development rights. This could result in a building that would have a similar floorspace to the proposed dwelling that is before me. The appellant has also provided details of previous decisions that the Council has made where such considerations have been looked upon favourably. However, the Council has provided justification for its change in approach on the basis that arguments of this nature are being put forward in a fairly speculative way by applicants on a much more frequent basis.
17. While consistency of decisions is important, I am of the view that the Council's conclusion in this case is the correct one. Indeed, the approved development has not been built, or even commenced, and there are no firm plans or proposals for any future extensions which could be built by utilising permitted development rights. Therefore, while I accept that there is a greater than theoretical prospect of such development coming forward, the significant uncertainty and level of vagueness means that any weight associated to this issue should be vastly reduced.
18. In combination, I therefore find that these considerations attract limited weight.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole. The Council cannot currently demonstrate a 5-year supply and I have no evidence before me to suggest that this position is likely to improve in the short-term.
20. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which includes Green Belt, and provides a clear reason to dismiss the appeal.

¹ Council ref: MO/2022/1908

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm is clearly outweighed by other considerations.
22. I have also found harm to character and appearance and protected species. Even when taken together, the other considerations above do not clearly outweigh this harm. Consequently, no very special circumstances exist. Therefore, for the reasons given I dismiss the appeal.

C Butcher

INSPECTOR