



Appeal Decision

Site visit made on 20 May 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/R3650/W/23/3329719

Hyde Lodge, Hyde Lane, Churt, Surrey GU10 2LP

- 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 W Williams against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00520.
 - The development proposed is use of converted ancillary building known as The Shed as an independent residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2023 the Government published a revised National Planning Policy Framework (NPPF), including updated paragraph or footnote numbers.

Background and Main Issues

3. The appeal site is in the Green Belt, in the countryside. A lawful development certificate (LDC) states it was in existing use as 'land ancillary to the Class C3 use of Hyde Lodge'¹. There is no evidence it is no longer in such use as part of the garden of this house. The Shed outbuilding on the site has been converted to accommodation, including a bedroom, kitchen/living area and shower room with toilet. It has in the past been occupied by people with a functional link to the house (an au pair and a dog/house sitter). It is occupied, and may have also been or still is, by a tenant who does not have this link. It would become an independent dwelling and the site a garden for it, separate to Hyde Lodge.
4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, including its effect on openness and the purposes of including land within it, having regard to local and national planning policy;
 - whether the dwelling would be in a suitable location having regard to the development plan spatial strategy, including for rural areas;
 - its effect on the character or appearance of the immediate 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 very special circumstances required to justify the proposal.

¹ WA/2021/02245

Reasons

Inappropriate development

5. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) applies national Green Belt policy. LPP1 Policy SP2 includes an aim to safeguard the Green Belt. These policies are therefore consistent with objectives in NPPF paragraphs 152 to 155 to protect the permanence and openness of the Green Belt, which are the essential characteristics of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. LPP1 and the NPPF do not exclude the possibility of re-using buildings in the Green Belt as dwellings and associated use of land as a garden. It is common ground between the main parties that The Shed is a building of permanent and substantial construction and that the proposal would not increase the size of it or materially alter its external appearance. The Council did not identify conflict with openness of the Green Belt nor with a purpose of including land in the Green Belt in these regards.
7. However, most of the appeal site is a large, open expanse of lawn. It mainly flows seamlessly across and into similar garden land in the rest of the single residential property and plot that is, and functions as, Hyde Lodge. There is no objective evidence that occupiers of The Shed have had unrestricted domestic use of the whole site; whereas there is a small, fenced garden area in front of The Shed, an enclosed patio space beside it and a nub of lawn behind bordered by trees.
8. The proposed boundary fence would be low level and timber post and rail. Nonetheless, by virtue of its position, alignment, length and projection above ground this fence (or even a planted hedgerow) would have sufficient substance to interrupt the continuity and diminish the integrity of this single contiguous parcel of land. This means of enclosure would physically subdivide the existing garden into two visually and spatially smaller separate gardens and two discrete residential properties and plots.
9. The Shed and the site would no longer be in use ancillary to Hyde Lodge or controlled by the occupiers of this house. Occupiers of the dwelling would have exclusive use of The Shed and the entire site as a garden, including a car parking area. In these circumstances, this could facilitate the spread or intensity of domestic use and activity on it, and associated paraphernalia, over and above how the occupiers of Hyde Lodge or The Shed could use The Shed and the site now. In addition, also compress the intensity of such use and activity at Hyde Lodge into a smaller residual garden area. An initially subtle or nuanced change would likely become more ingrained, overt and permanent over time, which would be the outcome of granting planning permission.
10. There would be little appreciable observation of this change in public view from Hyde Lane due to intervening hedgerow or trees or setback distance from the gap at the vehicular access. But at least a perceived negative effect on openness would likely become known to some local residents, including in upper floor private views from the houses on the west side of Hyde Lodge or to visitors to this property. The absence of greater public visibility does not alleviate these innate spatial outcomes.

11. As a result, albeit in a small way, I find that the proposal would have an adverse impact on the openness of the Green Belt. This would not preserve the openness of the Green Belt so the proposal fails to meet the exception in NPPF paragraph 155(d). No other exception set out in NPPF paragraphs 154 or 155 has been suggested. The proposal would, therefore, be inappropriate development in the Green Belt. Accordingly, it does not comply with LPP1 Policies RE2 or SP2.

Location

12. There is no evidence that the site is in, or next to, a settlement defined by the development plan. The houses near it, including Hyde Lodge, are few in number and scattered or sporadic in the countryside, so are not part of any other settlement. There is no evidence that the dwelling would meet a specific need for housing in the countryside recognised by the development plan.
13. A plan to show the location of the site in relation to services in Beacon Hill has not been provided. Even if any are within the maximum recognised walking distances that have been referred to (as opposed to the edge of this settlement), including bus stops, it would initially require pedestrians or cyclists to use Hyde Lane and, in one direction, Tilford Road. This rural lane has no pavements or cycle lanes, few verge refuges, no street lighting and some blind bends; as does this road and although wider, it is busier with faster flowing traffic and undulating sections with a long, uphill gradient into Beacon Hill. Even if safely reached on foot or by cycle, the public footpaths to the east and west of the site, into Beacon Hill, are unsurfaced (bare earth or loose gravel) and in places rutted with no lighting and follow remote, secluded routes.
14. None of these options are therefore conducive or safe for walking or cycling, with unacceptable risk of vehicular and pedestrian/cyclist conflict, accident or injury; let alone as a means to regularly meet some day-to-day living needs. This would be especially so for parents with children or buggies or older infirm or disabled people. There is a bus connection from Beacon Hill to Farnham railway station and elsewhere but no timetables have been provided. Cycling to Churt, Grayshott, Hindhead or Hazlemere would still be exposed to these unfavourable conditions, at least initially along this lane or road. As a result, the occupant(s) of the dwelling would be mainly reliant on a car to meet most living needs, such as shopping, education, employment or leisure.
15. Transport opportunity varies between urban and rural areas. But the dwelling is a significant proposal because it would not be in a location that is or could be made sustainable by limiting the need to travel or offers a genuine choice of safe, useable travel modes. Travel demands and living needs would instead primarily be met by car and even if the proposal helped to enhance or maintain the vitality of Beacon Hill, a single dwelling would have a limited effect.
16. I have not been provided with a development plan definition of a brownfield site but the site is occupied by The Shed. While it is previously developed land², for the reasons outlined above and below it is not a suitable brownfield site for housing. The Council has granted planning permissions for dwellings in the countryside similar distances from local facilities, even within 200m of the site³.

² NPPF Annex 2: Glossary

³ WA/2015/0137, WA/2016/0103, WA/2016/0201, WA/2016/0074, WA/2017/1556, WA/2018/2114, WA/2020/2104 and WA/2021/0401

But these relate to conversion of rural buildings (stables or barns) and were considered under, at least in part, a previous development plan so are not directly comparable to this appeal. Nor is a more recent planning permission because it was for re-use of a redundant building whereas The Shed is in use⁴.

17. Taking account of all the above, I find that the dwelling would not be in a suitable location having regard to the development plan spatial strategy, including for rural areas. Consequently, the proposal is contrary to LPP1 Policy SP2 and Policy DM15 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (LPP2). These policies seek to locate housing in or at main settlements or villages to meet local needs, ensure dwellings are not isolated from everyday services and facilities, maximise opportunity for walking or cycling and avoid dependency on private vehicles in rural areas.

Character or appearance

18. The site is a pocket of land tightly bordered on three sides by the edges of a belt of woodland and on the other side by Hyde Lodge and the short row of other semi-detached houses and gardens. There is no evidence of alleged adverse effect on the wider landscape and scenic beauty of this part of the countryside, which is in the Surrey Hills National Landscape (SHNL)⁵ and in an Area of Great Landscape Value (AGLV). Accordingly, the proposal would conserve these features of the SHNL, thus also the AGLV.
19. The residual plot for Hyde Lodge would be broadly in-keeping in width, depth and area to the row of houses next to it. However, the plot for the proposed dwelling would be significantly larger. While there appears to be a very large residential plot at the house near the site on the opposite side of Hyde Lane, it is visually and spatially discrete from the site. It is not representative of the immediate prevailing context of smaller gardens at these other houses on the site side of this road. The proposal would be at odds with these.
20. Rear garden domestic outbuildings, such as The Shed, are not uncommon or unexpected at residential properties in the countryside. In form and siting it is purposefully different to Hyde Lodge and the houses next to it, including to reflect its ancillary purpose. Though detached and with some contrasting external materials, The Shed is not incompatible with these houses in these regards. However, used as a separate independent dwelling, the size and form of this single-storey bungalow would be out of kilter with the size and two-storey form of these houses and appear as an anomaly, most obviously in relation to Hyde Lodge near it. Sited significantly behind Hyde Lodge, at an angle sideways to it, it would also be in a discordant backland position. This would not reflect the siting of these houses or follow this building line, nor would the dwelling be part of the streetscene like these other houses.
21. The proposal would not be prominent or conspicuous in any significant public views. Nonetheless, as I have outlined already above, use of the site as a separate garden and The Shed as a separate independent dwelling would be apparent to some local people as something different to an ancillary outbuilding in the garden of Hyde Lodge. The absence of greater public visibility does not mitigate innate adverse impact.

⁴ WA/2023/02489

⁵ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty

22. I therefore find that the proposal would fail to respect important features of the most relevant established dwellings and plots near it, so unduly undermine the integrity and cohesiveness of this pattern of residential development in the countryside. This would adversely affect the character and appearance of the immediate area. Consequently, the proposal is contrary to LPP2 Policy DM15 which includes that development in rural areas should recognise the intrinsic natural beauty and undeveloped character of the open countryside.

Other considerations

23. The LDC does not confirm that the site is already a residential curtilage, let alone divorced from Hyde Lodge. Nor is the proposal for residential curtilage because it is not a use, or material change of use of land for planning purposes. There is no objective evidence that the current use of The Shed is not development or, if it is, that it is permitted development, has been granted planning permission or has the benefit of a lawful development certificate for 'Class C3 residential use' as the appellant suggests. In these circumstances the appellant's assertions are little more than speculation so there is no existing fallback position in any of these respects. These considerations have no weight in support of the appeal.
24. The Shed is part of a small cluster of houses so the dwelling would not be an isolated home in the countryside. Nevertheless, even though it already exists it is not a redundant or disused building. There is, anyway, no apparent reason why the proposal would enhance the immediate setting of The Shed if it were used as a separate dwelling or the site if it were a separate garden. These considerations therefore also have no weight in support of the appeal.
25. National permitted development rights (PDR) have not been removed in the Green Belt. PDR to erect a means of enclosure on the site, such as a fence or a wall, are not restricted to land in a residential curtilage and planting hedgerow is not development that requires planning permission. However, although it is possible, there is no compelling or credible evidence to suggest that but for the proposal it is likely that the appellant (who lives in Hyde Lodge) intends to, or actually would, suddenly erect the same, or any, means of enclosure in this same or similar position to sub-divide the existing garden. This consideration therefore has little weight in support of the appeal.
26. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites, with a 3.85 to 3.89 year supply and a notable shortfall. This is not disputed by the appellant. NPPF paragraph 11(d) is therefore engaged and the starting point is that planning permission should be granted. This housing land supply position is an important consideration in support of the appeal. While the proposed dwelling would make an efficient use of an existing building and land and be aligned with objectives of the NPPF to significantly boost the supply of homes, a single dwelling would make a small contribution so these benefits add modest weight in favour of the appeal.

Green Belt Balance

27. The proposal would undermine relevant development plan objectives. Given the housing land supply position, reduced weight applies to the policies most important for determining the appeal. However, they are consistent with objectives of the NPPF to protect the openness of the Green Belt, manage patterns of housing growth and ensure new homes are located on appropriate

land in rural areas and to recognise the intrinsic character and beauty of the countryside.

28. The proposal is inappropriate development in the Green Belt, contrary to local and national policy to protect the Green Belt. This harm to the Green Belt has substantial weight against the appeal. There is no identified need for the dwelling on the site for planning purposes and the proposal would not promote walking, cycling or public transport in a meaningful way. This otherwise unjustified proliferation of housing in the countryside would have an adverse impact on its character and appearance. Each of these considerations has significant weight against the appeal.
29. The other considerations outlined above do not, therefore, individually or collectively clearly outweigh the harm to the Green Belt due to inappropriateness and the other harm. Consequently, very special circumstances to justify the proposal do not exist.

Other Matters

30. The site is within a 1-5km buffer zone of the Wealden Heaths Special Protection Area (SPA). This European site is protected due to habitat and species important for nature conservation. However, as I intend to dismiss the appeal for other reasons, even if the proposal did not adversely affect the integrity of the SPA there is no need for me to consider it any further. This is because it would not affect my decision or therefore alter the outcome of the appeal.

Planning Balance

31. In this appeal, the application of policies in the NPPF that protect an area of particular importance (the Green Belt) provides a clear reason for refusing the proposal. Accordingly, the presumption in favour of sustainable development, the 'tilted balance', does not apply in this case.

Conclusion

32. The proposal conflicts with the development plan. There are no other material considerations to indicate that the decision should be made other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR