



Appeal Decision

Site visit made on 21 June 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/M3645/W/23/3336051

Land adjoining Melathron, Quarry Road, Godstone RH9 8DQ

- 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 Lynnport Developments against the decision of Tandridge District Council.
 - The application Ref is TA/2023/499.
 - The development proposed is the demolition of existing outbuildings, and removal of storage container, and the erection of a contemporary style dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework ("the Framework"), was published before the Council's appeal statement was submitted and before the final comments stage of the appeal process. As such, both parties have had the opportunity to consider its relevance to this appeal and they would not be prejudiced by me not seeking their views on it. All references in this decision relate to the revised document.
3. The Council and interested parties have had the opportunity to make representations on the appellant's Heritage Statement, submitted with this appeal. It does not amend the appeal proposal and I am satisfied that no party would be prejudiced by me taking it into account in assessing this appeal.
4. In determining this appeal, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework.
 - Whether the proposal would preserve the settings of the Grade II listed buildings known as Quarry Farm House (QFH) and The Barn (TB).
 - If the proposal is inappropriate development, 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 it.

Reasons

Whether inappropriate development

6. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Adopted July 2014 ("the TLP"), states that inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development will only be permitted where other considerations clearly outweigh any harm to the Green Belt by reason of inappropriateness and any other harm, so as to constitute very special circumstances.
7. The exceptions to inappropriate development in the Green Belt that are set out in TLP Policy DP13, include the replacement of a building that is not materially larger than the building it is replacing, and the redevelopment of previously developed sites where the proposal would not have a greater impact on the openness of the Green Belt than the existing development. These exceptions are broadly consistent with those in Framework Paragraphs 154.d) and the first limb of 154.g).
8. The caselaw¹ drawn to my attention indicates that whether a proposed building is materially larger than the building to be replaced is primarily an objective judgement by reference to its size. Floor space, footprint, volume, height and width can all be relevant factors to this judgement. The factors most relevant for assessing the relative size of the existing and replacement buildings will depend on the circumstances of the particular case, together with the relationship between them. This points away from the objective judgement being one based purely on a mathematical comparison of volumes and floor areas.
9. The floor area and volume of the proposed building would closely match the combined floor areas and volumes of the existing buildings to be demolished. These consist of a number of relatively small utilitarian buildings, including a metal shipping container with a long and narrow cuboid form. However, by consolidating the existing volume of built form into a single building with a broadly consistent and taller roof level, it is clear from the submitted drawings that the relationship between its height, width and length, would result in the proposed building having a greater bulk and massing than the existing buildings.
10. In having regard to the factors relevant to an objective assessment of size, and the relationship between them, the proposed building would appear significantly bulkier and thus visibly larger than the existing buildings to be replaced. Consequently, it would be materially larger than the existing buildings.
11. Green Belt openness has spatial and visual aspects, and is open textured with a number of factors being capable of relevance to its consideration. The existing buildings are mostly separated from each other, and from the existing dwellinghouses, by distances measured in multiples of tens of metres. Despite their dispersed pattern across the appeal site, they are generally low height structures with very modest massing, such that they do not appreciably sprawl across the land. Their collective effect on Green Belt openness is very modest, particularly in the context of the larger buildings on the appeal site and nearby.

¹ R (oao Heath and Hampstead Society) v Camden LBC [2007] EWCA Civ 193.

12. By comparison, the proposed building would be set more or less in line with TB and QFH, where its greater bulk and massing would be more conspicuous. There would be hardsurfacing and boundary treatments, together with domestic paraphernalia and car parking that would use the land more intensively and draw the eye towards it. As such, the proposed development would result in a loss of visual openness in the Green Belt, albeit to a relatively modest and localised extent.
13. Even if previously developed land, the proposal's impact on Green Belt openness would, for the reasons given above, be greater than that of the existing buildings to be demolished. As such, it would not meet the exception in Framework Paragraph 154.g) for: *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: - not have a greater impact on the openness of the Green Belt than the existing development..."*.
14. In taking account of all the above considerations, I conclude that the appeal development would not fall within any of the exceptions to new buildings in the Green Belt that are listed in TLP Policy DP13 and Framework Paragraphs 154.d) and g). As such it would constitute inappropriate development in the Green Belt and would harm Green Belt openness.

Listed buildings

15. The significance of QFH, insofar as it relates to this appeal is derived partly from its age, historic fabric and distinctive appearance, which identify it as an example of a large historic vernacular farmhouse. TB, although much altered through conversion to residential use is nonetheless legible as a building with agricultural origins, and its significance is partly derived from its historic association with QFH and agriculture in the locality.
16. QFH and TB are set amongst a surrounding rural landscape that includes dense woodlands and open fields that have recognisably pastoral elements. Despite the conversion of TB to residential use and their subsequent subdivision, QFH and TB are experienced as an intimate group of buildings occupying part of a legible historic farmstead. They have an appreciable historic relationship with agriculture that contributes positively to their settings and significance, and this can be appreciated on the approach to the site from Quarry Road.
17. The general openness of the appeal site contributes to the appreciation of QFH and TB, merging into the surrounding rural landscape. This relationship reinforces their historic functional relationship with agriculture and contributes positively to their settings and their significance. The appeal site therefore makes a positive contribution to the setting and significance of the listed buildings, irrespective of whether it is located outside of the historic farmstead. The intermittent commercial uses present nearby, which are generally well secluded by woodland on the hillside do not markedly detract from this.
18. The existing utilitarian buildings proposed to be removed do not, given their individual scales and their scattered pattern across the appeal site, noticeably detract from the settings of QFH and TB. Their removal would constitute only a very small benefit to the settings of the heritage assets.

19. Although smaller than QFH and TB, the scale, massing and siting of the proposed dwelling would result in it appearing significantly more prominent than the existing buildings to be removed. Together with its domestic garden, boundary treatments and parking area, it would noticeably intrude into the generally open land to the north of TB, where it would erode the appeal site's visual contribution to the transition of QFH, TB and the historic farmstead into the wider landscape. It would have a jarring relationship with the listed buildings, and would harmfully affect how they are experienced and appreciated within their surroundings. The overall effect would be to markedly harm their settings and diminish their significance.
20. The contemporary appearance of the proposed dwelling and the use of external materials reflecting those in the locality does not alter my findings on this issue. There is no certainty on the evidence before me that the appeal proposal would alter the stated untidy appearance of the appeal site, or that this would be reliant upon the appeal proposal. The appeal development is more likely to displace, if not add to, the paraphernalia on the appeal site.
21. In terms of the Framework, the harm that would be caused to the significance of the designated heritage assets would be 'less than substantial'. Nevertheless, I am required by Paragraph 205 to give great weight to the conservation of designated heritage assets and therefore this is a matter of considerable weight and importance. Paragraph 208 of the Framework requires me to weigh this harm against the public benefits of the proposal.
22. The proposal would contribute to the supply of housing and bring short and long term social and economic benefits during construction and occupation, and some biodiversity enhancement. Removing the existing buildings would better reveal the heritage assets and improve the appearance of the site. However, given the scale of the proposed development, these public benefits would be insufficient to outweigh the overall harm to the heritage assets.
23. For these reasons I conclude that the proposed development would conflict with Section 66(1) of the Act, and would fail to comply with TLP Policy DP20, insofar as it seeks to protect, preserve and wherever possible enhance the visual appearance and settings of heritage assets. Furthermore, the appeal proposal would conflict with the policies in the Framework that seek to protect the historic environment.

Other considerations

24. The Council cannot currently demonstrate a 5-year supply of housing land in its area and the shortfall against the requirement is substantial. The proposal would therefore make a valuable contribution to housing supply on previously developed land. Construction and occupation would deliver short and long term economic and social benefits to the area. Biodiversity enhancement could be secured and meeting the equivalent of Code for Sustainable Homes Level 4 would be environmentally beneficial. However, given the relatively small scale of the development, these benefits weigh no more than moderately in its favour.
25. The removal of the existing buildings would contribute to a small benefit to the significance of the heritage assets and to the visual appearance of the site. There is limited evidence that the proposal would reduce paraphernalia and

clutter on the wider appeal site. As such, these benefits carry limited weight in favour of the proposal.

26. In isolation to its context the design of the proposed dwelling would not be objectionable. The appeal site is not in a Conservation Area. The evidence indicates that the site is accessible to services and facilities. The proposal would meet all applicable space, accessibility, and parking standards, and would not harm highway safety or trees. However, even if I were to agree, an absence of harm is neutral and does not weigh either in favour or against the proposal.

Other Matters

27. I am not familiar with the full details of the planning permissions granted for the developments shown in the appellant's evidence or the reasons for their approval. As such, I cannot be certain that those cases are directly comparable to the proposal before me and therefore they are of very limited relevance and weight to my considerations in this appeal. I am not bound by previous decisions of the Council in any case.

Green Belt Balance

28. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. I give substantial weight to the proposal's harmful effect on the Green Belt by reason of inappropriateness and harm to openness, which the other considerations do not, either individually or cumulatively, outweigh. The harm to the heritage assets adds further substantial weight against the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
29. The appeal proposal would be contrary to TLP Policies DP10, DP13 and DP20, which seek to ensure that inappropriate development of new buildings in the Green Belt are permitted only where very special circumstances exist, and the settings of heritage assets are protected, preserved and wherever possible enhanced.
30. The policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.

Conclusion

31. The proposal would conflict with TLP Policies DP10, DP13 and DP20, and the Framework in respect of the Green Belt and the historic environment. This results in conflict with the development plan when read as a whole. The material considerations do not indicate that a decision should be taken other than in accordance with that plan. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR