

Appeal Decision

Site visit made on 21 August 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/M3645/W/23/3335848

Elizas Yard, Willey Lane, Chaldon, Caterham, Surrey CR3 6AR

- 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 Simon Patience New Homes Ltd against the decision of Tandridge District Council.
 - The application Ref is TA/2023/715.
 - The development proposed is described as: "development of the site to provide 9x detached dwellings with integral garages and the creation of a new access off Stanstead Road."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July the government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system and the Secretary of State issued a written ministerial statement entitled 'Building the homes we need'. I gave the parties an opportunity to comment on the relevance of these to the appeal proposal and have taken their responses into account in reaching my decision.

Main Issues

3. The appeal site lies in the Green Belt. The main issues are therefore:
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan policies and the Framework:
 - b) The effect of the proposal on the character and appearance of the area, including the Area of Great Landscape Value (AGLV):
 - c) Whether the site is suitable for a residential development having regard to its accessibility to services and facilities:
 - d) Whether the proposal would provide an appropriate mix of housing:
 - e) 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

Inappropriate development

4. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014, (Local Plan P2) set out the Council's approach to determining applications for development in the Green Belt. These are consistent with paragraph 153 of the Framework which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also says that local authorities should regard the construction of new buildings as inappropriate in the Green Belt unless the proposal meets one of a limited number of specific exceptions.
5. The appeal site is a grassed field of approximately 1.25 hectares which is currently in equestrian use supported by the presence of a permanent stable with a footprint of approximately 45sqm. It is common ground that the site is previously developed land (PDL). Consequently, exception G of Policy DP13 relating to the redevelopment of PDL is relevant to this case and mirrors the exception set out in g) of paragraph 154 of the Framework. This states that limited infilling or the partial or complete redevelopment of PDL, may not be inappropriate providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
6. Openness is the absence of development and can have spatial and visual effects. These effects can relate to the proposal's size, its use, and the intensity of any associated activities. The footprint and volume of the existing stable has a minimal effect on the openness of the site. The proposal would subdivide the area to provide nine generously proportioned, detached houses within modest sized plots. Without doubt this would represent a very substantial increase in the footprint and volume of built form on the site with a corresponding loss of spatial openness. This would be compounded by the introduction of a new cul-de-sac, areas of hardstanding, boundary treatments and the domestic paraphernalia associated with residential development.
7. The effects on visual openness would be less pronounced as the site is well screened from public viewpoints by trees along its boundaries. Nevertheless, there would be glimpses of the height and bulk of the dwellings from Stanstead Road and Willey Lane. At present activities on the site, and movements to and from it associated with the equestrian use, are low key and characteristic of a rural area. By contrast, a development of nine dwellings would require a new access and generate multiple movements on and off the site by vehicles and people.
8. All these factors demonstrate that the proposal would have a greater impact on the openness of the Green Belt than the existing development both spatially and visually. Consequently, it would fail to meet the exception test set out in Policy DP13 of the Local Plan P2 and paragraph 154 g) of the Framework.
9. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the Framework states that the Green Belt serves five purposes. As the site is outside the settlement boundary of Caterham, it is in the countryside for the purposes of planning policy. The proposal would give rise to a small, but notable, encroachment

into the countryside contrary to purpose c). Although PDL, the site is not derelict urban land. Development on it would not assist urban regeneration and therefore finds no support from purpose e).

10. For all the above reasons, I conclude that the proposal would be inappropriate development, contrary to local and national policies to protect the Green Belt.

Character and appearance

11. Although the site is close to the settlement of Caterham, there is a distinct change of character between the built-up area and that which lies beyond the defined boundary. Stanstead Road and Willey Lane are characterised by more sporadic development of large residential dwellings most of which are in exceptionally spacious plots. They are well set back from the street and largely screened from view by mature vegetation. This gives the area a rural appearance, particularly as Willey Lane is a narrow, untarmacked track.
12. By contrast, the proposal would introduce a new street in the form of a "T" punctuated by a roundabout located in the middle of the site to enable the retention of some existing trees. The dwellings would be arranged around the cul-de-sac in what is a typical suburban layout. This would be significantly at odds with the more informal pattern of development in the immediate vicinity of the site. The creation of the access would result in the loss of trees along Stanstead Road. Consequently, the new street would be a more prominent feature than either Willey Lane or the existing nearby frontage accesses. It would detract from the rural character of this stretch of Stanstead Road.
13. A significant proportion of the site lies in an area defined by the local plan as an Area of Great Landscape Value (AGLV); only the southern section adjacent to Stanstead Road lies outside it. This part of the AGLV is a finger of land that extends northwards into the narrow gap between development at Chaldon and Caterham Valley. It is characterised by small scale fields and horse pasture and scattered low density development interspersed with blocks of woodland. As an area of open land, the northern part of the site contributes positively to these features of the AGLV. However, the site's enclosure by trees and other vegetation limits its contribution to the AGLV as a whole. Neither is there any intervisibility between the site and the Surrey Hills National Landscape¹ which lies further to the south.
14. The LVA² submitted with the appeal concluded that any visual effects of the proposal would be limited, primarily due to the site's enclosure by mature boundary vegetation. It would only be seen from the immediate surroundings and therefore there would be little consequence to the character of the AGLV. I see no reason to disagree with this conclusion. However, even if there was no harm to the wider landscape, the development of the site would result in the loss of an open field which currently contributes to the character of the AGLV. Beyond the settlement boundary the area is characterised by single properties with individual road frontages. The change from open and undeveloped pasture to a suburban cul-de-sac serving nine detached dwellings would be out of character with the pattern of development along

¹ Formerly the Surrey Hills Area of Outstanding Natural Beauty (AONB).

² Terrafirma: Landscape and Visual Evidence and Appraisal – December 2023

Stanstead Road. Neither would it be a logical extension of the existing settlement, as it would be physically and visually separate from the more compact urban grain that characterises the built-up area of Caterham.

15. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 (Core Strategy), Policy DP7 of the Local Plan P2 and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021, all which require development to reflect and respect its local context, integrate with their surroundings and reinforce local distinctiveness. Conflict with these policies carries full weight as they are broadly consistent with the Framework's approach to promoting high quality design.
16. There would also be conflict with Policies CSP20 and 21 of the Core Strategy which seek to protect countryside for its own sake and the AGLV according to the same principles that apply to the Surrey Hills National Landscape. However, these policies are not entirely consistent with the Framework. The AGLV does not have the same status in terms of protection as a National Landscape, in which great weight should be given to conserving and enhancing landscape and scenic beauty. Nevertheless, paragraph 180 advocates protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Harm to the AGLV is therefore a matter which carries moderate weight.

Accessibility

17. The site is some 1.7km to the south-west of Caterham town centre where there is an extensive range of shops and services. However, National Design Guide advises that for local facilities to be within walking distance they should be within a 10-minute walk (an 800m radius). A walk of more than 20 minutes is unlikely to be a realistic choice for most people on a regular basis, and would be considerably less convenient than using a car. In this case distance is not the only deterrent. Walking to the town also involves descending Church Hill, which is steep and then climbing up this significant hill on the return journey. For much of the length of Stanstead Road there is only a narrow footway on the northern side of the road with limited lighting. Even with a footway and a 30mph speed limit on the road, the combination of distance, gradients and increasing sense of remoteness on the approach to the appeal site, would not be conducive to future occupants choosing to walk to and from the town centre. The prospect of walking in poor weather or during the hours of darkness would be an even less attractive option.
18. For similar reasons, the topography of the surrounding area is unlikely to encourage anyone other than experienced cyclists to tackle the steep nature of Church Hill on a regular basis. Access to public transport is also limited with the nearest bus stops being over 1km away along Willey Lane, an unlit and unsurfaced track. Other bus stops are even further from the site, so using public transport would not be a realistic modal choice for most people. For all these reasons the highway authority recommended the proposal be refused on the grounds of the unsuitability of the location. In its view future residents would be heavily dependent on the private car for the majority of their journeys. I agree with this conclusion.

19. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between rural and urban areas. Accessing the town centre by car would only involve short journeys and the additional trips from a development of nine dwellings would not result in a severe effect on the operation of the highway network. The scheme would therefore not fail the test of paragraph 115 of the Framework. However, that is not a justification for permitting a development which fails to give priority first to pedestrians and cyclists, as advocated by paragraphs 109 and 116 of the Framework. It would leave future occupants primarily reliant on the car to access the service and facilities they need, particularly in the absence of a convenient bus service close to the site.
20. I conclude that the location is not suitable for nine dwellings as the only realistic means of accessing local services and facilities would be by private car. This would be contrary to the spatial strategy set out in Policy CSP1 of the Core Strategy which is predicated on promoting sustainable patterns of travel and locating development where there is a choice of transport mode. It would also fail to accord with the Framework's objectives of ensuring that opportunities to promote walking, cycling and public transport are identified and pursued.

Housing mix

21. Policy CSP7 of the Core Strategy requires development of 5 units and above to provide a mix of dwellings to reflect the local area's housing needs. This supporting text explains that this approach was justified based on a Housing Needs Study. Although the data from that study is now approaching 20 years old, at that time there was a large surplus of 4+ bedroom houses in Caterham, where supply was over three times the demand. There was no evidence from either party about existing need. However, neither was there any suggestion that the supply of large homes in the Caterham area has significantly reduced over the last 15-20 years.
22. In this context, providing nine houses, each with 5 bedrooms, would continue to exacerbate the over-provision of large homes in Caterham. The proposal would be unlikely to provide homes that would meet the diverse needs of local people, many of whom would be looking for smaller dwellings. There would therefore need to be good reasons to set aside the requirements of Policy CSP7. None were put to me. The Government's objective of significantly boosting housing supply is also aimed at ensuring that additional homes meet the diverse needs of different people. Policy CSP7 is broadly consistent with Paragraph 60 of the Framework which refers to the need to include an appropriate mix of housing types for the local community.
23. I therefore conclude that the proposal would fail to provide an appropriate mix of housing contrary to local and national policy to ensure that new homes contribute to addressing local housing needs.

Other Considerations

24. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. The situation is acute and has been on-going for many years. The latest published figures indicate that supply stands at only 1.57 years and the Housing Delivery Test gave a result of just 38%.

25. In this context the provision of nine dwellings would contribute to housing supply and as a small site could be built-out quickly. However, the uniform size of the homes would primarily suit larger families rather than directly meeting a variety of local housing need. Nevertheless, in view of the chronic shortage of supply the benefit of additional homes carries significant weight.
26. The development would benefit the local economy through the creation of jobs during construction, albeit these would be short term. Future residents would contribute to the local economy through their spending. These considerations carry modest weight.
27. It is contended that as a redevelopment of PDL the proposal could provide landscape enhancement and improved recreational opportunities. However, as a small estate of detached houses with private gardens, I consider such enhancements and improvements would be minimal. Any benefits would be offset by the loss of an open area, much of which lies within the AGLV. Improvements to habitat diversity would be requirements of the development plan and are therefore neutral in the balance.
28. Contributions to infrastructure through the Community Infrastructure Levy are necessary to mitigate the increased need for services from the additional population. Other design factors such as ensuring acceptable living standards, protecting trees, providing electric vehicle charging points and including measures to minimise the homes' carbon footprints are basic requirements to make any scheme acceptable in planning terms. They cannot be considered to be benefits of the proposal.

Green Belt Balance

29. The proposal would be inappropriate development in the Green Belt, harmful to openness and would cause encroachment into the countryside. These are matters to which the Framework requires me to attach substantial weight.
30. I have also found that the scheme would be harmful to the character and appearance of the area, including the AGLV, and would fail to provide a mix of housing. Furthermore, future residents would be beyond a reasonable walking distance to local services and facilities and therefore overly dependent on a car as a means of travel. These are important matters which collectively weigh significantly against the scheme.
31. On the other hand, the benefits of nine new homes, in an area where there is an acute and chronic shortage of housing land supply carries significant weight together with modest associated economic benefits. However, these other considerations do not clearly outweigh the substantial harm arising from inappropriateness and the other significant harms I have identified to the Green Belt. Consequently, the very special circumstances to justify the proposal do not exist.

Other Matters

32. The Council also refused the scheme due to inadequate information to demonstrate that it would be acceptable in terms of its impact on drainage, ecology and trees. In relation to drainage, additional information was required to demonstrate the scheme would not cause unacceptable flood risk. The ecological surveys were undertaken more than 18 months ago, and as they

cannot be relied upon beyond 2 years, there must be an element of doubt about the report's conclusions. The Council acknowledged that its concerns about the proposal's impact on trees could be addressed through the imposition of suitably worded conditions. However, as I am dismissing the scheme for other reasons, it has not been necessary for me to consider these matters further.

33. My attention was drawn to the approval of four new homes to the rear of 40 Stanstead Road. As this scheme relates to a site within the settlement boundary of Caterham it was assessed against a raft of different policies. It is therefore not comparable with the appeal proposal.

34. In their responses to the government's consultation on revisions to the Framework and the Written Ministerial Statement it is apparent that there is a dispute between the parties about whether the site could be considered to be 'grey belt' land. The Council will be required to review its Green Belt boundaries and make alterations so as to better meet its housing needs. Whether the site would be defined as 'grey belt' as a consequence of that review is not a matter for me to consider in the context of this appeal, which I have determined having regard to current planning policy and the appeal site's specific characteristics.

Planning Balance

35. As the Council is unable to demonstrate a 5YHLS, paragraph 11 d) of the Framework is engaged. However, in this case the application of policies in the Framework that protect the Green Belt, referred to in footnote 7 to paragraph 11 d) i) provides a clear reason for refusing the proposal. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

36. The proposal conflicts with the development plan and the material considerations, namely the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it.

37. I therefore conclude that the appeal should be dismissed.

S M Holden

INSPECTOR