The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/M3645/W/24/3337750
The Warren, Church Road, Woldingham CR3 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Remus Construction and Development against the decision of Tandridge District Council.
- The application reference is TA/2022/1666.
- The proposed development is for the erection of a detached, 6-bedroom dwelling and detached garage, and amendment to the location of the residential curtilage with associated landscaping, following demolition of existing dwelling and outbuildings.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to the extensive planning history of the site, particularly planning permission reference TA/2015/79, approved in September 2017. The Council has subsequently granted a Lawful Development Certificate (Ref 2021/1832) which confirms that this development has commenced, and therefore the TA/2015/79 scheme remains extant. Also, a previous appeal on the site was dismissed in April 2023 (Planning Inspectorate reference APP/M3645/W/22/3292482). I shall have regard to this background when considering the merits of this proposal.

Main Issues

3. The main issues are:

- whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt;

- the effect of the proposed development on the character and appearance of the site and surrounding area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB); and

- whether any 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 inappropriate development

4. he previous Inspector noted that the appeal site comprised a large, detached dwelling in a mature garden; at the time the building was vacant and dilapidated and the grounds were somewhat overgrown. From my observations little seems to have changed in the interim. Church Road contains a number of other houses set in wider countryside of fields and woodland.

5. Paragraph 154 of the Framework states the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Paragraph 154 (d) permits the replacement of an existing building, provided the new building is in the same use and not materially larger than the one it replaces. Policies DP10 and DP13 of the Part 2 Local Plan (LP) reflect the contents of paragraph 154, to the extent that they are relevant to this appeal.

6. The current structure is to be replaced by a large house set over three floors; I appreciate the appellant's contention that there is extant additional floorspace and return to this below under other considerations. Although I have no precise figures pertaining to existing built form, based on the proposed elevations on the submitted plans and from what I observed on my site visit, I consider that the approximate volume of the proposal would be materially greater than that of the dwelling to be replaced.

7. For the above reasons, I conclude the new building would be inappropriate development in the Green Belt, contrary to Policies DP10 and DP14 of LP and paragraph 154 of the Framework.

Openness

8. Openness can be perceived spatially and visually. The new house would provide a quantum of built development that does not currently exist on site, which would have a substantial adverse impact in spatial terms.

9. Visually, the position of the extant property means that it is in closer association with other residential curtilages locally, which contrasts with the much less developed open spaces in the wider surrounds of the site. The new proposal would be seen from open land and from the public highway, despite the presence of existing vegetation adjacent to Church Road. Its mass, bulk and height would also restrict appreciation of openness across the landscape, especially at first and second floor levels. Overall, I find there would be considerable harm on visual grounds.

Character and appearance, including the AONB

10. The area is characterised by dwellings in spacious grounds with extensive mature planting. Their gardens are interspersed with areas of woodland, giving the locality a sylvan, rural quality in which buildings are generally subservient to their extensive landscaped and wooded settings. The existing dwelling is well screened and proximal to other properties.

11. Conversely, the repositioning of the replacement scheme would result in it becoming more prominent from the public highway and the wider AONB than

the current situation. The upper levels of the built form would be clearly visible from the ridge on the opposite side of the valley that lies in a broadly west to north-westerly direction, and the mass, bulk and height would appear as a discordant intrusion within the context of the green and verdant nature of the surroundings. It would therefore represent an incongruous feature to the detriment of the character and appearance of the site and the wider AONB.

12. Consequently, the proposal would be contrary to Policies CSP18, CSP20 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7of the LP, Policy L1 of the Woldingham Neighbourhood Plan (2016) and Policy P6 of the Surrey Hills AONB Management Plan Policy. These policies collectively seek to ensure that new development integrates effectively with its surroundings, respecting the character, setting and the local context. It would also be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development.

Other considerations

13. The previous Inspector's decision acknowledged that the approval of the detached dwelling on the site in 2017 represents a potential fallback position, which should be compared with the appeal proposal; I agree that there is the theoretical possibility that this scheme could be implemented in full.

14. Nonetheless, the extant development differs in several ways when compared to the appeal proposal before me. In terms of sizing and appearance, whilst the 2017 property would have a larger volume overall, the current house would have a much greater proportion of volume to the upper floors. This is clearly evidenced in the comparison table at paragraph 5.10 of the Planning, Design and Access Statement.

15. The table indicates that the first and second floors would total some 320 square metres for the extant scheme, against 511 square metres for the proposed; this is a substantial increase. Permission has been granted for a residence that tapers upwards towards an apex roof and comprises a number of subservient, single storey elements; whereas the appeal house would have a considerably bulkier form and more imposing presence in visual and spatial terms.

16. With respect to siting, the extant house would be located in close proximity to other existing properties in neighbouring curtilages, thus consolidating built form. The new dwelling would be re-positioned out onto land that is relatively open and undeveloped, resulting in the spread of built form into the landscape.

17. I therefore find that the development now proposed would be more harmful to the openness of the Green Belt and the AONB than the development permitted in 2017. As such, even if the 2017 proposal is implemented in full, it would be less harmful in both these respects. I therefore assign the fallback position only limited weight in my reasoning.

18. I note that there were no objections to the proposed development from the Councils Tree Officer, the Highways and Flood Authorities, the Environment Agency and the local wildlife trust. Furthermore, a legal agreement could be drafted to revoke existing building rights. However, these matters do not outweigh the harm I have identified above.

Green Belt Balance

19. According to paragraphs 152 and 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.

20. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the weights I have attached to other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. Having regard to all matters and arguments raised, I dismiss the appeal.

C Hall

INSPECTOR