



Appeal Decision

Site visit made on 16 September 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/C3620/W/24/3339670

Afton Cottage, Adlers Lane, Westhumble, Dorking, Surrey RH5 6AS

- 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 R and Miss E Howell against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1641/PLA.
 - The development proposed is demolition of outbuildings and erection of 1 No. dwelling together with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The site is part of the side garden of Afton Cottage, which is located in the Green Belt. It is proposed to demolish some domestic outbuildings on the site and erect a detached dwelling. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to local and national planning policy;
 - its effect on the character of the area surrounding the site; 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.

Reasons

Whether inappropriate development

3. The development plan is saved policies of the Mole Valley Local Plan, October 2000 (LP) and the Mole Valley Core Strategy, October 2009 (CS). It defines Westhumble as a small rural village within the Green Belt. The Green Belt designation washes over the village including because of the important contribution it makes to the openness of the Green Belt. Development in the village is restricted by the development plan, including to infilling.
4. The NPPF sets out that the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions. The appellants primarily

rely on the exception in NPPF paragraph 154(e) for limited infilling in villages. The Council assessed the proposal against the exception at NPPF paragraph 154(g) which is, in short, for limited infilling or the partial or complete redevelopment of previously developed land.

Paragraph 154(e)

5. The NPPF does not define 'limited infilling in villages' in the Green Belt. According to the Council the site is located 'just outside' the settlement boundary of Westhumble as defined in the development plan. The appellants consider it is 'immediately adjacent' this boundary having regard to the Council's development plan proposals map in the LP. There is no evidence that Afton Cottage or the other half of this semi-detached pair of houses, Adlers Cottage (or any part of their gardens) are within this boundary, including that I have not been provided with a copy of the proposals map or any plan showing this boundary in relation to the site. While the site is evidently close to or even next to this boundary, it is nevertheless not in Westhumble village by this measure. Albeit for the exception at NPPF paragraph 154(g), the appellants consider that the site is previously developed 'brownfield' land (PDL). The Council does not dispute this and nor do I, so by definition the site is not in the built-up area of, in this case, Westhumble village¹.
6. The part of Adlers Lane containing the site, and Afton Cottage and Adlers Cottage, is a cul-de-sac. Vehicles must use roads through Westhumble to access the site and these houses. This is also the primary means of access for pedestrians or cyclists. However, transit through the village does not itself render the site 'in' the village. Nor does a Westhumble postal address or that the site is within convenient distance of public transport or other facilities or services.
7. These two cottages are the only dwellings along and facing the south side of this part of the lane and are located at one end of it. The rest of this side of the lane, from Afton Cottage towards a crossroad junction, borders the long mainly undeveloped garden of a dwelling in a corner plot that is side on to the lane, fronting Pilgrims Close. This arrangement is repeated along the north side of this same part of the lane. In front of the site, the lane borders the long back garden of a dwelling opposite which faces Pilgrims Way.
8. These other dwellings are in long rows of mainly closely spaced dwellings arranged in a similar way along the outer, south side of Pilgrims Close and Pilgrims way in a shallow arc to the north of the site. This residential development has an inward facing orientation and main aspect towards other dwellings, with a strong demarcation between the built-up area and the countryside due to a mostly unbroken belt of trees and hedgerow along back garden boundaries. This distinctive pattern of residential development is repeated elsewhere around the periphery of Westhumble.
9. Though next to Afton Cottage on one side and near Adlers Cottage, the site is part of this notably more exposed nub of modestly developed land at the far end of this stub of Adlers Lane. The proposed dwelling would not be closely spaced or contiguous with any other dwelling, with large gaps in between. While it would have an inward facing orientation and be on the outer, south

¹ NPPF Annex 2: Glossary and CS glossary

side of the lane, the main aspect would be towards back gardens or outbuildings, not facing dwellings. The site is also set down at a lower ground level than these other dwellings. Despite some trees mainly in the back garden of Adlers Cottage, the site protrudes beyond the main belt of trees or hedgerow along these other back gardens. This gives it a detached visual and spatial presence, more obviously within the countryside surrounding part of the site, and both cottages, rather than as a coherent part of this other more cohesive residential development.

10. I have not been informed about any proposed change to the defined settlement boundary of Westhumble in the Council's emerging Regulation 19 Draft Local Plan (DLP) or if there are any relevant unresolved objections. While the adopted development plan pre-dates the NPPF, there is no evidence that defined settlement boundaries (including as proposed in the DLP) are inconsistent with relevant objectives of the NPPF for the Green Belt including, amongst other things, for the location of housing. It is not the remit of this appeal to review the Green Belt boundary, for instance to inset (remove) Westhumble or the site from the Green Belt. Nor to review the defined settlement boundary of the village, including whether the site should be within such a boundary in the DLP.
11. At Winfield Grove, elsewhere in the District, part of a proposed house with its garden straddled the defined settlement boundary of Newdigate². The Inspector found that boundary was an artificial sub-division of that site. While this was material to whether the Inspector considered that proposal was in that village, the same circumstance does not apply in the current appeal. Moreover, there is no evidence that relevant physical features in that case were the same or very similar to the current appeal. Newdigate is also a small rural village washed over by the Green Belt, like Westhumble. In establishing the location of that site, on the face of it, the Inspector took the defined settlement boundary of Newdigate as also a boundary of the Green Belt. I find no such distinction for this type of settlement.
12. At Coppull Moor Lane, elsewhere in the country, the site was some 265m from the defined settlement boundary of Coppull³. The Inspector found that the proposed dwelling would be in that village because buildings adjoined both sides of that site. It was also within a continuous frontage, part of a clear continuum of development spreading out from that settlement. Those circumstances do not apply in the current appeal. Another appeal decision was referenced but no copy included with the appellants appeal statement or elaborated on⁴. As a result, none of these appeal decisions assist me.
13. The site might be located at, or be closely associated with the envelope of, Westhumble; or be perceived as part of the general extent or 'southern peripheries' of Westhumble by virtue of proximity, as might be Afton Cottage and Adlers Cottage and only a single dwelling is proposed. However, having regard to the other readily-identifiable features outlined above, the situation on the ground⁵ means that the dwelling would not, in my view, be in the village but an adjunct to it. I do not therefore need to consider if the proposal would

² APP/C3620/W/15/3130564

³ APP/D2320/W/16/3154595

⁴ APP/H1033/W/15/3131988

⁵ *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

be limited infilling because for this reason alone it does not comply with the exception at NPPF paragraph 154(e).

Paragraph 154(g)

14. The Council accepts that the proposal would amount to the partial or complete redevelopment of PDL, whether redundant or in continuing use (excluding temporary buildings). I have no reason to find otherwise. The site is a significant proportion of the garden of Afton Cottage, which is mainly open and undeveloped and the single-storey domestic outbuildings spread over part of it have flat or low pitched roofs. They would be demolished, so partially off-set the size of the proposed dwelling which would also have a more consolidated layout on the site.
15. However, even though a chalet bungalow, this dwelling would be wider or deeper than any one of the outbuildings and taller to eaves than most of them, with a large expanse of gable end elevations. It would also be much higher to a steeper pitched roof ridge level with a row of three dormer windows projecting beyond the extensive front and rear roof slopes. Even after demolitions, there would be a substantial increase in bulk and mass due to building volume, as well as a modest increase in building footprint. Additionally, a greater intensity of residential activity to and from the dwelling and on the site, than as part of the garden and single occupation of Afton Cottage, even if used for similar purposes. As a result, the dwelling would be significant in size and with the associated use of the site, the proposal would have a self-evident presence with appreciable visual and spatial intrusion.
16. Consequently, there would be a greater impact on the openness of the Green Belt than the existing development. The proposal does not, therefore, comply with the exception at NPPF paragraph 154(g).

Conclusion

17. Having regard to both exceptions, I find that the proposal would be inappropriate development in the Green Belt. In a small way this permanent change to this part of the Green Belt would not preserve the openness of the Green Belt.

Character of the surrounding area

18. The character of the surrounding area includes, and albeit varied in design, the regimented layout of predominantly large houses and gardens in this part of Westhumble to the north of the site. Also, the mainly undeveloped countryside to the south, within which is situated the smaller houses at Afton Cottage and Adlers Cottage each in large gardens.
19. The proposed dwelling would be inherently well-designed and form a short row with these cottages, including brick wall or planted boundaries. Subject to a condition it could be built using high quality external materials. There is no evidence that the proposal is the only means to remove the partly dilapidated outbuildings from the site, but this would be a small visual improvement.
20. However, there is no objective evidence before me that the dwelling would exhibit a 'traditional design... in keeping with the prevailing style locally' or reflect 'the traditional Surrey vernacular', as the appellants suggest. The proposed chalet bungalow is plainly out of keeping in type, size, floorplan

or form with either Afton Cottage or Adlers Cottage and the closest other houses nearby. The proposed plot would be notably smaller in dimensions and area and different in shape than even at Afton Cottage or Adlers Cottage (as would be the residual plot at Afton Cottage) and manifestly at odds with the prevailing size or shape of gardens at the other houses nearby. Although a chalet bungalow, it would as a result also appear cramped in relation to most of the site boundaries of this small plot.

21. Even if there are bungalows or chalet bungalows elsewhere in Westhumble, or smaller or narrower residential plots, I have not been informed specifically where these features co-exist. There is no objective evidence that any dwellings or plots with these features have a meaningful visual or spatial interrelationship with the site, so such development does not set an appropriate context for development on the site.
22. Consequently, the incongruous location, siting, layout and form of the dwelling would unduly consolidate the existing modest intensity of residential development south of Westhumble, in the countryside. As well as intrinsic impact, the proposal would be observed in short distance public views by people passing by using Adlers Lane and the public footpath at the end of his road, including some longer distance unobstructed views from the footpath on the approach from the south crossing a field. Proposed landscaping does not provide acceptable mitigation if as a means to screen fundamentally inappropriate development to begin with.
23. The field to the south of the site is mainly flat, comparatively small and enclosed by trees and hedgerow, so discrete from the surrounding countryside. The Council did not object to the effect of this single dwelling, or its location next to Westhumble, on the wider landscape and scenic beauty of this part of the Surrey Hills National Landscape, which is also in an Area of Great Landscape Value. I have no reason to find otherwise. This helps to conserve and enhance the most important landscape and scenic beauty of both designations overall.
24. Nonetheless, considering all the above, I find that the proposal would be detrimental to the character of the area surrounding the site. It does not therefore comply with LP Policies ENV22, ENV23 and ENV24 or CS Policy CS14. These include that development should be appropriate to a site in scale, bulk, form and layout, respect the character of the locality, such as surrounding built environment and landscape setting in the countryside, and sites should not be over-developed, including in relation to space about a building and boundaries.

Other considerations

25. The appellants state that they do not rely on any very special circumstances. Nonetheless, they have referred to some other considerations.
26. The dwelling was promoted as a self-build for one of the appellants, who is the daughter of the other appellant, her father. I have no reason to doubt that they had a primary input into its final design and layout, or that it would allow her to live independently in a more affordable dwelling next to Afton Cottage, where her father intends to live. However, there is no evidence of an unmet need for a self-build plot at Westhumble, such as in the Council's self-build housing (SBH) register or that either appellant is entered on it. There is also no suitable mechanism before me to ensure her initial occupation as owner. The proposal

does not, therefore, meet the definition of SBH⁶ and, in any event, the duty to grant planning permission for SBH relates to land that is 'suitable' for housing. Accordingly, these considerations have little weight.

27. It is common ground that at 2.9 years, the Council cannot demonstrate a 4 or 5 year supply of deliverable housing sites. The Council also failed the 2022 Housing Delivery Test because at 58%, the delivery of housing was below 75% of the housing requirement over the previous three years. The proposed dwelling would be aligned with objectives of the NPPF to significantly boost the supply of homes to meet peoples living needs. A single dwelling would make a small contribution so this consideration has modest weight.

Green Belt Balance

28. The proposal is inappropriate development in the Green Belt, contrary to national policy to protect the Green Belt. The moderate harm in this case to the openness of the Green Belt has substantial weight. It would also result in notable harm to the character of the area. This adds further weight against the appeal. The other considerations outlined above do not, therefore, individually or collectively clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Other Matters

29. The site is within an 800m zone of influence of the Mole Gap to Reigate Escarpment Special Area of Conservation (the SAC). This European site is protected due to habitat and species important for nature conservation, including Great Crested Newts and Bechstein's Bats. There is also a native species hedgerow on the site. However, I intend to dismiss the appeal for other reasons so even if the proposal did not adversely affect the integrity of the SAC or adversely affect the hedgerow there is no need for me to consider these matters any further. This is because it would not affect my decision or therefore alter the outcome of the appeal.

Planning Balance and Conclusion

30. Given the housing supply or delivery position, NPPF paragraph 11(d) is engaged and the starting point is that planning permission should be granted. However, the development plan policies most relevant to determining this appeal are broadly consistent with equivalent aims of the NPPF, so have significant weight. Furthermore, the application of policies in the NPPF that protect an area of particular importance (in this case the Green Belt) provide a clear reason for refusing the proposal, so the presumption in favour of sustainable development does not apply in this case. The proposal conflicts with the development plan taken as a whole and conflicts with relevant policies in the NPPF. Other material considerations do not indicate that the appeal should be decided other than in accordance with the development plan⁷.
31. Consequently, for the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁶ Self-build and Custom Housebuilding Act 2015 (as amended) and Housing and Planning Act 2016 (as amended)

⁷ s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)