



Appeal Decision

Site visit made on 16 October 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/R3650/W/23/3334069

Land at Brindell, Tilford Road, Hindhead, Hampshire GU26 6RB

- 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 Woods, South Oak Developments Limited against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/03128.
 - The development proposed is Change of use from B8 Storage to C3 Dwellinghouse. Construction of Single Family Dwelling of low operational and embodied carbon design to Passivhaus standards including micro generation from PV panels and bio diversity enhancement of site.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from B8 Storage to C3 Dwellinghouse. Construction of Single Family Dwelling of low operational and embodied carbon design to Passivhaus standards including micro generation from PV panels and bio diversity enhancement of site at Land at Brindell, Tilford Road, Hindhead, Hampshire GU26 6RB in accordance with the terms of the application, Ref WA/2022/03128, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner heading above has been taken from the decision notice and appeal form as this more clearly identifies the site than that given on the application form.
3. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed. I have however removed the first 'to' from the description for reasons of clarity.
4. Following the decision of the Council on the planning application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Whilst paragraph numbers have changed, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party and I have had regard to the latest version and paragraph numbers in reaching my decision.

Main Issue

5. The main issue is whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

6. The appeal site comprises a plot of land with trees along its northern and eastern boundaries. It is also bounded to the north and south by residential development. To the eastern boundary is Tilford Road with the defined settlement boundary of Beacon Hill and Hindhead on the opposite side of the road. The site is located within the Metropolitan Green Belt.
7. National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154 e), is the limited infilling in villages.
8. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) and Policy DM14 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (LPP2) broadly conform to the general thrust of national Green Belt policy. These set out that inappropriate development will not be permitted except in very special circumstances, including at Policy DM14 c) that states that limited infilling within villages may be considered appropriate.
9. The terms 'limited' and 'infilling' are not defined in the Framework. Furthermore, in the Court of Appeal¹ it was established that the boundary of a village defined in a local plan may not be determinative for the purposes of paragraph 154 e) of the Framework. As such, regard should be had to the situation on the ground as well as any relevant policies.
10. In relation to this, the introductory text to LPP2 Policy DM14 states that in order to provide clarity to residents and developers from the lack of definition of 'limited infilling' in the Framework, Policy DM14 sets out in greater detail how applications in the Green Belt will be assessed. In this regard paragraph 3.19 of the Explanatory Notes states that 'Determining whether a site is within a village will involve consideration of the settlement boundary, and whether the site forms part of the village. As a result, and in accordance with the Court of Appeal decision, the settlement boundary is not the only consideration.
11. Paragraph 3.26 of the Explanatory Notes provides further guidance on this stating that for the purposes of criterion c) to Policy DM14, 'limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment, including the gradual transition between the built-up area and open countryside which characterises many of Waverley's villages.'
12. From my observations during my site visit, the area generally comprises verdant residential development, some of which is visible from the street. Although the site is on the opposite side of the road to the defined settlement, it sits between two dwellings that form part of a ribbon of built development to this side of the road. Furthermore, the site benefits from a vehicular access and some existing built form. As a result, the site is viewed and experienced in

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

association with the existing built form to both sides of the road. Visually the site therefore forms part of the village and character of the area.

13. The proximity of the site to the built form within the settlement boundary, and the high intervisibility between the two, provides a strong visual connection between the site and the village, resulting in a sense that the site forms part of the same settlement. As such, due to the specific circumstances of the pattern and placement of development in the vicinity of the site I find that the site forms part of the settlement of Beacon Hill.
14. Additionally, the site is fairly narrow in width and as such comprises a small gap. It is located between two dwellings that form part of a continuous built-up frontage to this side of Tilford Road and would therefore represent infilling within built development. I am satisfied that the proposal would comprise limited development, due to its single dwelling nature. The proposal therefore represents limited infilling of a small gap in an otherwise continuous frontage.
15. There is no dispute between the main parties that the proposal would not have an adverse impact on the character of the countryside and would not harm the local environment that includes the Surrey Hills AONB and Area of Great Landscape Value. Given the design and small scale of the proposal, I have no reason to disagree. Furthermore, due to the position of the appeal site between two existing dwellings, low level of the proposed building and the built form being restricted to the frontage of the site, the proposal would not harm any transition between the built-up area and the open countryside.
16. For these reasons, the proposal comprises limited infilling within a village. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt in accordance with the Framework, LPP1 Policy RE2 and LPP2 Policy DM14.
17. In light of the proposal comprising limited infilling within a village under LPP2 Policy DM14 c) and paragraph 154 (e) of the Framework, I do not need to consider the proposal against paragraph 154 (g) of the Framework or LPP2 Policy DM14 b).
18. In terms of effect on openness I have concluded that the proposal would not be inappropriate development. In accordance with established case law² it should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land in the Green Belt. Because of my findings it is also not necessary to consider whether very special circumstances exist.

Other Matters

19. I have had regard to the site history including reference to previous appeal decisions³. However, these decisions pre-date the latest version of the Framework, and were determined under different development plan policies. As such, they are not directly comparable to the current appeal proposal that I am required to consider on its merits and against current development plan policies and the latest version of the Framework.

² Lee Valley Regional Park Authority, R (on application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

³ APP/R3650/A/06/2025206, APP/R3650/A/13/2203689 and APP/R3650/A/14/2226621

20. The proposal would provide off-street parking for two cars and the site is well related to the settlement boundary providing opportunities for the use of sustainable transport modes. As a result, adequate car parking provision would be provided in accordance with the Parking Guidelines October 2013. It is noteworthy that the Council came to a similar conclusion in this regard.
21. My attention has been drawn to the location of the site within the Wealden Heaths Phase I and II Special Protection Areas (SPAs) 5km Buffer Zones. Due to the provision of an additional dwelling, the proposal would result in an increase in people living permanently on the site and therefore an increase in people accessing the SPAs. However, I note that LPP1 Policy NE1 requires a Habitats Regulations Assessment within 400m of the boundary of the SPAs and the appeal site is located beyond this. Furthermore, the Council have stated that due to the availability of alternative recreational opportunities in the area, which could divert residents from use of the SPAs, the proposal would not have a likely significant effect upon the integrity of the SPAs. In light of the above I have no reason to disagree, and an appropriate assessment is not required.

Conditions

22. I have considered the conditions suggested by the Council against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions. In addition to the standard time condition, a condition specifying the relevant plans is necessary for reasons of certainty.
23. Conditions are necessary to ensure that samples of facing materials are approved before their first use in order to protect the character and appearance of the area and to ensure that details of drains and services are provided in the interests of preventing flooding. I have removed the 'tailpiece' from the condition related to services in the interests of clarity.
24. A condition is necessary to ensure that water to the dwelling is restricted in the interests of sustainable development and design.
25. Conditions are required to ensure the provision of suitable waste and recycling storage, access, visibility spaces, gates, cycle parking, car parking and EV charging points in the interest of protecting highway safety and promoting sustainable transport use. I have amended the condition regarding waste and recycling provision in the interests of brevity and flexibility.
26. Conditions are necessary to ensure the provision of suitable broadband connection in the interests of sustainable design and construction and to remove permitted development rights for further windows in order to protect the character and appearance of the area.
27. Given the contents and findings of the Extended Phase 1 Ecological Assessment by Phillips Ecology (November 2022), the condition suggested by the council requiring a survey of the site for bats is not reasonable or necessary.

Conclusion

28. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

*****SCHEDULE OF CONDITIONS*****

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with drawing nos:

2.001 Revision 1 - Location Plan; 2.003 Revision 1 – Proposed Block Plan; 2.004 Revision 3 - Block Plan; 2.005 - Massing Comparison; 2.006 - Tree Protection Plan; 2.101 Revision 1 - Proposed Plan -01 Lower Ground; 2.102 Revision 1 – Proposed Plan 00 Ground; 2.103 Revision 1 - Proposed Plan 01 Roof; 2.200 Revision 3 – Proposed Elevations N; 2.201 Revision 2 - Proposed Elevations W; 2.202 Revision 2 - Proposed Elevations E; 2.203 Revision 2 - Proposed Elevations S; 2.300 Revision 2 – Sections; 2.301 Rev 2 – Sections; 2.302 Rev 2 – Sections; 2.303 Revision 2 – Sections; 2.601 Revision 2 - 3D View Proposed; 2.602 - Visualisation Sheet 2; 2.603 - Visualisation Sheet 2; and 3312601_1399366776396_Revised Arbor Plan

- 2) Prior to any work above damp-proof course, a sample panel(s) of all new facing materials shall be provided on site. Prior to the first use of these materials, confirmation of the materials and methods shall be submitted to and approved in writing by the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is complete and the condition discharged.
- 3) Prior to commencement of any works above damp-proof course, details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out as shown. This requirement is in addition to any submission under the Building Regulations.
- 4) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 5) Prior to the occupation of the building, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
- 6) Prior to occupation, details of a waste management scheme shall have been submitted to and approved in writing by the Local Planning Authority. Such a scheme would be expected to include proposals for:
 - a) Home composting or similar facilities for the on-site treatment of kitchen and garden waste: and

- b) The storage and suitable screening of containers for waste and recycling materials.

The development shall be carried out in strict accordance with the approved details.

- 7) Prior to occupation, the proposed dwelling hereby granted permission shall be provided with the highest available speed broadband infrastructure.
- 8) No part of the development shall be first occupied unless and until the existing vehicular access to Tilford Road has been provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 9) The proposed gate shall be constructed at least 4.8m from the edge of the carriageway of Tilford Road.
- 10) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. 2213-2.003-Rev1) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 11) The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed without the written permission of the Local Planning Authority.

*****END OF CONDITIONS*****