



Appeal Decision

Site visit made on 15 January 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/C3620/W/24/3345790

Boxhill Kennels and Cattery, Boxhill Road, Boxhill, Surrey KT20 7JF

- 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 Chresta and Mrs Williams-Chresta against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1259/PLA
 - The development proposed is demolition of existing kennels and associated building and erect a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (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 area.
 - The effect of the proposed development on biodiversity.
 - 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

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed

list of exceptions in the Framework. This is broadly echoed by policy EN1 of the Mole Valley Local Plan 2020-2039 (2024) (LP).

Limited infilling in villages

4. Of relevance to this appeal, paragraph 154e) of the Framework provides an exception for limited infilling in villages. Policy EN3 of the LP further states that limited infill development within the Boxhill village boundary comprising development on a site which is substantially surrounded by existing development or is otherwise very well related to the existing layout and built form of the village and where the development is of a modest scale and closely reflects the existing pattern of built development in the immediate surroundings will be permitted.
5. The host property is within the Boxhill settlement boundary, although its rear garden, including the main part of the appeal site is outside. Nevertheless, I have also considered the situation on the ground. Boxhill comprises mainly dwellings fronting the main roads running through the village. The host property is one of these buildings and although its garden is large, given its direct visual and functional relationship with the main dwelling, for the purposes of paragraph 154e) of the Framework, the appeal site is in the village.
6. In terms of whether the development would be limited infilling, the site of the proposed dwelling is behind the frontage dwellings along Boxhill Road. 5 Devonshire Close is on one side, however to the rear there is a wooded area before the built form of a dwelling, and on the other side is the land to the rear of Half a Crown, which is mainly open with modest outbuildings including a stables. Therefore, the site is not substantially surrounded by existing development.
7. This part of Boxhill Road is characterised by detached dwellings fronting the road, as well as dwellings behind them either in the form of individual plots to the rear of frontage dwellings or cul de sacs running from Boxhill Road, albeit that these do not adjoin the site on all sides. Whilst plot sizes vary, houses are generally detached and set comfortably within their plots resulting in a spacious and open pattern of development in this area
8. The proposed bungalow would be close to the southern boundary and would occupy most of the width of the site. Additionally, although the proposed house would be single storey it would have a large footprint and significant bulk at roof level which, considering the ground levels, would appear to be a similar height to the host property. Furthermore, hardstanding for a driveway and multiple parking areas would occupy the majority of the property's frontage. Therefore, overall, although its plot size would be similar to others nearby, the scale and bulk of the built form proposed would result in a property which would appear overly large on this plot and consequently would not be well related to the existing built form and would be harmfully at odds with the existing spacious pattern of built development in the immediate surroundings in these regards.
9. Consequently, the development would not be limited infilling in terms of Policy EN3 of the LP and the Framework.

Redevelopment of previously developed land

10. Paragraph 154g) of the Framework also provides an exception for partial or complete redevelopment of previously developed land (including a material

change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

11. There is no dispute between the parties that the appeal scheme is the redevelopment of previously developed land. Therefore, I will go on to consider the effects on openness.

Openness

12. Openness has both spatial and visual qualities. The appeal site has a number of outbuildings which would be demolished. These buildings are modest, single storey outbuildings, mainly with low pitched roofs. As well as a detached double garage which would be reduced in width to form the access. Together the buildings to be demolished have a floor area of 237sq.m., and the Council has calculated their volume as 452cu.m. and this is not disputed by the appellant.
13. The proposed development would introduce a single dwelling to this plot. It would have a floor area of around 228sq.m. It would be single storey, and although the roof would be hipped and pitched, due to its overall height of around 6m it would be a bulky roof form. The Council have calculated the volume of the proposed dwelling as 620cu.m. and I do not have evidence that leads me to disagree with this figure. The proposed dwelling would be visible in glimpsed views from the road along the access. Furthermore, it would be clearly visible from nearby properties.
14. Although its footprint would be smaller than the buildings to be demolished, the overall scale of the proposed dwelling would result in a clear increase in the height, bulk and massing of built form in a location which is currently open, and this would be clearly visible in its surroundings. As such there would be substantial harm to openness.
15. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework in this regard and would not come under the exception in paragraph 154g) as well as being contrary to Policy EN1 of the LP, the aims of which are set out above.

Character and Appearance

16. For the detailed reasons set out as part of the consideration of limited infilling in villages, the proposed development would create a dwelling which would be cramped on its plot and would unacceptably erode the spacious character of this area resulting in substantial harm to the appearance of the area.
17. Therefore, the proposed development would have an unacceptable effect on the character and appearance of the area. Consequently, it would not be in accordance with Policy EN4 of the LP which seeks to achieve high quality design that makes a positive contribution to local character.

Biodiversity

18. The site is immediately adjacent to the lowland mixed deciduous woodland Habitat of Principal Importance (HPI). I do not have any substantive evidence, such as details of the extent of the roof protection zones for the surrounding trees nor details of methodology which set out how this valuable feature would be

preserved. Therefore, based on the evidence submitted with this appeal I am not satisfied that the development of this site would not be harmful to this important habitat.

19. Consequently, the proposed development would have a harmful effect on biodiversity. As such, it would be contrary to Policy EN9 of the LP which requires that development that would have an adverse impact on habitats of principal importance should be refused.

Other considerations

20. During the appeal process the LP has been adopted and the Council states that it has a five-year supply of deliverable housing sites, and this is not disputed by the appellant. Furthermore, the 2023 housing delivery test results indicate that the delivery of housing was not substantially below the housing requirement over the previous three years. Consequently, there is not a demonstrable unmet need for the type of development proposed in the terms of paragraph 155 of the Framework.
21. The development would provide an additional unit of housing on previously developed land, along with the social and economic benefits of this. These are important benefits and I give substantial weight to the value of using brownfield land. Nevertheless, taking all the above into account and given the scale of the development in this case, overall, there would be modest benefits as a result of the proposed development.
22. Planning permission has previously been granted for a detached bungalow on this site (LPA ref MO/2013/0481), however I do not have evidence that this has been implemented and the permission has expired. Furthermore, the dwelling for which permission was granted was smaller than that proposed. Therefore, I am not satisfied that there is a real prospect of the development taking place, and the appeal scheme would be more harmful with regard to Green Belt openness and character and appearance. Consequently, I attribute limited weight to this fallback position. There was also a previous application and appeal on this site for two dwellings (APP/C3620/W/20/3261130). However, this was for two dwellings and is therefore clearly different to the appeal scheme.
23. I am provided with a decision at The Stables, Boxhill Road (MO/2020/0624) although this is for a replacement dwelling, rather than an additional new dwelling. A decision at Byways Cottage Boxhill Road (MO/2022/0110), for 5 dwellings, has also been submitted. I saw on my site visit that this development was underway and these buildings have been taken into account in the assessment of the existing character and appearance of the area, albeit the scheme proposed is different to the single dwelling for which permission is sought. I am also provided with an appeal decision at Velgrad, Mill Hill Lane (APP/C3620/W/17/3177511). However, this site does not appear to be in the Green Belt and is some distance away from the appeal site, as such I do not have evidence that the circumstances of this scheme are similar to those before me now. Therefore these do not alter my decision.
24. A number of policies from the LP that cover matters including Parking, Housing Mix and Combating the Climate Emergency have been submitted. However, the policies of the LP most relevant to the main issues based on the evidence in this case are set out above.

Green Belt Balance

25. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There is also harm to the Green Belt due to the effect on openness. Additionally I have found harm with regard to character and appearance and to biodiversity. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. On the other hand, the proposed development would provide the modest benefits identified above. Additionally, the fallback position does not justify the development proposed for the reasons set out above and it attracts limited weight.
27. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the Green Belt harm. The very special circumstances necessary to justify the development therefore do not exist. As such, in the context of paragraph 125c) of the Framework this would amount to substantial harm.

Mole Gap to Reigate Escarpment Special Area of Conservation (SAC)

28. The Mole Gap to Reigate Escarpment Special Area of Conservation (SAC) is a habitats site that has a high level of protection. It is designated due to the presence of habitats and species including Bechstein's bat. The appeal site is within 200m of the SAC where, without any mitigation in place, in combination with other plans and projects there would be a likely significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR