



Appeal Decision

Site visit made on 17 April 2018

by **Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

an Inspector appointed by the Secretary of State

Decision date: 10th May 2018

Appeal Ref: APP/D3640/W/17/3186941

Land to the east of Bellew Road, Deepcut, GU16 6QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Louise Tyzack and Alice Perry against the decision of Surrey Heath Borough Council.
 - The application ref. 17/0286, dated 20 March 2017, was refused by notice dated 24 July 2017.
 - The development proposed is an outline application for the erection of up to 12 dwellings (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that all matters of detail apart from access are reserved for future determination. Nevertheless, the appellants state that the extent of the developable area of site, the proposed density and the intended height of the new dwellings (up to two storeys) will be determined by the submitted parameter plans. I have taken these into account in my decision.
3. The appellants have submitted a unilateral undertaking in respect of the provision of four affordable housing units and the payment of a contribution towards strategic access management and monitoring measures aimed at avoiding adverse effects on the Thames Basin Heaths Special Protection Area. I am satisfied that these obligations address the concerns raised in the Council's 2nd and 3rd refusal reasons respectively.

Main Issues

4. Bearing the above in mind, the main issues in this appeal are:
 - (a) whether the scheme would accord with the development plan's spatial strategy; and
 - (b) the scheme's effect on the area's character and appearance.

Reasons

Spatial Strategy

5. The appeal site lies outside an identified settlement boundary, within an area designated as Countryside Beyond the Green Belt in the Surrey Heath Core Strategy and Development Management Policies 2011-2018 (CSDMP), which

was adopted in 2012. Policy CP1 of the CSDMP states that development in such areas which results in the coalescence of settlements will not be permitted. In terms of the overall spatial strategy, the policy explains that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. This includes a major redevelopment opportunity at Deepcut, for which land for the development of some 1,200 net new dwellings is identified by CSDMP policy CP4. The appeal site lies outside this defined area. Among other matters, policy CP4 also seeks to maintain the countryside gap between Deepcut and Frimley Green.

6. Existing housing lies to the south and east of the site. However, these properties are located within generally large and well landscaped plots. They lie outside the defined settlement boundary for Deepcut. The appeal site forms part of a rural and largely wooded gap between the defined settlement area of Deepcut to the north-east and Frimley Green to the west. The appeal scheme would introduce an area of housing into an undeveloped site within this gap, thereby diminishing the degree of separation between the two settlements. This would be contrary to CSDMP policy CP1's aim of seeking to resist settlement coalescence. I therefore conclude that the proposal would conflict with the development plan's spatial strategy, specifically with the spatial requirements of policy CP1.
7. The appellants consider that the housing policies of the CSDMP should not be seen as up-to-date and should therefore be afforded little to no weight. I return to this matter in the planning balance below.

Character and Appearance

8. The appeal site is occupied by woodland, predominantly Scots Pines that appear to relate to a former plantation, along with a number of deciduous species – notably Beech. Although invasive Rhododendron shrubs are present, the mature and semi-mature trees within the site create a verdant and attractive woodland character that is consistent with the well-wooded nature of both sides of this part of Bellew Road.
9. Notwithstanding the scheme's outline nature, the submitted parameter plans indicate that a wooded strip would be retained between the proposed housing and Bellew Road. A landscaping scheme has yet to be finalised. However, bearing in mind, first, that the intended width of this strip would not be substantial, second, that many of the trees to be retained have high canopies and, third, that it is likely that some trees and other vegetation would need to be removed to create visibility splays at the site entrance, I do not feel that the resulting arrangement would materially screen views of the proposed houses from Bellew Road. While no in-principle objection has been raised by the Council to the scheme's proposed density, the presence of built development would therefore be apparent to passers-by – an effect that would be amplified by the visibility of the proposed site entrance. The verdant and rural nature of this part of Bellew Road would be materially – and to my mind harmfully – reduced. To my mind, the scheme would appear as a built intrusion within a largely undeveloped setting.
10. I am aware that the Council's tree officer offers no objection in principle to the intended removal of trees, subject to replacement planting. Clearly, a former plantation of this nature would benefit in arboricultural and ecological terms from ongoing management, particularly in respect of the removal of invasive

species. Nevertheless, even in its present form the woodland has a beneficial effect on the area's character and appearance as described above. This would be harmfully affected by the appeal development.

11. For these reasons, I conclude that the appeal scheme would unacceptably harm the area's character and appearance, contrary in this regard to CSDMP policy CP1's aim of, among other matters, respecting the character of the Borough.

Planning Balance and Conclusion

12. It is common ground that the Council cannot demonstrate a five year supply of land for housing as is required by paragraph 47 of the National Planning Policy Framework (the Framework). In such cases, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. As such, and irrespective of their view that the relevant policies are also based upon an outdated evidence base, I agree with the appellants that the plan's policies for the supply of housing are out-of-date in terms of paragraph 14 of the Framework. This engages the 'tilted balance' set out in the first limb of the last bullet point of paragraph 14.
13. Given the housing land supply shortfall, the exact scale of which is disputed by the main parties, I consider that the intended provision of up to 12 dwellings would amount to a material benefit. While the proposal would not accord with the development plan's spatial strategy, the out-of-date nature of the CSDMP's policies for the supply of housing clearly reduces the weight that can be afforded to this conflict.
14. The appellants consider the appeal site to occupy a sustainable location. However, there is no direct link between the site and existing (or proposed) facilities in and around the centre of Deepcut village. Pedestrian or cycle access to such facilities would require instead a more circuitous approach via Bellew Road which is neither lit nor has a dedicated footway. To my mind, these factors would be likely to encourage the use of the private car for local journeys. This matter does not therefore provide material support for the appeal scheme.
15. I have concluded above that the appeal scheme would unacceptably harm the area's character and appearance. Bearing in mind the verdant and attractive woodland character of the site, which is consistent with the wooded and largely undeveloped nature of the countryside on this side of Deepcut, I consider that such harm is sufficient to significantly and demonstrably outweigh the scheme's benefits. As such, the appeal proposal would not amount to sustainable development in the terms of the Framework.
16. Given that the Framework requires planning decision-making to (among other matters) recognise the intrinsic character and beauty of the countryside, I do not accept the appellants' view that 'any harm to the intrinsic character of the countryside does not outweigh the need for housing'¹. To my mind, such an assessment is a matter to be determined on the merits of the particular case. In the present instance, my views about both the value of the appeal site to the area's character and appearance and the effects that would result from the scheme that is now proposed differ markedly from the appellants' assessments.

¹ Appellants' statement of case – para 6.4.

17. In reaching this conclusion I have taken into account the other appeal decisions that have been cited by the appellants. In the case of my own decision at Loperwood Lane, Totton, Hampshire², I did not find material harm in respect of the scheme's effect on character and appearance. Moreover, the relevant Council did not defend its earlier refusal reasons. In respect of the appeal at Kings Road/Rose Meadow, West End³, which lies within Surrey Heath Borough Council's administrative area, it is clear that the site's character and surroundings are markedly different to those of the present proposal. In addition, the Kings Road/Rose Meadow site was identified as a reserve housing site by saved policy H8 of the Surrey Heath Local Plan 2000. The latter point also applies to the appeal at Heathpark Wood, Windlesham⁴. For these reasons, the cited cases differ materially from the present appeal. They do not lead me to alter my conclusions above, which are based upon the particular circumstances that I have described above.
18. I have considered all the other matters raised but none change my overall conclusion that the appeal should not succeed.

M J Hetherington

INSPECTOR

Richborough Estates

² Appeal ref. APP/B1740/W/16/3164266.

³ Appeal ref. APP/D3640/W/15/3028247.

⁴ Appeal ref. APP/D3640/W/16/3158822.