



Appeal Decision

Site visit made on 25 May 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2018

Appeal Ref: **APP/R3650/W/17/3189813**

Orchard Farm, Wormley Lane, Hambledon, Godalming GU8 5TS

- 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 Mr Nick Hughes of English Rural Housing Association against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1644, dated 21 July 2016, was refused by notice dated 22 May 2017.
 - The development proposed is demolition of existing farmhouse and outbuilding and replacement with 12 local needs affordable housing and 5 open market dwellings with associated vehicle and pedestrian access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In February 2018, after the Council determined this application, it adopted the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (WBLPP1). As a consequence Policies H6, C1 and C3 from the Waverley Borough Local Plan 2002 (WBLP), cited in the Council's decision notice, have been superseded. They are therefore not relevant to my consideration of the appeal which must be determined in accordance with the current development plan unless material considerations indicate otherwise. Although Policy HE3 of the WBLP has been saved, any conflict with it carries weight only insofar as it is consistent with the Framework's approach to heritage matters.
3. During the appeal process a completed Section 106 planning obligation was submitted which addressed the Council's reasons for refusal in relation to the provision of affordable housing and the management and maintenance of the proposed area of public open space. I am satisfied that this obligation meets the tests set out in Paragraph 204 of the National Planning Policy Framework and have taken it into account in reaching my decision.

Main Issue

4. The main issue is therefore the effect of the proposal on the Green Belt as follows:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;

- The effect of the development on the visual amenities of the Green Belt and the landscape and scenic beauty of the Surrey Downs Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV);
- The effect of the proposal on the setting of Tigbourne Court, a Grade 1 Listed Building;
- If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal site is a 3.7ha parcel of land between Wormley Lane and Petworth Road. In the south western part of the site there is a four bedroom dwelling and various buildings associated with the operation of a former riding stables and livery business, all of which are in a dilapidated state. The remainder of the site is an open field. A mix of trees and hedges enclose and screen it from the public view, most especially along Petworth Road.
6. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that, other than for a limited number of specific exceptions, local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. It is therefore necessary to consider the three exceptions which could be relevant in this case.
 - a) *Limited infilling in villages*
7. The site is in a rural area close to the small, scattered village of Hambledon. The settlement has only limited facilities including a shop, church and a village hall, none of which are close to the appeal site. Housing is dispersed along several streets and the village does not have a defined settlement boundary. The proposed dwellings would not immediately abut existing development and would comprise three independently accessed elements. On this basis the proposal cannot be considered to be limited infilling.
 - b) *Limited affordable housing*
8. The Framework permits limited affordable housing for local community needs under policies set out in the Local Plan. From the evidence presented I have no doubt that there is a significant need for affordable housing across the Borough. In April 2017 there were 1,571 households on the Council's Housing Register. The 2015 Housing Needs Survey for Hambledon identified a need for 11 units of affordable housing. The adjacent parish of Witley has an identified need for 28 affordable homes. By providing 12 affordable units the proposed development would make a significant contribution towards meeting this local need for small homes.
9. Paragraph 54 of the Framework suggests that in rural areas local authorities should consider whether allowing some market housing would facilitate provision of significant additional affordable housing. The proposal includes 5 market houses (i.e. a net increase of 4). These appear to have been included

to generate finance to deliver the affordable homes in the absence of grants, rather than to provide small market homes that would meet a local need.

10. I have been referred to Policy AHN2 of the WBLPP1. Although not cited in the Council's decision notice, it deals with small scale developments for affordable housing on rural exception sites. It sets out a stringent set of criteria that such proposals must meet to be acceptable. The policy allows for an element of market housing, but only where the minimum number of open market houses is provided to make the scheme viable and there is physical integration between the types of housing. However, the construction of 17 houses would be a significant scale of development for a settlement of the size of Hambledon. In addition, in the absence of a carefully prescribed cross-subsidy scheme, I could not be certain that the scale and size of the proposed market dwellings would be the minimum required to deliver the affordable units. As there must be compelling evidence to permit the construction of any new buildings in the Green Belt, I was not persuaded on the evidence before me that the proposal qualifies as an exception in the terms of Paragraph 89.

c) Redevelopment of previously developed land

11. The existing buildings on the site are confined to its south-western corner. The majority of the site is an open field interspersed with a few mature trees. A series of temporary permissions were given for using the land and buildings for equestrian purposes dating back to 1975. Although this use is understood to have operated on the site for more than 10 years, no certificate of lawfulness was ever secured. There is nothing to suggest that the site as a whole could be considered as the garden of the existing dwelling and no definitive evidence to demonstrate that the larger part of the site has anything other than a lawful agricultural use. The site as a whole therefore does not fall within the definition of previously developed land set out in the Framework.
12. Furthermore, the scheme would significantly increase both the number of buildings and the overall footprint of development on the site. This would have a greater impact on the openness of the Green Belt and represent an encroachment into the countryside. The proposal therefore cannot be considered to be the partial redevelopment of a previously developed site.

d) Findings

13. For all these reasons, I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with national policy to protect the Green Belt and be contrary to Policy RE2 of the WBLPP1, which reflects the Framework's approach. This is a matter to which I attach substantial weight, as required by Paragraph 88 of the Framework.

Effects on openness of the Green Belt

14. Paragraph 79 of the Framework states that the most important characteristics of Green Belts are their openness and their permanence. Openness is the absence of development, irrespective of whether or not the development would be seen from any public view points.
15. A significant proportion of the proposed development would be located in the south-western part of the site. However, the 5-bedroom dwelling on Plot 1 and the affordable houses on Plots 10-16 would be beyond that part of the site which has previously been occupied by any buildings. The proposed dwelling

on Plot 1 would be significantly larger than the existing farmhouse. It would occupy a large and spacious plot, set well back from the road and served by its own access. Any additional domestic paraphernalia introduced into the garden which surrounds the house would further erode the undeveloped and open character of the Green Belt. The dwellings on Plots 10-16 would be sited on small plots with minimal gardens and parking areas. Nevertheless, they would also give rise to a loss of openness in this part of the Green Belt.

16. I conclude that the proposal would give rise to a modest loss of openness to the Green Belt, contrary to national and local policy. This is a matter to which I attach significant weight.

Effects on character and appearance of the countryside

17. The site is enclosed by mature planting and views into it are limited. Petworth Road carries significant volumes of traffic, but passers-by would be unlikely to be aware of its size or appearance. The site therefore does not currently form part of the open rural landscape that is characteristic of many parts of the Surrey Hills AONB.
18. The proposal would create an area of public open space served by footpaths, some of which would be hard-surfaced. This increased access and visibility would be a public benefit, as would any improvements in biodiversity achieved through long-term management of the area. However, the remainder of the site (about 40%) would be developed for houses, accesses, parking areas and private gardens. The scale of the house on Plot 1, sited on rising ground to the north of the site, would be a dominant feature from the open space. It would not be integrated with the rest of the development. The provision of three separate accesses would result in loss of vegetation along the boundaries. This would be particularly noticeable on Petworth Road which has a strong rural character as it passes the appeal site.
19. The introduction of 17 dwellings and their associated urbanising features would harm the character and appearance of the AONB, even though this harm would largely be contained within the site and to its immediate surroundings. However, as the Framework advises that great weight should be given to conserving the landscape and scenic beauty of AONBs, I am not persuaded that this harm would be outweighed by the benefits associated with the provision of the public open space on the remainder of the site.
20. I therefore conclude that the proposal would fail to conserve the character and appearance of the Surrey Hills AONB and AGLV, contrary to Policy RE3 of the WBLPP1, which seeks to protect the character and quality of areas designated for their landscape and scenic beauty. This is a matter to which I attach moderate weight.

Effects on the setting of heritage assets

21. The appeal site lies close to Tigbourne Court, a Grade I listed building. I therefore have a duty to have special regard to preserving its setting. The Framework states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm or loss to designated heritage assets should require clear and convincing justification.

22. Tigbourne Court was designed by Sir Edwin Lutyens, an internationally important architect, and built in 1899 for Sir Edgar Horne MP. It contains a wealth of aesthetic value due to its architectural form and detailing, all constructed to a very high standard. Its significance arises from it being considered to be Lutyens finest country house and an exceptional example of an Arts and Crafts Movement building, thereby meriting its Grade I status.
23. The house sits immediately alongside Petworth Road. Its setting at the front is therefore already profoundly affected by traffic noise. However, at the rear the area is both rural and tranquil. Furthermore, the garden, although not designated in its own right, was laid out by Gertrude Jekyll, a pioneer of English garden design. Although the legibility of paths and walkways has been eroded and planting lost, the garden has retained much of its original structure. It is enclosed on the boundary with the appeal site by a brick wall giving it an intimate and inward looking character. However, the setting of the house and garden is the wider rural landscape, now designated as AONB and AGLV.
24. Inter-visibility between the house and the appeal site is also restricted by the presence of large trees. The public open space within the development would provide a good degree of separation between the proposed dwellings and the walls enclosing the garden. However, the rise in land levels from Tigbourne Court towards the northern end of the appeal site would give some glimpsed views of the development from the grounds and vice versa. This, combined with the activities associated with the new housing and the use of the footpaths within the public open space, would bring about a material change to the rural character of the area at the rear of Tigbourne Court. This would cause a minor degree of harm to the significance of the house in relation to its rural setting. In terms of the Framework this harm would be less than substantial. Nevertheless, it is a matter to which I am required to give considerable weight and importance.
25. I conclude that the proposal would result in a minor degree of harm to the setting of Tigbourne Court, contrary to Policy HA1 of the WBLPP1 which seeks to conserve and enhance the significance of the Borough's heritage assets. It would also fail to comply with saved Policy HE3 of the WBLP which states that proposals will not be permitted if they would harm a listed building or its setting. However, conflict with this policy carries limited weight as it is not consistent with paragraph 134 of the Framework which requires any less than substantial harm to a heritage asset to be weighed against the public benefits of the proposal. However, I consider that the benefits of providing 12 units of affordable housing would outweigh the minor degree of harm to the setting of Tigbourne Court.

Other considerations

26. A completed Section 106 planning obligation was submitted during the appeal process which addressed two of the Council's reasons for refusal. Firstly, the agreement would secure the provision of the 12 units of affordable housing in perpetuity and ensure compliance with Policy AHN1 of the WBLPP1. This would be a considerable social benefit of the scheme and is therefore a matter to which I attach very significant weight.
27. Secondly, the obligation would secure the management and maintenance of the public open space, including the necessary drainage works. The creation of an area of public open space which would be retained in perpetuity for the benefit

of the village would be a public benefit and is a matter of moderate weight in the overall balance. However, works to provide sustainable drainage are necessary to make the development acceptable and are therefore neutral in the overall balance.

28. The Council adopted its local plan in February of this year and can now demonstrate a five year supply of housing land. It is clear from another recent appeal decision to which I have been referred¹ that further land will be needed to meet the Borough's housing requirement. However, the WBLPP1 sets out a mechanism for identifying additional sites thereby avoiding the need to release sites in the countryside on an ad-hoc basis. This must particularly apply to a site such as this one which is not only in the Green Belt but is also subject to designations relating to its landscape quality, which both national and local policies seek to protect. Notwithstanding the continued need to provide affordable homes, the supply of housing land is not a factor weighing in this scheme's favour and paragraph 14 of the Framework is not engaged in my assessment of the proposal.

The Green Belt balance

29. I have found that the proposal would be inappropriate development in the Green Belt, a matter which attracts substantial weight. In addition I have found modest harm to the openness of the Green Belt and modest harm to the character and appearance of the Surrey Hills AONB and AGLV, matters which attract moderate weight.
30. On the other hand there would be very significant benefits arising from the provision of 12 units of affordable housing and limited benefits associated with the proposed public open space. However, these benefits do not clearly outweigh the harm by reason of inappropriateness and the other harms I have identified. The very special circumstances needed to justify the scheme do not, therefore, exist.

Conclusion

31. I conclude that the proposal would be contrary to the development plan and for this reason the appeal should be dismissed.

Sheila Holden

INSPECTOR

¹ APP/R3650/W/17/3178819