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# Appeal Decision

Hearing held on 25 March 2014

Site visit made on 25 March 2014

**by Lesley Coffey BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 June 2014**

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**Appeal Ref: APP/C3620/A/13/2206376**

**Kennel Lane, Hookwood, Horley, Surrey RB6 0HF**

- 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 Mr Terrence Kemmann-Lane against the decision of Mole Valley District Council.
  - The application Ref MO/2012/1621/OUTMAJ, dated 21 November 2012, was refused by notice dated 9 April 2013.
  - The development proposed is a housing development.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The proposal is an outline application for up to 34 dwellings with all matters reserved for subsequent approval. The appellant submitted a plan showing how the development, including the proposed access, might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site.
3. A signed agreement under S106 of the Act was submitted at the Hearing. This covenants that 40% of the proposed dwellings will be affordable dwellings. It also undertakes to make an infrastructure contribution towards libraries, environmental improvements, equipped play areas, recycling, transport and community facilities. The Council is satisfied that the S106 overcomes its second reason for refusal. I consider the agreement below.
4. At the Hearing the Council withdrew the third reason for refusal in relation to prematurity, and I have considered the appeal accordingly.
5. On the basis of the information within the Flood Risk Assessment (FRA) submitted with the appeal the Environment Agency raised no objections to the proposal due to flood risk. The appellant submitted a desk based archaeological assessment with the appeal. The Council confirmed at the Hearing that the fourth and fifth reasons for refusal are overcome by the information within the FRA assessment and the archaeological assessment. On the basis of the available evidence I have no reason to disagree.

## Main Issue

6. It is common ground that the appeal site is within the Green Belt and that the proposal represents inappropriate development which is by definition harmful to the Green Belt. In addition the appellant acknowledges that the proposal would be harmful to the openness of the Green Belt. I therefore consider the main issues to be:
- The effect of the proposal on the Green Belt and the purposes of including land within in it; and
  - Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations, including housing land supply issues within Mole Valley District, and the presumption in favour of sustainable development, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Green Belt*

7. The National Planning Policy Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 of the Framework sets out the five purposes of the Green Belt, namely to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
8. The village of Hookwood is inset from the Green Belt and is characterised by predominantly ribbon development along Reigate Road and Povey Cross Road. The eastern part of the village extends towards Horley from which it is separated by the A217. Gatwick Airport is situated to the south of Hookwood. The appeal site comprises an open field and is currently used for grazing purposes. It is situated towards the northern edge of Hookwood and adjoins the eastern boundary of the village. It extends between the existing residential development adjacent to Reigate Road and Gatwick Business Park and is surrounded by predominantly open land to the north, south and west.
9. In terms of the functions of the Green Belt, Hookwood is situated in close proximity to Horley, a larger town with a range of facilities situated just outside of the Local Planning Authority area. However, as noted within *The Housing and Travellers Sites Plan: Consultation Document* (January 2014), due to the location of the appeal site on the western side of the village it makes only a minimal contribution to preventing Hookwood from merging with Horley. Although the HTSP suggests that the site has a moderate role in safeguarding the countryside from encroachment, I consider it has a more significant role in providing a clear boundary between the residential development close to Reigate Road and the open countryside beyond. Although it is situated in close proximity to the Gatwick Business Park, given the size of the site and the surrounding open land its development for housing would represent an undesirable encroachment into the open countryside.

10. Allowing development on Greenfield sites, which are generally more attractive to develop, could in principle discourage the development of the more difficult to develop Brownfield sites within the existing built up areas. Nevertheless, the Core Strategy acknowledges that it is doubtful that all future housing needs can be met within the District's built up areas. Therefore the development of the appeal site would be unlikely to compromise development within the built up areas of the District.
11. The proposal would significantly reduce the openness of the Green Belt, one of its most important attributes. It would also conflict with the purposes of the Green Belt in so far as they relate to safeguarding the countryside from encroachment and would conflict with the policies within the Framework which seek to safeguard the Green Belt. The Framework is clear that substantial weight should be accorded to any harm to the Green Belt.

#### Other Considerations

##### *Housing Land Supply*

12. The development plan includes the Mole Valley Local Development Framework Core Strategy (adopted 2009). Policy CS2 states that the Council will make provision for at least 3,760 net dwellings within the District between 2006 and 2026, this represents an annualised target of 188 dwellings per annum. It provides for infilling and limited residential development within a number of locations including Hookwood. It advises that the Council should be able to meet the housing requirement without the need to use Green Belt /Greenfield land until about 2016/2017. The Council nevertheless acknowledges that it is unlikely that all future housing needs can be met within the District's built up areas.
13. Policy CS1 seeks to direct new development towards the built up areas of Leatherhead, Dorking, Ashted, Bookham and Fetcham. These are considered to be the most sustainable locations within the District in terms of the level of community services and facilities available, access to public transport and supporting infrastructure. It is proposed to review the existing Green Belt boundary through the Land Allocations Development Plan Document to ensure that there is sufficient land available to meet development requirements throughout the Plan period. The Land Allocations Development Plan Document now takes the form of the Housing and Travellers Sites Plan (HTSP).
14. The National Planning Policy Framework sets out the national planning policy context in relation to housing. It requires applications for housing to be considered in the context of the presumption in favour of sustainable development. Amongst other matters it seeks to significantly boost the supply of housing and deliver a wide choice of high quality homes. Paragraph 49 requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. It also advises that policies relevant to the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Paragraph 47 requires local planning authorities to have an additional buffer of 5% (or 20% where there has been a persistent record of under delivery) moved forward from later in the plan period.

15. The Mole Valley Local Development Framework Annual Monitoring Report 2012/2013 confirms that 1653 dwellings were delivered between 2006 and March 2013. This exceeds the annualised target for the period by 337 dwellings. The appellant submits that the Council failed to meet the annualised housing target most years during this period and therefore the average delivery rate is boosted by the higher than average number of dwellings delivered during 2011/12. For this reason he considers that there has been a persistent record of undersupply and that a buffer of 20% should be added to the five year housing requirement. The recently published Planning Practice Guidance explains that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle. When assessed against the plan period to date the Council has significantly exceeded its housing targets and I therefore do not consider that there is a persistent record of under delivery.
16. The residual housing requirement from March 2013 until the end of the plan period is for 2,107 dwellings which equates to an average of 162 dwellings per year. On this basis the housing requirement is for 850 dwellings for the five year period between April 2013 and March 2018 including a 5% buffer. The AMR for the period up to March 2013 indicates that there is a deliverable supply of 626 dwellings which equates to housing land supply of 3.6 years for the five year period up until March 2018 (including a 5% buffer). An update to the monitoring report for the period between April 2013 and September 2013 indicates that following the release of a reserve housing site and other permissions there is now a deliverable supply of 736 dwellings. Taking account of the number of completed dwellings, there is a requirement for 817 dwellings for the five year period up to September 2018 and an existing housing land supply of 4.25 years (including a 5% buffer).
17. The AMR 2012/2013 covers the period up to March, but was updated in September 2013. Taking account of the number of additional dwellings completed, there is a requirement for 817 dwellings for the five year period up to September 2018. At that date, following the release of a reserve housing site and other permissions, there was a deliverable supply of 736 dwellings. This would provide an existing housing land supply of 4.25 years (including a 5% buffer), and would therefore not provide the five year supply required by the Framework.
18. The Council is seeking to identify new housing sites through the preparation of the Housing and Travellers Sites Plan. This was published for consultation purposes in January 2014 and it is intended that it be submitted for examination early in 2015 and be adopted later in 2015. At the Hearing the Council stated that whilst there were a significant number of comments in relation to the consultation draft, it should not have a significant effect on the proposed timetable. The number of potential sites included in the consultation draft greatly exceeds the housing requirement for the remainder of the plan period.
19. The HTPS is based on the housing requirements of the Core Strategy, which rely upon the requirements within the South East Plan (now revoked). However, more recent evidence from the ONS 2011 Interim Population Projections (based on the 2011 Census) and the DCGL Household Projections indicates that the population within the District could increase by 8% by 2021.

On this basis the housing requirement could well be greater than that within the Core Strategy. The appellant suggests that as a consequence, the HTPS may not be found sound, in that it would not meet the full objectively assessed housing needs of the District as required by the Framework. Alternatively, the timetable for the adoption of the HTPS may be considerably extended in order to address this matter.

20. The Council accept that the housing figures within the Core Strategy may not be up-to-date, but submits that a number of other factors, including future decisions in relation to Gatwick Airport and the level of housing to be provided within London, could impact on future housing requirements within the District. Therefore due to matters outside of the control of the Council there is considerably uncertainty in relation to the extent of future housing requirements. These matters are unlikely to be resolved in the immediate future. Therefore the Council intends that the HTPS will prioritise the provision of sufficient land to meet the residual housing requirement of the Core Strategy. This would provide for significantly more than a five year housing land supply. Any modifications to the Green Belt boundary will be limited to that which is necessary to deliver the housing requirement within the Core Strategy. The Examination in Public will determine whether such an approach is sound, or whether an alternative housing strategy should be adopted. It should however, address the short term need for housing and within the District.
21. Once the HTPS is complete it is intended to commence work on a Local Plan for the period up to 2036. This will be based on an up-to-date assessment of needs and take account of the policies within the Framework. The Council anticipate that the draft Local Plan will be published in 2017, and submitted for examination in 2018 and adopted in mid 2018.
22. Notwithstanding the Council's commitment to progressing the HTSP and its efforts to address the shortfall in the supply of housing land, the Council is unable to demonstrate a five year supply of housing land as required by the Framework. On this basis the relevant policies for the supply of housing cannot be considered up-to-date. Notwithstanding this, both policy CS1 and policy CS2 are consistent with the Framework in that they aim to direct new housing towards the most sustainable locations.

#### *Affordable Housing*

23. Core Strategy policy CS4 aims to increase the provision of affordable housing to secure a minimum of 950 net affordable housing between the period of 2006-2026. It requires 40% of all dwellings on housing developments of 14 dwellings or more to be affordable. Such provision should include a mix of tenures and should reflect the site's characteristics and the type of need identified in the most up-to-date Housing Needs Study and Strategic Housing Market Assessment.
24. The proposal would provide 14 affordable homes in accordance with policy CS4, and as such would make a modest contribution toward the considerable need for affordable housing within the District. This would be a significant benefit of the proposal.

### *Sustainable Development*

25. Hookwood has few services other than a public house, village hall and a large supermarket. Although there is a medical centre and a hospital, these are private facilities. There are no schools within the village, nor are there any GP or general medical services provided. Therefore residents would need to travel to Horley to meet most of their day to day needs including access to medical services and education. At the time of the application there was a bus service that passed close to the appeal site, however this has since been discontinued. Employment opportunities for future residents would be provided by Gatwick Business Park and Gatwick Airport (which is nearby). The closest bus stop is at Povey Cross towards the southern end of the village. Therefore although the site is not particularly remote I consider that residents would be reliant in the use of a car to access most of the services.
26. The appellant referred to a site at Beare Green where the Council granted planning permission for 24 dwellings within the Green Belt in June 2013. The appellant considers that the approach to the appeal site is inconsistent with the decision at Beare Green. Both sites have some characteristics in common in that both are designated as large villages; both sites are located within the Green Belt adjacent to the village boundary and both schemes would contribute to the supply of affordable housing in the District. Notwithstanding this, the Beare Greene development involved Brownfield land, and it was considered that it would improve the visual amenities of the Green Belt. In addition it is located close to the railway station and bus stops. In addition Beare Greene includes a primary school and a village hall. It therefore comprises a more sustainable location by comparison with the appeal site and the Council's decision weighed these factors, together with housing land supply situation against the harm to the Green Belt. I therefore consider that the decision in relation to Beare Green is not directly comparable with the appeal proposal.
27. An oil pipeline crosses the appeal site and whilst this may have implications in relation to the overall layout of the site, it is a private matter between the parties, and there is no evidence to suggest that it would have a significant effect on the use of the site for housing.
28. A number of residents were concerned that Kennel Lane is relatively narrow and there may be insufficient room for vehicles to pass. There may also be inadequate space for a footpath.
29. The proposal is an outline application, and I am satisfied that there is sufficient space to provide a scheme that would safeguard the residential amenities of neighbour residents in relation to overlooking and over shadowing within the site.
- Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations, so as to amount to the very special circumstances necessary to justify the development.*
30. The Framework makes it clear that substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition the development would significantly reduce the openness of the Green Belt. The Framework identifies this as one of its most important attributes. The proposal would also fail to safeguard the countryside

- from encroachment and would therefore conflict with one of the purposes of including land within the Green Belt. I therefore accord substantial weight to the harm to the Green Belt.
31. The Council is unable to demonstrate a five year supply of deliverable housing land. Whilst its efforts to address the existing shortfall, and its strategy for ensuring sufficient sites to meet the housing requirements of the Core Strategy reduces the weight to be accorded to this matter, I nevertheless attribute it considerable weight.
32. The housing requirements within the Core Strategy are not based upon up-to date evidence. However, the Council provided sound reasons for relying on the housing requirements within the adopted Core Strategy, and the HTSP aims to ensure sufficient housing sites for the remainder of the plan period. I therefore accord this matter limited weight.
33. The appeal site is not particularly accessible in terms of public transport and the range of services within Hookwood is limited. However, the proximity of the site to areas of potential employment and the provision of affordable housing contribute to the sustainability of the proposal. I attribute this matter moderate weight.
34. The recently published PPG advises that un-met housing need is unlikely to outweigh the harm to the Green Belt, and other harm, so as to constitute the very special circumstances necessary to justify inappropriate development within the Green Belt. Specific policies within the Framework indicate that inappropriate development within the Green Belt should not be approved, and that the openness and permanence of the Green Belt should be maintained. Therefore paragraph 14 of the Framework which provides that where the relevant development plan policies are out-of-date, planning permission should be granted is not applicable to the appeal proposal.
35. I therefore find that these other considerations in support of the development do not individually or cumulatively, clearly outweigh the totality of the harm to the Green Belt so as to justify the proposal on the basis of very special circumstances.
36. Although an agreement under s106 of the Act has been submitted, since the appeal is to be dismissed on the substantive merits, it is not necessary to look at it given that the proposal is unacceptable for other reasons.

### **Conclusion**

37. For the reasons given above I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Terry Kemmann-Lane                      Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Donncha Murphy                      Senior Planning Officer  
Jack Straw                              Planning Policy Manager

### INTERESTED PERSONS:

Richard Park  
Martin Gibbs  
Frank Alderton  
Terry Panter  
Richard Parker

## **DOCUMENTS**

- 1 Notification letter dated 12 March 2012 submitted by the Council
- 2 Signed S106 Agreement submitted by the Council
- 3 Bundle of documents including suggested conditions, affordable housing statement and justification for s 106 contributions submitted by the Council
- 4 Statement on five year Housing Land supply submitted by the Council
- 5 Extract from Annual Monitoring Report submitted by the Council
- 6 Justification for Infrastructure contributions submitted by the Council
- 7 Revised list of planning conditions submitted by the Council

Richborough Estates