



Appeal Decision

Site visit made on 12 March 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2019

Appeal Ref: APP/M3645/W/18/3216522

Rowlands Farm, Newchapel Road, Lingfield RH7 6BJ

- 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 Ricky Gache against the decision of Tandridge District Council.
 - The application Ref TA/2018/1820, dated 5 September 2018, was refused by notice dated 13 November 2018.
 - The development is described as proposed 'log cabins' for holiday let; (in connection with the existing equestrian facility and following removal of longstanding mobile home).
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the time of my site visit, I observed that the log cabins had been constructed. However, the appeal proposal is seeking planning permission for the log cabins and I have dealt with the proposal on this basis.
3. An updated version of the National Planning Policy Framework (the Framework) was published in February 2019. The main parties were given the opportunity to comment on its relevance to the appeal proposal and I have had regard to it in reaching my decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the proposal would have an unacceptable impact on highway safety;
 - Whether the proposal would be acceptably located having regard to the site's distance and accessibility to services and facilities by a range of transport modes; and
 - If the proposal is inappropriate development, whether any 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 it.

Reasons

Inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145 of the Framework. The appellant asserts that two exceptions are relevant, relating to paragraph 145 b) and g). Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2019 (TLP), covering development and new buildings in the Green Belt, are broadly consistent with the Framework.
6. The appellant submits that the log cabins would promote equine tourism and enable people to have a base from which to stay with their horses in connection with the nearby equestrian facility. The Framework does not define the term 'appropriate facilities' and I acknowledge that tourism accommodation could support the provision of opportunities for outdoor sport and recreation. Nonetheless, I have little evidence to indicate that the log cabins could be regarded as the provision of appropriate facilities necessary for the equestrian facility to operate.
7. The appellant asserts that the site is also previously developed land as it has been used as garden curtilage of Rowlands Farm. I note the aerial photos provided which appear to show some paraphernalia on the site, and I recognise that the site is not located within a built-up area. As held in *Dartford BC v SSCLG* [2017] EWCA Civ 141, residential gardens which are not in built-up areas are not excluded from the general definition of previously developed land. However, the site extends quite some distance from Rowlands Farm, and is separated from it by boundary treatment. I also observed on my site visit that the site is experienced as distinct from the land that immediately surrounds Rowlands Farm. Furthermore, the location of the mobile home and the other relatively small structures, which I observed on my site visit in another corner of the site, do not indicate that the whole of the curtilage or site should be developed, as per the definition of previously developed land in the Framework.
8. Even if I was to find that the development would either provide appropriate facilities or be limited infilling or the partial or complete redevelopment of previously developed land, the two exceptions in the Framework require there to be no harmful effect on openness. The evidence before me indicates that, prior to the erection of the log cabins and despite the presence of some previous paraphernalia, the majority of the site was open and undeveloped, consisting of mainly trees and grass. The presence of the mobile home and some other relatively small structures do not reduce what was the open and undeveloped nature of the rest of the site.
9. The development has introduced built form into what was an open, undeveloped part of the site. Measuring approximately 12.1 metres long by 6 metres wide, the log cabins have reasonably large footprints and are of a

permanent nature. Although only single-storey, they are relatively high given they are elevated off the ground. Their positioning means that they are also spread across the site. Consequently, their erection has significantly reduced openness, and has led to encroachment of the countryside. The removal of the mobile home would not offset this given its position tucked away in a corner of the site and its smaller footprint in comparison to the two log cabins. The use of the log cabins would also likely lead to associated structures and paraphernalia, such as the decking and parking areas which I observed on my site visit. Such aspects would further reduce openness.

10. Consequently, the log cabins do not preserve the openness of the Green Belt and conflict with the purposes of including land within it, and have a greater impact on the openness of the Green Belt than the permitted development. I therefore find that it is inappropriate development in the Green Belt, and as such conflicts with Policies DP10 and DP13 of the TLP and the Framework.

Character and appearance

11. Prior to the erection of the log cabins, the evidence before me indicates that the site was relatively open and undeveloped. Consequently, rather than relating to the pattern of scattered buildings and development nearby, I consider that the site would likely have been experienced from the surrounding area as relating to its rural and undeveloped countryside surroundings, providing space between scattered buildings in the surrounding area. Given the amount of soft landscaping, trees and fencing on the boundaries, it is likely that the site's use would not have fundamentally altered how it was experienced from the surrounding area.
12. The amount of boundary screening means that the site is not particularly visible from the public realm, and there are no long-distance views or landscape vistas. However, the log cabins bring built form into a previously undeveloped and relatively open parcel of land. The appellant submits that the timber cabins are similar to mobile homes in terms of size and scale. However, I observed on my site visit that the cabins appear to be of a permanent structure. Although the development cannot be considered to be isolated, it has significantly changed what was the site's generally undeveloped character and rural appearance. The use of the log cabins would also likely lead to associated structures and paraphernalia, such as the decking and parking areas that I observed on site. Such aspects would exacerbate the harm.
13. By removing the pre-existing separation between surrounding built form, the development, despite the proposed removal of the mobile home, also erodes the area's spacious characteristics, with scattered buildings generally separated by open spaces. The scale and low density of the cabins, and their simple design and unobtrusive materials, do not lead me to a different conclusion. The harm could also not be overcome by the imposition of planning conditions.
14. For the above reasons, I conclude that the proposal would harm the character and appearance of the surrounding area. I therefore find that the proposal fails to accord with Policies CSP18 of the Tandridge District Core Strategy (CS) and DP7 of the TLP. Amongst other aspects, these require development to reflect and respect character, setting and local context, integrate effectively with the surroundings, and reinforce local distinctiveness and landscape character. These policies are broadly consistent with the Framework in so far as they

relate to achieving well-designed places and conserving and enhancing the natural environment.

Highway safety

15. The site is accessed from the highway via an existing access track. This access is situated on a bend in Newchapel Road, which has a 40mph speed limit. The highway authority indicates that the required visibility from the site to the highway would be 120 metres and raises concerns about the achievability of this. No information has been provided which demonstrates that the required visibility could be provided. On my site visit, I also observed that there was limited visibility when entering and exiting the site from the highway due to the bend in the highway and existing boundary treatment.
16. The site has been laid out to provide parking and turning spaces near to each of the cabins. Although the development would lead to an intensification in use of the access track, there is no information on the level of vehicle movements. Furthermore, the appellant accepts that the visibility is likely to be sub-standard, and there is no information about the level of increase in the use of the access track. There is therefore no evidence before me which demonstrates that the development would not lead to a situation prejudicial to highway safety.
17. A planning condition could have secured details on parking and turning areas and alternative transport modes if I were to allow the appeal. However, details setting out expected trip generation and adequate highway visibility cannot be left to a planning condition.
18. For the above reasons, I conclude that the proposal would have an unacceptable impact on highway safety. I therefore find that the proposal fails to accord with Policies CSP12 of the CS and DP5 of the TLP. Amongst other aspects, these require development to have regard to adopted highway design standards and vehicle and other parking standards, to provide safe and suitable access and promote access by public transport, foot and bicycle. Although the status of the Surrey Local Transport Plan is not clear to me, I find that the proposal is also inconsistent with that document's objectives, which includes improving road safety. The above policies are also broadly consistent with the Framework in so far as they relate to promoting sustainable transport.

Accessibility

19. Lingfield is the nearest settlement with various facilities and services necessary for day to day living. The site is located outside of that settlement, and is accessed via Newchapel Road which has a speed limit of 40mph in the area around the site. However, I observed on my site visit that although unlit for much of the way, there is a separate footway running between Lingfield and the site. Although the Council describe the service as limited, there is also a bus stop approximately 0.5km away.
20. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I am mindful that residents in rural areas such as this are more likely to rely on the private car compared to those residing in settlements with services and facilities. I acknowledge that the lack of street lighting and the highway's speed limit may not be particularly

conducive to walking. However, the distances involved would not be so great as to entirely exclude the option of walking to the bus stop or on to Lingfield.

21. Although the site's location is likely to mean occupiers of the development rely on the private car for many of their journeys, the site is accessible by other means. Consequently and for the above reasons, I conclude that the development would be acceptably located with regard to the site's distance and accessibility to services and facilities by a range of transport modes. I therefore find that the development does not conflict with Policies CSP1 of the CS and DP1 of the TLP. Amongst other aspects, these policies set out the Council's approach to sustainable development and promoting sustainable patterns of travel, and seek development that is located where there is a choice of transport modes available and where the travel distance to services is minimised. These policies would appear to be broadly consistent with the Framework in so far as they relate to sustainable transport.

Other considerations

22. 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. It states that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. The appellant refers to the nearby Long Acres camping site and a development in St Albans as being relevant to the acceptability of the appeal proposal. However, planning permission for Long Acres camping site was granted in 1988 under a different legislative and policy context, while the St Albans example involves a much larger development than the appeal proposal and pre-dates the Framework. Consequently, the examples are not directly comparable. I therefore attach minimal weight to them and have determined the appeal on its merits.
24. I recognise that there is a need to balance considerations such as landscape issues against the need for tourism developments and their benefits. I note the appellant's reference to the Good Practice Guide on Planning for Tourism and, amongst other aspects, the importance it identifies of tourism to the economy, society and the environment and the benefits that tourism can bring to rural areas. I acknowledge that the development plan also includes text that, amongst other aspects, supports improved access and enjoyment of the countryside, encourages rural economic development and diversification and acknowledges the benefits of tourism.
25. The development would provide a base for people to stay with their horses in connection with the nearby equestrian facility. Amongst other aspects, this would promote access to the open countryside and sport and outdoor recreation. The development would also support domestic tourism, providing an alternative to flying to foreign destinations, and would provide good quality visitor accommodation. These aspects and benefits are relevant considerations to which, given the above support for tourism and the scale of the development, I attach moderate weight.
26. The cabins appear to have adequate services and infrastructure. They have been designed to be accessible for wheelchair users, while the materials and

lighting have been chosen for their energy efficiency and to minimise their environmental impact. There is scope on the site for further soft landscaping, and the cabins do not appear to have prejudiced the health of any trees. However, as these aspects are common planning considerations and are thus not benefits as such, I give them limited weight.

27. The mobile home may have been in situ for a relatively long period of time and its removal would return a part of the site to its former undeveloped character. However, the Council indicates that its planning status is unclear, meaning its removal may be necessary in any event. The presence of the nearby dwelling, benefitting from a lawful development certificate, is of limited relevance. I therefore give these considerations limited weight.
28. I note that the appellant considers that the Council's decision is inconsistent with other decisions, that the Council did not adopt a positive and proactive approach and that there was limited reference by the Council to the Framework. However, I have limited my considerations to the planning matters before me, and I have determined the appeal on the submitted evidence.

Overall Balance and Conclusion

29. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that all development must preserve the openness of the Green Belt. I have determined the appeal on the basis of the information before me and have found that it would be inappropriate development. The Framework establishes that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness and that inappropriate development should not be approved except in very special circumstances.
30. There would be a harmful impact on openness, the character and appearance of the area and highway safety. This carries substantial weight. Given the harm, the proposal would also not represent sustainable development or an effective use of land. In contrast, the other considerations carry moderate to minimal weight. These other considerations do not outweigh the totality of harm which is the test they have to meet, and do not amount to very special circumstances. Therefore, the harm by reason of inappropriateness and the other harm identified is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt. The development conflicts with the development plan and the Framework, and therefore the appeal is dismissed.

Tobias Gethin

INSPECTOR