
Appeal Decision

Site visit made on 28 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/C3620/W/19/3240609

Heath Farm, Headley Common Rd, Headley, Epsom KT18 6ND

- 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 Mrs Lynn Scarry against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0778/PLA, dated 9 July 2019, was refused by notice dated 17 September 2019.
 - The development proposed is described as a 'tractor storage shed'.
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Decision

1. The appeal is allowed and planning permission is granted for a 'tractor storage shed' at Heath Farm, Headley Common Rd, Headley, Epsom KT18 6ND in accordance with the terms of the application, Ref MO/2019/0778/PLA, dated 9 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Existing and Proposed Tractor Shed Plans' (MO/2019/0778), 'Site Location & Block Plans' (MO/2019/0778 Rev B), and 'Tractor Shed'.

Procedural matter

2. The Council's Decision Notice refers to Policy CS14 of the Mole Valley Local Development Framework Core Strategy – Adopted October 2009 (CS). However, the officer report and appeal submissions refer to Policy CS13 and it is on that basis that I have determined the appeal.

Main issues

3. The main issues are:
 - i) whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework); and
 - ii) the effect of the proposal on the character and appearance of the surrounding area, designated as an Area of Great Landscape Value;

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The appellant has described the development as being required in order to manage their land, which in their evidence they state extends to approximately 90 acres. Whilst a notable portion is woodland, the majority is understood to be laid to pasture for the keeping of horses. Furthermore, the Council have detailed their view that the appeal site is in a mix of uses, including residential, commercial, and equestrian activity within the 'farmyard'.
5. The appellant seeks to justify their proposal having regard to the exceptions a) and b) at paragraph 145 of the Framework. Exception a) sets out that the construction of new buildings is not inappropriate if for agriculture or forestry. Exception b) sets out that they are not inappropriate when for the provision of appropriate facilities for outdoor recreation as long as the facility preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.
6. Based on my observations on my site visit I agree with the Council that the site is in mixed use and that no agricultural use remains. The exception under paragraph 145 (a) does not, therefore, apply. The Council do not go on to consider exception b) within their evidence. Based on the appellant's evidence I consider that the tractor shed would provide secure, covered storage required to manage their land. From my site observations the principal activity on their land is equestrian. Furthermore, the Council accept that there is a recreational riding school activity as part of the mixed use at the site. Therefore, I consider that the exception under paragraph 145 (b) applies.
7. On my site visit I observed that the hard-standing area on which the building is proposed is already in use for the open storage connected to the use of their land. Given this, and the extent of their land ownership, I find that the new building would be an appropriate facility for the existing outdoor recreational use.
8. The proposed building would occupy an open area of hard standing. The space is sited between large buildings which form a part of a wider 'farmyard'. The yard consists of a number of other large barns, stable blocks and dwellings. The Council have stated that the building would be prominent between two other buildings, creating a much larger building mass. However, visually the proposal would be obscured from view or viewed against the existing built form. Furthermore, it would have a limited height and would be level with or set-back behind the adjacent buildings' elevations. Therefore, I do not consider that the building would be prominently positioned, or that it would significantly add to the mass of the existing buildings. The proposal would have some limited spatial effect. However, given its use and the site context, it is considered that the proposal would preserve the openness of the Green Belt and would not conflict with the purpose of its designation.
9. Therefore, on the first main issue, the proposal would not be inappropriate development within the Green Belt for the purposes of the Framework. The development would accord with section 13 of the Framework which seeks to prevent urban sprawl by keeping land permanently open.

Character and appearance of the surrounding area

10. The Council have had regard to Policy RUD14 of the Mole Valley Local Plan – Adopted 12 October 2000 (LP). This Policy relates to agricultural development requiring planning permission and given my finds above, I do not consider it to be relevant here. Furthermore, Policy CS13 of the CS seeks, amongst other aims, to ensure that development respects and, where appropriate, enhances local landscape character and distinctiveness. Furthermore, it seeks to protect an Area of Great Landscape Value (AGLV).
11. The site is located within the AGLV, which I have observed is a high-quality landscape. The proposal details a utilitarian building with blockwork walls, corrugated roofing and metal roller shutter doors at each end. Public vantage points for the development are very limited. I have made observations from the nearby public right of way and found glimpsed views of the appeal site. In any event, the building would be seen in the context of similar utilitarian structures and would be consistent with the palette of materials already evident within the immediate area.
12. Additionally, I find that the relatively modest development would avoid expansion of the 'farmyard' into the countryside. I note that other rural buildings within the 'farmyard' have been or are being brought into commercial or residential uses. Such buildings may have been suitable as a tractor shed. However, I have no evidence that these uses are not lawful. Furthermore, the cow shed that is currently being redeveloped to a dwelling had no hard standing and was open sided. As such, it would not provide the same accommodation or security as the proposal.
13. Therefore, on the second main issue, the proposal would not harm the character and appearance of the surrounding area, designated as an Area of Great Landscape Value. As such, the proposal would accord with Policy CS13 of the CS.

Other matters

14. The matter of third-party rights over the land for access has been raised within the appeal proceedings. However, they do not form a part of the Council's reasons for refusal. Moreover, I consider such private rights to be a matter beyond the scope of this planning appeal.

Conditions and Conclusion

15. The Council have not suggested any conditions within their submissions. Based on the evidence before me, and the utilitarian context of the site, I consider that the standard implementation and approved plans conditions are necessary in order to define the terms of the permission.
16. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR