
Appeal Decision

Site visit made on 8 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2020

Appeal Ref: APP/C3620/W/19/3242729

Two Oaks, Hogspudding Lane, Newdigate RH5 5DU

- 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 S Wisbey against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0877/PLA, dated 13 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is retention of decking, incorporating posts, balustrades and steps.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. I note that the application is retrospective, and the development has already been built. For the avoidance of doubt, I have determined the appeal on the plans as submitted.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development 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 and the character and appearance of the area; and
 - 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

3. The appeal site is a large area of land, which for its majority is mostly open and undeveloped. Within the middle of the appeal site, set back from the road is a single storey, timber clad large mobile home. There is also an outbuilding located along the northern boundary. Around the mobile home, decking, balustrades and steps have been added. It is these structures which are the subject of this appeal.

4. Post and rail fencing, along with landscaping, divides the front and rear garden areas. The frontage of the site with Hogspudding Lane is identified by post and rail fencing and landscaping.

Whether the proposal is inappropriate development

5. 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. The Framework identifies that new buildings within the Green Belt are inappropriate and, by definition, are harmful to the Green Belt and should not be approved except in very special circumstances.
6. Development should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in the Framework. Paragraph 145 c) of the Framework identifies that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the existing building as one such exception. For the purposes of the Act¹, the term 'building' includes any structure or erection. In this case the proposed additions relate to an existing mobile home on the site. Therefore, by virtue of its likely limited degree of permanence and physical attachment to the land, the existing mobile home on the site, does not amount to a building based on the evidence before me.
7. Paragraph 146 identifies that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The appeal proposal does not fall within any of the identified forms of development contained within this paragraph.
8. It has not been put to me that the appeal scheme would not be inappropriate development in the Green Belt for any other reason, and I have not found any reason to believe that it would meet any of the other criteria of paragraphs 145 and 146 of the Framework. On that basis, therefore, when assessed against relevant sections of the Framework and the adopted policies in the Local Plan, the proposed development would represent inappropriate development within the Green Belt.

Openness and Character and Appearance

9. 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.
10. The decking extends around three sides of the existing mobile home. It has been constructed in similar materials to the mobile home and is finished to a high-quality, along with the provision of landscaping. The decking is contained principally within the width of the existing mobile home, with the exception of a small element that wraps around the south-eastern side. Whilst it covers a large area when compared with the floor area of the mobile home, views through and around the existing structure are retained. Therefore, it would cause limited harm to the openness of the Green Belt.

¹ s336 of the Town and Country Planning Act 1990

11. Due to its location, set back from the road and the screening effect of intervening planting and boundary treatment, the proposed development has a very limited influence on the streetscene. As a consequence, given its modest scale, along with the contextual backdrop provided by the host mobile home, it causes no harm to the character and appearance of the area.
12. For the above reasons, I therefore conclude that the proposed development would not be harmful to the character and appearance of the area and, in this respect, is in accordance with Policies ENV22 and ENV23 of the Mole Valley Local Plan and Policies CS13 and CS14 of the Mole Valley Core Strategy and Government advice contained within the Framework. These Policies, amongst other things, seek to ensure that new development respects and enhances the character of the area through high quality design, and that in terms of its scale, form and massing, it respects the character and appearance of the locality. Nonetheless, for the reasons outlined above, it would cause limited harm to the openness of the Green Belt.

Green Belt balance

13. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In addition, the scheme would also cause limited harm to the openness of the Green Belt.
14. I note that the decking is to provide both improved access to the mobile home and useable outdoor space for family use. I have taken account of the personal statement submitted by the appellant and in particular the medical circumstances of their children. Whilst I have been provided with some information concerning this, I have not been provided with detailed evidence to support the case and to fully justify how these requirements relate to the need for the proposed development. Therefore, without this evidence, and given the national importance to protecting the Green Belt, all of the considerations that weigh in favour of the proposal, including some local support, do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development. In any event, I have no evidence to suggest that these personal circumstances could not be reasonably addressed via other less harmful means.
15. By reason of the harm caused to the Green Belt, the proposed development is contrary to Chapter 13 of The Framework.

Other Matters

16. I have been referred to other developments in the locality and reference has been made to the presence of containers on land to the east. I am not familiar with all of the circumstances of the other cases, however in any event, I am required to determine the appeal on its own merits.
17. The appeal site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB), with the development plan and the Framework requiring proposals to conserve, and where possible enhance, the natural beauty of the AONB and to

deliver the highest quality design which respects the area's natural beauty. Given my conclusion in relation to the second main issue, the proposal would not have a significant effect on the AONB, and I would agree with the Council that this is not determinative in this case.

Conclusion

18. For all of the reasons given above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR