



Appeal Decision

Site Visit made on 25 November 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/C3620/W/20/3244756

Lodge Farm, Lodge Lane, Holmwood, Dorking, Surrey RH5 4NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ford Farms against Mole Valley District Council.
 - The application Ref MO/2019/1328/PLA is dated 8 August 2019.
 - The development proposed is the change of use of land from agriculture to a contractor's yard with ancillary cabins, containers, parking and boundary treatment (Use Class B8).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been submitted by the appellant. This is the subject of a separate Decision.

Preliminary Matters

3. The appeal is submitted in relation to failure of the Council to give notice of its decision within the appropriate period. The Council prepared a report on the appeal application prior to this but this did not include a refusal reason. The Council's a report on a subsequent duplicate application (MO/2019/2164) also had a recommendation to refuse permission but this time included a single refusal reason relating to the Green Belt.

Main Issues

4. The main issues therefore are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (b) The effect on the openness of the Green Belt,
 - (c) The extent the proposal would comply with the purposes of including land within the Green Belt, and
 - (d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. Lodge Farm is located to the south of Lodge Lane and comprises a large number of buildings informally arranged with areas of hard standing between them. Most buildings are used for agricultural purposes relating to the farm but two are used for unrelated purposes, to provide supplementary income for the farm (unit 17 – tyre fitting and unit 20 – offices). The appeal relates to open land to the southern end of the farm complex between a railway line to the east and a vehicular access road to the west of the farm complex leading from Lodge Lane to a bridge under the railway. The site and the surrounding open countryside are within the Green Belt.
6. The proposal is for a change of use but also includes operational development in the form of 4 ancillary cabins, 2 shipping containers and a fence with gates to enclose the contractor's yard on three sides. The fourth side of the yard would abut the flank wall to unit 13, a large agricultural building. The proposal has been shaped around the requirements of a local business, Clearmasters Environmental Ltd, that would use the site for parking commercial vehicles.
7. The Framework at Paragraph 145 confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. Section 336 of the Planning Act 1990 explains that the term "*building*" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. The cabins, containers and enclosing fence with gates would all therefore constitute buildings. The buildings would not satisfy exception (a) as it would not be for agriculture. They would not satisfy exceptions (c) or (d) as the site is open land and would not involve an extension to or the replacement of an existing building. Nor would the buildings comply with other exceptions to inappropriate development listed at Paragraph 145.
8. Paragraph 146 of the Framework states 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. These include (e) "*material changes in the use of land*". The contractor's yard would be for non-agricultural purposes and so would involve a material change of use. It is therefore relevant to examine the impact of the proposal on openness and any conflict with the purposes of including land within the Green Belt.

Openness

9. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that "*the essential characteristics of Green Belts are their openness and their permanence*". The appeal site is already hard surfaced but is otherwise open. At the time of my visit there were several agricultural vehicles, trailers and ploughs around the periphery of the site stored in accordance with the lawful agricultural use of the land. Most of the proposed contractor's yard would be used for the parking and turning of commercial vehicles and cars. The submitted site plan shows a more intense parking layout than I witnessed at my visit, but there is no current restriction on the number or size of agricultural vehicles and machinery that can be parked or stored on the land. Furthermore,

the nature of parking would change in relation to seasonal and operational requirements at the farm. The alternative presence of cars and commercial vehicles on the land would not result in a material change in openness.

10. The cabins and containers would be moveable structures in that they could be easily removed from the site if the use were to cease, a matter which could be secured by condition. In practice they would be permanent structures for the duration of the use. The Council has totalled the combined floor area of the structures shown on the site plan to be 132.89 square metres. The structures are all indicated to be single storey with a height not exceeding 2.8m. Whilst stated to be ancillary in nature they would nonetheless result in a significant mass. The visual impact on openness would be mitigated to a large degree by the siting of the structures close to the flank wall of a large agricultural building to the north and the limited opportunities to view the site from outside the farm curtilage. Nonetheless, the mass and permanence of the structures would have a spatial impact on openness.
11. The fence and gates that would enclose three sides of the yard would be about 2.8m high. The enclosure would be visible from the railway to the east but a bund to the access road and changes in level would help to screen it in views from the west and south. Landscape measures could also enhance the screening effect. Nevertheless, the fence with a length of approximately 100m would be a new permanent structure that would impact on openness. Overall, the permanent presence of the cabins, containers and fence would not preserve the openness of the Green Belt.

Purposes

12. Paragraph 134 of the Frameworks sets out the purposes of the Green Belt. Most of these are not directly applicable to the proposal. However, there would be limited conflict with purpose (c) *"to assist in safeguarding the countryside from encroachment"*. The appeal site is towards the southern periphery of the complex of farm buildings and would result in a protrusion of built form into the area beyond which is characterised by open countryside. The conflict would be limited in that the land is already hard surfaced, is within the farm curtilage, is separated from more substantive open spaces by the railway and access road and can legitimately be used for the parking and storage of farm vehicles and machinery.
13. The proposal would amount to inappropriate development. The buildings would not satisfy an exemption to new buildings in the Green Belt listed in Paragraph 145 of the Framework. They would not preserve the openness of the Green Belt and there would be limited conflict with the purposes of the Green Belt. Paragraph 143 of the Framework states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

Other considerations

14. The appellant has submitted an Agricultural Appraisal indicating that farm income has dropped by 20% between 2017 and 2019 and with uncertainty over income over the next five years that alternative income sources for the farm business are required. The farm covers some 5,000 acres and is an important player in the local economy. The proposal would provide a further opportunity for diversification to support the viability of the farm enterprise.

15. The proposal would accord with Saved Policy RUD17 of the Mole Valley Local Plan (2000) which supports the diversification of activities on agricultural units provided that the scale and nature of the activity is commensurate with maintaining the character and appearance of the countryside. The policy is old and more restrictive than Paragraph 83 of the Framework which support a prosperous rural economy through measures including "*b) the development and diversification of agricultural and other land-based rural businesses*". Furthermore, Paragraph 84 states that planning decisions should recognise "*that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport*".
16. The proposal would be based close to a cluster of rural employment buildings, would not harm the character or appearance of the countryside and would benefit two local businesses, the farm and the prospective occupier of the contractor's yard. It has been demonstrated that the site's location would be suitable for the occupier's business and relatively close to where several employees live. An urban location beyond the Green Belt would not be helpful for the business. If approved, the site could be occupied by an alternative business without such benefits. The appellant would be open to a personal permission. Such a condition would assist in removal of lightweight buildings at the site on cessation of the use but would not otherwise lessen the impact on the Green Belt; there are no exceptional reasons for a personal permission.
17. The appellant has submitted a Planning Statement providing details of the proposed use including likely hours of operation. There would be an Office Cabin, Accounts Cabin, Crew Room Green Cabin and 2 shipping containers. But there is little explanation for the number and size of the proposed structures, the scale of administrative support or justification for these functions to be in new buildings in the Green Belt. Nonetheless, the financial benefits arising for farm through diversification attracts significant weight.
18. The absence of harm in relation neighbour amenity or to highway safety subject to imposition of conditions suggested by the Highway Authority are not benefits that can be weighed against harm to the Green Belt.

Conclusion

19. The proposal would amount to inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt and there would be limited conflict with the purposes of including land within it. Paragraph 144 of the Framework states that, "*substantial weight is given to any harm to the Green Belt*". I have attributed significant weight in favour of the proposal to farm diversification, but the proposal's benefits would not clearly outweigh the substantial harm to the Green Belt. Very special circumstances therefore do not exist. There would be conflict with the Green Belt provisions of the Framework and limited conflict with Policy CS1 of the Mole Valley Core Strategy (2009) inasmuch as this spatial policy support the strategy for the Green Belt. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

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INSPECTOR