



Appeal Decision

Site Visit made on 6 May 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/C3620/W/20/3265720

Tamworth Farm, Dean Oak Lane, Leigh, Surrey RH2 8PY

- 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 Messrs Mark, Darryn and Dennis Beasley against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1862/PLA, dated 14 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is creation of 2 No. 2 storey dwellings following demolition of existing 2 storey stable barn and conversion of existing single storey barn (partial demolition of central bay) to create 2 single storey dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows the refusal of application MO/2019/1928 for the conversion of outbuildings into 4 dwellings.

Main Issues

3. The main issues are:
 - (a) whether the proposal would constitute inappropriate development in the Green Belt,
 - (b) the effect of the proposal on the openness of the Green Belt,
 - (c) the adequacy of living conditions for future occupiers in relation to privacy between the dwellings and noise and disturbance from the existing use of the site, and
 - (d) if it is inappropriate development, 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

Whether inappropriate development

4. The appeal site comprises two barns and a sand school at the north-eastern side of Tamworth Farm amidst other buildings and open land. It is at the northern end of Stumblehole Lane, along which are scattered dwellings. The site is outside of any settlement and lies within the Metropolitan Green Belt.

5. The proposal is for 2 new build houses and 2 dwellings from a conversion of a retained barn. With respect to the proposed new buildings, Paragraph 145 of the National Planning Policy Framework (the Framework) confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant contends that exception (g) "*redevelopment of previously developed land*" applies to the proposal.
6. The planning application form describes the existing use of the site as "*agricultural and non-agricultural buildings*". The large barn, to be redeveloped contains stables and the long barn for conversion is used for the garaging of cars. However, the evidence before me in relation to the description of the site on previous applications and on the findings of an enforcement appeal¹ at the site is that the large barn to be replaced is part of a larger single planning unit which has a lawful agricultural use. The definition of "*previously developed land*" in the Glossary to the Framework excludes "*land that is or was last occupied by agricultural or forestry buildings*". As the building to be replaced is an agricultural building then exception (g) relating to "*previously developed land*" does not apply. The proposed two new build dwellings would not satisfy any of the other exceptions listed in Paragraph 145. The new build houses would therefore amount to inappropriate development in the Green Belt.
7. Policy CS1 of the Mole Valley Core Strategy (2009) directs new development towards previously developed land primarily within the built up areas and seeks to protect the Green Belt. The Core Strategy pre-dates the Framework, referring to PPG2 on Green Belts, and therefore is not wholly consistent with it.
8. With respect to the conversion of the long barn to provide 2 dwellings, Paragraph 146 of the Framework lists other forms of development as not inappropriate in the Green Belt "*provided they preserve its openness and do not conflict with the purposes of including land within it*". Exception (d) relates to "*the re-use of buildings provided that the buildings are of permanent and substantial construction*". It is common ground between the parties and established in the enforcement appeal decision in 2018 that the long barn is of permanent and substantial construction. It is therefore necessary to examine the impact of the proposal on openness and the purposes of the Green Belt.

Openness

9. The conversion would involve demolition of a central band within the long barn to create separate units but there would be no additions. The curtilages for the units would be modest with parking to the front and small gardens to the rear adjacent to the redevelopment area. The large barn to be demolished is higher than that to be converted but has a sprawling low profile with low eaves and a ridge height of about 5m. The appellant claims that the proposal would result in a reduction in built footprint and volume, but there is no comparative area and volume data before me on existing and proposed buildings. It is clear that the two proposed houses would be higher, at about 7m according to the Council, and that the siting of the northernmost house would be partly beyond the outline of the siting to the existing barn. The two houses would also have large rear gardens extending towards a pond. Whilst the gardens would replace a sand school for horses, which is a low lying feature, they would be extensive in area and paraphernalia, associated with their residential use, would be likely to have an impact on the character and appearance of the site.

¹ Appeals A, B & C Ref: APP/C3620/C/17/3176727, 3176728 & 3176729 at Tamworth Farm dated 11 June 2018

10. Notwithstanding the demolition of a large barn, the proposal as a whole would have some impact on the openness of the Green Belt in relation to the height and siting of the new houses and the residential use of the extensive area outlined in red on the proposal to define the overall appeal site. However, as the defined site would remain within the confines of the wider farm complex there would not be conflict with any of the purposes of the Green Belt set out at Paragraph 134 of the Framework.
11. Nonetheless, the proposal as a whole would amount to inappropriate development in the Green Belt. Paragraph 143 of the Framework states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

Living conditions

12. The Council indicates that there would be a separation between converted and new build dwellings of about 19-20 metres, and as such that there would be some loss of privacy to the rear gardens of the converted dwellings from first floor windows to the new build houses. The Council does not have a minimum separation standard. The distance proposed would be similar to those found in many urban areas. Any future occupier would be aware of the level of privacy afforded before committing to one of the converted dwellings. There would not be a significant adverse effect on living conditions.
13. The southernmost converted and new build dwellings would be near to the access from Stumblehole Lane serving other agricultural buildings and open land at the farm complex. Whilst agricultural vehicles entering and leaving the site or servicing other barns may give rise to some levels of noise and disturbance, it is unlikely that this would be so frequent or so intense as to result in a material nuisance for occupiers of the proposed dwellings. The nearest agricultural buildings are used for the storage of hay and equipment rather than livestock. Their ongoing use for these purposes would not give rise to unreasonable levels of noise or disturbance.
14. The proposal would not be contrary to Saved Policy ENV22 of the Mole Valley Local Plan (2000) which requires the design and layout of new development to provide a satisfactory environment for their occupiers. There would not be conflict with Paragraph 180 (a) of the Framework which requires development to avoid noise giving rise to significant adverse impacts on health and the quality of life.

Other considerations

15. The appellant has not expressly set out *"very special circumstances"* to outweigh harm to the Green Belt but has raised several issues. The Council cannot demonstrate a five year supply of housing land and admits that at the time of its appeal statement the figure is only 2.74 years. In these circumstances, the tilted balance at Paragraph 11(d) of the Framework would normally apply and the appellant asserts that that permission should be granted for the additional housing proposed. But Paragraph 11(d) (i) states the tilted balance should apply unless *"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed"*. Land designated as Green Belt provides one such reason.

16. But the Council clearly needs to find additional land for housing. A formal review² has accepted that *"there are exceptional circumstances to justify release of a certain amount of Green Belt, in order to meet objectively assessed development needs"*. This document is to inform preparation of a new Local Plan. The development plan process appears likely to favour release of Green Belt land close to existing settlements rather than in open countryside, such as where the appeal site is located. The development plan process is at an early stage and therefore only limited weight can be afforded to it in favour of the proposal.
17. The appellant contends that the proposals score highly against quoted parts to Paragraphs 117 and 118 of the Framework relating to making an effective use of land in meeting the need for homes and other uses including in rural areas and on under-utilised land. However, these paragraphs particularly encourage use of previously-developed or 'brownfield' land, and also seek to safeguard and improve the environment. New build residential development in the Green Belt would not be in accordance with the requirements of Paragraphs 117 and 118 taken as a whole. Nor would these Paragraphs justify the proposal as a more efficient use of land than the conversion of both buildings. There is no fallback position presented as a more harmful alternative to justify permission being granted to the proposal.
18. I do not consider that the use of planning conditions, such as to require landscape measures, would overcome the harm arising from inappropriate development and the impact of the proposal on the openness of the Green Belt.

Planning balance

19. The proposal would have the benefit of providing four family dwellings which would contribute towards the general need for additional homes. Furthermore, this would be within a District that currently cannot provide sufficient housing to meet Government targets. It would provide satisfactory living conditions for future occupiers, but an absence of harm on this issue cannot be counted as a positive factor in support of the scheme. It is a neutral consideration.
20. The proposal would amount to inappropriate development in the Green Belt and would result in a loss of openness. Paragraph 144 of the Framework states that *"substantial weight is given to any harm to the Green Belt"*. The benefits resulting from four additional dwellings do not clearly outweigh the substantial weight that must be afforded to harm to the Green Belt. Footnote 6 to Paragraph 11(d) to the Framework confirms that harm to the Green Belt provides a reason for refusing developments in these circumstances. Other considerations amounting to the *"very special circumstances"* necessary to justify the development therefore do not exist. The proposal would be contrary to the provisions of the Framework taken as a whole.

Conclusion

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

Rory MacLeod

INSPECTOR

² 'Future Mole Valley Evidence Base 2020 – Green Belt Review – Regulation 18 Version'