



Appeal Decision

Site visit made on 25 April 2022

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/M3645/W/20/3257871

Michaels Business Centre, East Park Lane, Newchapel RH7 6HS

- 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 Paul Lang against the decision of Tandridge District Council.
 - The application Ref TA/209/236, dated 5 February 2019, was refused by notice dated 24 April 2020.
 - The development proposed is the change of use of land to create 17 plots for travelling showpeople with the creation of a new access to the highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether this would be inappropriate development in the Green Belt that would harm openness and the purposes of including land in the Green Belt;
 - b) its effect on the character and appearance of the area;
 - c) whether it would harm the significance of the Grade II listed East Park Farmhouse;
 - d) its effect on the living conditions of those around;
 - e) its impact on biodiversity and
 - f) if it would harm the significance of the listed building whether this would be outweighed by public benefits and, if it would be inappropriate development, whether its harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Preliminary matters

3. An emerging local plan is being prepared, but I have not been told it has been adopted or the stage it has now reached. Therefore, I can only afford moderate weight to any policies that have been submitted. In any event, having regard to what is before me, I consider the emerging policies relevant to this appeal do not materially affect the context established by the policies in the currently adopted development plan.
4. In its appeal questionnaire the Council confirmed not all notifications or consultations that it was necessary to undertake before granting planning

permission had taken place. However, it did not clarify which were still outstanding. Given my findings, if consultations or notifications have been omitted, I am not satisfied that the position of any party would have been prejudiced.

Reasons

Background

5. The site lies in the countryside and the designated Green Belt, outside any settlement boundary. It concerns a number of fields with a combined area of about 8.7ha, which are each enclosed by hedges of varying quality. Woodland is to the south-west and north-west, to the north-east is a lane and a complex of commercial and residential buildings, while further fields are to the north. Running along the south-eastern boundary is West Park Road, on the opposite side of which are 2 adjoining travelling showpeople sites called The Plantation and Fairview.
6. The proposal is to hardsurface the majority of the appeal site to form 17 yards for travelling showpeople (hereafter the yards will be termed plots in line with the description of development). These would be of varying sizes and would be for residential accommodation, as well as the storage of rides, stalls, trailers, vehicles and so on (which I shall collectively term accoutrements) associated with the business of the occupier of each yard. Landscaping would be around the perimeter, generally supplementing and replacing existing hedging but being more substantial in a few areas. There would also be additional planting along either side of a public footpath that would cross the site. Access would be from West Park Road.

Inappropriateness

7. The *National Planning Policy Framework* (the Framework) says that keeping land permanently open is a fundamental aim of the Green Belt. It confirms that, in such areas, inappropriate development is, by definition, harmful. Criterion (e) in Framework paragraph 150 accepts that a development comprising a material change in the use of land is not inappropriate, provided it preserves openness and does not conflict with the purposes of including land in the Green Belt. One of these purposes is safeguarding the countryside from encroachment.
8. The *Planning policy for traveller sites* (PPTS) includes travelling showpeople in the definition of travellers. Policy E of the PPTS says that '*traveller sites (temporary or permanent) in the Green Belt are inappropriate development*'.
9. The Council has also cited a conflict with Policy DP13 in the *Tandridge Local Plan Part 2: Detailed Policies*. Although this is headed as concerning new buildings in the Green Belt, Criterion (I) draws attention to paragraph 90 of the Framework. This presumably is referring to the 2012 Framework that was in place at the time the plan was adopted, and paragraph 90 in that version reflects paragraph 150 in the most recent version and quoted above. However, paragraph 90 in the 2012 version did not include the reference to material changes of use now found in paragraph 150(e), and so in that regard the policy is inconsistent with the current Framework. As such, I afford it limited weight.
10. Planting and 2m fencing are intended around the site, to screen it to some degree. I have few details of this arrangement though and, recognising the

extensive size of the site and the height of the possible accoutrements (some of which would be notably taller than 2m), it has not been shown that the proposed treatment for the boundary would sufficiently conceal the on-site storage that could be reasonably expected. I appreciate that when the accoutrements are on the site they are not generating revenue, and so the occupiers would naturally wish for them to be there for as short a length of time as possible. However, for periods of the year when there were fewer events the accoutrements would return to the plots for storage or maybe maintenance, and even at the busier times it is likely some trailers, vehicles or rides would still remain. Overall, although I accept that the impact in this regard may vary from one month to the next as the amount stored on the site ebbs and flows, the presence of such accoutrements would nonetheless erode the visual dimension of openness.

11. Although no buildings are expressly proposed on any plot as part of this appeal, the appellant has suggested a condition be imposed to allow a storage building of up to 12m by 6m on each. From what I can understand, the notification process has not been made on this basis, and so it is not a suggestion I can take into account. However, if I did, the imposition of such a condition would permit up to 17 such buildings, the visual impact of which would further compound my concerns about the effect on openness.
12. Openness has a spatial aspect as well as a visual one. Therefore, even if there was to be no visual intrusion, that does not of itself mean there is no impact on the openness of the Green Belt as a result. To my mind, there would be an awareness of this extensive area of development, along with the activity it would inevitably generate and the accoutrements that would be stored there, that would further harm openness. As such, it would be in conflict with one of the Green Belt's fundamental aims.
13. For these reasons, I also consider the development would constitute an unsympathetic encroachment into the countryside by eroding its rural nature. It would therefore conflict with one of the Green Belt's stated purposes.
14. In assessing the effect on the Green Belt, the appellant has made reference to the reversibility of the scheme. I accept that, as with most if not all new development, the works could be removed from the site and the land reinstated to its former condition or something similar. However, given its scale, that would be a significant engineering operation, which would involve appreciable expense. Unless required by a condition associated with a temporary permission, I have little reason to consider the development would be removed. Moreover, when seen from the surroundings, it would not be perceived as readily reversible or as anything other than a permanent feature in the landscape. As such, the weight I afford to this is limited.
15. Accordingly, I conclude this scheme would fail to preserve the openness of the Green Belt and would be contrary to one of the Green Belt's fundamental aims. Moreover, it would conflict with one of the purposes of including land within the Green Belt. Therefore, whether assessed against Framework paragraph 150(e) or PPTS Policy E I conclude this would be inappropriate development.

Character and appearance

16. The site is located in a landscape of rolling fields bounded by hedging and trees, and interspersed with woodland. Throughout this landscape are

buildings and houses that stand either by themselves or in small clusters. The grouping to the north-east is relatively large, and contains a number of dwellings and some industrial units. However, because of its building form and scale, it nonetheless maintains to some degree the character of a rural hamlet or a large farmstead. As a result, it is not unduly discordant.

17. The travelling showpeople sites at The Plantation and Fairview are a greater exception to the overall pattern of development in the area. These comprise a significant complex of plots running an appreciable distance along West Park Road. The Plantation sits behind a solid fence which, in turn, stands behind roadside planting. Despite this there is an awareness of the structures and vehicles on the site when passing, with the wide entrance also allowing clear views in. Similarly, views into Fairview are possible from the access, and its presence is further highlighted by its enclosure with exposed solid fencing and by a hedge that is more domestic in character.
18. The fields that form the appeal site sit well in this rural landscape with their hedging, trees and open nature respecting the agricultural character of the surroundings. Whilst the boundaries, especially between the fields within the site, are not strong, they are nonetheless apparent, clearly subdividing them. As a result, they contribute positively to area's character and appearance.
19. The scheme would be replacing this patchwork of fields with an extensive area of hardsurfacing for commercial use that would be broken by little planting within the site. When looking from the fields to the north or the lane to the north-east, it would be a pronounced intrusion into this rural landscape because of its scale, its activity and the nature of the storage. Whilst there would be landscaping around the peripheries, there is insufficient evidence or detail to show that the scale, depth or form of this would be sufficient to conceal the taller accoutrements on the site, to blend the scheme sympathetically into the landscape around, to integrate it into the woodland edges, or even, when matured, to ameliorate or soften the impact appreciably. Although it was said the matter could be conditioned, given the lack of clarity about its effectiveness I cannot be confident such an approach would overcome my concerns. Therefore, the limited amount of information on this point means I cannot find the scheme would reinforce the landscape structure.
20. From the road to the south-east the development would also be apparent through the planting to some extent, and would be clearly visible through the access. As such, it would diminish the sense of the countryside that is currently provided by the appeal site to this section of road.
21. On the western side the woodland would limit distant views but again, from near to, it has not been shown that the boundary treatment would soften or integrate the site into the landscape to any appreciable degree.
22. Turning to the footpath, many of the walkers using it would be doing so with the expressed intention of enjoying the countryside, and so would be highly sensitive receptors. At the moment this tranquil rural path runs diagonally over the site, offering pleasing views of the rural landscape. It is proposed to divert it across the middle, lining each side with planting and the fencing of adjacent plots. Once it reached the western side, it would then run northwards along what is now the field boundary, between the westernmost plots and the adjacent wood.

23. The County Countryside Access Officer raised no objections to this footpath's diversion. However, on the evidence before me I am not satisfied that the proposed planting would be sufficient to safeguard the users of the footpath from the impact of the adjacent plots, or to ensure the footpath maintained a tranquil character befitting its rural location.
24. The affected length of footpath is relatively short in the context of the wider pathway network. That to my mind does not diminish the adverse effect, especially as the length in question is the initial part of the footpath as it leaves the road and so is likely to be more used. The new route of the footpath would pass much closer to the woodland and benefit from the shade it offered. I see no reason though why that should offset the harm that would be caused to this route, particularly given the pleasantness of its current alignment over fields, the dense evergreen understory preventing views into the woodland in many places, and the proximity of the re-aligned footpath to the plots on that side of the development. Moreover, users of the footpath would have to cross a 9m wide internal road that would serve the development, and this would further erode any sense of rural ambience currently enjoyed.
25. Although public views of the development may be limited and localised, it still could be seen from West Park Road, the lane to the north-east and from the public footpath. In any event, I am aware of no planning policy that seeks to recognise the intrinsic character and beauty of the countryside from the public domain only. Furthermore, whilst the cluster of buildings to the north-east of the site is apparent now to footpath users, for the reasons given above these are not unduly discordant at present. Therefore, its presence does not now unreasonably impact upon the enjoyment of the public right of way.
26. Consequently, having taken into account the appellant's Landscape and Visual Impact Assessment I nonetheless find that, even accounting for landscaping maturing, the scheme would have an adverse impact of high magnitude on the landscape character while it would have a moderate adverse effect on the visual amenities of users of the footpath and West Park Road.
27. In coming to this view, I consider the intervening planting to either side of West Park Road means the development would not have a cumulative impact when taken with The Plantation or Fairview. For the same reason though I also consider those existing travelling showpeople sites do not diminish the rural character of the appeal site or the positive contribution it now makes to the countryside to any material degree.
28. Accordingly, I conclude that the development would adversely affect the character and appearance of the area, so conflicting with Policies CSP10, CSP18 and CSP21 in the *Tandridge District Core Strategy* and Local Plan Policy DP7, which together broadly seek development that respects the character and appearance of the locality and safeguards the countryside.

Effect on the listed building

29. East Park Farmhouse is a Grade II listed former farmhouse that stands among the cluster of buildings by the site's north-eastern boundary. It dates from the 16th Century although has been subject to appreciable subsequent alterations. Its significance lies, partly, in its construction method and age, but also to some degree from its aesthetic value and its detailing.

30. Historically it would have been the most prominent building in the surrounding landscape. As a farmhouse it would have been functionally related to that landscape, with any adjacent farm buildings being of a clearly ancillary nature and agricultural purpose. The fields that comprised its setting would therefore have contributed to how the building was understood, by emphasising its origins. Over time, subsequent development has diminished this link and diluted the visual connection between the property and the agricultural land around. Despite this though, the main north-westward aspect of the house looks towards the fields beyond the garden, and so in this direction in particular, there remains a relatively strong connection to the agrarian landscape that formed the basis of the dwelling's original purpose. Moreover, as stated above the cluster in which it sits maintains the impression of a hamlet or large farmstead. Consequently, although views of the listed building from the south and west are limited, it is still perceived as being in a rural landscape to some degree. While the farmhouse does not rely on this link for its significance, I therefore consider the contribution the open agricultural nature of the appeal site makes to its setting adds positively to its significance.
31. The proposal would wrap around one side of the cluster of buildings in which this farmhouse stands, from the south-east to the north-west. In doing this, to my mind the scheme would notably reduce the link between the listed building and the surrounding countryside, replacing the fields and the sense of openness there now with a more commercial form of development that bore little connection to the agricultural origins of the building.
32. This would be particularly pronounced to the north-west of East Park Farmhouse. Here, plots are shown beyond the end of the garden, and they would erode the rural character of the fields with which the house still maintains the strongest connection. Furthermore, even accounting for the intervening area to be given over to planting, I have no basis to consider the effect of the landscaping would be sufficient to mean it softened the impact of the trailers, rides and so on sufficiently. This part of the development would therefore erode the final direct rural aspect from and to the property.
33. Overall, I therefore find the adverse effect of the scheme on the setting of the listed building means it would cause harm, albeit less than substantial, to the significance of this designated heritage asset, as it would diminish the understanding of the building and the reasons why it was originally built.

Biodiversity

34. As the site is in the countryside, it is to be expected it will be used for foraging and for transit by wildlife. Those factors of themselves though do not necessarily offer a basis to resist the scheme. I am aware too that although the hedging across the site will be of value ecologically, the effect of this is diminished somewhat by its broken nature.
35. Having studied the most recent ecological information, if a suitably worded condition was imposed I consider the development would not have an adverse effect on biodiversity, or fail to deliver net biodiversity gains, and so would not conflict with Core Strategy Policy CSP17 or Local Plan Policy DP19 that seek to protect and enhance biodiversity.

Living conditions

36. Residents in the cluster of buildings on the north-east side of the site, as well as those living in the dwelling by the site's south-west corner, would be exposed to some degree of noise disturbance from the development when compared to the tranquillity they currently experience. However, mindful of the nature of the use and the possibility that conditions could be imposed, I consider any such noise would not be unreasonable.
37. There may also be a reduction in the outlook from some properties, but taking account of the landscaping proposed and the distances, again I consider this would not be unduly harmful to their living conditions.
38. The residents on The Plantation and Fairview are already bounded by plots with similar activity to that proposed. They would also be separated from the site by a reasonable distance and a busy road. Consequently, the development would not unreasonably harm living conditions there.
39. Accordingly, I conclude that the development would not have an unreasonable effect on living conditions, and so would not conflict in this regard with Core Strategy Policies CSP10 and CSP18, or Local Plan Policy DP7, which together seek to protect amenity amongst other things.

Balancing exercise

40. Concerning the effect of the scheme on the Grade II listed farmhouse, the Framework states that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. It adds that if less than substantial harm is caused to the significance of any asset, that harm should be weighed against the public benefits (in what I shall call the heritage balance). Local Plan Policy DP20 is broadly consistent with the Framework in relation to this issue. However, it goes beyond the Framework in that it requires public benefits of a proposal to outweigh '*significantly*' the harm to the designated heritage asset, and so there is some inconsistency in that regard.
41. Turning to the Green Belt, in the Framework it says that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (hereafter referred to as the Green Belt balance). In relation to the proposal before me this is broadly reflected in Policy CSP10 in the Core Strategy and Policy DP10 in the Local Plan.
42. Finally, a third balance is found in section 38(6) of the *Planning and Compulsory Purchase Act 2004*, which says development should be in accordance with the development plan unless material considerations indicate otherwise (the planning balance).
43. I have had a number of matters put to me to be assessed in relation to each and all of these various balances.
44. The first is the failure of policy in relation to the provision of plots for travelling showpeople in the District. The Framework states the needs of groups with specific housing requirements should be addressed, and it is reasonable to assume that includes travelling showpeople. This is supported by the PPTS,

which says the Government's aims are to address under provision in traveller sites and maintain an appropriate level of supply.

45. In the Core Strategy, Policy CSP10 says the Council would make provision for travelling showpeople through a Site Allocations DPD. The preference would be to allocate urban sites but, where these could not be found sites in the Green Belt would be allocated. There then follows a list of criteria against which applications and allocations would be assessed. The first of these concerns unallocated sites in the Green Belt and the need to demonstrate very special circumstances and the lack of sites outside of the Green Belt. The remainder are the general development management criteria relating to impact on living conditions, character and appearance, sustainable travel, highway safety, infrastructure and so on against which most proposals for new development would be judged.
46. Such an approach is particularly relevant in this District, where some 94% of its area, and (I assume) virtually all the land outside of settlements, is designated as Green Belt. The limited amount of urban land, the various other pressures that are on urban sites and its location in the south-east, all combine to mean land outside of the Green Belt in urban areas is in high demand and so is relatively expensive. Consequently, as they need sizeable plots to accommodate their accoutrements and residential units, travelling showpeople will be inclined to look to areas of Green Belt for possible sites.
47. However, although the Core Strategy was adopted over 13 years ago, the Council still has not allocated any sites for travelling showpeople, and has not produced the Site Allocations DPD referred to in the policy. No sound reason for this has been forthcoming, and I have not been given a firm date as to when sites for travelling showpeople would be allocated. Rather, the Council has contended that as the policy pre-dates the current version of the PPTS the need in the policy to allocate sites through the DPD should be afforded no weight (although seemingly the criteria-based element of the policy was still applicable as it was cited in the reasons for refusal).
48. I see no reason though why allocating sites through a DPD would be in conflict with the most recent iteration of the PPTS. Indeed, as Policy E of the PPTS states, in relation to traveller sites,

'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'

then allocating them through the development plan process seems a reasonable way forward in a district such as this with extensive areas of designated Green Belt. Otherwise, given the wording of PPTS Policy E, it will be very difficult to satisfy the criteria-based element of Core Strategy Policy CSP10, which contends that very special circumstances need to be demonstrated for unallocated sites in the Green Belt.

49. Moreover, even if the Council is correct in saying that Core Strategy Policy CSP10 is in some way inconsistent with the PPTS, the PPTS was published nearly 7 years ago, which to my mind is long enough for appreciable steps to be made towards an alternative approach.

50. Consequently, I consider there is an absence of a robust and practicable policy basis to secure the delivery of travelling showpeople sites, for which no sound reason has been given, and this weighs significantly in favour of the scheme.
51. Related to this, the Council acknowledged it could not present a 5-year supply of deliverable sites for travelling showpeople. It appeared to say it had a shortfall of up to 26 plots. This scheme would make an appreciable contribution to addressing this, and so again this is a matter to which I attach significant weight.
52. Following on from this is the need to relieve overcrowding on existing plots. In general terms this is to be expected when there is a deficiency in supply, as there would be a lack of sites onto which new households could move, so 'doubling up' would occur. However, the appellant has specifically referred to relieving the overcrowding at The Plantation, as it is said the occupiers of this development would be drawn from that existing site. I do not doubt that The Plantation is currently overcrowded, and I have no reason to question that households are 'doubling up' on its plots. I also appreciate that as the population of The Plantation probably comprises a significant proportion of travelling showpeople in the area, it is to be expected that at least some from that existing site would occupy the appeal scheme.
53. However, there is no mechanism before me to ensure all the occupiers of the new development would be drawn from The Plantation, or, indeed, if only a few would move over, to clarify who they would be. Although it has been said this could be conditioned, the wording of such a condition has not been forthcoming. As such, whilst overcrowding in general is something to which I can give significant weight, the specific relief of overcrowding at The Plantation is a matter to which I can afford only limited weight. On this matter there was discussion about whether or not all the residents at the Plantation fell under the definition of travelling showpeople but that is not something I can consider or resolve as part of this appeal.
54. I have also received information about the personal circumstances of families who live now at The Plantation and say they intend to occupy the site. In these submissions they outline not only the overcrowding difficulties they are experiencing but also the social, emotional and medical needs that mean they need to stay in the area. However, again there is no certainty all or any of them will in fact be the occupiers of the appeal site as no personal permissions or restrictions have been suggested. Consequently, I can only afford their personal circumstances limited weight.
55. Within the personal circumstances of those various families who say they are to live on the appeal site is much information about their children. In particular there are statements about how their children are adversely affected by the overcrowding and the social, educational and health effects that moving away from the locality would have on them. I have no reason to question this evidence.
56. At the outset I have treated no other consideration as more important than the best interests of the child, or, in advance of assessing the circumstances of the case, I have given none greater weight. These best interests though will not always outweigh other considerations including those that impact negatively on the environment. I have nonetheless kept the best interests of the children at the forefront of my mind in reaching my decision. Once more though, as there

is nothing before me to ensure the children I have been told about will be amongst the eventual occupiers, there is no certainty that any benefits I may attach to the development in connection with the best interests of all or some of these children would, in fact, materialise. Therefore, this is not a matter that can have an appreciable effect on these balancing exercises.

57. The Public Sector Equality Duty (PSED) requires me to have due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not. However, I am not satisfied that travelling showpeople fall within any of the protected characteristics then given.
58. It was contended too that this was a sustainable location. This was based to a great extent upon the assumption that the site would be occupied by those currently living on The Plantation, and so no new travel movements would be created. As stated above though, I can only afford limited weight to that assumption. To my mind, whilst I accept that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I nonetheless consider that residents on the appeal site are likely to be reliant upon private motorised transport due to the distance to settlements or bus services. This inevitably affects the weight I can afford to the sustainable nature of the location.
59. It was also noted, in relation to the Green Belt balance, that the site was adjacent to built form. However, as I have said above, I consider there is a clear distinction between this site and the travelling showpeople plots on the opposite side of West Park Road. In any event, even if there was a strong visual link that matter, of itself, cannot be afforded significant weight in this balance, as it could be applied to many sites across designated Green Belt areas, and so lead to their incremental erosion over time.
60. Finally, it is proposed to secure biodiversity improvements across the site. Given the extent of these, I afford them limited weight.
61. Assessing the above considerations first in connection with the heritage balance, providing for the specific housing requirements of travelling showpeople is, in my opinion, a public benefit. This is because it not only benefits the individuals who would live on the sites, but also benefits the wider community by ensuring the provision of suitable, authorised and controlled plots, with appropriate services and so on for this group with its specific housing needs. As such, this, along with the associated policy failure, the general assumption that overcrowding is occurring elsewhere and the other matters cited, should be weighed against the less than substantial harm to the designated heritage asset. However, I consider that the harm that would be caused by the scheme eroding its rural context and, in particular, breaking the strongest link that remains between the property and the surrounding agrarian landscape to the north-west, is not, in my opinion, outweighed by these public benefits.
62. Accordingly, I conclude that the development would cause less than substantial harm to the significance of East Park Farmhouse by reason of its impact on the setting of that building, and, in the absence of any public benefits sufficient to outweigh this harm, it would conflict with the Framework, and, insofar as it is consistent with the Framework, Policy DP20 in the Local Plan.

63. Turning to the Green Belt balance, I have no substantive evidence to show the lack of other possible sites elsewhere, though I appreciate the scale of the shortfall in the provision of plots for travelling showpeople, and I am mindful the Council has given no sound reasons for it not being addressed. However, having regard to PPTS Policy E quoted above, the unmet need and the personal circumstances of families who may live on the site, when taken together, are not so significant as to be considered as one of the '*unlikely*' instances where an exception to the general thrust of this guidance is justified.
64. Indeed, even if I were to take personal circumstances and unmet need with the other benefits cited (including the general point of overcrowding) and the regard I have given to the best interests of the child, and, even if I were to deem travelling showpeople did fall under the protected characteristics found in the PSED, I still consider that, together, these material considerations do not clearly outweigh the harm arising from inappropriateness and other harm, and so do not amount to very special circumstances. As such, the scheme would conflict with policies in the Framework relating to development in the Green Belt, as well as Policy CSP10 in the Core Strategy and Local Plan Policy DP10.
65. Finally, in the planning balance I consider the benefits cited do not justify a decision otherwise than in accordance with the development plan conflict discussed above, concerning its effect on the Green Belt, its impact on the character and appearance of the area and its harm to a listed building.
66. The appellant has stated that a temporary permission of 5 years minimum would be a possibility. I have no particular confidence that the planning context would be materially different then. Furthermore, given the scale of my concerns, and mindful that any landscaping would be far from mature over that period, I consider that even if the adverse impacts were limited to those few years only the benefits cited would not outweigh the harm I have identified. In any event, given the scale of the works I am not satisfied that a condition requiring the re-instatement of the land after 5 years would be reasonable, and so it would not satisfy the tests for conditions in the Framework.
67. In coming to this view, I accept that under Article 8 of the *European Convention on Human Rights* there is a right to respect for private life and family life. Given the harm identified, and mindful too that this would not be a personal permission, I consider any interference with this right that may arise from dismissing this appeal is proportionate and justified.
68. I also note that The Plantation was granted on appeal. However, that was a retrospective case that did not harm a designated heritage asset, and so the balance before the Secretary of State was materially different.

Conclusion

69. Accordingly, I conclude the proposal would be inappropriate development in the Green Belt, which would cause unacceptable harm to the character and appearance of the area and less than substantial harm to the significance of a Grade II listed building. There are no public benefits that outweigh the harm to the listed building, and material considerations do not clearly outweigh the harm arising from inappropriateness and other harm, and so do not amount to very special circumstances, and so development plan conflict arises from these concerns. In the absence of any material considerations to indicate the

decision should be otherwise than in accordance with the development plan, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR