



Appeal Decision

Site visit made on 21 February 2023

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/C3620/C/21/3281583

Land on Blanks Lane/Berry Farm, Blanks Lane, Newdigate RH5 5ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Asad Tahir of Amigoservices Group Limited against an enforcement notice issued by Mole Valley District Council.
 - The notice was issued on 5 August 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a building.
 - The requirements of the notice are: (1) To remove completely from the site the building along with any associated bases, fixtures and fittings. (2) To restore the site to its former condition before the breach took place.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal

Main Issues

2. The appeal site is in the Metropolitan Green Belt. Therefore, the main issues in this appeal are:
 - Whether erection of the building amounts to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the Development Plan.
 - The effect on the openness and purposes of the Green Belt.
 - The effect on the character and appearance of the surrounding countryside.
 - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the building.

Reasons

3. The building is situated in part of an agricultural field. The field is located in an area of open countryside.
4. The building stands on a concrete slab. The building is formed of a central section with a pitched roof, which is adjoined on either side by steel framed prefabricated flat roof units. The external walls and roof of the central section are constructed from profile metal sheeting. The sheets are finished a light grey colour on the external walls and in white on the roof. The prefabricated units are finished in similar colours. The front elevation contains a central pair of solid doors, with a pair of white UPVC framed double glazed French doors on either side. There are white UPVC framed double glazed windows in the side elevations.

Whether inappropriate development

5. Paragraph 149 of the Framework advises that in the Green Belt, apart from in limited exceptions including buildings for agriculture, the construction of new buildings should be regarded as inappropriate development.
6. There was little obvious evidence of any meaningful agricultural activity taking place at the site. The appellant did not offer an explanation as to why a building of this size and design was required for agricultural purposes. I was unable to fully view the interior of the building. However, I could see domestic furniture items including a sofa, table and a heater, with timber laminate or lino covering the floor, through gaps in the curtains. The Council refer to part of the building being used as an office for social media and marketing purposes. There is no firm evidence of such use being ancillary to an agricultural use of the site. Apart from the central doors, the elevational openings in the building have no obvious agricultural utility. French doors and windows are not normally associated with an agricultural use. The presence in the building elevations of a number of such doors and windows is more suggestive of a use for commercial/ industrial, recreational or perhaps residential purposes. Given all of these factors, I am not persuaded that the building has been erected solely for agriculture.
7. Therefore, the exception for agricultural buildings in the Green Belt does not apply and the building amounts to inappropriate development, being inconsistent with paragraph 149 of the Framework. Furthermore, as it has not been demonstrated that the building is reasonably necessary for the purposes of agriculture within the holding the building conflicts with criterion in Policy RUD14 of the Mole Valley Local Plan (LP).

Green Belt openness and purposes

8. Planning permission was granted to erect an agricultural barn, a polytunnel and a chicken coop at the site in March 2020¹. As I understand it, the building has been erected in the alternative to the permitted scheme. Where, as in the permitted barn one of the exceptions at paragraph 149 is met, the effect on openness has implicitly been taken into account. That is not so however where, as in this appeal, the building is inappropriate development. Therefore, the footprint and volume of the permitted barn are not relevant factors when assessing the effect of the building on openness.

¹ Council Ref: MO/2019/2009/PLA.

9. The site is likely to have been open prior to erecting the building. The building is of substantial size and it has a considerable footprint and volume. Erecting the building has led to a significant part of the field being occupied and enclosed by, or adjacent to, substantial built form where none existed previously. Accordingly, the building has had a considerable adverse impact on openness from a spatial perspective.
10. Moreover, openness is not limited to a spatial aspect; it also has a visual element. Due to its form, the colours of the external materials and the proliferation of elevational openings, the building has an appearance that would normally be associated with an urban context. As a result, the building fails to reflect the visual qualities inherent in local rural structures and is seen as an assertive built feature in the countryside surroundings. This in turn contributes to an erosion in the perception of openness in the locality, apparent from the lane in the vicinity of the site as well as from adjoining land.
11. Consequently, the building has had an adverse effect on openness. At paragraph 137, the Framework advises that openness is one of the essential characteristics of the Green Belt. In addition, due to the visual qualities of the building as described above there has been encroachment into the countryside, in conflict with one of the purposes of including land within the Green Belt at paragraph 138 of the Framework. I attach substantial weight to the totality of the harm to the Green Belt, as advised by the Framework at paragraph 148.

Character and appearance

12. The site is in an area of gently undulating open countryside, largely comprising a patchwork of fields bounded by maturing hedges linking to tracts of woodland, with isolated pockets of built development. These factors give the immediate environs of the site and the wider surroundings a predominantly rural character and appearance.
13. The light, bright colours of the external wall and roof finishes, the accumulation of white UPVC framed and glazed openings in the elevations together with the box-like form of the prefabricated units, all contribute to the building having a commercial/industrial and somewhat utilitarian appearance. This is in marked contrast to the simple lines, limited elevational openings and muted colours of the majority of agricultural buildings. These factors mean that the building has an appearance which is entirely at odds with that of local rural structures and the visual qualities of the area in general and so fails to integrate with the rural setting. As a result, the building is perceived as an alien feature in the locality and has led to an unacceptable and harmful erosion in the character and appearance of the surrounding countryside.
14. As the building detracts significantly from the appearance and openness of the countryside, there is conflict with criterion in LP Policy RUD14. There is also conflict with criteria in LP Policy ENV22, as the building is not appropriate in terms of its form, appearance and external building materials and does not respect the character and appearance of the locality.

Other considerations

15. The building is materially different to the permitted scheme. The permitted barn would have been substantially smaller, with a much lower roofline, utilising external materials having darker colours more in keeping with the rural

surroundings and with significantly fewer elevational openings. The permitted barn would also have been orientated differently and used for agriculture. The differences between the building and the permitted scheme have had planning consequences, as set out above. Therefore, the permitted scheme does not weigh in favour of granting permission for the building to any great extent.

Green Belt balance

16. The building constitutes inappropriate development, adversely affecting the openness of the Green Belt and one of its purposes. The building also causes unacceptable harm to the character and appearance of the area. There are no other considerations that clearly outweigh the totality of the harm to the Green Belt. Accordingly, the very special circumstances necessary to justify granting permission for the building do not exist.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR