



Appeal Decision

Site visit made on 16 May 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/C3620/W/22/3302971

Chace Farm Stud, The Warren, Ashted KT21 2SH

- 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 Chace Warren Management Limited against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1934/PLA MAJOR, dated 23 October 2020, was refused by notice dated 14 January 2022.
 - The development proposed is the demolition of existing buildings and development of an extra care facility (Use Class C2) comprising 10 self-contained units, office floorspace (Use Class E), parking, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and development of an extra care facility (Use Class C2) comprising 10 self-contained units, office floorspace (Use Class E), parking, landscaping and associated works at Chace Farm Stud, The Warren, Ashted KT21 2SH in accordance with the terms of the application, Ref MO/2020/1934/PLA MAJOR, dated 23 October 2020, subject to the conditions in the schedule below.

Application for costs

2. An application for costs was made by Chace Warren Management Limited against Mole Valley District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Following the Council's refusal and prior to my decision, the Council granted planning permission for the demolition of the existing building and erection of two dwellings, replacement office floorspace, replacement storage floorspace, parking, landscaping and associated works. I have taken this into account in reaching my decision.
4. A legal agreement has been prepared which addresses the issue of controlling eligibility and the extent and nature of the Class C2 facility. It also provides for an affordable housing contribution of £360,000. I return to this matter below.

Main Issues

5. The main issues are:

- a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- b) whether the development would be in an appropriate location, with particular regard to local development strategies and accessibility to services, facilities and footpaths; and
- c) whether any 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

Green Belt

- 6. The site is within the Green Belt. Paragraph 149(g) of the National Planning Policy Framework (the Framework) allows for the complete redevelopment of previously developed land provided it would not have a greater impact on the openness of the Green Belt than the existing development.
- 7. There is no dispute between the main parties that the proposal involves the complete redevelopment of previously developed land. The issue in dispute is the effect of the proposal on the openness of the Green Belt.
- 8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. Openness is not defined in the Framework. It is therefore a matter of planning judgement. However, in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts. Factors such as how a site or building is used and transitory aspects such as levels of parking or activity can influence how these impacts are perceived.
- 9. The replacement building would be sited in the same position as the existing building. Externally it would have a more residential/commercial appearance than the functional and utilitarian building it would replace. In places its height would exceed that of the existing building. However, there are terraced areas and walkways which would break up the overall scale of the new building and in floorspace and volume terms the replacement would be smaller. Therefore, having regard to its siting, scale, bulk, height, volume and floorspace I do not find that it would be visually or spatially larger than the existing building.
- 10. The existing site comprises a range of different activities and the Transport Statement submitted with the application provides details of the potential trips associated with the building. These could be up to 111 two-way, daily traffic movements. There is existing car parking for approximately 14 cars to the east of the site and to the north is a lorry and machinery park which can also be used for car parking, and which it is said could accommodate up to an additional 12 cars. I also observed cars parked to the south of the main building.
- 11. It is clear that not only can the existing building and uses potentially generate a substantial number of vehicle movements but there are various different activities occurring on site during the course of the day. However, I observed at my site visit that the site is not currently at full capacity and the appellant

notes that the operations are not at present proving to be commercially successful. There may therefore be some doubt as to whether the level of activity and intensity of the use of the site would reach its maximum potential. However, I accept that the buildings themselves would doubtless remain in situ regardless of the level of usage.

12. In contrast, the proposal would result in 10 No. self-contained apartments (8 No. 2 bedroom and 2 No. 3 bedroom), office floorspace (Use Class E) and parking for 22 cars. There would be a more formalised parking arrangement, with parking to the east and south of the building. The proposed car parking areas are comparable in site coverage to what currently exists although it seems to me that the car parking area would be more defined and less prone to spreading across the site, as appears to be the case at present. Overall, the substantive evidence points towards there being fewer vehicle movements to and from the site and a more contained parking arrangement.
13. Whilst the level of activity from the proposed scheme is likely to be less than conventional residential dwellings, the proposed development would be permanently occupied and the use is designed to cater for people who wish to remain active, despite receiving extra care. Therefore, it seems to me that there is a good chance of there being activity around the site. There are landscaped areas to the north of the building and as none of the proposed units have their own gardens, these communal areas could be well used by residents. Similarly, it is not unreasonable to assume there may be vehicles using the access in the evening, either from care staff, as occupants return home or perhaps visitors leave.
14. A lighting strategy has been devised to minimise the overall effect of light from the site albeit this is primarily in response to concerns from the Wildlife Trust rather than being aimed specifically at Green Belt or openness issues. I am also mindful that the lighting to the ménage would be removed as a result of the redevelopment. Whilst there is no formal restriction on the use of this lighting and there is evidence to suggest that it is used at least periodically, there is no substantive evidence to indicate when and for how long it is used. Although it is suggested that lighting to the stables could be left on overnight, it is not clear that this regularly occurs.
15. It therefore seems to me that given the number of potential occupants, light from the individual units would perhaps be more noticeable than at present, particularly later on in the day/evening. At these times of the day equine or commercial activities are less likely to be taking place but residents are more likely to be in their flats. Indeed, given the need for various security lights and the large windows on the first floor there could be occasions at night when the building is more evident/lit up than at present.
16. The scale, timing and intensity of activity at the site would undoubtedly change as a result of the proposal. There may well be some signs of activity in different parts of the site and at different times of the day when compared to how the site is used at present. There may well be occasions, particularly in the evening, when the activity and presence of the building is more noticeable than it is currently.
17. However, taking the development as a whole and all of the above considerations into account, I do not find that, on balance, the new building together with its associated car parking, activity levels and light emissions

would in visual or spatial terms have a greater impact on the openness of the Green Belt than the existing building and use.

18. Consequently, my assessment is that the proposal does comply with the requirements of Framework paragraph 149 (e). I therefore find the proposal would not be inappropriate development in the Green Belt.

Location and Accessibility

19. The site is located some 140m outside the built-up area of Ashted. Policy C1 of the Mole Valley Core Strategy 2009 (Core Strategy) seeks to direct development towards previously developed land in built up areas, such as Ashted, but allows limited development and infilling in larger villages. In the countryside development will be considered in the light of other policies.
20. Policy CS3 specifically notes that new housing for the elderly and supported and specialist accommodation will be encouraged in suitable locations. Suitable locations are not defined but the supporting text, in discussing the provision of sites notes that such accommodation should generally be well located in areas of high accessibility. This accords with the objectives of Policy CS18 which favours sites and developments which have an availability of travel options and access.
21. Given the site's location and distance from bus stops, there would clearly be a heavy reliance on the use of private cars for residents to access services and facilities in Ashted itself. Similarly, any staff or visitors are likely to need the use of a car to access the site. Furthermore, the absence of any additional footpath links from the site would not be an encouragement to walking. The proposal would not therefore encourage sustainable forms of transport to and from the site.
22. Despite its locational shortcomings, I acknowledge that the appeal site is not a considerable distance from Ashted, which has a good level of services, facilities and public transport connections. The proposed redevelopment could also see an overall reduction in the number of potential vehicle movements from the site, when compared to the existing lawful use. Consequently, whilst the proposal would conflict with the locational and accessibility objectives of the development plan, the resulting level of conflict would be modest.
23. Nevertheless, based on the foregoing, I must conclude that the appeal site is not an appropriate location, with particular regard to local development strategies and accessibility to services and facilities. The proposed development would, therefore, be contrary to Policies CS1, CS3 and CS18 of the Core Strategy which, amongst other things, seek to direct new housing for the elderly and supported and specialist accommodation towards suitable locations that have travel options and access, and in particular to sites within the built-up area of Ashted.
24. Despite the absence of footpath provision, given the site's setting, the nature of the environment proposed and the private roads within the Warren which do not have footpaths, this would not harm the character of the area. Given the low vehicle speeds in the Warren and which could be expected in accessing the proposed development, this is unlikely to raise safety concerns. I therefore do not find the scheme contrary to Policy AS-Inf2 of the Ashted Neighbourhood

Development Plan 2016 which, amongst other things seeks to protect the area's character and ensure that pedestrian access routes are safe.

Other considerations

25. A completed legal agreement ensures that the scheme would make a contribution towards affordable housing in line with the Council's policies. It would also govern the eligibility as to who can reside at the property and the extent and nature of the Class C2 facility. The Council is a party to the agreement and has confirmed that it addresses their concerns in respect of these matters.
26. A legal agreement is an appropriate mechanism to deliver an affordable housing contribution. Furthermore, given the nature of the use, together with how the site and building would be used and in turn how this would affect openness, I am satisfied that the agreement is necessary to control who it would serve and the facilities it would offer. I am therefore content that it would meet the relevant tests and so I have taken all the obligations within the agreement into account in reaching my decision.
27. The development is said to incorporate low-carbon/renewable energy sources. Some details are provided in the Design and Access Statement. Although such measures are becoming more common and a Building Regulations requirement, they can nevertheless be given a small amount of positive weight.
28. I note that there is no objection from the Highway Authority and that they have removed their request for the development to have a Travel Plan. However, this would be a neutral factor in my overall balance.
29. The scheme would provide landscaping and some biodiversity enhancements for the site. There is no substantive evidence before me which would lead me to conclude that the scheme conflicts with the relevant policies in these regards. However, compliance with policy does not weigh positively in favour of the development.
30. The site has been granted planning permission for two new dwellings, replacement office floorspace, replacement storage floorspace, parking and landscaping. The houses would be five bedroom family homes with accommodation over three floors and with outdoor amenity space. Based on the evidence before me, I am satisfied that this permission does not alter my conclusions with regard to openness.

Other Matters

31. There is no substantive evidence to indicate that there would be problems with water pressure were the scheme to be built.
32. As is the case with this appeal, each proposal is considered on its own merits and based on the evidence available at the time. It does not automatically follow that the same circumstances would apply to other proposals for the site, were they to come forward.

Planning Balance

33. The Council confirms that it cannot demonstrate a five year supply of deliverable housing sites. In such circumstances and under the terms of

paragraph 11 of the Framework, the relevant development plan policies are deemed to be out-of-date.

34. I have found the proposal would not be inappropriate development in the Green Belt. As such, the Framework policies aimed at protecting areas of particular importance do not provide a clear reason for refusing the proposal. It therefore follows that the benefits of the scheme must be considered against its adverse impacts, in the light of the Framework's other policies.
35. The proposal's contribution in terms of the number of new units would be modest. However, it would meet a particular need for specialist Class C2 housing. In this respect I note that the appeal is supported by data which indicates that in addition to the general under provision of housing in the area, the supply of units designed for older people is falling below the projected demand for such units. This adds important additional weight in favour of the proposal.
36. The development provides an opportunity for those with such needs to remain within the local area. Although not guaranteed, it may also free up future residents' existing properties and so be a beneficial contribution to the general housing stock. The scheme would lead to construction jobs in the short term and support for local employment in the longer term.
37. All of the above factors lead me to assign considerable weight in favour of the proposal.
38. The site would be located beyond the built-up settlement of Ashted but close to it. Ashted would provide most of the services and facilities residents might require on a day-to-day basis. It is also not clear whether the Council has been successful in identifying suitable sites for Class C2 accommodation that are more accessible within the built-up area. Furthermore, there is expected to be an overall reduction in vehicle movements from what is a previously developed site. As such, I attach only modest weight to the disadvantages of the scheme.
39. Overall, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits when considered against the Framework. Consequently, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework applies. In such circumstances, the Framework states planning permission should be granted.
40. The proposal would conflict with the locational objectives of the Core Strategy and so would not accord with the development plan when read as a whole. However, the Framework's presumption in favour of sustainable development is applicable and is of sufficient weight to indicate planning permission should be granted otherwise than in accordance with the development plan.

Conditions

41. In addition to the standard time limit, a condition is required in the interests of certainty that lists the approved plans.
42. Although some information has been provided, in order to ensure the development has an appropriate appearance, further details would also need to be approved in respect of landscaping, boundary treatment, hard surfacing, external materials, external lighting, refuse, recycling and car parking.

- 43. In order to achieve compliance with sustainability and climate change objectives, it is reasonable and necessary for details of energy efficiency and vehicle charging to be submitted to and agreed by the Council.
- 44. For similar reasons a condition requiring the details of water/drainage is also necessary. I also consider it reasonable and necessary that a verification report is provided prior to occupation of any of the units to demonstrate that the works have been implemented in full. Those works would also need to be maintained for the lifetime of the development to ensure the proposal would not unreasonably increase flood risk.
- 45. A condition to ensure the recommendations in the ecological assessment are implemented is necessary to secure improvements to the ecological value of the site and that a net gain in biodiversity is achieved.
- 46. Equine uses can create some contamination but there is no substantive evidence before me to indicate that there is a particular concern in relation to this site. A condition addressing the unexpected discovery of contamination would be reasonable in this instance.

Conclusion

- 47. For the reasons given above, I conclude that the appeal should be allowed, subject to the signed legal agreement and the conditions in the schedule below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - Location Plan – P01
 - Proposed Ground Floor Plan – P05
 - Proposed First Floor Plan – P06
 - Proposed Elevations – P07
 - Proposed Sections – P08
 - Proposed Landscaping Plan – P09
 - Proposed Block Plan – P11
 - Preliminary Ecological Appraisal – Ecology Partnership (July 2020)
- 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the Proposed Landscaping Plan 09, no development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - ii) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - iii) any earthworks, showing existing and proposed finished levels or contours;
 - iv) details, including the management of, the green roofs;
 - v) boundary treatments/means of enclosure and any retaining structures;
 - vi) vehicle parking layouts, including provision of disabled parking spaces;
 - vii) other vehicle and pedestrian access and circulation areas;
 - viii) hard surfacing materials;
 - ix) minor artefacts and structures [e.g. refuse, recycling or other storage units, signs, etc.]; and
 - x) an implementation programme.

The hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme.
- 5) Any trees or plants which within a period of 5 years from the completion of the development or the occupation of the buildings, whichever is the later; die, are removed or become seriously damaged or diseased shall

- be replaced in the next planting season with others of similar size and species.
- 6) No development above slab level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable and thereafter retained in operation.
 - 7) No development other than demolition shall take place until a strategy for the disposal of surface and foul water is submitted to and approved in writing by the local planning authority. The design must satisfy the sustainable drainage strategy hierarchy and be compliant with the national Non-Statutory Technical Standards for sustainable drainage strategies and the National Planning Policy Framework. The development shall be carried out in accordance with the approved details.
 - 8) The development hereby permitted shall not be first occupied until a drainage verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the local planning authority. The drainage verification report shall demonstrate that the approved strategy for the disposal of surface and foul water has been complied with and all associated drainage works completed, or it shall detail any minor variations. The drainage verification report shall provide details of how the completed drainage works shall be maintained for the lifetime of the development, any relevant management company, and shall state the national grid reference of any key drainage elements (surface water attenuation devices/area, flow restriction devices and outfalls). The approved strategy for the disposal of surface and foul water and all associated drainage works shall thereafter be retained and maintained in accordance with the agreed details.
 - 9) Prior to the occupation of the development hereby permitted, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the development (including a timetable for implementation) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
 - 10) The development shall be carried out in accordance with the recommendations for enhancement as set out in the Preliminary Ecological Assessment by the Ecology Partnership and dated July 2020. The provision of any features or enhancement shall be installed prior to the first occupation of the development hereby approved and shall thereafter be retained.
 - 11) No external lighting shall be installed in relation to the development hereby permitted until a scheme for external lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.
 - 12) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be

suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

END