



---

# Appeal Decision

Site visit made on 17 July 2023

**by J Hobbs MRTPI MCD BSc (hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 September 2023**

---

**Appeal Ref: APP/C3620/W/23/3314385**

**Allotment Gardens, Bunce Common Road, Leigh, Surrey RH2 8NS**

- 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 Christopher Gautrey against the decision of Mole Valley District Council.
  - The application Ref MO/2022/0784/PLA, dated 29 April 2022, was refused by notice dated 25 October 2022.
  - The development proposed is to demolish approximately 6 partially collapsed wooden nursery green houses and concrete slab foundations and replace with one single storey residential dwelling.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application was made by Mr Christopher Gautrey, only. The appellants are detailed as "Mr and Mrs Christopher and June Gautrey" on the Appeal Form. Only the person who made the planning application can make an appeal<sup>1</sup>, as such, in this instance, Mr Christopher Gautrey is the sole appellant.

## Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on biodiversity including protected species;
  - the effect of the proposal on highway safety; and
  - 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

### *Inappropriate development*

4. Paragraph 149 of the National Planning Policy Framework (the Framework) outlines the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are

---

<sup>1</sup> Paragraph 3.3.1 of the Procedural Guide: Planning appeals – England

inappropriate unless, amongst other things, they represent limited infilling in villages; or limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, subject to further criteria based on its effect on the openness of the Green Belt.

5. The village of Leigh is the nearest settlement to the appeal site and is centred around where Tapner's Road meets Church Road. The appeal site is located some distance from the village centre. Bunce Common Road connects to Tapner's Road; however, there are several sections to either side of both roads between the appeal site and the village centre where breaks in development are observable.
6. Whilst there is residential development in proximity to the appeal site, it does not envelop or directly border the site. The neighbouring fields are generally free from development and do not accommodate dwellings. Therefore, the appeal site is not within a village.
7. Annex 2 of the Framework explains that the term 'previously developed land' excludes land which is or was last occupied by agricultural or forestry buildings. Based on the evidence, the appeal site was last used for horticultural purposes. Section 336 of the Town and Country Planning Act 1990 (as amended) confirms that the definition of agriculture includes horticulture. The appellant has explained that there was a small brick structure where sales would have occurred from, but based on the description provided, any retail use would likely have been ancillary to the agricultural/horticultural use. On this basis, the appeal site would not constitute previously developed land.
8. Even if I were to take the view that the site does represent previously developed land, the proposed development could only be considered to not be inappropriate if it were to have no greater impact on the openness of the Green Belt when compared to the existing development. The greenhouses within the appeal site have been derelict for an extended period and are beginning to assimilate into the landscape. Although the proposed dwelling would be located on a slab located lower than the current ground level and incorporate a sedum roof at single storey height, it would still be taller than the existing low-key and lightweight structures and thus more obvious and visible. In addition, whilst its footprint would be smaller than the footprint of the greenhouses, the proposal would involve the inevitable introduction of hard surfaced areas and domestic paraphernalia to the site. All related matters considered, a loss of Green Belt openness, albeit limited in extent, would avail.
9. For the above reasons, the appeal proposal would comprise inappropriate development in the Green Belt as it would not represent limited infilling in a village, or limited infilling or the partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt. For the avoidance of doubt, the scheme would not meet any other inappropriate development exception listed in the Framework.
10. There is thus identifiable conflict with the Framework in so far as its policies state that inappropriate development is, by definition, harmful to the Green Belt, and that the essential characteristics of Green Belts are their openness and their permanence.
11. Policy CS1 of the Mole Valley Local Development Framework, Core Strategy (October 2009) (the CS) explains that in the countryside development will be

considered in light of the provision of PPG2 'Green Belts'. PPG2 'Green Belts' has been superseded by the Framework, and therefore Policy CS1 is not consistent with the Framework and is of little relevance to my considerations.

### *Character and Appearance*

12. The appeal site accommodates a number of greenhouses and a telegraph pole, otherwise the site is free from development. The site has been derelict for a while, and I observed the derelict greenhouses to be part-immersed in the site's predominantly thick vegetation. Mature, dense hedgerows border three sides of the site, and a low wooden fence is in place to its frontage. These factors combine to create an enclosed and verdant character for the site.
13. The surrounding area is relatively flat and is defined by field parcels separated by hedgerows and the occasional farmstead, including a large one to the rear of the appeal site. The surrounding rural character is disrupted by sporadic ribbon development aligning the road, usually comprising a small number of houses.
14. The proposed dwelling has taken its design cues from the existing structures on site. The long, linear, triangular appearance of the dwelling would be reflective of some of the surrounding agricultural buildings. The sedum roof would also reflect the verdant character of the site. Notwithstanding these factors, the appeal proposal would introduce residential development and associated domestic activity to a rural site which has laid vacant for a number of years. Such activities would include the parking and manoeuvring of vehicles and the likely introduction of formal garden areas. This would be at odds with the wider rural character of the area and would lead to an incursion into the open countryside.
15. It is acknowledged that the proposed dwelling would be set back into the site, and it would not front the road. Likewise, the parking of vehicles is proposed to the rear of the site, albeit the parking area is not shown on the plans. This would mitigate some of the visual effect of the proposed development; however, a domestication of the site would still be clear to persons passing.
16. Paragraph 134 of the Framework explains that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standards of design more generally in the area. The provisions of paragraph 134 only apply in exceptional circumstances, there is no compelling evidence which demonstrates that the proposed dwelling would be outstanding or of an especially innovative design.
17. For the above reasons, the proposed development would have a harmful effect on the character and appearance of the area and is therefore contrary to Policies ENV22 and ENV23 of the Mole Valley Local Plan (October 2000) (the LP), and Policy CS14 of the CS. These policies indicate that the design and layout are required to respect the character and appearance of the locality; respect its setting taking into account the scale, character, bulk, proportions, and materials; and all new development must respect and enhance the character of the area.

### *Biodiversity*

18. Circular 06/2005<sup>2</sup> identifies that it is essential that the presence, or otherwise, of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted. Further to this, Circular 06/2005 caveats that developers should not be expected to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the decision.
19. Although the appeal site is a small piece of land it accommodates long grassland, thick hedgerows and is in proximity of a pond. It therefore has the characteristics of a site that could accommodate protected species. I have not been provided with any surveys identifying the presence of protected species, or otherwise, and any necessary mitigation. The retention and enhancement of vegetation around the boundary may preserve some habitats. However, I cannot conclude that protected species would not be affected by the proposed development through the loss of habitat on site. In making my decision I am mindful of the precautionary principle which requires that where it is unclear whether an effect would be significant, it must be assumed that such an effect would be, unless there is objective evidence to the contrary. For the avoidance of doubt, I do not consider that such matters could be satisfactorily dealt with by way of planning condition.
20. For the above reasons, the appeal proposal does not satisfactorily address the potential loss of biodiversity or effect upon protected species. The appeal proposal would therefore not comply with CS Policy CS15 and LP Policy ENV15 which indicate that biodiversity will be protected and enhanced in accordance with European and National legislation and where it is evident that a proposed development would be likely to result in harm to a protected species, or its habitat, a thorough site investigation will be necessary. The appeal proposal would also fail to comply with paragraph 174 of the Framework which indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

### *Highway Safety*

21. The existing access would be retained and utilised by future residents. Thick hedgerows are growing very close to the highway boundary on both neighbouring plots of land. This inhibits visibility, especially to the left when exiting the site as the current access is adjacent to neighbouring land.
22. However, when factoring in the breadth of the site's frontage and my own on-site observations, I am suitably satisfied that a fit-for-purpose access design incorporating appropriate levels of visibility could be secured via condition should the appeal be successful. Especially when noting that a low volume of traffic movements via the access would realistically be expected.
23. For the above reasons, the proposal would have an acceptable effect upon highway safety. The scheme would therefore comply with Policy MOV2 of the LP insofar as it indicates that development will normally only be permitted where it can be demonstrated that it is or can be made compatible with the transport infrastructure. It would also accord with paragraph 111 of the Framework which states that development should only be prevented or refused

---

<sup>2</sup> Government Circular: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, Office of the Deputy Prime Minister, August 2005

on highways grounds if there would be an unacceptable impact on highway safety.

*Other Matters*

24. A number of other developments at sites elsewhere have been referred to within the evidence before me, including upon surrounding sites and at Clayhill Road. However, I have not been provided with comprehensive details of these other schemes. I therefore cannot conclude that they set a precedent for the appeal proposal. In any event, it is my duty to consider the planning proposal before me upon its own individual merits.
25. The conduct of the Council, including the handling of applications, are not matters that affect my findings on the main issues. The matters raised and the reason for refusal before me boil down to matters of planning judgement. The reasons given are clearly relevant to the application and the Council's planning policies. Consequently, those matters do not lead me to an alternative conclusion on the main issues.
26. The lack of effects on neighbours' living conditions, no losses of trees or established hedging to the boundaries, and a lack of objections from the Parish Council and long-term village residents are neutral factors that weigh neither for nor against the proposal.

*Whether very special circumstances apply*

27. Paragraph 147 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. Paragraph 148 explains that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
28. The proposal would deliver an additional thermally efficient housing unit for future occupation by a person who has grown up in the local area, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. Further, the Council's Officer Report indicates that it cannot demonstrate a five year housing land supply of deliverable housing sites (a 2.9-year supply figure is set out) and that recent levels of housing delivery have been substantially below its housing requirement. In this context, whilst a single additional unit would not make a noticeable difference to the Council's supply figure, its intended delivery in this case attracts moderate and meaningful weight as a scheme benefit.
29. The development would also, most particularly once occupied, provide support to the local economy and local community facilities. Such benefits attract limited weight due to the scale of development under consideration.
30. I note that it is envisaged that the dwelling's future occupation would be anticipated to offer valuable support to elderly relatives residing close by, which is a benefit to which I attach limited weight given the targeted and personal nature of this benefit and the potential for support to be provided by other means. This is even whilst giving due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, which requires, amongst other provisions, due regard to be had to the need to advance equality of

opportunity between persons who share a relevant protected characteristic and those who do not.

31. Given the length of time the site has been vacant and its position outside of the village, I attach limited weight to the benefit of reusing a now derelict former horticultural/commercial site. Any possible biodiversity net-gain to ultimately be brought about by new planting would be limited and attractive of commensurate weight.
32. The proposal's benefits, considered cumulatively, would be relatively modest and would not outweigh the substantial harm identified to the Green Belt including harm derived from loss of openness, and the additional identified harms to the character and appearance of the area and to biodiversity/protected species, so as to amount to the very special circumstances necessary to justify the proposal.
33. The application of the Framework's Green Belt policies provides a clear reason for refusing the development proposed. As such, the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is not engaged.

### **Conclusion**

34. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
35. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*J Hobbs*

INSPECTOR

