



Appeal Decision

Site visit made on 1 November 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2024

Appeal Ref: APP/M3645/W/22/3309535

**Land to the west of Osney Lodge Farm, Byers Lane, South Godstone
RH9 8JH**

- 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 Southern Co-operative Properties Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2022/364, dated 9 March 2022, was refused by notice dated 12 September 2022.
 - The development proposed is change of use of the land to a natural burial ground. Construction of a service hall building associated with the natural burial ground use together with parking, access and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal refers to the 2019 publication of the National Planning Policy Framework. The National Planning Policy Framework (2023) (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore it has not been necessary seek further views of the main parties in this instance.
3. The Council submitted its emerging Local Plan "Our Local Plan 2033" (eTLP) for independent examination in January 2019 and is currently still at examination. Following a procedural meeting between the examining Inspector and the Council in July 2023, the Inspector wrote to the Council recommending that the eTLP should not be adopted. The Inspector reached their decision following concerns that significant soundness issues in the eTLP could not be addressed by way of Main Modifications to the plan.
4. Until either the Inspector issues his report, or the eTLP is withdrawn, the eTLP technically remains under examination. The Council consider that no weight can be given to policies in the emerging eTLP due to the Inspector's findings that it cannot be made sound. On this basis, the adopted Local Plan would remain as the Tandridge District Council Core Strategy (2008) (CS), the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (TLP), along with the Council's various adopted Neighbourhood Plans.

5. The appellant was provided with an opportunity to comment on the weight to be applied to policies within the eTLP, but provided no further submission on this matter.
6. Both parties' submitted evidence refers to Policy TLP40 of the eTLP which outlines that within the district burial grounds are approaching full capacity. The submitted evidence does not suggest that the examining Inspector had soundness concerns related to Policy TLP40 and the provision of additional burial spaces. Whilst I acknowledge that I am considering a specific scheme and detailed evidence submitted as part of this appeal, that does not mean that I should put the eTLP evidence entirely to one side. Accordingly, and irrespective of where the eTLP has now ended up, my starting point is that the eTLP evidence base is capable of being a material consideration.
7. In refusing planning permission, the Council referred to Policy CSP21 of the CS which states that the 'character and distinctiveness of the District's landscapes and countryside will be protected for their own sake, new development will be required to conserve and enhance the landscape character'. I afford this policy limited weight as part of the determination of this appeal as, taking into account paragraph 225 of the Framework, it is not consistent with the less restrictive paragraph 180 b) of the Framework which states that decisions should contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside'. This view is not disputed by the main parties.

Main Issues

8. The main issues are:
 - whether or not the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies and its effect on openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the local area with particular regard to the local landscape and the countryside as a whole;
 - whether the site is a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site; and
 - If the proposal would be inappropriate development, whether or not the 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 necessary to justify the proposal.

Reasons

Green Belt considerations

9. The appeal site is a field accessed via a track leading from Byers Lane, opposite Osney Lodge Farm and situated within the Green Belt. It is set to the west of an existing agricultural parcel of land which fronts the road. The site has a mixed use in that it is primarily in agricultural use but also has permission for camping during the summer months. The appeal site slopes gently downwards from the rear towards Byers Lane and for the most part is undeveloped. The surrounding area is rural in character with limited development in the vicinity.

10. Whilst enclosed by hedgerows and trees around its boundaries, the appeal site itself exhibits both spatial and visual openness which is not inconsistent with its surrounding rural landscape context. Its current low-key, visual attributes have enabled it to retain a rural character and appearance and it makes a positive contribution to the landscape of this part of the Green Belt.
11. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless it falls within a given list of exceptions. One exception, provided for by Paragraph 154 b) is the provision of appropriate facilities...for cemeteries and burial grounds...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
12. Paragraph 155 e) of the Framework confirms that certain other forms of development in the Green Belt, including material changes in the use of land (such as for cemeteries or burial grounds), are also not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. Policy DP13 of the TLP was written prior to the publication of the current version of the Framework. The policy outlines that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. However, the policy identifies exceptions to this, which include the provision of appropriate facilities for cemeteries, as long as this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As a result, the policy is broadly consistent with the Framework in relation to the construction of buildings associated with cemeteries and burial grounds.
14. Policy DP10 of the TLP is also applicable. This seeks to refuse inappropriate development in the Green Belt, which is by definition harmful to it, unless very special circumstances exist to outweigh any harm. This policy is broadly consistent with the Framework, which at paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Of the five purposes of Green Belt policy set out in paragraph 143 of the Framework, assisting in safeguarding the countryside from encroachment is the most pertinent to this proposal, given its nature and location.
15. I understand that the size and height of the proposed service hall has been kept to a minimum, and it would be positioned centrally within the site to allow much of the site to remain open as landscaped spaces in which burials can take place. As a result, the service hall building would cover less than 1% of the overall site area.
16. However, whilst single storey, the proposed service hall would be a large building incorporating a 72-seat chapel, and various ancillary areas. The building would measure approximately 25 metres in length by 10 metres in width and would have a large canopy projection to one side. The Planning Practice Guidance (PPG) confirms that openness is capable of having both spatial and visual aspects. As a result of the large increase in built form, the proposal would result in a reduction in the openness of the Green Belt in spatial terms.

17. The proposal also involves the provision of a gazebo, a fenced refuse bin collection compound and the creation of a significantly sized car park providing 40 parking spaces. The existing access road would be widened and resurfaced and additional roads and walking paths would be created within the site to provide access to the car park and the service hall. This would result in built form spread across the southern parts of the appeal site, which would have an urbanising effect that would manifestly reduce the spatial openness of the Green Belt.
18. The proposed alterations to the access road surface would formalise the current understated entrance to the site. This would be visible on approach in either direction along Byers Lane. Within the site itself, the laying of a permeable tarmac car park and long vehicular and pedestrian access routes, where currently there is none, would be visible from surrounding short distance vantage points within the site. This is despite the fact that there will be frequent periods when the car parking is either not in use, or not at full capacity.
19. I acknowledge that the proposal would be less intensive than the previously proposed crematorium use. This is because there are fewer services associated with a burial ground, and visitor group sizes are generally smaller, as the remembrance services may take place elsewhere prior to a smaller service at the burial ground.
20. However, the effect of the built form on the openness would be exacerbated by the activity of traffic and people that would be drawn to the area in terms of the comings and goings and activities associated with the undertaking and attendance of burial ceremonies, those visitors wishing to pay their respects through the year and the necessary ongoing maintenance and upkeep of the site and the business operation.
21. The natural burial ground would not have traditional stone gravestones and memorials normally comprise a low timber marker. Many of the footpaths within the burial ground itself are likely to be mowed paths. As the submitted drawings show, these are likely to be laid out in a uniform pattern, and consequently, would have some limited impact on the visual openness of the site. Whilst the site would be open for public access for visitors, this in itself would have a neutral effect on the spatial and visual openness of the Green Belt.
22. The belt of trees, hedges and farmland surrounding the site would largely obscure the built form in long distance views. The proposal would also incorporate considerable new landscaping. Consequently, the visual loss of openness would in my view be relatively localised and confined mainly to the immediate surroundings of the site, and would be filtered by the site's existing ample boundary planting.
23. The essential characteristics of Green Belts are their openness and their permanence. Having regard to whether openness would be preserved, it is acknowledged that the exceptions set out within paragraph 154 of the Framework are generally considered to be acceptable in principle. Any new development under these exceptions would erode openness to some degree, but this in itself would not always fail to preserve openness.

24. Nevertheless, for the reasons outlined above, the proposal would encroach into the Green Belt, reducing its openness in both a spatial and visual sense. In terms of the effects on the purposes of Green Belt policy, there would clearly be some harm, albeit due to the mainly localised visual impacts, this harm would be moderate. As such, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt.
25. I do not accept the appellant's position that there would be a very limited effect on the openness of the Green Belt from the proposal even though the majority of the site would remain open. Even if I did, a very limited effect would still mean that the openness of the site would be reduced and so not preserved. Furthermore, the proposal would permanently encroach upon the largely natural character and appearance of the countryside.
26. The appellant refers to an appeal decision at Greenlawn Memorial Ground (Ref: APP/M3645/W/19/3224258). That proposal related to an extension to an existing burial ground with no buildings being proposed. As such, with regard to openness, the effect of this proposal would be different.
27. For the above collective reasons the proposal does not benefit from the exceptions set out in Paragraphs 154 b) and 155 e) of the Framework and would be inappropriate development in the Green Belt when assessed against these criteria.

Character and appearance

28. The Surrey Landscape Character Assessment: Tandridge District (2015) identifies the appeal site within the Low Weald Farmland character area, in particular the Horley to Swaynesland Low Weald Farmland character area. The identified key characteristics include; gently undulating lowland weald, predominantly farmland and larger scale fields, a well developed hedgerow network, and long distance views framed by vegetation which are possible from open elevated locations.
29. The narrow winding lanes often enclosed by hedgerows, and the undulating landscape of agricultural fields, marked by limited built development provides the appeal site with a tranquil landscape character, which is further emphasised by the distance of the majority of the site from Byers Lane.
30. The proposal would inevitably bring about a change to the site's appearance, given it falls within largely undeveloped countryside and currently comprises a grassed field, albeit one that is in use for camping during the summer months. The service hall would be single storey, with roof forms at varying heights which visually break up the massing. The design of the service hall building, including the simple larch clad form of the building with a cedar shingle roof, would reflect its rural location.
31. The majority of the site would remain open and landscaped and free from built form. Furthermore, memorials within natural burial grounds are often discreet, normally comprising a low timber marker. However, the gazebo, fenced refuse bin collection compound, 40 space car park, upgrade to the existing access road, and additional roads and walkways would all have an urbanising effect on the appeal site.

32. The enclosed sloping nature of the landscape within which the site is located, combined with the strong hedgerow and belts of trees within the wooded ridge at the top of the site, reduce views into the site from surrounding areas. Nevertheless, the appellant's Landscape and Visual Impact Appraisal (LVIA) identifies that a range of glimpsed views into the site are possible from Byers Lane, from public right of way (PROW) 273 to the north of the site and from PROW 274 to the south east of the site. Private views of the development will be possible from several properties in the hamlet to the west of Byers Lane and south of Parkwood.
33. Boundary hedgerows and trees surrounding the site would be retained as part of the proposal. In addition, the LVIA details further measures which include strengthening of the northern and eastern boundaries through additional native planting. This would fill areas where there are existing gaps within the hedgerows, and would minimise the views of the site from Byers Lane and the two PROWs. A new pond is also proposed in the south east corner of the site in front of a proposed woodland copse, which would further screen views into the site, as well as improving the ground drainage. The additional planting and strengthening of the hedgerows would ensure that adverse effects from the new built form would be localised in extent, albeit glimpses of the development would be possible from the nearby PROW, Byers Lane and nearby private properties.
34. Whilst the proposal, as a result of the additional built form, would have an urbanising effect on the site, it would not have a significantly adverse impact on the character and appearance of the wider area. As the identified adverse effects of the proposal would be essentially localised, I conclude that moderate harm would be caused to the character and appearance of the area. To this extent, the proposal would conflict with the countryside protection aims of Policies CSP18 and CSP21 of the CS and paragraph 180 b) of the Framework.

Accessible location

35. The site is located outside any categorised settlement as defined in Policy CSP1 of the CS. Policy CSP1 directs new development primarily to defined areas within existing settlements. The supporting text explains that this is to promote sustainable patterns of travel, by locating development where there is a choice of modes of transport available and where the distance to travel to services is minimised.
36. The main parties agree that the nature of the proposed use is one where the majority of visits will be by car, particularly for those attending burials. From the evidence before me there appears to be limited opportunities to use public transport or to walk from Blindley Heath. There are currently no formal bus stops provided within 400 metres of the site, although a 'hail and ride' stop is provided at the 'Blue Anchor Wood' bus stop approximately 215 metres to the north of the site for the 315 bus service. The submitted evidence indicates that the 315 service provides 4-5 services per day Monday to Friday, and no weekend services.
37. The nearest train stations, South Godstone and Lingfield are located 3.2 km and 6.8 km from the site respectively and would require onward travel by car in most instances.

38. I acknowledge that Surrey County Council's Highways Officer raised no objection to the proposal and that burial services would often not run to the full 72 person capacity. The appellant suggests that for many in the District the appeal site will represent a closer option than the two other consented cemeteries at the north of the District. The appeal site is also, by road travel distance, a similar distance from the centre of Oxted as is the Greenlawn Memorial Park.
39. However, whilst offering some choice of means of travel to visitors the bus service and the nearest train stations are not so convenient that the site can be described as well-connected. The local highway network is narrow, undulating and winding. There is an absence of dedicated surfaced footways and street lighting. The lack of footpaths, distance, and the limited availability of public transport mean that there would be likely to be a reliance on the use of private vehicles. As the development does not offer a realistic chance of access by a range of transport modes it would conflict with Policy CSP1, the aims of which are described above.
40. My attention has been drawn to table 6.8 of the Council's Open Space, Sport and Recreation Facilities Assessment (2017) (OSSRFA), which sets out the 'access standards' for the various types of open space facility, with this being the ideal distance that a facility should be from its visitors. The table omits to provide a specific access standard for 'Churchyards and Cemeteries'. Whilst no reason for this omission is given, it seems to me, that this may be because visitor trips to particular churchyards or cemeteries are largely driven by personal circumstances and relationships, rather than by the cemetery's proximity to where an individual lives.
41. Whilst the OSSRFA is a material consideration it is guidance and not planning policy and therefore does not override the principles of national and local policy that development is expected to be located where it provides a genuine choice of transport modes.
42. Therefore, when judged against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of development would be undermined and car borne travel would be encouraged. As such, there would be a conflict with Policy CSP1 of the CS. For similar reasons the proposal would also fail to accord with the sustainability objectives of the Framework.

Other considerations

43. The United Kingdom's population is likely to continue to both increase and age at a national and local level over the next 25 years. As a result, demand for burials is increasing. The supporting text to Policy TLP40 of the eTLP outlines that within the district burial grounds are approaching full capacity and that available plots for burial are few. It is assessed that 191 new graves are required per annum to meet existing demand across the district. Policy TLP40 itself states that the council will support the provision of at least 1.82 hectares of new burial space over the plan period, which could be delivered in new or expanded cemeteries. The OSSRFA also outlines the same need for additional burial space.
44. Whilst the Council consider that the eTLP should be afforded no weight, the supporting evidence base, including the OSSRFA, does suggest that there is a

significant need for additional burial plots in this area and there is unlikely to be a quantitative restriction on the amount of burial space that could be provided in any future development plan period. I have nothing before me to indicate that the evidence provided which demonstrates a need for additional burial plots should not be afforded weight as a material consideration.

45. Even if I were to afford greater weight to Policy TLP40 of the eTLP as suggested by the appellant, the wording of the draft policy requires proposals to demonstrate that they would not create unsustainable travel patterns. I have previously found that the proposal would not be in a suitable location, and that it would encourage car borne travel. The policy also requires that proposals for burial space must demonstrate that non-Green Belt site options have been fully explored and rejected for sound reasons. This has not been explored in detail within the submitted evidence, therefore on this basis the proposal would not gain support from the emerging policy.
46. The proposal would provide circa 1,500 burial plots. As such, it would provide over 7 years' worth of new burial plots within the District. The proposal would therefore assist in providing the bereaved with both a choice of where to bury their loved ones, and their being able to find a plot without unnecessary stress during a time of mourning and I acknowledge that this would be a benefit of the proposal.
47. However, the Council suggest that relatively recent planning permissions have provided some additional burial capacity within the District. These include the Church of All Saints, Church Lane, Warlingham (Ref: 2016/116) for which planning permission was granted for a 0.9 hectare' extension. Permission at Greenlawn Memorial Park, Warlingham (Ref: 2017/2022), which serves both Croydon and Tandridge and created an extension providing circa 3,477 burial spaces. Finally, permission at the Church of St. John the Baptist, Outwood (2017/1226) for which permission has been granted for an extension to the graveyard to provide 150 burial spaces.
48. The appellant notes that the website for the Greenlawn Memorial Park site, (which caters to both Tandridge District and London Borough of Croydon residents) suggests that space for burials at that site remains limited. However, the submitted evidence provided by both main parties does not confirm the extent to which the recent permissions are likely to meet future demand, or whether a significant deficit will remain. This limits the weight to which I can attribute to those recent permissions.
49. The OSSFRA states that the interest and demand for natural burials has grown in recent years as an alternative option for people concerned about the environmental impacts of modern funerals. It identifies that there would be an opportunity for inclusion in any new cemetery or as a separate natural burial ground within the district. The provision of a new natural burial ground within this location will therefore add choice to the District.
50. For the collective reasons outlined above, and on the evidence that is before me, I conclude that the contribution that the burial ground would make towards meeting the short and long term need for burial space and additional choice for Tandridge residents is a community benefit to which I afford significant weight in the overall planning balance.

51. The appellant indicates that 93.9% of the District is designated Green Belt, and that this equates to the highest Green Belt coverage of any council area in the UK. Approximately 40% of the District is designated an Area of Great Landscape Value (AGLV) and therefore an area with added planning constraints in addition to the Green Belt. Whilst the site is within the Green Belt I acknowledge that it is not within an AGLV and therefore may be less sensitive to development than alternative sites within an AGLV and for this reason I give the site's location outside of the AGLV moderate weight.
52. The proposal would enhance the boundary landscaping and would provide a copse and pond area that would be beneficial for biodiversity. However, the appeal site already has some biodiversity value and much of the proposed biodiversity and landscaping enhancements are not dependent upon the proposed development. I therefore give this only limited weight.
53. The proposal would provide some employment opportunities in the area with regard to the burial services and the maintenance of the cemetery. However, limited details have been provided and these are likely to be few in number. I therefore give this only limited weight.
54. The proposal would utilise sustainable construction techniques and appropriately sourced materials in order to minimise its environmental impact. This attracts moderate weight.

Other Matters

55. I understand that the appellant undertook lengthy pre-application discussions with the Council in advance of the submission of the planning application. However, the concerns expressed regarding the Council's conduct during the processing of the planning application are outside the remit of this appeal.

Green Belt Balance and Conclusion

56. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Substantial weight should be given to any harm to the Green Belt.
57. Furthermore, I have also found that the proposal would not be within a suitable location for the proposal having regard to local and national planning policy and the accessibility of the site, and would cause moderate harm to the rural character of the area.
58. I have identified various benefits associated with the provision of additional burial spaces, particularly given local need identified within the Council's evidence base, and the provision of further choice in the range of local burial options. However, very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
59. The proposal may be compliant with various other provisions of the development plan, such as in relation to car parking and drainage arrangements. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

60. Taking all the above into account, the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations, either individually or cumulatively, sufficient to demonstrate very special circumstances. Therefore, the proposal is contrary to Policies DP10 and DP13 of the TLP and the Framework which seek to protect the Green Belt from inappropriate development. I have also identified conflict with Policies CSP1, CSP18 and CSP21 of the CS.
61. I therefore conclude that the proposed development would conflict with the development plan as a whole and there are no considerations, including the Framework, that indicate otherwise. Consequently, the appeal should be dismissed.

B Pattison

INSPECTOR