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# Appeal Decision

Site visit made on 1 February 2024

**by A Price BSc MA MRTPI**

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

**Decision date: 06 MARCH 2024**

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**Appeal Ref: APP/C3620/D/23/3327366**

**The Walled Garden, Downs Lane, Leatherhead, Surrey KT22 8JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr R Hall against the decision of Mole Valley District Council.
  - The application Ref is MO/2023/0405/PLAH.
  - The development proposed is the erection of a single storey pool house for ancillary use.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey pool house for ancillary use at The Walled Garden, Downs Lane, Leatherhead, Surrey KT22 8JW in accordance with the terms of the application Ref MO/2023/0405/PLAH, subject to the conditions in the attached schedule.

## Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework was published (December 2023). This does not materially change the planning policy context in respect of the main issues.
3. For accuracy, I have used the Council's description of development.

## Main Issues

4. The main issue is whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

## Reasons

*Whether inappropriate development*

5. National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154, is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. There are no local plan policies before me which would conflict with the general thrust of national Green Belt policy.

6. The Framework does not provide a definition of 'appropriate facilities' for outdoor sport or outdoor recreation. Similarly, it does not specify that this exception relates to either public or private land.
7. The proposed pool house could reasonably be described as an appropriate facility for outdoor sport or recreation as it relates to an existing outdoor swimming pool, connected with the existing and retained residential use of the site. From that perspective, the proposed development would meet the exception at paragraph 154(b).
8. However, paragraph 154(b) also requires that the proposed facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open.
9. The proposed pool house would measure approximately 51sqm. It would be located within an established residential plot, which contains, amongst other outbuildings, a principal dwelling. The site is also enclosed by an historic wall. Accordingly, the development would be discreetly sited, out of sight from the public realm and most private vantage points.
10. I note the openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm. Nevertheless, I am satisfied that the proposed development, by reason of its scale, position relative to other built form and location within an established garden plot (and area), would not harm the openness of the Green Belt in spatial terms.
11. The Council refers to application reference MO/2022/1647, which related to a previous planning permission at the site for a replacement dwelling. Whilst this other case is relevant insofar as it provides site context, I have assessed the appeal scheme based on the plans and details before me.
12. For the above reasons, I conclude that the proposed development would not be inappropriate development in the Green Belt. The proposed development would therefore accord with the relevant provisions of paragraph 154 of the Framework, which in summary seeks to limit development in the Green Belt, subject to certain exceptions.

### **Other Matters**

13. I note correspondence received from nearby residents. Matters raised include that the site is of historical interest and located within the Surrey Hills and so should not be developed. However, there is no dispute between the appellant and Council on these matters and I have no substantive evidence before me to disagree with those findings. Accordingly, these matters have not altered my conclusion on the main issue.

### **Conditions**

14. In addition to the standard three-year time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. This is necessary for certainty. I have imposed a further

condition relating to the materials used in construction. This is in the interests of the character and appearance of the area.

15. I have imposed a condition requiring that the outbuilding is used only for purposes ancillary to the residential use of the dwelling known as The Walled Garden. This is for the avoidance of doubt and to ensure that the building is used as proposed and assessed above.
16. In imposing conditions, I have had regard to the tests within the Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

### **Conclusion**

17. For the above reasons, having had regard to all matters raised, I conclude that the proposed development would accord with the development plan as a whole and therefore the appeal should be allowed.

*A Price*

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 following approved plans: 01 A (Location Plan); 54 B (Proposed Site Plan); 52 E (Proposed Poolhouse).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the principal dwelling.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Walled Garden.