



Appeal Decision

Site visit made on 21 May 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JUNE 2024

Appeal Ref: APP/M3645/W/23/3331994

Starborough Manor, Moor Lane, Marsh Green, Surrey TN8 5QY

- 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 C Hayley against the decision of Tandridge District Council.
 - The application Ref is TA/2022/585.
 - The development proposed is use of the land as a cricket pitch and erection of a pavilion.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of listed buildings. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the settings of these listed buildings.
3. The use of the site for the playing of cricket is not in dispute and I have no reason to disagree with those findings.

Main Issues

4. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would preserve the settings of nearby Grade II and Grade II* listed buildings; and
 - whether 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 required to justify the development.

Reasons

Whether inappropriate development

5. The appeal site comprises a parcel of land to the north of Moor Lane. It is currently laid to grass and, at the time of my site visit, was set up for the playing of football. However, I understand that the field has been used by

Haxted Cricket Club as a cricket ground for a number of years. The field is accessed off the main drive to Starborough Manor. The site is within the Green Belt.

6. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. 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.
7. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (LP) conform to the general thrust of national Green Belt policy, setting out that planning permission for any inappropriate development will normally be refused, unless exceptions apply, or very special circumstances exist.
8. I saw during my site visit how intervening features in the landscape and its topography mean that there is fairly limited visibility of the site from the surrounding area. However, glimpsed views are possible over and between gaps in landscaping, including from Moor Lane and along the driveway to Starborough Manor. Nevertheless, 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. The openness of the Green Belt has a spatial as well as a visual aspect. Accordingly, '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.
9. I note the appellant's argument that the proposed building has been designed to provide only the essential requirements of a cricket pavilion to meet current and future needs. These facilities are illustrated on the submitted drawings. I also note that brickwork would match that of nearby Starborough Manor.
10. Even were I to accept that the proposed facilities, including their size, are the absolute essential required for a modern cricket pavilion, the proposed development nevertheless introduces built form (both in terms of floorspace and volume) where there is presently none. The proposed development would undoubtedly lead to a loss of openness, both physically and visually.
11. For the foregoing reasons, the proposed development would fail to preserve openness. As such, it does not fall within the exception at paragraph 154(b) as preservation of openness is required in order for it to be engaged. It would be inappropriate development in the Green Belt. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The proposed development would therefore conflict with the relevant provisions of the Framework and LP Policies DP10 and DP13, which in summary seek to prevent inappropriate development in the Green Belt.

Character and appearance

12. As reasoned above, views into the appeal site are relatively limited by reason of the position of public vantage points and intervening landscaping and levels.

13. Despite this, parts of the site can be glimpsed from Moor Lane. Clearer views are obtained from within adjoining privately owned land and from the driveway to Starborough Manor. From those vantage points, the site retains a largely rural character that does not appear out of place here. This is consistent with the wider undeveloped landscape.
14. The proposed development, irrespective of its precise footprint, would introduce a building of significant presence to the site, particularly as the proposed building would reach two storeys high. The development would erode the contribution that the site makes to the open and rural nature of the surrounding area. Consequently, the proposed development would have a harmful effect on the site and on the open rural character of the surrounding area.
15. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, contrary to the relevant provisions of LP Policy DP7 and Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008). These policies, when taken as a whole, seek to ensure that development is appropriate for its location and does not harm character and distinctiveness. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of landscape character is concerned.

Heritage assets - special interest and significance

16. Stable Cottage The Coach House (hererafter referred to as Stable Cottage) is positioned to the north-east of the appeal site. It is a Grade II listed building¹, dating from the eighteenth century. It is faced in brick with a plain tile roof over.
17. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its architectural and historic interest. Important contributors in these regards, which are pertinent to the appeal, are its illustration as a former coach house and the use of traditional building materials and techniques.
18. Starborough Castle Walls and Garden House (hereafter referred to as Starborough Castle) is also positioned to the north-east of the site. It is a Grade II* listed building² and scheduled monument³. It has its origins in the fifteenth century with later elements. It is, on the whole, constructed of brick and stone, positioned on a moated island.
19. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its unusual nature and the use of traditional building materials and techniques.
20. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the Framework.

¹ List Entry Number: 1205871

² List Entry Number: 1205666

³ List Entry Number: 1017522

21. To my mind, the closely associated grounds of Starborough Manor, including the adjacent outbuildings, driveway and gardens, have an historic, visual and functional connection with the heritage assets. These grounds form the immediate setting of the assets and it is from here that the assets are best appreciated. This immediate setting contributes somewhat to the asset's special interest and significance.
22. Beyond this, the surrounding area is made up of verdant and open fields (including the appeal site). Some scattered buildings exist within the wider landscape. This surrounding area forms the asset's wider setting. There is limited intervisibility between the heritage assets and the wider setting. This has undoubtedly, over time, changed with the maturing of landscaping and has altered how the assets are experienced. This therefore moderates the contribution the wider setting, which includes the appeal site, makes to the special interest and significance of the assets.

Heritage assets - appeal proposal and effects

23. The position and nature of the proposed development, together with the limited intervisibility between the appeal site and the identified heritage assets, would mean that the visually and physically separate relationship between the appeal site and those assets would be maintained. The historic and architectural interests of the assets would remain unaffected. Ultimately, the immediate and most of the wider settings that contribute to the significance of those assets would remain undisturbed by the proposed scheme.
24. Taking these factors into account, the proposed development would not compromise the settings of Stable Cottage or Starborough Castle, rather it would have a neutral effect that would not determinably alter how the assets would be experienced and would not adversely affect the ability to appreciate their significance. Consequently, the settings of Stable Cottage and Starborough Castle, and the contribution those settings make to the significance of the assets, would be preserved.

Heritage assets - conclusion

25. Overall, I conclude that the proposed development would preserve the Grade II and Grade II* listed buildings and their settings. Consequently, it would not harm the significance of these designated heritage assets. In doing so, it would satisfy the requirements of section 66(1) of the Act. The proposal would also accord with the relevant provisions of LP Policy DP20, which in summary seeks to protect heritage assets and their settings. This is in a similar vein to the Framework insofar as the protection of heritage assets is concerned.

Other considerations

26. I acknowledge that the proposed development would meet some other planning policy objectives, including in respect of archaeology, living conditions, highway safety and ecology. Nevertheless, those matters are not in dispute between the Council and appellant, and I have no reason to disagree with those findings. Those matters are, therefore, neutral in my determination of the appeal and have minimal weight.
27. That letters of support have been received is also neutral in my determination of the appeal and I afford this matter minimal weight.

28. The appellant argues that the proposed development would support the wider cricket community, including the local school and other local cricket clubs. Be that as it may, the cricket activities have, as set out by the appellant, been carried out at the site since around 2020 without purpose-built facilities. There is no substantive evidence before me which concludes that without the specific proposal before me that cricket activities at the site would cease. I afford this matter limited weight.
29. My attention is drawn to other examples of permissions for cricket infrastructure, including at Lingfield. However, I have very limited information before me in respect of those other cases. In any case, the circumstances that applied to those other cases, and the planning balance there, are not directly comparable with the scheme before me. I afford this matter limited weight.
30. I do not doubt the need for cricket pitches in the district. However, there is no dispute in respect of the use of the site for the playing of cricket. The dispute falls specifically in respect of the proposed pavilion building. I have considered the option of issuing a split decision for aspects of the proposed development. However, I am not satisfied, given the level of detail within the submitted plans, that the elements are clearly physically and functionally discrete and/or that they can be easily separated from the proposed scheme in a split decision.

Green Belt Balance and Conclusion

31. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
32. Cumulatively, I attach no more than limited weight to the benefits of the proposed development, which make up the other considerations. As such, the harm identified would not be outweighed by any other considerations and, therefore, the very special circumstances necessary to justify the proposed development do not exist. Consequently, the appeal should be dismissed.

A Price

INSPECTOR