



Appeal Decision

Site visit made on 11 July 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/C3620/W/23/3333995

Joldwynds, Holmbury Hill Road, Abinger RH5 6NS

- 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 Mrs Francine Paszko against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1442/PLA.
 - The development proposed is Change of use of existing building to holiday let / ancillary guest accommodation including changes to window positioning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that its Emerging Local Plan has reached an advanced stage and the policies within it are therefore a material consideration. However, there is no evidence before me as to the status of individual policies. Furthermore, I note that the Council is not seeking to rely on the emerging policies and in this regard has not concluded on any conflicts with the emerging policies. Given these factors, my determination of this appeal is made against the current development plan policies.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The timeframes for this appeal have provided an opportunity for the main parties to comment on the relevance of the revised Framework. As a result of the updates, the relevant paragraph numbers of the Framework have been updated, and consequently in some cases these differ from those set out in evidence, and in the previous appeal decision.
4. The appellant's submissions refer to the possibility of using the appeal building for staff accommodation as well as a holiday let. This use is not reflected in the description of development, and I cannot be satisfied that interested parties would not be prejudiced by my considering a change to it. For the avoidance of doubt, the appeal has been assessed on the basis of the description of development set out above.
5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became National Landscapes. The appeal site lies within the Surrey Hills National Landscape, formerly known as the Surrey Hills AONB. Notwithstanding the references to the Surrey Hills AONB within the

submitted evidence, I refer to the Surrey Hills National Landscape (SHNL) within my decision.

6. Clarification has been provided that the red site line boundary is that shown on the location plan and includes the wider site. I have proceeded to deal with the appeal on that basis.

Background and Main Issues

7. The appeal site is located within the countryside within the SHNL. It lies within the grounds of Joldwynds, a Grade II listed building. It is also within the Green Belt. The appeal scheme seeks to change the use of an existing storage building on site into a holiday let and guest accommodation. External alterations to the building would be limited to the installation of windows and a door.
8. The Framework sets out at paragraph 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Under paragraph 155, it explains that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
9. It is common ground between the parties that the appeal building meets the criterion under paragraph 155 d) which allows for the re-use of buildings provided that the buildings are of permanent and substantial construction. It could therefore not constitute inappropriate development provided it would meet the requirements under paragraph 155.
10. The Inspector for a previous dismissed appeal¹ on the site in respect of the conversion of the appeal building into a 2-bed dwelling considered the scheme could additionally be considered under paragraph 154 g) of the Framework which allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
11. I do not have the full details of what was before that Inspector. Notwithstanding this, it is agreed that the site is previously developed land. However, the scheme is for re-use of the building rather than its redevelopment and paragraph 155 d) would be the more appropriate criterion under which to consider the scheme. In any event, a consideration of openness is required under either exception which I have done.
12. As such, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - whether the proposal would preserve the setting of the Listed Building, and the effect on its significance;
 - whether the proposal would conserve and enhance the landscape character and appearance of the area;

¹ APP/C3620/W/22/3305718

- whether sufficient provision has been made for parking and manoeuvring vehicles within the site, and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Openness and purpose

13. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. Openness has a visual and spatial dimension.
14. The appeal building comprises a functional storage building and is modest in scale located within the grounds of the main building, Joldwynds. There are minimal openings on the building. It is well separated from the main building, within a relatively quiet part of the site and is accessed by a separate track. Activity, including from vehicles and lighting, is very limited in this part of the site.
15. The proposal would not increase the size of the appeal building. New windows and a door would be installed. No formal parking, garden area or other domestic features are proposed. In this respect the scheme differs from the previous appeal which proposed those features. Notwithstanding this, the plans show an area of hardstanding and a grassed area enclosed by hedging with access from the new building, similar to what was proposed in the previous appeal. There is nothing to prevent this from being used and it would likely be used for parking and sitting out with associated domestic paraphernalia. This would cause some harm to openness.
16. The proposal would also result in more activity around the site including from guests and their associated vehicle movements. Whilst the level of activity associated with a single holiday let would be low, given the quiet location of the building, these effects would be significant.
17. There would also be a likely increase in artificial lighting, including from internal lighting due to the large areas of glazing proposed. This would draw attention to the additional activity on site. Given the limited sources of light at present, the change would be significant compared with existing. These effects, whilst not built development, would have a detrimental impact upon openness, albeit within a localised area.
18. Visibility between the appeal building and the wider site is limited by existing vegetation and differences in land levels. Similarly, any public views would be very limited. This, together with the modest scale of the development, limits the degree of harm.
19. Consequently, I find that the proposal would result in a slight adverse effect on the openness of the Green Belt.
20. Paragraph 143 of the Framework sets out that the Green Belt serves five purposes. Relevant to this appeal, is c) to assist in safeguarding the countryside from encroachment. Due to its limited scale, the proposal would not prejudice this purpose. Whilst I have concluded that the proposal would not

harm the purposes of including land within the Green Belt, I have found that the proposal would fail to preserve openness. Thus, it would not meet the exception set out under criterion d) of paragraph 155 of the Framework. It would therefore constitute inappropriate development in the Green Belt.

21. In respect of Green Belt, Policy CS1 of the Mole Valley Core Strategy 2009 (CS) states that development will be considered against the provisions of the superseded Planning Policy Guidance Note 2 as the Framework has replaced this. It is silent on the forms of development which are inappropriate in the Green Belt. Given this refers to superseded national policy, it is out of date in respect of Green Belt considerations and only moderate weight can be attached to the conflict with it.

Setting of the Listed Building

22. Joldwynds is a substantial listed building. It is constructed in the International Modern style of which it is one of Oliver Hill's notable examples. Its significance comes from its architectural style and appearance. The setting of the building, within extensive grounds in a prominent hillside location, add to the primacy of the building and in turn, positively contribute to its significance.
23. The appeal building is one of several ancillary buildings located within the grounds of the Listed Building, which form part of its setting. It is set on a lower ground level, close to other ancillary buildings with a separate access track to the Listed Building. Its function and appearance, result in the building appearing secondary to the Listed Building. There is some limited visibility between the appeal building and the wider grounds associated with the Listed Building which form an important part of its setting.
24. The proposal would lead to the domestication and an increase in activity around the appeal site. This would weaken the hierarchy of uses on the site, undermining the secondary nature of the appeal building which would be harmful to the character and appearance of the grounds of the Listed Building. This would in turn erode the primary of the Listed Building.
25. Consequently, the proposal would fail to preserve the setting of the Listed Building, and in turn would have a detrimental effect on its significance, contrary to Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act. The proposal would therefore conflict with Policy ENV43 of the CS which requires, amongst other matters, that development does not detract from the setting of the listed building.
26. In respect of the Framework, the harm to the significance of the designated heritage asset would be less than substantial. Nonetheless, in considering the impact on the significance of the designated heritage asset, great weight is given to the asset's conservation.
27. Paragraph 202 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
28. The holiday let would help to subsidise the upkeep of the Listed Building, which it is understood is unoccupied for much of the year due to the costs of heating. I note that income from activities such as filming, and functions have dropped substantially in the post covid economic climate. There is no substantive evidence before me as to the level of investment this would create for the Listed Building relative to the maintenance costs, how the funds would be

spent, or whether the same benefits could be achieved through other means. This lack of detail considerably limits the weight to be attached.

29. Further temporary economic benefits would arise from the construction process, although the scale of these would be very limited. There would also be social and economic benefits through the rural tourism that would be generated by the holiday let. Given the scale of the proposed development, these benefits would be modest.
30. Therefore, the modest benefits would not outweigh the harm I have identified to the significance of the Listed Building and the great weight that it carries. The proposal therefore fails to accord with ENV43 of the CS, which requires that development does not detract from the setting of the Listed Building. Conflict also arises with the historic environment protection policies under Section 16 of the Framework.

Landscape character

31. The appeal site is located on elevated grounds which offers extensive views to and from the open countryside, where the scenic beauty of the open, green rural landscape of the SHNL can be readily viewed and appreciated. The sizeable, verdant grounds within which the appeal building is located, make a positive contribution towards the character and appearance of the SHNL. The appeal building is a good distance from the main building and it is set away from the main sources of activity within the site, therefore exhibiting a high level of tranquillity. The existing building sits within an area largely free from artificial lighting. The SHNL management plan 2020-2025 recognises dark skies as a feature which contributes to the landscape character within the SHNL. This contributes to the rural character and natural beauty of the site as well as the wider SHNL.
32. During hours of darkness the additional lighting arising from the proposal would result in a detrimental effect upon the rural landscape character and natural beauty of the site. Similarly the increased activity, although limited by the scale of the proposal, would lead to noise and disturbance in a rural countryside setting. This would adversely impact upon the tranquillity of the site.
33. The appellant has highlighted that visitors to the proposed development would utilise the same access as the main property onto the highway, thereby limiting their impact around the site entrance. Nonetheless, there would be an increase in activity within the site including from parking associated with the proposal, within this rural location which would be harmful to its character.
34. The proposed use would result in an increase in activity including from guests and their associated vehicle movements. Although, a formal parking area is not proposed, given the rural location of the site, guests are likely to access the site by car and make use of informal parking opportunities along the access. This increase, although limited by the scale of the proposal, would increase noise and disturbance in a rural countryside setting. This would adversely impact upon the tranquillity of the site.
35. My attention has been drawn to an appeal at Frith House², relating to the conversion of a barn to provide staff accommodation. Although there are some

² APP/C1625/W/23/3320241 Frith House, Far Oakridge, Stroud

similarities with the current appeal, in particular its location within a National Landscape, there is insufficient detail in order to make a detailed comparison between the two schemes. In addition, that proposal relates to staff accommodation, which unlike a holiday let, has a clear functional link with the host property. Furthermore, a different set of policies within another Local Authority applied. The scheme is not directly comparable, it does not therefore alter my findings in respect of the appeal before me.

36. Within the SHNL, the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty and it has the highest status of protection in relation to these issues. This requirement is also reflected in Policy CS13 of the CS, as well as Policies P1 and P2 of the Surrey Hills Management Plan 2020-2025 (SHMP). Policy ENV4 of the CS requires that development does not detract from the character of the local landscape.
37. Considering the above, there would be a negative impact on this part of the SHNL, and as such, the proposal would fail to conserve or enhance the landscape character and appearance of the area. The proposal would therefore conflict with Mole Valley Core Strategy Policy CS13, ENV4 of the CS and Policies P1 & P2 of the SHMP.

Car parking

38. Considering the rural location of the site, the holiday let would be accessed by private motor vehicle, and thus generate a requirement for parking on site. Given the lengthy distance from the appeal building to the site entrance, it is highly likely that guests would park their vehicles within the site, albeit outside of any formal parking areas. From my site observations I noted several examples of informal parking taking place on the edge of the drive, well within the site.
39. The number of vehicles on site at any one time, associated with the guest accommodation, are likely to be very low. Given the significant size of the site, there appears to be sufficient existing areas of hardstanding within the site to accommodate parking of an additional vehicle, albeit informally. There is also sufficient space within the site for vehicles to manoeuvre in order to be able to safely join the public highway.
40. Whilst the scheme does not propose formal parking, parking could be accommodated within the wider site. Thus, whilst the proposed would not strictly accord with the County Council parking guidance which indicates a requirement for 1 space, Policy MOV2 of the CS states that the standards will be applied as a maximum. In this case, no harm would arise from this and a nil provision is appropriate.
41. I am therefore satisfied that the proposal accords with policies MOV2 and MOV5 of the LP. These policies seek to ensure, amongst other matters, that appropriate provision is made for off street car parking and vehicular movement within the site.

Other considerations

42. The proposal would provide investment for the upkeep of the Listed Building, temporary economic benefits from the construction process, and benefits associated with rural tourism. It is concluded above that these limited benefits are modest.

43. In addition, I have been referred to an application granted at The Observatory, Dorking³. Similar constraints applied to that appeal, which fell within the Green Belt as well as a National Landscape, however, it did not fall within the setting of a Listed Building. Although only limited details have been provided, there appear to be key differences in the relationship between the building to be converted, and the host dwelling on site, which would likely affect the assessment on the openness of the Green Belt as well as the SHNL. It is also noted that there was a previous permission for conversion. Given these differences, the two schemes do not appear to be directly comparable. As such, limited weight is attached.
44. The appellant has suggested a condition to restrict the use of the building to ancillary purposes. As the proposed development is for a mixed use of a holiday let and ancillary guest accommodation, such a condition would not be enforceable. In any event, an ancillary use would not address the increase in movements to and from the building, including from vehicles, together with domestic features such as lighting. As such, the condition would not address the identified harms set out within my above reasoning and I afford limited weight to this other consideration.

The Green Belt Balance

45. The proposal would constitute inappropriate development in the Green Belt resulting in a small loss of openness. These are matters to which I give substantial weight as required by paragraph 153 of the Framework.
46. The proposed development would also cause less than substantial harm to the Listed Building through development within its setting. It would also harm the landscape character of the SHNL. These factors weigh heavily against the development.
47. The scheme would provide adequate space for parking and manoeuvring of vehicles. However, this is a neutral factor in the balance.
48. The proposal would provide some limited economic benefits contributing to investment in the listed building, contributions to rural tourism and during construction. These are limited benefits which carry modest weight and would not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
49. As such, the proposed development would be contrary to the Framework. It would also conflict with Policy CS1 which seeks to protect the Green Belt in accordance with national policy.

Conclusion

50. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

R Lawrence

INSPECTOR

³ MO/2021/2200 The Observatory, Bury Hill, Westcott, Dorking