



Appeal Decision

Site visit made on 13 August 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/C3620/W/24/3340404

Woodcote, Ifield Road, Charlwood, Surrey RH6 0DR

- 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 Martin Hillen against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0008/PLA.
 - The development proposed is new detached residential dwelling to replace the existing mobile home (certificate of lawfulness MO/2021/1943/ECL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application forms and the Council's decision notice refer to the name of the site as Woodcote, whereas some references in the appellant's statements have also been to Dovehill. I have referred to the site as Woodcote.
3. The Council's decision notice refers to policies from its Core Strategy and the Local Plan. In its appeal statement the Council has referenced the very advanced stage of its emerging Local Plan and the relevant policies in respect of this appeal, including Policies EN1, EN4, EN12, INF2 and INF6. Most of these carry forward similar objectives to the existing policies. In accordance with paragraph 48 of the National Planning Policy Framework (Framework), I have taken these relevant policies into account and given them weight in accordance with the advanced stage of the emerging Local Plan. The appellant did not submit any further representations in response to the Council's appeal statement, including in respect of the updated policy position.

Main Issues

4. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development within the Green Belt and the effect on openness;
 - b) The effect on the character and appearance of the local area;
 - c) Whether the proposed development would create satisfactory living conditions for future residents, with particular regard to noise;
 - d) Whether the proposed development would protect biodiversity; and

- e) Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Issue a) Whether inappropriate development

5. The appeal site is on the west side of and set back from Ifield Road and shares an access off Ifield Road, with the adjoining property Woodcote. It is sited within the countryside and within the Metropolitan Green Belt. The site accommodates a mobile home which benefits from a Certificate of Lawfulness for its use for the siting of a mobile home, granted by the Council in December 2021 under the Ref: MO/2021/1943. The certificate of lawfulness for the existing use was in respect of *a mobile home having been occupied as an independent unit of accommodation for a period in excess of 10 years*.
6. The proposed development would seek to replace the existing mobile home with a permanent dwelling which would in terms of its siting and floorspace, as well as scale and proportions be very similar to the mobile home that it would replace.
7. The Framework, in Section 13 and at paragraph 152, confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that the construction of new buildings should be regarded as inappropriate except in a limited number of exceptions, including at d) *the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces*.
8. However, under planning legislation a mobile home is not defined as a building but falls to be considered as a caravan, and therefore criterion d) would not apply. A mobile home is a structure capable of being moved, even if it is secured in place on site. The Certificate of Lawfulness provides for the siting of *a mobile home*. Similarly, a mobile home would not fall within the definition of previously developed land set out in the Glossary to the Framework and would not therefore fall within criterion g) of paragraph 154 relating to the limited infilling or the partial or complete redevelopment of previously developed land.
9. The reason for refusal also refers to Policy CS1 of the Mole Valley Core Strategy (Core Strategy) and in the countryside criterion 3 sets out that development will be considered on the light of other policies and national guidance (with specific reference to now superseded documents). Policy EN1 of the emerging Local Plan also accords with the relevant sections of the Framework.
10. Given that the proposed dwelling would replace a mobile home, albeit one that benefits from a Certificate of Lawfulness for its current use, it would not fall within any of the exceptions set out under the Framework and would therefore be inappropriate development within the Green Belt and I accord substantial weight to this harm.
11. Paragraph 142 of the Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. In terms of the site coverage, scale and form of the proposed dwelling there would be no perceptible difference with the existing mobile home. The Council has contended that the replacement of a mobile home with a residential dwelling

would have a negative effect on openness and have referenced that a mobile home is not permanent whereas a residential dwelling would be permanent. However, although the mobile home is raised off the ground, on supports, this has minimum impact on the sense of openness, and it appears as a very solid structure and only marginally raised above the ground. I therefore consider that there would be negligible difference between the existing and the proposed in terms of openness. I am therefore satisfied that there would be no harm to openness. No additional harm is therefore added in this respect.

Issue b) Character and Appearance

12. The local area comprises open land and fields interspersed with residential dwellings as well as small scale commercial premises on both sides of Ifield Road. There is a variety of plot sizes as well as house styles in the immediate vicinity of the appeal site with some properties fronting the road, and others set further back, and accessed by longer drives and tracks.
13. I acknowledge that the existing mobile home is not a permanent dwelling. However, it appears as a solid structure within the site and the proposed dwelling would be of similar size and scale and so would not have a more significant presence within the site.
14. Whilst the appeal site is one of the smallest sites the dwelling would also be modest in scale and proportions and there would remain adequate spacing around the dwelling for car parking, landscaping and sitting out areas. The amenity space, whilst limited, would be proportionate to the scale of the proposed dwelling and as a result, I do not therefore consider that the proposal would appear cramped within its site or would harm the varied character and appearance of the local area.
15. The adjoining property at Woodcote is set considerably back from Ifield Road with an access road leading to it and this serves the existing mobile home and would continue to serve the new dwelling. In the context of the existing varied pattern of development, including existing development set back from Ifield Road, I do not consider that the proposed dwelling would harm the varied character and appearance of the local area.
16. There would be no conflict with Policies CS13 and CS14 of the Core Strategy and Policies ENV22, ENV23 and ENV24 of the Local Plan, Policy EN4 of the emerging Local Plan, as well as Section 12 of the Framework, all of which amongst other matters seek a high quality of design which respects the local context. No additional harm is therefore added in this respect.

Issue c) Living Conditions of Future Residents

17. The site lies under the flight path of Gatwick Airport. The Council has assessed that the proposed development is located within a 90 day average noise contour of 66 - 69dBA, which exceeds the UK aviation policy SOAEL level of 60dBA, which is referenced within the Noise Policy Statement for England, as referenced in Footnote 69 of the Framework. The proposal for a new dwelling would therefore fall within an area which has unacceptable external noise levels and would therefore fail to provide a satisfactory living environment for future occupiers and would conflict with both the Framework and Policies ENV22 (7) and ENV56 of the Local Plan in this regard. The relevant policies in the emerging Local Plan (EN12 and INF6) continue the same objectives and

furthermore, Policy EN12 would also seek a noise assessment to support the proposal.

18. No detailed noise assessment has been undertaken by the appellant, but I have no reason to dispute the information provided by the Council in respect of noise levels. The appellant has offered to accept conditions in respect of triple glazing and other sound insulation measures. Whilst the redevelopment and replacement of the mobile home with a permanent dwelling could offer the opportunity to introduce more rigorous environmental controls within the property to regulate noise levels, there is insufficient information before me to enable a proper assessment and therefore to ensure that a satisfactory living environment could be provided. I am not therefore satisfied that this issue could be resolved through the imposition of appropriate conditions without having a fuller assessment first.
19. Given the lack of detailed information as well as the location of the site in relation to the flight path, I am unable to conclude that the proposal would provide satisfactory living conditions for future residents. This would conflict with Policy ENV22 (7) and ENV56 of the Local Plan and Policies EN12 and INF6 of the emerging Local Plan as well as paragraph 135f) of the Framework all of which seek to ensure satisfactory living conditions for future residents.
20. This adds to the harm I have identified under my first main issue, by reason of inappropriateness.

Issue d) Impact on Biodiversity

21. No ecological surveys or preliminary ecological appraisal accompanied the application or the appeal before me. The site lies within the countryside with trees on the site and in the immediate vicinity and within 200m of woodland and water.
22. At the application stage the Council consulted in respect of the potential impact on great crested newts. No objection was raised with the response indicating that there would be unlikely to be an impact on great crested newts or their habitats. An informative was recommended to set out the protection given to great crested newts together with a series of recommendations, in the event that permission were to be granted.
23. The Council has also raised a concern about the potential presence of bats given the proximity of the site to woodland and water and the timber cladding of the existing mobile home. The appellant has advised that no bats have been seen at the site but this on its own cannot be regarded as conclusive evidence regarding their absence. The appellant has also offered to provide a construction management plan to address such matters prior to and during construction.
24. Paragraph 99 of Circular 06/2005 makes it clear that the presence of a protected species and the effect of the proposed development on such species is a material consideration in the assessment of a development proposal, and that the presence or otherwise of such species needs to be addressed prior to the grant of planning permission. The guidance is clear that the imposition of a condition on a planning permission to investigate the impact of the proposal on protected species is not an appropriate way forward and that the position needs to be addressed prior to the grant of planning permission.

25. Given the lack of any further information, the external form of the mobile home as well as the location of the site and its proximity to trees, woodland and water, I am unable to conclude that the proposal would be unlikely to have an impact on protected species within or near the site. There is clear conflict with Section 15 of the Framework and Circular 06/2005 as well as Policy ENV15 of the Local Plan, to conserve and enhance biological diversity.
26. This adds to the harm I have identified under my first main issue, by reason of inappropriateness.

Issue e) Whether very special circumstances exist

27. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework substantial weight should be given to any harm to the Green Belt. There would, in addition, be some harm to issues of living conditions and biodiversity.
28. However, this is not a proposal for new residential accommodation on this site, but would replace an existing mobile home which benefits from a Certificate of Lawfulness for its existing use, and which could continue to be sited at the appeal site and remain in residential use. The new dwelling would not have a greater impact on the openness of the Green Belt compared with the existing. Although there is no detailed information before me, there could be the opportunity for the new dwelling to be built to a much higher standard of environmental regulations, particularly in respect of such matters as noise insulation. The potential benefits from replacing the existing mobile home with a new dwelling adds some weight in support of the proposal.
29. I have taken into account the issues that have arisen in respect of the inability to take out a mortgage because the site is classified as a mobile home, but this does not add weight in support of the planning merits of the case.
30. The appellant considers that he was misled at the pre-app stage but this matter does not add support to the case, which must be assessed on its planning merits.

Planning Balance and Overall Conclusion

31. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
32. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and the additional harm to issues of living conditions and biodiversity. Consequently, the very special circumstances necessary to justify the development do not exist.

33. For the reasons given above, the proposal would conflict with the development plan and the Framework, when taken as a whole. Having considered all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR