



Appeal Decision

Site visit made on 16 September 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 OCTOBER 2024

Appeal Ref: APP/C3620/W/24/3338932

Logmore Farm, Logmore Lane, Westcott, Dorking, Surrey RH4 3JN

- 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 Richard Carlisle against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1628/PLA.
 - The development proposed is positioning of a shepherd's hut on land adjacent to existing buildings on Longmore Farm and its use for occasional holiday lets.
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Decision

1. The appeal is allowed and planning permission is granted for positioning of a shepherd's hut on land adjacent to existing buildings on Longmore Farm and its use for occasional holiday lets at Logmore Farm, Logmore Lane, Westcott, Dorking, Surrey RH4 3JN in accordance with the terms of the application, Ref MO/2023/1628/PLA, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The development has already taken place.
3. The Council has not referred to any adopted development plan policies for the Green Belt. The Council's appeal statement mentions an emerging draft Local Plan (DLP), which has been examined, and it listed some DLP policies, including 'Policy EN1 – The Green Belt'. Consultation on proposed main modifications has taken place.
4. I have not been informed about progress with the DLP since. The Council did not provide copies of any of these DLP policies or explain relevance to this appeal, including if they would supersede adopted development plan policies cited in reason for refusal (RfR) 2 in the decision notice. Nor did it clarify if any main modification relates to any of these DLP policies, thus whether there are still unresolved objections in these respects.
5. Consequently, while the DLP is at an advanced stage of preparation, I am unable to determine what weight should be given to the listed DLP policies in this appeal. I have, therefore, determined the appeal against the most relevant policies of the adopted development plan and in respect of the Green Belt, against the National Planning Policy Framework (NPPF) as cited in RfR 1.

Background and Main Issues

6. As well as located in the Green Belt (GB), the site is in countryside in the Surrey Hills National Landscape (NL)¹ and an Area of Great Landscape Value (AGLV). The main issues are:
- whether the development is inappropriate development in the GB; and
 - its effect on the rural character of the area, including the NL and the AGLV.

Reasons

Whether inappropriate development

7. The NPPF sets out that the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Openness does not, though, imply freedom from any form of development or restrict change per se in the GB. The NPPF also sets out that certain forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The most relevant in this case is NPPF paragraph 155(e) for material changes in the use of land for outdoor recreation.
8. The shepherds hut is a wheeled trailer used for commercial letting as holiday accommodation, similar to a caravan. The front axle with towing hitch means it could be moved but it is currently in situ resting on stone slabs within a gravelled apron, connected to water, electricity and foul drainage with attached steps and handrail up to the door. Next to the hut a grassed area provides an associated amenity space, including some tables, chairs and a kettle BBQ.
9. There is no evidence that the hut and amenity space has not resulted in a material change in the use of this land, even when the hut is unoccupied. Furthermore, there is no compelling reason why this short stay holiday let accommodation for leisure or relaxation purposes – including associated activity in the amenity space such as sitting out, reading or having a meal or a drink – is anything other than an appropriate form of outdoor recreation; such as to enjoy the rural tranquillity of the countryside and wildlife in the immediate environs or to experience the wider area for tourism, including to facilitate walking or cycling.
10. The hut is tall because the enclosed upper part is on an iron chassis above large iron wheels. However, the lower part is mainly open underneath and as a whole the hut is not long or wide, so modest in overall size. The amenity space is limited in size to that which is necessary to serve the purposes outlined above and the other facilities in it are not individually large items or collectively excessive in layout. If arriving by car, guests park away from the hut and this could be controlled by a condition. The hut is suitable for only two people so internal and external activity is inherently restricted in scope and low key in nature or extent each time it is occupied, which might be overnight or for consecutive days. The hut and the amenity space therefore have limited visual and spatial presence on this land and as such cause no adverse impact on openness in this part of the GB, so openness of the GB is preserved.

¹ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty (AONB)

11. The hut and amenity space is located in a nub of land at one end of a long, narrow parcel of land containing a stable building and a row of holiday let accommodation established on the farm by conversion of rural buildings, with a car park at the other end. The hut and amenity space are slightly more elevated than this development, with a more open aspect to the south across paddocks or fields. However, they are positioned within a well-defined timber post and rail fenced perimeter and in part of this discrete, already developed pocket of land, not in a separate field or paddock. This safeguards the countryside from undesirable encroachment as opposed to acceptable planned change. There is no evidence that the hut or amenity space conflicts with any other purpose of including land within the GB in NPPF paragraph 143.
12. Having regard to all the above, I find that the development (and amenity space) is not inappropriate development in the GB so not harmful to the GB.

Rural character of the area

13. The intrinsic character and beauty of the countryside in this rural area, and this part of the nationally important NL and the locally important AGLV, includes mainly sporadic or scattered rural development, such as individual or small groups of houses and that associated with agricultural, equestrian or tourism uses. This development is largely remote from nearby settlements, set in hills or valleys and a patchwork rolling landscape, including undulating paddocks or fields bordered by hedgerow, interspersed with stands or shaws of trees and larger blocks of woodland.
14. While there is no evidence of a public view of the hut (or the amenity space), the hut is unusual in appearance compared to the conventional holiday let and stable buildings near it. However, the corrugated sheet metal external elevation and roof materials in appropriate subdued, recessive colours are an intrinsic part of its traditional design, complemented by oak timber details. The hand-crafted nature of this historic form of rural workers accommodation results in a visually attractive and sympathetic built form overall. It is not altogether unexpected or alien in a rural area, including on or near a farm, and not unfamiliar in the NL or AGLV. These features of it could be controlled by a condition, including that the roof is currently black rather than 'grey/blue' as stated in the planning application form.
15. The hut nestles into a corner of the amenity space, mainly set against the backdrop of a stand of tall trees, which retain a dense pattern of trunks and branches in winter months. It does not intrude beyond the cluster of adjoining holiday let and stable buildings and associated land, into any of the surrounding large paddocks or fields or, therefore, into the wider countryside; nor does the amenity space. Such incursion, or relocation of the hut elsewhere on the farm or to other land owned by the appellant, and establishing a new amenity space, could result in a material change of use requiring planning permission.
16. Even if the hut is occupied often by two people, walking to and from it, or the amenity space, to the car park for instance or Logmore Lane is likely to result in a low frequency of such movements and be transient in nature, including if by cycling. Also, more likely at the beginning or end of a day after visiting places elsewhere, rather than throughout the day. There is no objective evidence that any such movement is sufficiently intense that it could be

discerned as separate to activity already associated with the holiday lets and equestrian use near it, let alone objectionable in itself or in combination.

17. Consequently, the limited scale and extent of this development is assimilated into its immediate context without unduly detracting from the most important features of the NL or the AGLV. The minimal impact of the development, and that it is a satisfactory adjunct to the existing holiday let accommodation, is also consistent with acknowledged aims to encourage suitable forms of recreation and tourism in the NL². Accordingly, it has no adverse effect on the landscape and scenic beauty of this part of the NL or on the valued landscape of the AGLV. This outcome would conserve and enhance the landscape and scenic beauty of the NL overall, a matter in itself of great weight, and facilitate increased public understanding and enjoyment of the special qualities of the NL. In addition, protect and enhance the valued landscape in the AGLV.
18. Taking account of all the above, I find that the development (and amenity space) does not harm the rural character of the area, including this part of the NL and the AGLV or either designation overall. As such, it complies with Mole Valley Local Plan October 2000 Policies ENV22 and ENV23 and with Mole Valley Core Strategy October 2009 Policy CS14. These include that development should be appropriate to the site in scale, form, appearance and external materials and reflect the character and appearance of the locality. It should also respect and enhance its setting, including surrounding built environment and landscape.

Other Matters

19. Logmore Farm house is a grade II listed building (LB). The significance of the LB includes its historic 16th century or earlier origins and siting in the countryside as a farmhouse and part of the farm. The hut and amenity space is distant from the LB and there is no intervisibility due to topography, landscape features or buildings. As a result, the neutral effect of this development on the setting of the LB preserves the setting of the LB.
20. In light of my findings on the main issues, whether or not there is objective evidence of a need or demand for tourist accommodation is a private commercial consideration for the appellant. A condition could ensure that the hut was not otherwise used as an independent dwellinghouse because, amongst other things, there is no evidence that such use would have the same impact on the GB or the rural character of the area, including the NL and AGLV.

Conditions

21. The Council suggested three conditions if the appeal was allowed, and the appellant did not object to them. In that eventuality, I have considered modified wording in the interests of clarity or precision and have had regard to the relevant tests for conditions. The development has already taken place so the standard three-year time limit condition to begin development would not be necessary. For the reasons set out earlier above, I agree with the Council that conditions would be necessary to maintain the external appearance of the hut, restrict its use to holiday lets only and to control car parking.

² Surrey Hills AONB Management Plan 2014-2019, published by the Surrey Hills Board

Conclusion

22. Subject to conditions, the development complies with the most relevant policies of the adopted development plan. It also complies with relevant provisions of the NPPF with respect to the GB, so this area of particular importance does not provide a clear reason for refusing the development. There are no other material considerations to indicate that the decision should not be made other than in accordance with the development plan taken as a whole³.
23. Consequently, for the reasons given above the proposal is acceptable so the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (3)

- 1) The development hereby permitted shall be maintained in accordance with the approved submitted application documents, location plans and drawing numbers 002, 003, 004 and 005 without variation, except insofar as the roof of the shepherds hut may also be maintained in a black colour.
- 2) The development hereby permitted shall be used as holiday let accommodation or for purposes incidental to the dwellinghouse known as Logmore Farm. At no time shall the development be used for any residential purpose under Schedule 1, Part 3, Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 3) Car parking associated with the development hereby permitted shall be confined to the car parking areas next to the south side of Logmore Lane, opposite Logmore Farm house.

³ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended)