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## Appeal Decision

Site visit made on 8 October 2024

**by P Terceiro BSc MSc MRTPI**

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

**Decision date: 18 November 2024**

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**Appeal Ref: APP/M3645/W/24/3340969**

**1 Laburnum Court, Smallfield, Surrey RH6 9QB**

- 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 Tom Ball against the decision of Tandridge District Council.
  - The application Ref is TA/2023/1307.
  - The development proposed is the siting of 5 park homes.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form, but I have removed the reference to the site address which is not in itself development.
3. As a part of their appeal submission the appellant has provided an Ecological Impact Assessment addressing the third reason for refusal. The Council is satisfied that the ecological aspects have been appropriately considered within the report and has confirmed that it no longer wishes to pursue this reason for refusal. I see no reason to disagree and, accordingly, I have not considered this matter any further.
4. Following the submission of the appeal, a draft revision to the National Planning Policy Framework (the Framework) was issued for consultation alongside a Written Ministerial Statement. Some of the proposed changes, which relate to development within the Green Belt, might have a bearing on the matters subject of dispute in this appeal. On this basis, the parties have been invited to provide comments on these matters. I have considered any comments received in my decision.

### Main Issues

5. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on the openness of the Green Belt;
  - the effect of the proposed development on the character and appearance of the area; and

- whether any 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 proposal.

## **Reasons**

### *Whether inappropriate development*

6. The site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (LP) set out that planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused, unless very special circumstances can be clearly demonstrated. Insofar as it relates to this appeal, these policies are broadly consistent with the Framework.
8. Similar to LP Policy DP13, the Framework identifies certain forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes under paragraph 155e) material changes in the use of land, such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds. The matters relevant to openness are a matter of planning judgement, and the openness of the Green Belt has a spatial aspect as well as a visual aspect.
9. The appeal site relates to a parcel of land which is adjacent to Laburnum Court, a residential mobile park estate. The appeal site, which is enclosed by a mature hedgerow on its front boundary, is largely vacant, except for a workshop building, sheds and an area of hardstanding. The existing buildings are of a modest scale, bulk and height. As such, irrespective of the nearby development, the appeal site in its current form has a limited impact on the openness of the Green Belt, particularly on localised views.
10. The proposal would introduce five park homes on site, which could be expected to be in place for many years and would therefore have a degree of permanence. The units would likely be of substantial size and would significantly increase the amount, scale and bulk of items on site. Moreover, the proposal would result in the loss of the front boundary treatment, so the park homes would be visually more exposed than the existing outbuildings. For these reasons, the proposal would fail to preserve the openness of the Green Belt in this location, both in spatial and visual terms.
11. As the proposal would spread onto land that is currently open, it would conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment. However, given the existing buildings and hardstanding on site, the conflict would be limited.
12. For these reasons, the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and LP Policies DP10 and DP13. As set out in the Framework, I give substantial weight to this harm.

### *Character and appearance*

13. The appeal site is understood to form part of Laburnum Court, an established residential park home site which occupies a back-land location. The site is accessed directly off Geary Close and it adjoins residential development to the north and west sides. Laburnum Court is situated immediately to the east of the site and to the south there is an equestrian site.
14. While the site currently accommodates some built form, these are low key buildings with a limited presence in the streetscene. The site is enclosed by a mature hedgerow, which makes a positive contribution to the character of the road.
15. The proposed would infill the plot, but the park homes would be well spaced between themselves and, since the units would be set back from the road, an appropriate sense of space would be maintained to the dwellings facing Geary Close.
16. Although the existing hedgerow located at the frontage of the site would be removed to accommodate the proposal, the proposed layout plan shows that the scheme would incorporate some planting along the site frontage. As such, while the scheme would intensify the use of the site and change its character, the proposed units would be similar in form and appearance to the existing units at Laburnum Court and would be seen in the context of the wider park home. Therefore, the proposal would not be uncharacteristic of the locality.
17. As such, the proposal would not have a harmful effect on the character and appearance of the area. It would be in accordance with Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008) and with LP Policy DP7. Amongst other things, these policies require new development to be of a high-quality design, reflect and respect the local context and conserve the landscape character.

### *Other considerations*

18. Reference is made to the exception under paragraph 154g) of the Framework, which relates to the partial or complete redevelopment of previously developed land. The appellant confirms that the proposed units would fall under the definition of a caravan. Therefore, while the site accommodates built form, as the park homes are not 'buildings', the exception at paragraph 154g) of the Framework is not applicable to the proposal before me. Nevertheless, even if I were to accept that the proposal would fall to be considered under paragraph 154g), this paragraph requires that proposals should not have a greater impact on the openness of the Green Belt than the existing development. As set out above, this would not be the case. Consequently, the proposal would not benefit from an exception under paragraph 154g).
19. The main parties agree that the Council's five year housing land supply is under two years and the Housing Delivery Test is failing. The proposed development would contribute to the Council's housing stock and would meet the Framework's objective of boosting the supply of housing. It would meet the needs of the elderly and those requiring single storey accommodation in a relatively accessible location. Given the Council's land supply position, the delivery of five mobile homes attracts considerable weight in favour of the proposal.

20. The development would deliver ecological enhancements. Future residents would contribute to the local economy and Council tax. There would be some temporary construction jobs and the noise and general disturbance during the implementation/construction phase would unlikely be significant. However, owing to the modest scale of the proposal, I attribute limited weight to these considerations.
21. The appellant asserts that the units would be lower cost than the equivalent size open market dwelling. However, this does not render them affordable dwellings as per the definition in Annex 2 of the Framework. While I note that an Inspector found that mobile homes can be considered to offer an affordable route to home ownership, the Inspector was provided with figures related to the median house prices within the area and the average selling price of a park home, which is not the case before me. As such, I am unable to conclude that the proposal would offer an affordable route to home ownership. Even if I could consider the park homes as affordable housing, there is no legal agreement before me to secure them as such. The benefit attracts little weight.
22. While the management fees associated with the proposed units would support the appellant's local business and associated employment, in the absence of further details setting out how this would be achieved, I afford this matter limited weight.
23. The appellant claims that caravans could be placed on site without the need for planning permission. However, this is not clear from the evidence before me, as I note that the Certificate of Lawfulness<sup>1</sup> issued by the Council agreed the use of the existing buildings and hardstanding for purposes ancillary to the wider residential park home site. It is not within my remit within the context of an appeal under section 78 of the Act to formally determine whether the siting of caravans on this land would be lawful. As such, I afford limited weight to this fallback argument.

### **Green Belt Balance**

24. I have found that the proposal would not be harmful in terms of its effect on the character and appearance of the area, but this is a neutral matter in my consideration of this appeal. On the other hand, the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Further, the proposal would harm openness. The Framework requires substantial weight to be given to any harm to the Green Belt, by reason of inappropriateness, and to any other harm resulting from the proposal.
25. Taking into account all of the points raised, I find that the other considerations in this case do not clearly outweigh the harm I have identified. With this in mind, very special circumstances to justify the proposal's harm to the Green Belt, by reason of inappropriateness, and any other harm, do not exist.

### **Other Matters**

26. The appellant refers me to a planning application pertaining to the siting of static caravans elsewhere in the country. However, from the evidence provided, it appears that such site has a lawful use as a caravan park and already accommodates a caravan. On this basis, I am not persuaded that this example would be directly comparable to the proposal before me.

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<sup>1</sup> LPA ref 2014/307

## **Planning Balance and Conclusion**

27. The proposal would conflict with the development plan as a whole. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
28. As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, Paragraph 11d) of the Framework would be engaged. However, Paragraph 11d) i) states that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. Given that I have found inappropriate development in the Green Belt in the absence of very special circumstances, a clear reason to refuse permission exists, and Paragraph 11d) ii) of the Framework does not apply.
29. Overall, there are no material considerations of sufficient weight to justify a decision otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*P Terceiro*

INSPECTOR