



Appeal Decision

Site visit made on 12 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/C3620/W/24/3340523

Cleavers, Clayhill Road, Leigh, Surrey RH2 8PB

- 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 D Bonham against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1059/PLA.
 - The development proposed is erection of barn, incorporating stabling for the keeping of horses. Closure of existing access to dwelling, creation of a new access and drive to serve the proposed barn and existing dwelling. Removal of tennis court and replacement with soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On submission of the appeal scheme the appellant provided a Preliminary Ecological Appraisal V1.2 Ref:1046. The appraisal has sought to provide clarification on protected species in order to address the Council's third reason for refusal. The appraisal was available when the appeal was submitted, and the Council had the opportunity to comment. The appraisal provides clarity rather than any significant changes to the proposed scheme. Accordingly, no one would be prejudiced were my decision to have had regard to the amended plans.
3. Following the Council's determination of the appeal application, Mole Valley District Council adopted the new Local Plan (2020-2039), in October 2024.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan Policies,
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on protected species, 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

5. The appeal site is located within the Green Belt. Paragraph 143 of the Framework sets out the purposes of the Green Belt which are; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
6. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they relate to buildings for agriculture and forestry or 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. A small section of the proposed building is shown to be used for storage of equipment for managing the land. I note that there are a number of existing mature trees within the site and the appellant is proposing to plant more trees which will require managing due to the size of the plot and number of the proposed trees. Therefore, the exemption at Paragraph 154 (a) is met for this small section of the proposed building.
8. The majority of the proposed building is to be used for the keeping of polo horses and as such, it is evident that the building would provide appropriate facilities for outdoor sport and recreation. However, in order to be considered not inappropriate development, the proposal must preserve the openness of the Green Belt.
9. Cleavers is a large two storey dwelling that occupies a significant plot of land which is mostly open, grassed and contains a line of trees running from Clayhill Road to the bottom of the plot which gradually slopes down. The building is proposed to be sited towards the bottom of the plot.
10. The appeal site is generally free from development and therefore the proposal to erect a barn is inevitably going to have an effect on openness both spatially and visually. I acknowledge that the appeal building is set back from the road and the trees proposed to be planted would provide some screening, however, the building proposed is large and would still be visible from public vantage points and particularly from the proposed new access. I therefore consider that the openness of the Green Belt would not be preserved.
11. Therefore, the exemption at Paragraph 154 (b) of the Framework is not met. Accordingly, the proposal would comprise inappropriate development in the Green Belt. I am required to attach substantial weight to this harm.

Character and appearance

12. Development in the area is generally sporadic with houses being well spaced apart, large and occupy significant plots. The wider area is mostly large open fields and woodlands which results in an open and verdant character and appearance. The appeal site is mostly open, grassed and tree lined which positively contributes to the open and verdant character and appearance of the area.
13. Policy EC7 of the Mole Valley Local Plan 2020-2039 (LP) relates to equestrian and horse racing facilities and amongst other things seeks to ensure that the design, scale and siting of the proposed development is consistent with policies for development associated with outdoor sport and recreation in the Green Belt. In this regard, I have already found the proposed development would constitute inappropriate development in the Green Belt.
14. The proposed building is significant in size in both width and height, and while I acknowledge that the size is the minimum requirement to keep polo horses, it results in a building that would be prominent and out of keeping. This would be at odds with the open and verdant character and appearance of the area.
15. I note that there is a small farm complex nearby the appeal site, however, this is generally compact with buildings being very close to each other and it is also very well screened by the dense hedgerow that borders the road. This differs from the appeal proposal that would be set back from the existing dwelling and visible from the road as an isolated and prominent building, even with the proposed landscaping.
16. The application was supported by a tree survey that assessed the impact of the proposed access and driveway arrangements to the northern part of the site. However, no information was included in relation to the location of the proposed barn.
17. There are very little trees or vegetation to the far rear of the site, however, the line of mature trees extends to the edge of the proposed barn and as such, it is unclear whether these trees are intended to be retained and if so whether they could be protected during construction of the proposed barn. The trees make a positive contribution to the verdant character and appearance which their loss would erode.
18. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies EC7, EN4 and EN8 of the LP. Amongst other things, these seek to ensure that development makes a positive contribution to its local character, retain existing trees and encourage developments that are sensitive to their landscape.

Protected species

19. The Preliminary Ecological Appraisal establishes that there is some potential for reptiles and suggests a number of recommendations to ensure biodiversity net gain and the safeguarding of protected species. I am satisfied that the proposed measures could be secured by an appropriately worded condition and that the proposal would not have an unacceptably impact on protected species.

20. I therefore find that the proposed development would not unacceptably harm protected species and there would be no conflict with Policy EN9 of the LP. Amongst other things, this seeks to demonstrate that consideration has been given to the conservation and enhancement of native habitats and species are conserved and enhanced as an integral part of the proposed development.

Other considerations

21. The appellant has referred to a development and appeal decision in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
22. In regard to Westlands, based on the information before me it would appear that the character and appearance of the site differs from the appeal before me with number of barns and a stable buildings which is not the same as the open character of the appeal site. Furthermore, the proposal was smaller in scale which differs from the significant size of the appeal proposal before me.
23. In relation to Chiltern Hill Field¹ the proposed building was single storey and considered to be low-key and within a discreet location within the site. The site was also adjacent to two storey dwellings and the other boundaries were lined with mature hedgerows. This differs from the significant size of the appeal building before me as well as the generally open boundaries that allow long distance views into the site.

Green Belt balance and Conclusion

24. The other considerations that weigh in favour of the proposal only carry limited weight when considered as a whole. Therefore, in this case they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
25. In conclusion, the proposal conflicts with Policy EN1 of the LP and national policy set out in the Framework which seek to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

D Wilson

INSPECTOR

¹ APP/P0240/W/23/3316421