



Appeal Decision

Site visit made on 5 November 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/C3620/W/24/3338728

1 Broome Hall, Broomehall Road, Coldharbour, Surrey RH5 6HJ

- 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 Andrew and Ece Clarke against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1191/PLA.
 - The development is proposed access track using compressed soil, grass and road planings / hoggin mix over hardcore base.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 15 October 2024, the Council adopted the Mole Valley Local Plan 2020-2039 (MVLN). The MVLN replaces the Mole Valley Local Plan, October 2000 and The Mole Valley Local Development Framework Core Strategy, October 2009. The main parties were given an opportunity to provide comments on the relevant policies of the MVLN and I have taken these into account.
3. In November 2023, Areas of Outstanding Natural Beauty (AONBs) were renamed 'National Landscapes', and the Surrey Hills AONB within which the appeal site is located became known as the Surrey Hills National Landscape. I have therefore referred to National Landscapes and the Surrey Hills National Landscape (the SHNL) in my decision, except where legislation or policy documents continue to refer to AONBs.
4. I observed at the time of the site visit that works had commenced and the proposed access track was partially constructed. However, I have determined the appeal on the basis of the submitted plans and details.

Main Issues

5. The main issues are:
 - whether the appeal scheme would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including assessing the effect of the appeal scheme on the openness of the Green Belt;
 - whether the proposed development would preserve or enhance the setting of Broome Hall, a grade II listed building, and in the event that any harm is identified, whether that harm would be outweighed by any public benefits of the proposal;

- the effect of the proposed development on the character and appearance of the site and surrounding area, including the Surrey Hills National Landscape; and
- if the appeal scheme is found to be inappropriate development, 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 scheme.

Reasons

Whether inappropriate development

6. The appeal site is within the Green Belt. Policy EN1 of the MVLP states that the Green Belt will be protected against inappropriate development and that inappropriate development will not be permitted in the Green Belt unless 'very special circumstances' are demonstrated which outweigh the potential harm, including harm to openness of the Green Belt.
7. MVLP Policy EN1 lists a number of exceptions to the definition of inappropriate development, which will be permitted where they comply with other relevant policies in the plan. In particular, 3(j) sets out that 'Other forms of development specifically identified through national policy as exceptions to the definition of inappropriate development, including changes of use and engineering operations which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.' This is consistent with paragraph 155 of the Framework.
8. The construction of an access track represents an engineering operation. The track is constructed with a hardcore base and would be grassed over. In addition, the new access to the track would be gated.
9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
10. The resultant access track, with a hardcore base, would be of a considerable length and even when it is grassed over it would be a permanent and noticeable feature on the land. This would be exacerbated by its sweeping form and incline up the hill which would be visible from neighbouring land and the other access tracks within the immediate vicinity, as would the new gate. Therefore, the track and new gate, which runs through land that was previously free from any development, would inevitably result in a loss of spatial openness to the Green Belt which would result in unavoidable impact. For similar reasons, there would be some minor harm to the visual openness of the Green Belt and although vehicle movements across this track would be fairly infrequent, in combination, these factors would result in a moderate degree of harm to the openness of the Green Belt overall.
11. Furthermore, the track and gate, which would serve the recently constructed ancillary artist studio, represents an expansion of development onto land that was previously undeveloped.
12. As a result, the access track and gate would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment.

13. For the reasons given above, I conclude that the access track and gate would be inappropriate development in the Green Belt and would harm the openness of the Green Belt and the purposes it serves.

Setting of a listed building

14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the desirability of preserving a listed building or its setting.
15. Broome Hall is a Grade II listed building of distinguished and special interest. Built as a country house in the 19th Century, the significance of Broome Hall's setting is drawn from the appearance of its generous formal gardens and parkland, which emphasise the mansions grandeur. As such, the previously undeveloped character of the appeal site makes a clear contribution to the setting of Broome Hall.
16. The new track, due to its length and sweeping form, which follows the gradient of the land, as well as its unfinished appearance, with exposed hardcore and additional rubber matting, is a stark development within the appeal site.
17. Over time the track would grass over, which would reduce its impact. However, its permanence as a track would ensure that it remains a noticeable feature on the land. The planting of orchard trees to demarcate the width and route of the track would draw attention to the presence of the track, exacerbating its visual presence, as well as appearing artificial within the context of the formal gardens and parkland setting of the listed building. As a result, less than substantial harm would arise to the significance of the listed building.
18. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 requires decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of planning permission for development that would cause harm to the setting of a listed building.
19. The access track serves the recently constructed ancillary artist's studio building. The building is associated with the residential property and continues to benefit from the existing gravel driveway and parking area to the front of Broome Hall.
20. Although the new access track would provide direct vehicle access to the building for visitors, occasional deliveries of art materials, and the export of large heavy paints and sculptures, which would provide logistical benefits for the appellant, the wider public benefits would be limited. Therefore, these matters do not outweigh the harm to the setting of Broome Hall, to which I must assign considerable importance and weight.
21. For the reasons set out above, the development fails to preserve or enhance the setting of Broome Hall, a grade II listed building. As such it conflicts with the heritage aims of Policy EN6 of the MVLP and the Framework, which seeks to conserve and enhance heritage assets and sets out that development that results in less than substantial harm to listed buildings or structures will not be

permitted unless the public benefits of the proposals outweigh the harm to the asset's significance.

Landscape character

22. The appeal site is located within the SHNL. Policy EN8 of the MVLP states that the SHNL is a nationally important landscape designation and development proposals that fail to conserve and enhance the landscapes and scenic beauty within the SHNL, their cultural significance and wildlife habitats will be refused.
23. Policy EN4 of the MVLP and Policy CA-COP01 of the Capel Neighbourhood Development Plan (NDP), also seek to protect the natural environment and all development should take opportunities to improve the quality of the landscape.
24. The appeal site is characteristic of the surrounding area, located within the grounds of a large country house with designed formal gardens, an abundance of trees, in a wider parkland setting, primarily comprising farmland and wooded areas. Farm tracks are a common feature in the countryside and there are a number of tracks in the locality of the appeal site.
25. The track, despite its width, length, incline up the hill and sweeping nature, would be contained to views within the immediate surroundings around Broome Hall and neighbouring land. A proposed hedge along the fence line at the bottom of the field would also provide some minor additional screening. As a result, there is little evidence that it would be viewed from wider public vantage points within the SHNL. Nonetheless, even when it is grassed over, the form and nature of the track would be noticeable within the landscape.
26. The planting of orchard trees along the track would appear unnatural and highlight the presence of the track. The proposed gate would also emphasise the track and increase the amount of built development into the landscape. In combination these factors would ensure that the appeal scheme fails to conserve or enhance the scenic beauty of the landscape.
27. For the above reasons, I conclude that the development would harm the character and appearance of the site and surrounding area, which would fail to conserve the landscape and scenic beauty of the Surrey Hills National Landscape. Therefore, it would be contrary to Policies EN4 and EN8 of the MVLP and Policy CA-COP01 of the NDP.

Other considerations

28. Having direct vehicle access to the artist studio outbuilding would provide logistical benefits for the appellant who is an internationally renowned artist. In addition, the appellant suggests that the track would be used on an infrequent basis and takes the shortest navigable route up the hill to the site, avoiding a ransom strip.
29. There is also mention of the track providing access to farmland and supporting agricultural activity on the land. It is also suggested that the track would enable the likely bi-annual emptying of the cess pit, as well as providing access for emergency services. However, there is no substantiated evidence which establishes that without the track these functions would not be possible. The existing access arrangements for the host property could continue to be

utilised also. As such, the aforementioned benefits would be modest in the context of the small-scale nature of the development proposals.

30. Reference has been made to a recent appeal decision, but substantive details have not been provided. My attention has also been drawn to a previous permission¹. Whilst that development was for an access track in the Green Belt and AONB, the full details of that case has not been provided. As such, even if there may appear to be some similarities, a proper comparison has not been possible, and I have determined the case before me on its own merits.

Planning and Green Belt Balance

31. Policy EN1 of the MVLP states that inappropriate development will not be permitted in the Green Belt, unless very special circumstances are demonstrated which are concluded to outweigh the potential harm, including harm to the openness of the Green Belt and the purposes of including land within it. This is consistent with paragraphs 152 and 153 of the Framework.
32. The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. The Framework states at paragraph 153 that substantial weight is given to any harm to the Green Belt. I therefore place substantial weight on the harm by inappropriateness and harm to openness and the purposes of the Green Belt that I have identified.
33. The development would also cause less than substantial harm to Broome Hall through development within its setting, as well as harm to the landscape character of the SHNL. These factors weigh heavily against the development.
34. I have given some modest weight to the other considerations in favour of the proposal, as set out above. However, they do not clearly outweigh the harm arising from the proposal.
35. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the proposed development would thus conflict with the Green Belt protection aims of the Framework. It also conflicts with Policies EN1, EN4, EN6 and EN8 of the MVLP and Policy CA-COP01 of the NDP.

Conclusion

36. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
37. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR

¹ Reference MO/2005/0018