



Appeal Decision

Site visit made on 14 November 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/C3620/W/24/3341554

Land known as Three Acres, Unit 5, south of Wellpools Farm, Stan Hill, Charlwood, Surrey RH6 0ES

- 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 and Mrs Richard Bell against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1458/PLA.
 - The development proposed is the change of use of an existing welfare building to a temporary agricultural worker's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the Council's decision notice and delegated report is amended from that set out on the planning application form. This amended address has been used by both parties within their evidence and I have done the same in the above banner heading.
3. Whilst I have used the description of development set out on the planning application form, I have removed superfluous text that is not in itself development.
4. During the course of this appeal, the Council advised that it has adopted the Mole Valley Local Plan 2020-2030 (LP) on the 15 October 2024. This Local Plan replaced the Mole Valley Local Plan 2000 and the Mole Valley Core Strategy October 2009. The main parties were invited to provide comments on the new LP in relation to their cases. I have had regard to the comments received and have considered the proposal against the relevant policies in the new LP.

Main Issues

5. The main issues are:
 - Whether or not the proposal 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 openness of the Green Belt and the purposes of including land within it;

- whether or not the proposal would provide a suitable standard of accommodation for future occupants;
- the effect of the development on protected species;
- whether or not there is appropriate provision for vehicle and cycle parking; and
- whether or not any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether or not the proposal would be inappropriate development

6. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in paragraphs 154 and 155 of the Framework. The appellant contends that the proposal is for a building for agriculture and would therefore accord with exception a) of paragraph 154.
7. The proposal is for a temporary dwelling for an agricultural worker, to support a farm business. It is therefore a building for residential accommodation and would not be a building in agricultural use. The proposal therefore cannot benefit from exception a).
8. Paragraph 84 of the Framework recognises an essential need for a rural worker as an exception, in which isolated homes in the countryside might be justified. This paragraph is not specific to Green Belt sites and the same exception is not included at paragraphs 154 or 155.
9. Also of relevance is exception d) of paragraph 155. This refers to 'the re-use of buildings provided that the buildings are of permanent and substantial construction', provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
10. The building is currently used as a welfare building, with a limited footprint and openings. The condition of the building is poor, with a corrugated iron roof and timber clad walls. The building has no foundations. These factors are not indicative of a building of substantial and permanent construction. The proposal would therefore fail to accord with exception d).
11. No other exceptions for development within the Green Belt have been identified as applicable to the appeal scheme. Therefore, the proposal would amount to inappropriate development in the Green Belt. The proposal would therefore fail to meet the exceptions set out in Policy EN1 of the LP, which, in line with the Framework, include the re-use of existing buildings which are of permanent and substantial construction.

Openness and purposes

12. Policy EN1 of the LP requires that the re-use of buildings preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

13. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. Openness has a visual and spatial dimension.
14. The appeal site is set within an area of open, gently undulating farmland, with the majority as grassland. There are some modest agricultural structures within the farmland, however, otherwise there is a general absence of built form. To the rear of the appeal building lies an area of woodland. These features contribute to a strong rural character.
15. The appeal site is tightly drawn around the existing building. A very limited curtilage is proposed, and no parking areas are shown. The proposed change of use would likely, nonetheless, generate additional impacts on the Green Belt, in the form of lighting, residential paraphernalia and some vehicle movements within the site. Some of these impacts would lead to a reduction in openness in visual terms.
16. As no additional built form is proposed, spatial openness would be preserved. The harm to visual openness would be limited by the modest scale of the proposal, as well as its temporary nature. Furthermore, these impacts would be very difficult to identify from any public vantage points, given the distance of the proposed dwelling from the nearest roads and rights of way. Nonetheless, a small loss of openness would occur.
17. Paragraph 143 of the Framework sets out that the Green Belt serves five purposes. Relevant to this appeal, is c) to assist in safeguarding the countryside from encroachment. Due to its limited scale, the proposal would not prejudice this purpose.
18. Whilst the proposal would not harm the purposes of including land within the Green Belt, I have found that the proposal would fail to preserve openness. The proposal would therefore conflict with Policy EN1 insofar as it seeks to preserve openness.

Standard of accommodation

19. The proposed dwelling would be of a modest scale, with a very limited footprint and a restricted height. The internal floor area would fall considerably below the nationally described space standard¹. The layout shows a shared bedroom and living area together with very small bathroom, office and kitchen areas. These contribute to a cramped form of accommodation.
20. The main source of light into the dwelling would be the double doors. Although a small number of window openings are shown, these are very modest. The position of the dwelling backs onto an area of woodland which further limits light to the building. The limited light to the unit would further reduce the suitability of the dwelling, and would result in dark, gloomy conditions for future occupants.
21. The appellant has advised that the building has windows, doors and other features which are produced off site by a reputable company. This may be the case; however, it is necessary to consider the building as a whole in terms of its suitability for residential accommodation.

¹ Standard for a single storey, one bedroom, two person dwelling.

22. The appellant refers to the accommodation as meeting the definition of a caravan. From my on-site observations, it is clear the existing building has been in place for several years and is not indicative of a caravan. However, regardless of my findings on this matter, the proposal before me is for the change of use of a building, and I have assessed the appeal on this basis. Based on the above, the proposal amounts to a substandard form of accommodation.
23. The proposal does not include provision for waste and refuse. Similarly, no dedicated garden area is proposed. The red site area is drawn tightly around the footprint of the building and its access. As such, it is unclear whether suitable provision could be secured for outdoor amenity space by condition in the event of my allowing the appeal. The absence of these external facilities would add to the pressure on the cramped internal accommodation.
24. Although the dwelling would be temporary, the proposed time frame is for three years. This would be a considerable period for future occupants to endure substandard of accommodation. The relevant policies in the LP, do not distinguish between temporary and permanent dwellings in their requirements relating to amenity. The temporary nature of the accommodation does not negate the need for the proposed dwelling to provide acceptable living conditions and the Framework requires that development creates places with a high standard of amenity for existing and future users.
25. Overall, the proposal would amount to a poor standard of accommodation for future occupants. The proposal would therefore conflict with the requirements of Policy EN4, insofar as they relate to the standard of accommodation for future occupiers. The policy requires that development ensures the amenity of future occupiers, including in respect of sunlight and daylight.

Protected species

26. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species would be affected by the development and whether associated mitigation measures would be effective.
27. Paragraph 99 of Circular 6/2005² sets out that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted.
28. The Council's reason for refusal specifically relates to the impact on protected species that may be occupying the site. In this case, the appeal site is confined to the building itself, and the access track leading to it. In light of the duties set out above, it is necessary to consider the impact of the development both within and outside of the appeal site.
29. The site lies within close proximity to a watercourse, woodland and an Site of Importance for Nature Conservation defined as ancient woodland, these factors indicate the potential for the presence of protected species is high. Due to the condition of the building, there may be some opportunities for bats to enter the roof space. Furthermore, use of the building as a dwelling is likely to

² ODPM Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System 16 August 2005

increase activity and light within and around the building, including at night time. The increase in light and other activity has the potential to adversely affect any protected species which may be present within or close to the appeal site.

30. There is very little ecological information before me, such to demonstrate the presence/absence of such species or their habitats. Therefore, I cannot be certain whether any protected species would be impacted by the development. As such, I must take a precautionary approach and conclude there is insufficient information to demonstrate that the development would be acceptable in terms of its effect on protected species.
31. For the above reasons, there is insufficient information to determine the effect that the development would have on any protected species and their habitats. The current proposal is therefore contrary to Policy EN9 of the LP, which requires that consideration is given to the conservation and enhancement of biodiversity at an early stage.

Vehicle and cycle parking

32. The appeal site is in a rural location, accessible by a lengthy single width access track. There are no pavements either within the site or along the main road. Given these factors, the dwelling would, in all likelihood, be accessed by private motor vehicle, and thus generate a requirement for parking on site. Given the lengthy distance from the proposed dwelling to the entrance onto the main road, it is highly likely that future occupants would park their vehicles within the site, such as on the grass verges which adjoin the access road. From my site visit, I noted that informal parking already takes place within the site.
33. Given the functional link between the occupation of the dwelling and the management of the farm, any increase in vehicle numbers on site is likely to be modest. In light of the informal parking opportunities within the site, a very minor increase in informal parking within the site would have little effect.
34. Due to the rural location of the site, the nature of the surface of the lengthy access track and the lack of cycle paths adjacent to the appeal site, I find that cycling is unlikely to be an attractive mode of travel. As such, the absence of any formal cycle parking in this case is of little consequence. Due to the modest scale of the proposal, any increase in cycling would be very modest and the storage of bicycles within the wider farm site would not dominate the development or result in safety issues.
35. Policy EN4 requires that development ensure that car and cycle parking does not dominate the development and does not cause safety issues. Given the existing situation and any modest increases in vehicle and cycle parking proposed, I am satisfied that the proposal would accord with the requirement in Policy EN4. Therefore, the provision for vehicle and cycle parking is appropriate in this case.

Other considerations

36. The proposed development would constitute inappropriate development in the Green Belt and would result in a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, is clearly outweighed by other considerations.

37. The appellant contends that there is an essential need for an agricultural worker's dwelling on site. This requirement is predominantly due to the need to be in close proximity to breeding goats, such as to undertake regular health and fertility checks and for good animal welfare. This is based upon the planned future expansion of the existing farming activities, following the acquisition of additional land.
38. Although not exhaustive, the Planning Practice Guidance gives examples of when an essential need might arise, such as where farm animals or agricultural processes require on-site attention 24 hours a day and where there would otherwise be a risk to human or animal health.
39. The proposals involve expanding the existing goat herd, which includes nine breeding female goats, to approximately 90. The financial information submitted with the appeal indicates that the business is expected to make healthy profits before labour in years 2 and 3. However, the proposed expansion involves a significant change to the scale of operations compared with the existing position. On the basis of the information submitted with the appeal, it is unclear at what stage of the expansion, an on-site worker's dwelling might be justified.
40. The information before me also does not explore in detail whether the needs of the business could be met by on site accommodation during a limited seasonal agricultural operation such as kidding, rather than all year round. Neither has it been demonstrated that there are no other appropriate existing dwellings available within suitable proximity to the farm. Overall, I am not satisfied that there are no other alternatives to on-site accommodation on a permanent basis for the three years proposed. Furthermore, I do not have sufficient confidence based on the case made in the appeal papers that the existing, modest farming business, would be capable of significantly increasing in line with the scale of operations proposed, such to justify an on-site agricultural worker's dwelling.
41. There is support within the Framework at paragraph 88 for the development of agricultural businesses. In addition, paragraph 89 recognises that it may be necessary to develop sites within rural locations to meet local business needs. However, these paragraphs do not set aside the need to protect the Green Belt from inappropriate development, or to ensure a high standard of amenity for future users. Furthermore, it has not been demonstrated that there is an essential need for a rural worker's dwelling on site.
42. The proposal would be for a temporary period of three years. The reason given for seeking a temporary permission is to allow time to apply for and provide a permanent agricultural worker's dwelling. Whilst the temporary nature of the proposal reduces the magnitude of harm, it would not avoid or justify the harm I have identified in this case.
43. My attention has also been drawn to the need for improved security on site. In this regard I note that there is no passive surveillance. However, whilst I have no reason to doubt that the proposal would improve security, there are many other forms of security that could be provided and there is no detailed evidence as to the extent to which the proposed dwelling would reduce the likelihood of future thefts from the farm. As such, I am not persuaded that a less harmful solution could not be found.

44. I have been referred to an allowed appeal at an adjacent site which related to development including a temporary rural worker's dwelling. That proposal related to a new temporary dwelling rather than the change of use of an existing dwelling. The need for an agricultural worker's dwelling is usually specific to the particular farming circumstances and specific needs of that holding. Very rarely will two sites be identical in these respects. There is limited information regarding this other site to enable me to establish to what extent the two schemes are comparable, in particular in terms of the farming operations on each site. Similarly, whilst other appeal decisions and applications are referenced, there is insufficient detail to enable a comparison between them so as to attribute them any more than limited weight in the analysis to help justify the proposal.

Other Matters

45. I note concerns raised regarding the lack of communication from the Council whilst the planning application was under consideration, including the lack of opportunity to address concerns raised. However, I am required to determine this proposal on its merits and this background to how the Council dealt with the application does not affect my analysis of the main issues in this appeal.

Green Belt Balance

46. The proposal would be inappropriate development in the Green Belt, which is harmful by definition. There would also be a small loss of openness. These are matters to which I give substantial weight as required by paragraph 153 of the Framework.
47. The proposed development would fail to provide a suitable standard of accommodation for future occupants. Although this would be a temporary position, this is a matter of considerable importance and as such I attach significant weight to the harm. There would also be potential harm to protected species, given their high status, this harm attracts significant weight.
48. Overall, the other considerations raised do not clearly outweigh the totality of the harm identified. Therefore, the very special circumstances necessary to justify development in the Green Belt do not exist.

Overall Balance and Conclusion

49. Whilst the Council has recently adopted a new LP, the latest information before me is that the Council's housing delivery is less than 75% of its housing target. There is no evidence before me that the position has improved. As a result of the housing delivery position, paragraph 11(d) of the Framework is applicable. Notwithstanding this, the policies in the Framework that protect the Green Belt provide a clear reason for refusing the development. Paragraph 11(d)(i) sets out that because there is clear reason for refusing the development, the presumption in favour of sustainable development does not apply.
50. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

R. Lawrence

INSPECTOR