



Appeal Decision

Site visit made on 3 December 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/C3620/W/24/3344632

The Barn, Land at Four Oaks, Cathill Lane, Ockley, Dorking, Surrey, RH5 5QP

- 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 Daniel Hoskin against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1470/PLA.
 - The development proposed is described as 'erection of 1 no. dwelling following demolition of existing non-agricultural buildings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development plan against which the application was determined has changed, as Mole Valley District Council adopted a new local plan in October 2024. On this basis, and in the interest of clarity, the Council was asked to confirm the policies that they would wish the appeal to be determined against. The appellant was given the opportunity to comment on the policies relied on and I have taken into account the representations received. I have therefore determined the appeal on the basis of the policies provided by the Council from the Mole Valley District Council Plan (2020-2039) (MVDCP), adopted on the 15th October 2024.
3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding countryside and the Area of Great Landscape Value;
 - biodiversity of the site; and
 - the living conditions of future occupiers in respect of refuse collections.

Reasons

Character and Appearance

5. The appeal site contains a barn, stables and sand school in a large spacious linear plot. The surrounding area is characterised by a farmed rural landscape, with built form limited to the buildings within the appeal site and the two dwellings on the opposite side of Cathill Lane. Cathill Lane has a rural character, it is lined with hedgerows and provides access to various fields along its length.
6. The site lies within an Area of Great Landscape Value (AGLV), outside the defined settlement boundary of Ockley and within the countryside as defined in the MVDCP. The pastoral landscape positively contributes to the scenic rural character and appearance of the countryside and the AGLV.
7. Policy EN2 of the MVDCP supports the replacement of existing buildings providing the proposed development would not have an adverse impact on the rural character and largely undeveloped nature of the countryside. The current timber barn and stable block have a typical agricultural appearance in keeping with the pastoral landscape. In contrast, a new dwelling with domestic design and proportions and associated paraphernalia would introduce uncharacteristic residential development into the countryside and fail to respect the high landscape quality of the AGLV.
8. Despite a reduction in built footprint, and the proposed dwelling being positioned further into the site and retaining space around it, the introduction of a dwelling, residential use and associated curtilage would appear incongruous in this pastoral landscape. The dwelling would appear particularly stark given the rural character of the lane and there being no dwellings on this side of it. As such the proposed development would be inappropriate in this countryside location, visually jarring with the open agricultural appearance and inharmonious with the natural scenic quality of the AGLV.
9. The appellant considers that design cues and the apex height have been taken from the existing dwellings in the road. These dwellings are on the opposite side the lane and are positioned in close proximity to it. In contrast the proposed dwelling would be accessed down a side track and positioned much further from the lane, resulting in built form eroding the open agricultural appearance of the prevailing farmed rural landscape. Whilst it is acknowledged that the sand school and associated jumps and fencing would be removed as part of the proposal, these features are characteristic of a rural setting and therefore their removal would not be considered as a benefit.
10. Reference is made to applications permitting dwellings in the countryside at Woodstock House and Pisley Farm in Ockley. The application at Woodstock House related to the demolition of a cluster of four buildings, one of which was a dwelling. In addition, Pisley Farm was surrounded by other buildings that had been converted to dwellings. As such the examples cited are not sufficiently similar to be comparable to the appeal site as the surrounding context was very different. In any event, each scheme must be considered and determined on its individual merits.

11. It is noted that the appellant is willing to accept a planning condition to reduce the area of the proposed residential curtilage, but this would not address the harm arising from the introduction of an uncharacteristic use within this rural setting.
12. For the reasons above, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding countryside and the Area of Great Landscape Value. It would therefore be contrary to policies S1, EN2, EN4 and EN8 of the MVDCP. These policies amongst other things aim to conserve and enhance the AGLV, protect the rural character and undeveloped nature of the countryside and ensure development responds to and is sensitive to the prevailing landscape.

Biodiversity

13. The appeal site contains woodland, scrub and riparian habitat that can support protected species. Additionally, it is located within the red impact zone for great crested newts and there are three ponds within 500m, that have direct connectivity with the proposed development.
14. The submitted ecological report considers the impact of the proposal on bats but does not include any survey information relating to other protected species or habitats which could be affected. Whilst the report concludes that the proposed development is unlikely to have an impact on great crested newts and/or their habitats, it also advises that Natural England Standing Advice, suggests that surveys on ponds up to 500m from development sites should be requested.
15. Whilst the applicant is willing to accept conditions to reduce the likelihood of impacts on protected species, this would not address the need for additional surveys. The presence or absence of protected species and the extent to which they could be affected by the proposed development should be established before planning permission is granted. Accordingly, it would not be appropriate to require surveys via planning conditions.
16. For the reasons above, from the evidence before me, I am not satisfied that the extent to which protected species may be affected by the proposed development has been satisfactorily addressed. Accordingly, notwithstanding that Natural England has not been consulted, it has not been demonstrated that the proposed development would not have a harmful effect on the biodiversity of the site. On this basis, there would be conflict with Policy EN9 of the MVDCP in so far as it requires planning applications to include an assessment of the impact of the proposal on native biodiversity, protected, otherwise endangered or vulnerable, species and habitats in line with the British Standard for Biodiversity: Code of Practice for Planning and Development BS42020.

Living Conditions

17. Policy EN4 of the MVDCP requires bin storage to be easily accessed by waste collection services. The appellant refers to a proposed bin store adjacent to the proposed dwelling, this would be more than 10m away from the public highway.
18. The Council considers that waste collection vehicles should be able to park close to storage areas, enter a development in a forward direction and provide adequate space for turning. The submitted drawings illustrate that there would be sufficient

space for a waste collection vehicle to manoeuvre and the minimum width of the access exceeds the four metres stipulated by the Council.

19. For the reasons above, the proposed development would result in appropriate living conditions for future occupiers in respect of refuse collection. Consequently, it would be in accordance with Policy EN4 of the MVDGP which requires bin storage to be easily accessed by waste collection services, amongst other things.

Other Matters

20. The design and access statement refers to the proposal enhancing the openness of the Green Belt and biodiversity in comparison with the fallback permissions. However, there are no details of a fallback position nor is the site within the Green Belt.
21. Reference is made to the Council accepting that Green Belt policy applies to sites in the countryside beyond the Green Belt. There is no evidence of this before me and therefore reference to previously developed land in the context of the Green Belt is not relevant to this appeal.
22. A number of what are referred to as 'planning precedents' are cited. However, I do not know the planning circumstances of the examples given and they are in a different part of the district. In any event, each scheme must be considered and determined on its individual merits.
23. The application was accompanied by a Self-Build Exemption Claim Form for the appellant. The application is not proposed as a self-build property and the appellant has not demonstrated that he is on the self-build register. As such the appeal has not been considered as a self-build property.
24. Reference is made to the proposal being an efficient use of the land and allowing for flexible accommodation, but it is unclear what this means, as it has not been detailed further in the application.

Planning Balance and Conclusion

25. The proposal would cause harm to the character and appearance of the surrounding countryside and the AGLV, and I am not satisfied that the extent to which protected species may be affected by the proposed development has been satisfactorily addressed. Substantial weight is afforded to these conflicts.
26. A number of benefits are advanced, but these have either not been adequately demonstrated or would not weigh in favour of the appeal scheme. For example, the previously developed nature of the site does not justify a residential use, the high-quality design would not be appropriate in this location and the visual improvements to the context and rationalised parking have not been demonstrated. These factors therefore attract very limited weight.
27. Whilst the proposed development would result in appropriate living conditions for future occupiers in respect of refuse collection, the harm identified above brings the scheme into conflict with the development plan taken as a whole.
28. The proposal would deliver one additional dwelling in the Borough. This would make a modest but useful contribution as indicated by paragraph 73 of the Framework, particularly given that the Council concedes it is unable to

demonstrate a five-year supply of deliverable housing sites. Furthermore, the Council's latest Housing Delivery Test Results show that only 70% of the homes required were delivered in the test period. Whilst small and medium sites can make an important contribution to meeting the housing requirements of an area, due to the small scale of the development, this benefit would be limited.

29. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. Taking all of the above into account, I consider that the harm identified in relation to the character and appearance of the countryside and AGLV and potential harm to protected species, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the Framework does not indicate in favour of the proposal. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
31. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR