



Appeal Decision

Site visit made on 18 December 2024

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JANUARY 2025

Appeal Ref: APP/C3620/W/24/3345560

Forest Green Farm, Mill Lane, Forest Green, Surrey RH5 5SJ

- 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 Rob Weston against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0218/PLA.
 - The development proposed is erection of 1 no. bungalow following demolition of existing of non-agricultural buildings including bio-diversity enhancements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area including with regard to the Surrey Hills National Landscape.
 - The effect of the proposed development on biodiversity

Reasons

Whether inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. Development in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the exceptions in the Framework. This is broadly echoed by Policy EN1 of the Mole Valley Local Plan 2020-2039 (2024) (LP).
4. Of relevance to this appeal, paragraph 154g) provides an exception for partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether

redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

5. The parties agree that the proposed development would be a partial or complete redevelopment of previously developed land. Therefore, I will go on to consider the effects on openness.

Openness

6. The development proposes the removal of a horse shelter and stables on the site. The stable building is an enclosed single storey structure with a monopitch roof around 2.7m high located along the eastern boundary. The horse shelter is a single storey barn with a monopitched roof which is open on three sides and located along the western boundary. Together they have a combined floor area of around 228sqm. There is access through the centre of the site which appears to be formed of gravel which has compacted into the earth and is overgrown, particularly around its edges. To the north of the appeal site, but within the appellants ownership is a lunge pen with a wooden post and rail fence surrounding it and this is also shown to be removed.
7. The proposed development would introduce a dwelling with a floor area of 141sqm. It would be single storey with a pitched roof with gable end features to the front and rear. The dwelling would be located in the centre of the plot. It would also introduce an area of hardstanding for car parking and turning to the front. It would have a private garden to the rear and a condition could be attached to prevent the erection of outbuildings in this area.
8. The proposed development would result in a clear reduction in the amount of floorspace to buildings on this site. Although the proposed house would be taller than the existing buildings and would increase the scale at roof level, the pitched roof would reduce this bulk. Furthermore, given the smaller footprint, even taking this into account the proposed building would not result in a clear increase in size of buildings on this plot. The buildings to be removed are located to the edges of the site, and the proposed development would result in a single mass of development more centrally. However, the existing and proposed development would be similarly visible from the surrounding houses and land. Therefore, taking into account the reduced scale proposed, the proposed dwelling would not be more visually prominent. As such there would not be substantial harm to openness.
9. Therefore, for the reasons described above, the appeal scheme would not cause substantial harm to the openness of the Green Belt. It is therefore not inappropriate development in the Green Belt in the terms of the Framework or policy GB1 of the LP, nor would it be contrary to Policy S1 in this regard which, of relevance to this main issue, requires that proposals will minimise the impact on the integrity of the Green Belt.
10. The development is not inappropriate, therefore I do not need to go on to consider whether very special circumstances exist. Nevertheless, the lack of harm in this regard is a neutral factor.

National Landscape

11. The Surrey Hills National Landscape is of national importance due to its natural beauty. Its significance includes its landscape mosaic of farmland, woodland, heaths downs and commons. I am mindful of the statutory duty to seek to

further the purpose of conserving and enhancing the natural beauty of the National Landscape. I give great weight to conserving and enhancing the landscape and scenic beauty in this area, and this has the highest status of protection in relation to these issues. This is broadly echoed by Policy EN8 of the LP and in addition policy EN4 requires that development makes a positive contribution to local character amongst other things. Furthermore, Policies P3 and P6 of the Surrey Hills Management Plan 2020-2025 state that development should complement their surroundings and should not harm public views into or out of the National Landscape.

12. Forest Green is an area with clusters of buildings within areas of open space. To the north of the appeal site is such a group with dwellings along Ockley Road and Mill Lane. Historically some of these buildings were associated with Forest Green Farm, although their character and appearance is now clearly residential. However, the main part of the appeal site is to the north of these houses. Due to its clear visible and functional association with the paddock land to the north it is clearly separate from this residential cluster.
13. The appeal site is mainly open and in equestrian use. Its use for the keeping of animals including the associated stables, store and fencing as well as the lunge pen nearby, appears compatible with the countryside character of the surroundings. As such, it does not degrade the character and appearance of the area. Indeed, its rural characteristics make a positive contribution to the natural beauty and character of the area.
14. The proposed development would introduce a house and domestic use to the whole site with associated hardstanding, car parking and formal landscaping. The proposed development would result in a clearly domestic developed urbanising appearance to this site. This would be the case even though the garden area would be to the rear and therefore garden equipment would generally be located behind the building. The proposal would extend a developed appearance into a rural part of the National Landscape and consequently would harm views from it. Therefore, together the proposed development would harmfully erode the important countryside landscape character of this site and the surroundings. This comprehensive and inappropriate change to the character of this nationally important location would result in substantial harm.
15. Therefore, the proposed development would cause substantial harm to the character and appearance of the area, including with regard to the Surrey Hills National Landscape. It would be contrary to Policy EN8 and EN4 of the LP in these regards, the aims of which are set out above. The proposed development would therefore conflict with both the wording of the policy as well as its underlying objectives.

Biodiversity

16. The appeal site includes the horse stables and shelter and land between them, as well as the access route to Mill Lane and Ockley Road with a building used as a car port. Beyond the fenced entrance to the barn area, the appeal site is almost entirely hardstanding.
17. The appellant has confirmed that there would be no works to the existing car port. Therefore, any further surveys for bats would not be necessary. With regard to Great Crested Newts, the Preliminary Ecological Appraisal (PEA) has

assessed the impact on the basis of the land being greater than 260m from any breeding ponds with an area 0.1ha to 0.5ha lost or damaged. Given that, even if the PEA did not include the access route, it would cover the area where works would take place, that the access route is hardstanding and that the size of the area of loss or damage used in the assessment is generous for this site, I am satisfied that the conclusions of the PEA are reasonable. The presence or otherwise of protected species is established and no further surveys are required.

18. The PEA suggests a swift box and bat box for each new building, as well as an ecological enhancement to landscaping. These would be small but important benefits of the proposed development.
19. Therefore, the proposed development would have an acceptable effect on biodiversity. Consequently, it would be in accordance with Policy EN9 of the LP which, in part, does not support development which would have an adverse effect on species of principal importance.

Other Matters

20. During the appeal process the LP has been adopted and the Council states that it has an up-to-date five-year supply of deliverable housing sites for decision-making purposes, and this is not disputed by the appellant. Furthermore, the 2023 housing delivery test results indicate that the delivery of housing was not substantially below the housing requirement over the previous three years. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) would not be engaged.
21. The appeal site is within the Forest Green Conservation Area (CA) and I give great weight to the conservation of this heritage asset. Its significance as a whole appears to derive from its historic layout of buildings as well as its open surroundings. The Council's heritage officer comments that the proposed house area is outside the historic farmstead, although they do not recommend refusal on heritage grounds. I have visited the site and considering the existing arrangements I agree with this finding. Nevertheless, taking this into account, the development would not enhance the CA. As such it would be preserved, which would be a neutral effect. Furthermore, the consideration of the effect of the development on the significance of this heritage asset differs from the considerations relating to the natural beauty of the National Landscape.
22. The proposal would use brownfield land for the development of a home. However, I have identified substantial harm to character and appearance and therefore the Framework does not direct that this proposal should necessarily be approved. Nevertheless, I give substantial weight to the use of brownfield land in this case. The development would also make a contribution towards the government's aims to significantly boost the supply of homes and would provide a smaller dwelling. However, taking into account the scale of development, these would be positive but modest benefits.
23. Conditions are suggested which would provide a charging point for ebikes which would contribute towards the use of sustainable transport modes. Although, as this is a development for a single dwelling, I am not provided with evidence that a sustainable travel information pack would be reasonable or necessary. Nevertheless, these would mitigate the effects of car use

associated with the proposed single dwelling, therefore any benefit in this regard would be minor. There are also small benefits associated with ecological enhancement.

24. Taking all the above into account, overall the proposed benefits would be modest. On the other hand, I give great weight to conserving and enhancing the National Landscape and the proposed development would result in substantial harm in this regard. As such, in this case the harm would outweigh the benefits.
25. I am provided with an officer report relating to Roxborough Park Farm¹. However, this relates to a dwelling following the removal of existing commercial buildings and I am not presented with evidence as to how these circumstances are similar to the appeal scheme. Therefore, this does not alter my decision.

Conclusion

26. 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. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR

¹ LPA ref: MO/2013/1767PLA