



Appeal Decision

Site visit made on 14 January 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2025

Appeal Ref: APP/C3620/W/24/3347013

Ash Copse Farm, Lyefield Lane, Forest Green, Surrey RH5 5SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Luke Nicholson against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1963/RM.
 - The development proposed is described as the approval of the details of the layout, scale, siting, external appearance of the building and the landscaping of the site.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed, and the reserved matters are approved, namely access, appearance, landscaping, layout and scale submitted in pursuance of condition No 1 attached to planning permission MO/2022/0362OUT, dated 1 March 2022. subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. Since the Council issued its decision on the planning application, the new Mole Valley Local Plan (MVLP) 2020-2039 has been adopted on 15 October 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant MVLP policies are EN2, EN4 and EN9. The appellant has had the opportunity to comment on these new policies. Any comments received have been taken into consideration and the appeal is assessed on this basis.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.
5. Outline planning permission¹ has been granted for the erection of a farmhouse with all matters reserved. The application subject to this appeal is for reserved matters for the farmhouse which include access, appearance, landscaping, layout and scale. The scheme is similar to a previous application which was also the subject of a planning appeal and has been subsequently allowed².

¹ Mole Valley Planning Ref: MO/2022/0362

² PINS Ref: APP/C3620/W/23/3335707

6. The Council has confirmed that sufficient ecological information has been received in the form of a Preliminary Ecological Appraisal (PEA)³. Any subsequent approval would be subject to the provision of a condition to ensure that suitable ecological mitigation measures are undertaken. As such, the Council no longer contests the second reason for refusal.
7. The Council have confirmed that they have no objection to the proposed siting, access and landscaping. Therefore, I have confined my assessment of this appeal scheme to the remaining reserved matters, namely appearance, layout and scale which form the remaining reason for refusal. On this basis, the main issue is the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

Character and appearance

8. Policy EN2 of the MVLP seeks to safeguard the countryside beyond the Green Belt for its own sake, with most development being directed to existing settlements which benefit from a higher standard of access to infrastructure and local services. However, buildings that are necessary to support agricultural, horticultural or forestry are appropriate in the countryside where they are for a purpose and of a scale akin to the existing holding, and are sited and designed to minimise harm to the character and appearance of the countryside.
9. The appeal site is known as Ash Copse Farm and consists of a farmstead located to the east of Lyefield Lane in Forest Green. The site occupies a secluded location with a gated access and access route leading from Lyefield Lane. Within Ash Copse Farm there are large agricultural barns, as well as a mobile home. These buildings and the farmstead layout are typical to this agricultural setting within the wider countryside.
10. The proposal would be larger than the existing mobile home in terms of its footprint and volume. The proposed farmhouse would be two storeys with a hipped pitched roof and would be similar in appearance to the allowed scheme, albeit marginally smaller as it does not contain a single storey side addition. It would have four bedrooms plus en suite and bathroom at first floor with a kitchen, utility and two reception rooms at ground floor and basement for plant and storage. It is proposed in stone, with brick corner detailing and stone tiles and would have a traditional fenestration and detailing.
11. Whilst it is acknowledged the proposal would be distinctly larger than the existing mobile home, it would be of a bulk and scale that would be proportionate to its setting and of an appearance that would be appropriate to this rural location. Despite being located close to the existing mobile home, it would be adequately spaced from these neighbours. Consequently, the scheme would provide an appropriate design which would not appear unsympathetic to the local character, given the general rural vernacular and would be respectful of the existing built form.
12. Given its relatively secluded location, any views of the proposal from public vantage points would be limited to glimpse views only, and given the use of

³ Prepared by Vesper Conservation & Ecology Limited dated 30/10/2023

suitable materials (which can be conditioned) would provide a traditional farmhouse appearance, one would associate in such a rural setting. As such, there would not be harm to the wider countryside landscape, or to the designated Area of Great Landscape Value (AGLV).

13. The proposal would assimilate within the countryside surroundings appropriately, albeit it is acknowledged that the proposed landscaping would take time to establish. Nevertheless, the proposal would at the very least conserve the landscape, the natural scenic beauty, and the character and appearance of the surrounding countryside. This is consistent with the previous Inspectors decision at the site.
14. Accordingly, I conclude that the proposal would be acceptable development in terms of the effect on the character and appearance of the countryside. It would, therefore, comply with MVLP policies EN2 and EN4 which collectively seek, amongst other things, development that is high quality design and protects the undeveloped nature and rural character in the countryside beyond the Green Belt; and that new dwellings for land-based workers should be a size commensurate with the essential need of the holding.

Conditions

15. The Council has provided conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance (PPG) and have amended the wording of some without altering their fundamental aims.
16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
17. Details of materials are required to be submitted in the interests of the character and appearance of the area. A condition is also required that the development is carried out in accordance with the recommendations in the submitted PEA in the interests of biodiversity.
18. The Council have suggested a condition which would require the removal of the mobile home. However, the appeal is for the reserved matters where conditions may only be imposed where they directly relate to the matters being approved⁴. The original outline consent does not contain reference to the removal of the mobile home, nor is there a condition attached requiring its removal. As such I cannot attach this condition.
19. Nor have I attached the Councils suggested condition in respect to the restriction of national permitted development (PD) rights. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. The PPG also advises that conditions restricting the future exercise of PD rights may not pass the test of reasonableness or necessity⁵. As with the previous Inspectors decision, I find that given the scale and the location of the proposal, it would be unnecessary and unreasonable to remove the freedom to carry out PD in this case, and the Council has not provided

⁴ R v Newbury DC ex parte Stevens & Partridge [1992] JPL 1057; PPG paragraph 21a-025-20140306

⁵ PPG paragraph 21a-017-20190723

me with any substantive evidence to the contrary. As such the condition recommended by the Council in this regard is not attached.

Conclusion

20. The appeal scheme would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal is allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: KCC2391-37 11/23ec; KCC2391-27 11/21ec; KCC2391-39 12/23cb; KCC2391-40 12/23cb; KCC2391-41 12/23cb and KCC2391-32C 02/24ec
- 3) Before any above ground works take place, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with the recommendations and conclusions in the Preliminary Ecological Appraisal Survey by Vesper Conservation and Ecology Limited dated 30/10/23.

END OF SCHEDULE