



Appeal Decision

Site visit made on 27 January 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/M3645/W/24/3351313

The Oast House, Pikes Lane, Crowhurst RH7 6LX

- 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 Graham Atkins against the decision of Tandridge District Council.
 - The application Ref is TA/2022/1339.
 - The development proposed is new gated access and hardstanding area for sewage tankers to empty treatment tank and also to allow entry of large agricultural machinery to the fields.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the decision notice as this accurately and succinctly describes the development proposed.

Main Issues

3. 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.
 - The effect of the proposed development on highway safety
 - The effect of the proposed development on biodiversity.
 - 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 proposal.

Reasons

Whether inappropriate development

4. 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 is inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in the Framework. This is broadly echoed by policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP).

5. Of relevance to this appeal, paragraph 154h ii) provides an exception for engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. There is no dispute between the parties that the appeal scheme is an engineering operation. Therefore, I will go on to consider the effects on openness.

Openness

6. Openness has both spatial and visual qualities. At present the appeal site is an open, undeveloped field with a dense hedgerow running along the boundary with Pikes Lane. The development proposes a hardstanding chip stone driveway enclosed by stock fencing on both sides, extending 15m from the boundary hedge into the field and terminating with a steel bar gate.
7. The introduction of the hardstanding and the extent and enclosing nature of the boundary treatment would result in a developed appearance to this currently open area of land. Furthermore, this would be highly prominent from the highway as well as being visible in the open surroundings. As such it would be visually intrusive. There would also be limited spatial effects of the volume of the fence and gate. Consequently, overall, the development would have a harmful effect on the openness of the Green Belt.
8. Therefore, for the reasons above, the proposed development would not preserve the openness of the Green Belt and would be contrary to the Framework in this regard. Consequently, it would not come under the exception in paragraph 154hii) and consequently it would be inappropriate development in the terms of the Framework and Policy DP10 of the LP.

Character and Appearance

9. The appeal site is part of a field and is mainly surrounded by rural open land. Residential development at the Oast House is nearby, however this is clearly separated from the site by the driveway and hedging. Therefore, the open and undeveloped appearance of the appeal site makes a positive contribution to the countryside character in this location. The site is located along Pikes Lane and the dense hedgerow boundaries in the vicinity of the appeal site with limited openings result in an attractive rural character to this road.
10. As set out above, the appeal scheme would result in a developed appearance to this site. Furthermore, it would result in the loss of a noticeable part of the characteristic hedgerow to this rural road. This would also have the effect of making the development clearly visible in public views. As such, the appeal scheme would unacceptably and noticeably erode the rural character in this location.
11. The appellant has indicated that hedgerow would be planted along the edges of the hardstanding. However, this would not alter the visibility of the hardstanding

nor the effect of the loss of the hedgerow on Pikes Lane. Therefore, this would not overcome the harm set out above.

12. As such, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008) (CS) and policy DP7 of the LP which together seek high quality design, which respects character and local context including the character of the landscape and the countryside.

Highway Safety

13. The proposed development would provide access for large vehicles to this piece of land. Vehicles would enter in a forward gear and when the land is dry they would be able to turn in the field to exit. However, when the land is wet this would not be possible and vehicles would therefore have to reverse to either enter or exit the site. Furthermore, I am not provided with detail, such as swept path diagrams, which show that the large vehicles that are intended to use this access would be able to exit and turn onto Pikes Lane in a single manoeuvre.
14. The appellant acknowledges that visibility splays would be required. However, these are not shown on the submitted drawings and are likely to require the removal of a further length of hedgerow than is currently shown. Given the conclusions with regard to character and appearance, I am not provided with evidence that satisfies me that the further loss of hedgerow would not harm character and appearance. As such, it would not be reasonable to secure such detail via a condition.
15. Therefore, vehicles requiring multiple manoeuvres to leave the site, reversing from the proposed access and with inadequate intervisibility with road users on the highway would be likely. This would be harmful to highway safety.
16. Consequently, the proposed development would have a harmful effect on highway safety. As such, it would be contrary to policy DP5 of the LP. This requires safe and suitable access to the site, and requires that development does not create hazards to road users, amongst other things.
17. Policy CSP12 of the CS mainly relates to managing travel demand and therefore the policy set out above is more relevant to this main issue.

Biodiversity

18. The development involves the loss of a section of hedgerow and open grassland. This has the potential to provide habitats for important species and there is little before me to demonstrate that this is not the case. 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, otherwise all relevant material considerations may not have been addressed in making the decision. Consequently, I am not satisfied that biodiversity would not be harmed by the proposed development.
19. The appellant has indicated that they would plant native British hedging along both sides of the hardstanding. However, in the absence of detail as to the nature or extent of any harm with regard to biodiversity, I am not satisfied that this would provide appropriate mitigation.

20. Therefore, the proposed development would have a harmful effect on biodiversity. As such, it would be contrary to policy CSP17 of the CS and policy DP19 of the LP. Together these seek to protect biodiversity, amongst other things.

Other Considerations

21. The proposed development would enable easier access to the appellants land for maintenance and animal transportation as well as maintenance, servicing and emptying of the sewage treatment tank which also serves the neighbouring property at Oast Cottage. At present access is gained via neighbouring land, and the sewage tank is accessed from the existing driveway which is awkward. This more straightforward route would therefore be beneficial for the occupiers of the host property and their neighbours.

Green Belt Balance

22. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There is also harm to the Green Belt due to the effect on openness. I have also found harm to character and appearance, highway safety and biodiversity. Substantial weight should be given to the 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.
23. On the other hand, the proposed development would result in positive effects to the occupiers of the Oast House and Oast Cottage set out above. However, these are mainly private benefits. Consequently, the benefits associated with the proposed development would be limited.
24. Therefore, the other considerations outlined above do not clearly outweigh the totality of the harm. As a result, the very special circumstances necessary to justify the development do not exist. As such, the proposed development would conflict with the Framework and policy DP10 of the LP.

Conclusion

25. 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