



Appeal Decision

Site visit made on 04 February 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/C3620/W/24/3347481

Little Glade, Headley Heath Approach, Boxhill, Surrey KT20 7LG

- 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 Jason Rivolta against the decision of Mole Valley District Council.
 - The application reference is MO/2024/0348/PLA.
 - The development proposed is conversion of existing outbuilding to form a single bedroom dwelling, small single storey south extension with associated access, parking and amenity.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding to form a single bedroom dwelling, small single storey south extension with associated access, parking and amenity at Little Glade, Headley Heath Approach, Boxhill, Surrey KT20 7LG in accordance with the terms of the application, reference MO/2024/0348/PLA, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council adopted the Mole Valley Local Plan (2020-2039) (LP) in October 2024, after the application was determined. The LP replaced the Mole Valley Local Plan (Adopted 12 October 2000) (2000 LP) and the Mole Valley Local Development Framework Core Strategy (Adopted October 2009), and therefore the policies from these documents as referenced in the reasons for refusal are no longer extant. The Council has provided copies of the replacement LP policies that are referenced in the Officer's Report, and the relevance of those policies has not been disputed by the appellant. I have determined the appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, including its effect on the openness of the Green Belt; and
 - the effect of the proposal on the character and appearance of the area, with particular regard to the Surrey Hills National Landscape (NL).

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy EN1 of the LP seeks to protect the Green Belt from inappropriate development in accordance with the provisions of the Framework.
6. The Framework establishes that development in the Green Belt is inappropriate other than when certain exceptions apply. The Council assessed the scheme against the exception now listed in paragraph 154h) iv. of the Framework, which states that the re-use of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction, that the openness of the Green Belt is preserved, and that the development does not conflict with the purposes of including land within the Green Belt. However, because the proposal includes extensions and alterations to the building, it also falls to be considered under the exception listed in paragraph 154c) of the Framework, which states that extensions or alterations to a building are not inappropriate provided it does not result in disproportionate additions over and above the size of the original building.
7. The outbuilding that is the subject of this appeal is a single storey structure with a pitched roof. I do not have definitive information before me to be certain about the size of the original building. However, although there is some variation in the external materials used, neither party has provided conclusive evidence to suggest that the building has previously been extended. In this circumstance, I have taken its existing size to be indicative of its original dimensions.
8. The proposal would increase the length of the structure, and it would be sunken into the ground to increase the internal height of the building. However, the extensions would be modest in size and would not significantly enlarge the footprint, bulk, mass, or scale of the building. There would also be some alterations to the materials used in the building, as well as the window and door positions. However, the alterations would be modest overall and would not significantly change the proportions of the building. Consequently, the extensions and alterations proposed would not result in disproportionate additions over and above the size of the original building and they would accord with the exception to Green Belt policy set out in paragraph 154c) of the Framework.
9. I have not been provided with a structural survey of the outbuilding. However, I observed that its timber frame, and the timber-clad and felt walls were substantially intact. Moreover, the concrete floor and timber roof frame with its felt and tile coverings were in good condition, and the building was weather-proofed and free from any significant damage. Consequently, I find the building has the character of a permanent and substantial construction.
10. Whilst some alterations to the building would be required to facilitate the proposed use, and there could be a requirement for additional supports, the alterations would be reasonably modest in nature and the existing structure of the building would be largely retained and enhanced. Therefore, I am satisfied the development would amount to the re-use of an existing building.

11. Openness can be perceived visually and spatially. Given that the eaves and ridge height of the building would remain unchanged, and the increase in its length would be very modest, views over and around the building from Headley Heath Approach and the land to the rear would be retained.
12. Moreover, the site already has a domestic character, owing to its current use and the presence of a gated vehicular access, hardstanding area, and boundary fencing. Whilst there could be an increase in domestic paraphernalia due to the addition of new residents, these would be modest in extent due to the small size of the dwelling proposed. No outbuildings are proposed, and the limitations and conditions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 would ensure that any domestic buildings that could be erected at the site without planning permission would not be unduly large. Consequently, and notwithstanding the changes that have already occurred elsewhere within the grounds of Little Glade, the proposal would preserve the openness of the Green Belt.
13. The re-use of the building would not lead to the encroachment onto land to the rear, and it would be well-contained between two existing properties that form part of a broader linear development along the road. Consequently, there would be no conflict with the Green Belt purposes defined in paragraph 143 a), b) and c) of the Framework. Moreover, because the site is not located within a historic town and it is not an urban regeneration project, there would be no conflict with the purposes listed in paragraph 143 d) and e).
14. The re-use of the building would, therefore, fall within the exception set out in paragraph 154h) iv. of the Framework.
15. Overall, I conclude that the proposal would not be inappropriate development in the Green Belt. It follows that there would be no conflict with the Framework or with Policy EN1 of the LP, insofar as they seek to protect the Green Belt from inappropriate development. Because the proposal is not inappropriate development in the Green Belt, it is not necessary for very special circumstances to be present to justify the development.

Character and appearance

16. Headley Heath Approach comprises a mix of dwellings of various sizes and styles on generous plots. It has the character of a loose-knit frontage development in leafy, rural surrounds.
17. The site lies within the Surrey Hills NL, where I have a statutory duty to seek to further the purposes of conserving and enhancing the natural beauty under the provisions of the Levelling-Up and Regeneration Act 2023. The Surrey Hills Management Plan 2020-2025 states that the special qualities and significance of the NL are derived in part from its mosaic of farmland, woodland, heaths, downs, and commons which have inspired great artists, writers, and architects over the centuries.
18. Whilst there would be limited views of the appeal proposal from Headley Heath Approach due to intervening fencing and gates, the site has a relatively open aspect to the paddocks and wider landscape to the rear. However, due to the small-scale of the proposed extensions, the appeal building would retain its existing simple form and low-profile, and additional domestic paraphernalia would

be limited in extent for the reasons set out above. Consequently, the development would have a neutral effect on the wider landscape.

19. There are opportunities to make some localised enhancements to the scenic beauty of the NL through the use of complementary external materials, and the implementation of a scheme of landscaping. These measures could be secured through condition and would help to improve the appearance of the building and the wider site in views from the rear. On this basis, I am satisfied that the character of the area, and the landscape and scenic beauty of the NL, would be conserved and enhanced.
20. In coming to this view, I have taken account of third-party comments that the building should be removed if it is no longer required. However, the evidence does not lead me to conclude that the building is a temporary structure that would be removed in the event the appeal is dismissed. Therefore, this suggestion has not been pertinent in my consideration of the appeal.
21. Overall, I conclude that the proposal would conserve and enhance the character and appearance of the area, with particular regard to the Surrey Hills NL. Therefore, there would be no conflict with Policies EN4 and EN8 of the LP which seek developments that make a positive contribution to local character and conserve and enhance the local landscape.
22. Policy RUD19 of the 2000 LP, which is referenced in the second reason for refusal, was replaced with Policy EC6 of the LP. However, because Policy EC6 of the LP refers to agriculture, horticulture, and forestry it is not pertinent to the appeal.

Appropriate Assessment

23. The appeal site lies within the 800m zone of influence of the Mole Gap to Reigate Escarpment Special Area of Conservation (SAC), which is designated for its mosaic of chalk downland habitats, ranging from open chalk grassland to scrub and various types of semi-natural woodland on the scarp and dip slopes of the North Downs. These include Box scrub, and large but fragmented areas of nationally significant calcareous grassland, which support an important assemblage of orchid species. Nationally significant Beech and Yew dominated woodland are also present, along with a significant area of dry heathland and acid grassland at Headley Heath. Further species interest includes the rare and internationally protected Great Crested Newt, Dormouse, and several rare bats including Bechstein's Bat.
24. The Mole Gap to Reigate Escarpment is an important recreational resource, and it is under threat from disease, inappropriate scrub control, change in land management, public access and disturbance, and air pollution from atmospheric nitrogen pollution. The conservation objectives are to ensure that the integrity of the site is maintained and restored, and to ensure that the site contributes to achieving the favourable conservation status of its qualifying features. Given the nature of the proposal, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the SAC.
25. The Mole Gap to Reigate Escarpment Special Area of Conservation Guidance Note (September 2012) sets out that the need for mitigation measures should be

considered on a case-by-case basis, taking account of the distance between the development site and the nearest entrance point to the SAC, as well as the scale and nature of proposals. The appeal scheme would introduce a new household to the area within 800 metres of the SAC and, therefore, it is likely that future occupants would visit the escarpment. However, owing to its small-scale, the increase in population would be very small and, therefore, it is unlikely there would be significant adverse effects on the integrity of the SAC either alone or in combination with other plans and projects.

26. In coming to this conclusion, I have taken account of the views of Natural England, which was consulted as part of the appeal, and stated that mitigation measures are not required to avoid an adverse impact on the SAC in this instance. This aligns with the view expressed in the Council's Officer Report that the proposal would be unlikely to have a significant effect on the SAC.

Conditions

27. The Council did not provide a list of suggested conditions as part of the appeal. However, I have had regard to the conditions suggested in consultation responses to the Council during the application process. Both parties have been provided with the opportunity to comment on the conditions and I have taken the comments received into account.
28. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
29. A condition is required to secure ecological mitigation measures, to ensure no harm is caused to biodiversity features during the construction process.
30. I have included conditions requiring the submission of details of external materials, and a landscaping and biodiversity enhancement strategy in order to conserve and enhance local character and the NL and to enable the enhancement of biodiversity features.
31. A condition is included to secure the delivery of bicycle parking facilities to promote travel by sustainable modes. However, it is not necessary to secure the installation of electric vehicle charging points through a condition, as this is covered by separate legislation.
32. Given the small scale of the proposal, there is no substantive evidence to indicate there would be a material change in the management of surface water. Therefore, it is not necessary to secure details of surface water drainage through condition.

Conclusion

33. The proposal is in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

E Catchside
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 652-EX-100, 652-SK-100, 652-SK-101, 652-SK-102.
- 3) No construction or conversion works shall be undertaken other than in complete accordance with the ecological mitigation measures set out in Chapter 6 of the Ecological Impact Assessment Little Glade, Tadworth, dated February 2024.
- 4) No development above slab level shall take place until details of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) The development shall not be occupied until a landscaping and biodiversity enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) The details of existing planting to be retained and removed;
 - b) Details of all proposed planting, seeding, and turfing;
 - c) Measures to be undertaken to secure biodiversity enhancements, including the measures set out in Chapter 7 of the Ecological Impact Assessment Little Glade, Tadworth, dated February 2024; and
 - d) A maintenance strategy for all retained and proposed plants and trees.

The approved landscaping and biodiversity enhancement scheme shall thereafter be implemented in its entirety in the first planting season (September to March) following the occupation of the dwelling or the completion of the development, whichever is sooner. Any trees or plants which, within a period of 5 years from planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 6) The development shall not be occupied until secure, covered bicycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The bicycle parking facilities shall thereafter be retained for bicycle parking.

*****END OF SCHEDULE*****