



Appeal Decision

Site visit made on 18 February 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/C3620/W/24/3348019

Springfield Farm, Parkgate Road, Newdigate, Dorking, Surrey RH5 5DZ

- 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 & Mrs Barry & Marie Sheppard against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1372/PLA.
 - The development proposed was described as: "To change a manage training area from private use to commercial use and install six number solar powered spot lights".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the determination of the planning application, the Mole Valley Local Plan 2020-2039 (MVLP) was formally adopted on 15th October 2024. The Local Planning Authority (LPA) has confirmed that its policies replace those of the 2000 published Mole Valley Local Plan and 2009 Core Strategy listed in the reasons for refusal. I sought clarification from the LPA as to which MVLP policies are relevant to this appeal, along with a written explanation as to how these policies are relevant, and an opportunity for the appellants to respond.
3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. I have given the main parties an opportunity to comment as to whether the Framework revisions have any relevance to the appeal.
4. While I have noted the comments from other interested parties, I have considered the appeal on its own merits without regard to development that may, or may not, have commenced. Questions about lawful use are matters between the appellants and the LPA in the first instance.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development for the purposes of the Framework and the development plan, including the effect upon the openness of the Green Belt;
 - the effect on the surrounding landscape and character of the area;
 - the effect on highway safety; and

- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate development

6. The appeal site is within the Metropolitan Green Belt. The Framework sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless certain listed exceptions apply. One listed exception relevant to the appeal proposal is the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport or outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. Policy EN1 of the MVLP states that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy. The relevant list of exceptions to the definition of inappropriate development provided in Policy EN1 accord with those of the Framework as referred to above. Policy EN1 further expands upon external lighting proposals in connection with proposed outdoor uses, stating that such proposals should, amongst other things, not result in light pollution adversely impacting the surrounding landscape, taking account of existing levels of artificial illumination in the surrounding area.
9. Openness is the absence of the development and can have spatial and visual effects. I accept that the proposed six solar powered spot lights may only be needed in the winter months and would be on wheels, allowing them to be removed each day after use. No full plan details of the spot lights have been provided in terms of their height and overall size. The structures and their light output would nonetheless facilitate the proposed use and have an impact on the openness of the Green Belt in spatial terms, albeit to a minor degree.
10. Land levels decline significantly beyond the south of the manège. This would allow for elevated views of the proposed spot lights and their light output from along the Public Right of Way (PRoW) that runs east to west beyond the manège. The spot lights would also be seen within other immediate surroundings along the tracks within Springfield Farm. This would result in a more significant visual impact on the openness of the Green Belt, especially given the limited level of surrounding artificial illumination.
11. Another relevant exception to the definition of inappropriate development is, as defined by the Framework, material changes in the use of land (such as changes of use for outdoor sport or recreation), provided they preserve its openness and do not conflict with the purposes of including land within it. Policy EN1 provides a similar exception definition.
12. I accept that the manège and associated accesses and hardstanding areas already exist. The effect on openness however also relates to the purpose and intensity of the proposed use. Even with the proposed hours of use and limits to customer

numbers, there would still be potentially increased and more frequent comings and goings associated with the commercial activities of the manège, compared to the ancillary use to Springfield Farm. This would include increased vehicle trips, in circumstances where I am unable to conclude on the evidence whether it would likely lead to parking along the site's narrow unmade tracks, given the limited dedicated parking area for the proposal. The commercial use as proposed would therefore have a greater impact on Green Belt openness than the existing development.

13. For the above reasons, the proposal would fail to preserve the openness of the Green Belt. As such, the exception at Paragraph 154(b) of the Framework (repeated in terms in Policy EN1 of the MVLP) would not be available. Accordingly, the proposal is inappropriate development in the Green Belt.

Surrounding landscape and character

14. I accept that equestrian uses are usually undertaken in rural areas. However, I found the immediate area to be both rural and residential in character, with limited artificial lighting.
15. Criterion f. to Policy EC7 of the MVLP supports equestrian development with external lighting, provided this would, amongst other things, not result in light pollution adversely impacting the surrounding landscape, taking account of existing levels of artificial illumination in the surrounding area.
16. As already set out in the main issue above, the proposed spot lights and light output would be widely visible along the nearby public footpath and from the tracks surrounding the manège. Although the spot lights would not always be present or operational, their light output would nonetheless adversely impact the surrounding landscape. This element of the proposal is therefore contrary to the abovementioned criterion of Policy EC7 of the MVLP.
17. The proposed intensification of the use of the site, with potential increased vehicle movements and parking above and beyond an ancillary residential use, would also be harmful to the rural and residential character of the surrounding area.
18. The proposal is therefore also contrary to Policies EN4 and EN8 of the MVLP. Collectively, these policies require, amongst other things, development to make a positive contribution to its local character, respect and enhance the local environment, reinforce the scenic quality of the landscape and integrate into the landscape setting.

Highway safety

19. The appellants intend to operate the proposed commercial use of the manège strictly on an appointment basis and with no more than three individuals training at any one time, between 9am and 6pm Monday to Sunday. Lessons would last for 45 minutes, allowing for 15 minutes for customer changeovers.
20. The current proposal is however not supported by a transport assessment accounting for available sight lines, average speeds approaching the site access, or the anticipated nature and amount of additional traffic generation. In the absence of such assessment of the transport impacts, I cannot reach a conclusion as to whether the proposal would lead to an intensification in use of the existing access or pressure for parking outside of the proposal site.

21. Parkgate Road is subject to a 40mph speed limit and whilst my site visit was only a snapshot in time, I observed it to be a well-used route with some noticeably fast vehicle speeds. It is a relatively narrow carriageway with no centre line, and with a narrow footway. The location and nature of the proposed activities is such that users are likely to arrive by car.
22. On the basis of all the above, there are risks in highway safety terms. The absence of more detailed evidence does not allow me to conclude whether or not harm would result, or whether the appellant's suggested conditions would be effective in managing this issue. Taking a precautionary approach, I conclude that there would be harm to highway safety arising from the proposal.

Other considerations

23. The appellants have established accreditation from and membership of appropriate professional organisations, and qualifications for their staff. The Council also issued a certificate for the appeal premises under separate animal welfare legislation. There is however no evidence to suggest that this compliance with professional standards and legislation goes beyond reasonable expectations for an equestrian business. These matters are therefore only afforded limited positive weight.
24. The commercial use of the manège will offer employment for several members of staff at various levels, and would enable diversification in a rural area to meet a community need, which is also supported by the Framework. I afford these matters moderate positive weight.

Conclusion

25. The proposal would be inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt. It would also have harmful effects when regard is paid to effect on the surrounding landscape and character of the area and highway safety. There is conflict with the development plan for the area arising from the harm that amounts to conflict with the plan as a whole.
26. Collectively, the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development in Green Belt policy terms do not exist. Nor are the other considerations material, so as to justify a decision other than in accordance with the development plan.
27. My conclusion of harm on the highway safety main issue is based on an absence of adequate evidence. For the avoidance of doubt, had I concluded favourably on this main issue it would not have affected the overall outcome of the appeal given my findings of harm on other issues and the absence of very special circumstances.
28. A split decision would not be appropriate in this case given the close functional link between the manège and the spot lights and in circumstances where I find neither aspect of the proposal to be acceptable.
29. For these reasons, the appeal is therefore dismissed.

R Cahalane

INSPECTOR