



Appeal Decision

Site visit made on 18 March 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2025

Appeal Ref: APP/C3620/W/23/3335911

Ricketts Wood Farm, Norwood Hill, Charlwood, Surrey RH6 0ET

- 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 Martin Page (Complete Land Management Ltd) against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/0984/PLA.
 - The development proposed is the change of use of redundant cattle yards to Class B8 storage, conversion of former milking parlour and isolation boxes to ancillary staff welfare facilities, parking and ancillary works.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of redundant cattle yards to Class B8 storage, conversion of former milking parlour and isolation boxes to ancillary staff welfare facilities, parking and ancillary works at Ricketts Wood Farm, Norwood Hill, Charlwood, Surrey RH6 0ET in accordance with the terms of the application, Ref MO/2023/0984/PLA, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development on the application form, the Council's decision notice and related documentation refer to "Class B8 Storage". For the avoidance of doubt, I have taken this to mean Use Class B8: Storage or Distribution as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).
3. The appeal site comprises a range of buildings and hardstanding areas and these are referred to in varying manners across the plans and documentation. For the avoidance of doubt, where buildings are referred to in this decision, these are those shown on plan 01BP Rev A and comprise barns 1 to 5.
4. The description of development only refers to "yards" and "former milking parlour and isolation boxes." However, based on the documentation from all parties, I am satisfied that the intended development incorporates all land within the red edge of the application site including barns 1 to 5 and I have dealt with the appeal on that basis.
5. Since the submission of the planning application there have been a number of relevant policy changes. These include two revisions to the National Planning Policy Framework (the Framework) with the most recent and pertinent being in December 2024 and the adoption of the Mole Valley Local Plan 2029-2039 (MVLP) in October 2024.

6. The parties were consulted on the revisions to the Framework and I have taken these comments into account. Where references are made to the Framework in this decision, these are those in the most recent version.
7. The Council, in its response to the Framework revisions, also highlighted the newly adopted MVLP. I have considered those policies referencing the Mole Valley Local Plan 2000 (as opposed to the 2024 version) to have been superseded. Moreover, I have taken logical references to the most up-to-date versions of policies expressed in the MVLP here. The parties were not consulted on this as it would not have altered the outcome of the appeal.
8. My attention has also been drawn to a relatively recently decided s174 appeal (the s174 appeal) relating to barn 2¹. This is because this proposal and the s174 appeal were originally nominated by the appellant to be linked. As the conclusions in the s174 appeal are pertinent to my reasoning here, I have also been mindful of it here. It is important to highlight that this decision post-dates the adoption of the MVLP but pre-dates the most recent version of the Framework, albeit only by a day.

Main Issues

9. The main issues are:
 - 1) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies, including the effect of the proposal on the openness and purposes of the Green Belt,
 - 2) The effect of the proposal on the character and appearance of the area with particular regard to any intensification of use of the site,
 - 3) The effect of the proposed development on highway safety,
 - 4) Whether the proposed development is in a sustainable location,
 - 5) Whether the proposed development would have an adverse effect on the living conditions of neighbours with particular regard to noise and disturbance from vehicle types and movements, and
 - 6) 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 in the Green Belt and effects on openness

10. The appeal site is in the Green Belt as defined by policy EN1 of the MVLP. This policy sets out that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy, unless very special circumstances are demonstrated. The policy further sets out that some forms of development are exceptions to the definition of inappropriate development and will be permitted where they comply with other relevant policies.

¹ APP/C3620/23/3334085

11. One of these forms of development is defined in criterion 1.e. to policy EN1 which sets out that the re-use of existing buildings which are of permanent and substantial construction, provided the physical changes and associated uses and activity would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
12. The national policy, set out in policy EN1 of the MVLP, means Chapter 13 of the Framework and related sections of the Planning Practice Guidance (PPG). In this regard, paragraph 154 h) of the Framework is most pertinent. It sets out that other forms of development, provided they preserve its openness and do not conflict with the purposes of including land within it, may be not inappropriate. Paragraph 154 h) iv. concerns the re-use of buildings provided that the buildings are of permanent and substantial construction. There is consistency between the Council's adopted Green Belt policies and the Framework.
13. In this case, the buildings in question comprise barns 1 to 5. These buildings are all former agricultural buildings and despite presently being unused, remain in generally good condition. Indeed, this point is not dispute by the Council. However, both policy EN1 1.e. of the MVLP and paragraph 154 h) iv. also require that associated uses and activity preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this regard I must turn my attention to those effects.
14. The main part of the appeal site itself (setting aside the access road) is relatively contained by the existing buildings, the boundary treatment including the sleeper walls, surrounding landscaping including an extensive row of conifer hedging to the south and other surrounding buildings including Rickets Wood Farmhouse and a large recently constructed barn (sometimes referred to as barn 7). This screening is however much more limited to the western aspects which remains open to the countryside beyond. However, in longer views, the buildings do present as a relatively isolated series of structures that are otherwise unconnected with any other meaningful built form. This accords with the Council's Green Belt Review 2020 which notes that in this area, there is a very rural character, comprising a patchwork of agricultural fields, grazing land and small pockets of woodland. There are significant expanses of open countryside and the low-lying topography often enables long and largely uninterrupted views.
15. The proposal would introduce a storage use and this was identified in the Design and Access Statement as also incorporating outdoor storage in addition to that which would be undertaken within the buildings. There would also invariably be additional activity undertaken on the land comprised of vehicle movements including HGVs. This external storage and additional activity would have a harmful effect on the openness of the Green Belt in a visual dimension. This would conflict with the purpose of assisting in safeguarding the countryside from encroachment under paragraph 143 c) of the Framework.
16. My conclusion here differs to that of the previous Inspector in relation to the s174 appeal, however this is because the site under consideration here is larger. Moreover, my assessment is based on a more recent version of the Framework which is also supported by increased clarity that is given in the PPG.
17. Turning to the most recent revisions to the Framework and being mindful of paragraph 153 and footnote 55; paragraph 155 sets out that the development of

homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where it would, at paragraph 155a., utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Grey belt is defined at Annex 2 of the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

18. The land is clearly developed albeit that this, at least originally, was for the purposes of agriculture. The definition of previously developed land does not include land that is or was last occupied by agricultural or forestry buildings. Even so, the lawful development certificate that was granted over the land and buildings² confirms its lawful use for airport parking. There may be arguments to suggest that this renders the entirety of the site as previously developed land due to this airport parking use being lawful. However, judgement on this matter is not needed as, due to the use of “and/or” in the Framework definition of grey belt, the determinative issue is whether the land contributes to any of purposes (a), (b), or (d) in paragraph 143.
19. Whether the site strongly contributes to any of the purposes of the Green Belt has already been explored above. The conclusion being that because of the position and context of the site; it only makes a strong contribution in assisting in safeguarding the countryside from encroachment under 143 c). This is not a defining element in determining grey belt land. Having regard to advice given in the PPG, that due to the isolated location of the site, its generally enclosed nature, its separation from any large built-up areas, and that it does not form part of a gap between towns; that the land only makes a weak contribution to the Green Belt under purposes a) and b).
20. The site has no visual, physical, or experiential connection to the historic aspects of any towns and therefore makes weak to no contribution under 143 d). As such, considering the development under paragraph 155a. I must conclude that the development is not inappropriate.
21. However, this is not the only matter to be explored as paragraph 155b. sets out that there must demonstrable unmet need for the type of development proposed. In this regard, evidence as to the need for such B8 uses within the District or general geographical area has not been provided. Accordingly, in the absence of any such demonstrable need, the development does not meet the tests of this paragraph, and the proposal therefore fails under paragraph 155. As such, I have not gone on to consider the merits of this proposal under paragraphs 155c. or 155d. or 155 to 158.
22. In conclusion, the proposed development would conflict with policy EN1 1.e. of the MVLP and paragraph 154 h) iv. of the Framework. This is due to the effects of open storage, the prevalence of vehicles, including large HGVs and intensity of use around the buildings. These would be visible from wider parts of the Green Belt and thus would be harmful to the openness of the Green Belt in a visual dimension.

² Council ref: MO/97/1282

Character and appearance

23. As explored above, the proposed development largely incorporates the re-use of the existing buildings on the site. The visual intrusion from the use of the buildings for storage, internally, would have a limited impact upon the rural character and appearance of the area.
24. However, as with the effects upon the openness of the Green Belt, the open storage and activity on the site would intrude on the rural charm of the area. Views of this would, largely, be quite restricted due to the fairly limited aspects from which the site could be viewed. The most exposed, westerly edge of the site is also the one with the most limited, if indeed any from short range, public vantage points and this is a point in favour of the development.
25. It is important to be mindful of the greater activity in the form of additional vehicle movements to and from the site. This, on its own, is unlikely to have a deleterious effect on the character and appearance of the area. However, when combined with the effects of the open storage on the area's rural nature, the conclusion is that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with policy EN4 of the MVLP insofar as development must be of high-quality design that makes a positive contribution to its local character with all development proposals demonstrating a thorough understanding of the site and how they relate to the existing area.

Highway safety and access

26. The site is set in a fairly remote location. The nearest settlements of note being Horley and Crawley which the appellant considers to be 6Km and 12Km away respectively. This fairly modest distance belies the nature of the local roads that access the site which are commonly narrow, sometimes single track and winding. Norwood Hill itself is amongst the narrower roads in the immediate area with its width varying from being almost single track to a very tight two-way road. The road is subject to a 40mph speed limit. The appellant claims that there are no records of any personal injury collisions at the access with Norwood Hill but this is not corroborated in evidence. Equally, the comments of local residents dispute this. On this basis, the evidence from all parties in this respect remains circumstantial.
27. The access road to the site itself is single track for much of its entire length. The junction with Norwood Hill is slightly wider, no doubt allowing for larger vehicles to turn into it and pass. There are no details of vehicle tracking for this junction but regardless, it does appear tight for larger vehicles and this is also commented upon by neighbours. The Council is concerned about overrunning vehicles onto the verge and there was evidence of this at my site visit, although it would not be fair to attribute this to activities at the site as my observations revealed ample evidence of such overrunning onto the verges at many points in the local area. An issue highlighted by local residents. This is no doubt due to the nature of the narrow rural roads. Visibility from the access has not been detailed but the 'red edge' of the application site indicates what appear to be quite substantial splays at the access along a straight stretch of Norwood Hill. The road is quite straight in both directions from the access.
28. The parties are in agreement that the proposal would result in an increased number of vehicle movements by comparison to an agricultural operation, albeit that the numbers of vehicles is disputed. The appellant estimates this to be around

44-68 trips per day, this being an increase of 24-48 movements over a twelve-hour period, or in essence, 2 to 4 per hour. Limited details in relation to the airport parking use have been provided but, for the most part, the proposed use could not function at the same time as the airport parking use (recognising here that there is the slight difference in site areas).

29. Paragraph 116 of the Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. In this regard it must be acknowledged that there are various aspects of the development that are not ideal in highway safety and access terms. The narrow nature of roads in the area, potential conflicts between different users, the number of vehicles accessing the site and the somewhat narrow access with Norwood Hill for the types of vehicles envisioned. My attention has also been drawn to the condition of the roads, however the condition of the publicly maintained highway is not a matter for me here.
30. However, factoring all these matters in together, there is insufficient evidence before me in order to be able to conclude that there would be an unacceptable risk to highway safety or a severe impact on the road network. This approach is mandated by the Framework and I am obliged to have regard to it. As such, the conclusion is that the proposal complies with policy INF1 of the MVLP in that it would not have any unacceptable impact on highway safety or a severe adverse impact on the highway network.

Sustainability of location

31. As touched on above, the site is in a fairly remote location. Local services and facilities available have not been detailed but regardless, it is apparent that these are sparse to non-existent beyond the two larger settlements of Horley and Crawley. Equally, I have limited evidence on the availability of public transport provision. Regardless of this, it seems to me that having regard to the length of the access track and distances along Norwood Hill, which has no pedestrian footways, that there are no realistic pedestrian or public transport based access arrangements to the site.
32. Policy INF1 aims to maximise the use of sustainable modes of transport. This tallies with the aims of the Framework. Indeed, paragraph 110 notes that significant development should be focused on locations which are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Conversely policy EC4 of the MVLP, at 1.a. promotes the diversification of rural businesses by encouraging the re-use and adaptation of rural buildings. Paragraph 89 of the Framework notes that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
33. The concerns of the Council are valid in this regard, and I agree, for the reasons set out above. Nevertheless, there is a degree of tension here between the policies which promote sustainable transport and directing development to suitable locations near established infrastructure. Equally, there are policies that promote the rural economy including the re-use of suitable buildings. In addition, a B8 use,

almost by definition, must rely on larger vehicles and this would be the case even if the site were to be located within an urban area.

34. In this location there is little, if anything, that could be reasonably done to improve the accessibility of the site. It appears to me that a B8 use for the site and buildings represents one of, if not the, most low-key, non-agricultural use that could be accommodated in this remote rural area. Therefore, despite recognising the secluded location of the site, the conclusion is that the development complies with policies INF1 and EC4 of the MVLP, the Surrey Local Transport Plan and the Framework insofar as it represents the diversification of rural business and, in addition, remains sustainable in that it comprises the re-use of existing buildings.

Living conditions

35. The proposed development would result in additional vehicles, often large vehicles, passing the nearby properties at Woodside Cottages and Longfield House. These are located adjacent to the site entrance and the main site respectively.
36. Vehicles will no doubt cause noise and disturbance whilst they are passing. In this tranquil rural area, this will no doubt be more noticeable above the invariably low background noise levels than it would be in a more urban context. Even so, the movements still remain fairly low when considered over the course of a typical day.
37. The site has a lawful use for the purposes of agriculture which itself can be an intensive operation. Indeed, an agricultural use would be unrestricted in terms of its hours of operation and during certain times of the year this could result in a 24-hour operation. The same applies to the airport parking use.
38. In this context, and with conditions, the proposal would not result in unacceptable harm to the living conditions of neighbouring residents. It would therefore comply with policy EN4 of the MVLP as it ensures the amenity of residents occupying properties in the surrounding area are not significantly affected and any adverse effects can be made acceptable by mitigation measures.

Other considerations and very special circumstances

39. Paragraph 153 of the Framework sets out that when considering any planning application, local planning authorities (and, by extension, Inspectors) should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
40. The s174 appeal pertaining to barn 2 concerned that barn alone and a modest area of land around it that is almost completely enclosed by the sleeper walls and barns 1 and 3. The open storage that was permitted in connection with this use was further restricted to be no higher than the sleeper walls. By comparison, the site under consideration is substantially larger. Even so, irrespective of the outcome of this appeal, barn 2 could lawfully be used for B8 storage. This attracts significant weight insofar as it relates to barn 2 and the related open storage and parking area.

41. The potential status of the land as previously developed land, given the historic use of the site (and additional areas), as airport parking is relevant. Although neither use does not, at the present time, appear to be taking place, there is no evidence to indicate that either has ceased or been abandoned. This is being particularly mindful that agriculture is not development and thus does not require planning permission and the invariably transient or seasonal nature of airport parking.
42. Regardless of whether the site amounts to previously developed land or not, regard must be given to the visual impact of the alternative use of the land as an agricultural operation. This use would no doubt involve the use of farm machinery and equipment, the storage of essential farming materials which could include obnoxious substances including slurry and manure, deliveries to and from the site which would also no doubt incorporate articulated vehicles. Equally for the airport parking use, this would entail the parking of many vehicles in addition to activity associated with it.
43. There is a persuasive argument here, that the effect of an agricultural operation and/or airport parking would have a similar effect on both the openness of the Green Belt and the character and appearance of the area. Arguably, given the extent of the alternative uses, they could have a greater impact. In both alternative circumstances the visual impacts would be slightly different in terms of their general nature but comparable insofar as there would be external clutter around the buildings and storage outdoors. They would draw in vehicle movements and commercial activity albeit of a different nature. These visual impacts would, in my view, be largely comparable to B8 storage. This is especially considering that the extent of such open storage would have to be limited in its area to allow vehicle movements and parking provision and, moreover, could be controlled by way of condition to ensure the most exposed areas are not used for open storage. I must therefore give the other potential uses significant weight.

Other Matters

44. There is the Grade II listed Rickets Wood Farmhouse which is set just beyond the appeal site. Although no objections have been expressed by the Council regarding the effects on the setting on the listed building, I have nevertheless taken its existence into account here, notwithstanding that no harms have been identified by any parties.
45. Some interested parties have commented on the uncontrolled nature of the development and a lack of knowledge of prospective tenants. However, the extent and use of the land and buildings can be controlled through conditions and any tenants would have to abide by those restrictions.
46. The comments of the Surrey Wildlife Trust have been considered here but, in light of the findings of the Preliminary Ecological Assessment, there is no reason to require additional surveys.

Green Belt and Planning Balance and Conclusion

47. In summary, I have concluded that the proposed development would not be detrimental to highway safety, nor would it be harmful to the living conditions of neighbours. Despite the site's remote location, it would benefit the rural economy

and involve the re-use of existing buildings and land and therefore represents a sustainable location for the development.

48. Other neutral considerations, including the site not being flood prone, there being no objections relating to biodiversity and the proximity of the nearby listed building have been factored into my assessment.
49. The proposal would be detrimental to the openness of the Green Belt in a visual manner and harmful to the character and appearance of the area. These effects derive mainly from the potential for open storage and increase in activity, especially from vehicle traffic. The Framework requires me to give substantial weight to any harm to the Green Belt unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
50. Part of the site (barn 2 and surrounding land) already has planning permission by virtue of the outcome of the s174 appeal. The whole site and a larger area beyond could also be used for the purposes of agriculture. Further, the land could also be used for airport parking. I have already set out that I attach significant weight to both these factors.
51. Therefore, I conclude that, given what could lawfully be undertaken at the site, that the proposed development would not have a deleterious effect on the openness of the Green Belt or the character and appearance of the area. Thus, on balance, these other considerations clearly outweigh the harm to the Green Belt and the character and appearance of the area.
52. The proposed development would conflict with elements of the development plan, but the material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed subject to the conditions I have set out below.

Conditions

53. The Council has not provided a schedule of conditions and therefore I have imposed those that I consider to be reasonable and necessary to ensure the development is carried out in a satisfactory manner.
54. Condition 4 is a pre-commencement condition and, having regard to s100ZA of the Town and Country Planning Act 1990 (as amended) (the Act) and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant has been invited to comment on this condition.
55. I have imposed a general time limit condition to comply with the provisions of the Act and a plans condition for certainty. I have required the facing materials for barns 4 and 5 to be those shown on the approved plans (black weatherboarding) in the interests of the character of the area.
56. Conditions are imposed to restrict the height of open storage below 2.3 metres, below the height of surrounding sleeper walls, and to define the areas for open storage. This is to ensure that the use does not spill out into the surrounding countryside to the detriment of the Green Belt and character of the area.

57. There is a restriction on the hours of use to ensure that adverse effects from additional vehicle movements are mitigated and do not disturb local residents outside of normal business hours.
58. Finally, I have imposed a condition restricting the land and buildings to a use within Use Class B8 of the UCO only. This is for the avoidance of doubt and to ensure that more intensive and potentially intrusive uses do not manifest themselves.

N Bowden

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 plan nos 01, 01BP Rev A, 01L, 02, 03, 04, 05.
- 3) The external surfaces for barn 4 and barn 5 shall be constructed in the materials shown on plan nos. 04 and 05.
- 4) Prior to the commencement of the use, a plan defining the extent of open storage shall be submitted to and approved in writing by the local planning authority. Thereafter no items or materials shall be stacked or deposited externally, outside the specified areas and, in any case, not above a height of 2.3 metres measured from ground level.
- 5) Machinery shall be operated, processes shall be carried out and deliveries shall be taken at or despatched from the site only between 7:30 am to 6:00 pm on Mondays to Fridays, 8:00 am to 2:00 pm on Saturdays and not at any time on Sundays or on Bank or Public Holidays.
- 6) The land and buildings shall be used for uses falling within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule