



Appeal Decision

Site visit made on 14 April 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/C3620/W/24/3356265

Rosemar Farm House, Shellwood Road, Leigh, Surrey RH2 8NT

- 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 Coe of Rosemar Properties Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1171/CU.
 - The development proposed is change of use from sui generis (kennels and cattery) to Class E.
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Decision

1. The appeal is dismissed.

Main Issues

The main issues are:

2. 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.
3. The effect of the proposal on the openness of the Green Belt.
4. The effect of the proposed development on the character and appearance of the area.
5. 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

6. 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.
7. Of relevance to this appeal, paragraph 154h iv) of the Framework provides for the re-use of buildings provided that the buildings are of permanent and substantial construction and they preserve the openness of the Green Belt and do not conflict

with the purposes of including land within it. This is broadly echoed by Policy EN1 of the Mole Valley Local Plan (2024) (LP).

8. There is no dispute between the parties that the buildings are of permanent and substantial construction. Therefore, I will go on to consider the effects on openness.

Openness

9. Openness has both spatial and visual dimensions. The proposed development would introduce E class commercial uses to this site. In their appeal statement the appellant states that they would be willing to restrict the use to the following classes: E (c), financial, professional and other services E (e) medical or health services, E (g) (i) offices, E (g) (ii) research and development. There would be four separate small units, with an overall floor area of 286sqm.
10. The transport statement has assessed the vehicle movements associated with the existing kennels and cattery use and concludes that this would generate 34 to 46 vehicle movements per day.
11. The predicted vehicle movements are based on a similar sized office development. Examples of three sites between 500-796sqm floor area were used and it appears that each of the examples was for a single user. On this basis the transport statement calculates a daily trip rate of 43 vehicles 2-way per day.
12. However, even considering the narrower range of uses proposed with the appeal, the development would include services, particularly medical or health services, where visitors would be expected to the site, which clearly differs from an office use. As such I do not have evidence before me which satisfies me that the trip rate would be as low as 43 vehicle movements per day. Therefore, I do not find that the vehicle movements would be within the same range as the existing.
13. The transport statement was submitted to Surrey County Council and they have not objected to the development and comment that the proposed development would not result in a significant increase in vehicular trips on the surrounding highway network when compared to the existing use. However, for the detailed reasons set out above I have come to a different conclusion.
14. The proposed development would consequently result in a clear increase in vehicles coming and going from this site and the associated parking and manoeuvring. These comings and goings would be seen from the road as well as the nearby houses. The likely frequency of vehicle movements would result in an evident intensification of activity on this site. These factors would result in harm to the openness of the Green Belt.
15. Paragraph 143 of the Framework sets out the purposes of the Green Belt. Point a) to check the unrestricted sprawl of large built-up areas, has been drawn to my attention. The closest large built up area to the appeal site is Dorking, at over 4km away and separated by large areas of undeveloped land. Therefore, the appeal site is clearly separate from Dorking and other towns and the proposed development of the appeal site would not result in the sprawl of large built up areas. Consequently, in this case, the appeal site does not strongly contribute to this purpose of the Green Belt. Nor is there any evidence that leads me to

conclude that there would be conflict with the other Green Belt purposes. Nevertheless, this does not alter the fact that there would be harm to openness.

16. 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. As such, it would not come under the exception in paragraph 154h iv) and consequently would be inappropriate development in terms of the Framework and Policy EN1 of the LP.

Character and Appearance

17. The area is mainly surrounded by open fields and woodland with a short row of properties along Leigh Road, including a commercial car wash. The appeal site is to the front of Rosemar Farmhouse, a detached dwelling set in generous grounds on Leigh Road. The appeal site is a group of single storey timber clad buildings arranged around a central courtyard and the hardstanding serving this. It most recently operated as a single unit for a kennels and cattery. As set out above this had around 35-46 vehicle movements per day. The appeal site's use and appearance is an inconspicuous group of buildings within the rural surroundings.
18. For the detailed reasons set out above, the proposed development would result in a notable increase of vehicle comings and goings to this site. This intensification of commercial activity in this location would result in an urbanising character to the site. This would unacceptably erode the rural appearance of this location, resulting in harm to the character and appearance of the area.
19. My attention is drawn to application MO/2024/1486 where I understand planning permission has been granted for the conversion of rural buildings to commercial use. However, there is nothing before me to demonstrate that the circumstances of that case are similar to the appeal scheme. As such, this does not alter my conclusions.
20. Therefore, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policy EN4 of the LP. This requires all new development must be high quality design, and sets out requirements as to how this should be achieved.

Other Considerations

Biodiversity

21. The Council refused the development with regard to its effect on biodiversity, with particular regard to bats. During the appeal process, the appellant has provided further information justifying their conclusions that the buildings have negligible protection to support roosting bats. I have considered the submissions and I agree with the Council's position that there would be no harm in this regard. This would be a neutral factor.

Whether a sustainable location

22. Paragraph 155 sets out that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where it would utilise grey belt land in addition to other criteria which include c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

23. The site is not within a settlement and is located around 2km from the settlements of Brockham and Strood Green, and 4km from the nearest large town of Dorking. These are accessed along rural roads with no pavements and street lighting and therefore would not be safe for walking, or attractive cycling routes for most people. Nor am I provided with any evidence that public transport provides a genuine alternative to travel by private vehicle.
24. The majority of journeys to the proposed commercial development would be likely to be by staff, customers and suppliers of the proposed units. I have taken into account that sustainable transport solutions will vary between urban and rural areas. Nevertheless, the vast majority of trips to and from this site would be by private vehicle and consequently the proposed development would not promote or prioritise sustainable transport.
25. An appeal at Woodside House (APP/M3645/W/24/3347328) has been brought to my attention. However, this was for residential development with an increase of one dwelling. As such the accessibility considerations are clearly different to those in this appeal.
26. The development would therefore not be in a sustainable location. As such, it would not meet the exception set out under paragraph 155c of the Framework and consequently it would be inappropriate development.

The Rural Economy

27. Policy EC4 of the LP seeks to maintain a successful and diverse rural economy, and the supporting text sets out that improving the rural economy is a priority. The proposed development would reuse existing buildings for employment uses and provide opportunities for small businesses in the rural area. Policy EC4 a) supports the diversification of rural businesses by encouraging the re-use and adaptation of rural buildings for appropriate alternative employment uses, where this complies with other policies of the Plan. In this case, it can be seen elsewhere in this decision that the proposed development is in conflict with other policies, in particular those relating to green belt and character and appearance and therefore the development does not comply with this policy. Nevertheless, the provision of new commercial units in this rural area has positive economic benefits.
28. The proposed development would also use previously developed land, albeit it is not within a settlement. Overall, and taking into account the scale of the development, the proposed development therefore results in positive, but no more than modest benefits.

Green Belt Balance

29. I have concluded that 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. Additionally, I have found harm with regard to character and appearance. 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.
30. On the other hand, the proposed development would provide the modest benefits identified above. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the Green

Belt harm. The very special circumstances necessary to justify the development therefore do not exist.

Conclusion

31. 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. As such, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR