



Appeal Decision

Site visit made on 21 May 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2025

Appeal Ref: APP/M3645/W/25/3359210

Rome Farm, 102 Godstone Road, Lingfield, Surrey RH7 6BT

- 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 and Mrs D Harries against the decision of Tandridge District Council.
 - The application Ref is TA/2024/1048.
 - The development proposed is subdivision of existing residential curtilage and erection of 2 x 4 bedroom detached dwellings with associated landscaping, parking and vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing residential curtilage and erection of 2 x 4 bedroom detached dwellings with associated landscaping, parking and vehicle access at Rome Farm, 102 Godstone Road, Lingfield, Surrey RH7 6BT in accordance with the terms of the application, Ref TA/2024/1048 and subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2024) (Framework) and any relevant development plan policies.

Reasons

3. 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 paragraph 154 of the Framework or utilise Grey Belt Land and satisfy the criteria in paragraph 155.
4. The site is on the outskirts of Lingfield which is classified as a larger rural settlement by the local plan, but there is no detail before me that this is an historic town or a large built-up area. Lingfield is separated from nearby settlements by large areas of undeveloped land and the appeal site forms a very small part of this separation. Taking into account these factors and the evidence in this case, there is nothing before me to suggest that this site serves to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another or preserve the setting and special character of historic towns. Therefore, it does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

5. The appeal site comprises residential garden area outside a built-up area and there is no dispute between the parties that this should be considered as previously developed land. Furthermore, the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development. Consequently, the site is grey belt land in the terms of the Framework.
6. In order to benefit from the exemption to inappropriate development relevant to grey belt land, the proposed development must not fundamentally undermine the purposes of the remaining Green Belt land, there must be a demonstrable need for the type of development proposed and it would be in a sustainable location. The appeal scheme is not major development involving the provision of housing and therefore paragraph 155d relating to the Golden Rules would not be relevant.
7. Given the current use of the site as a domestic garden, the proposed development would not result in residential development encroaching into the countryside. Whilst the appeal scheme would not assist urban regeneration, given the small scale of the site and development proposed, it would not fundamentally undermine this purpose of the Green Belt. Consequently, taken together with my conclusions against the site's contribution to purposes a), b) and d) above, the proposed development would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
8. The Council do not have a 5 year supply of deliverable housing sites, and I understand that the Council's Authority Monitoring Report (AMR) 2023-2024 (May 2024) states that it has a 1.92 year supply. As such there is a demonstrable unmet need for the provision of housing proposed.
9. The appeal site is around 0.5 miles from Lingfield, connected via road and pavements, where there are a range of retail, community facilities and public transport. Therefore, the appeal would be in walking distance of services and facilities. As such the development would be in a sustainable location.
10. Consequently, the development would not be inappropriate development in the terms of paragraph 155 of the Framework. As the development has been found to be not inappropriate, there is no requirement to assess whether the development would fall under any other exception, nor the development's effect on openness.
11. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (2014) (LP) sets out that planning permission for inappropriate development will normally be refused. Given my findings above the proposed development does not conflict with this policy. It is in accordance with the Framework and therefore the scheme's accordance with policy DP10 attracts full weight. However, Policy DP13 of the LP states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt and sets out specific exceptions to this. However, these do not include development on Grey Belt land. As such, this policy is not consistent with the 2024 Framework. Consequently, although there is conflict with policy DP13, I afford limited weight to it. As such, taking into account all the above I am satisfied that overall, the proposed development would comply with the development plan.

12. Therefore, the proposal would not be inappropriate development in the Green Belt in the terms of the Framework. As such it would be in accordance with policy DP10 of the LP, the aims of which are set out above.

Other Matters

13. The access to Godstone Road would be via a driveway that leads to an area for parking and turning. Given the proximity of the parking area to the access to the road, it is unlikely that vehicles would take the longer route past nos 104 and 106 and there would be sufficient space to accommodate the parking for the two proposed dwellings in this location. The noise from two additional properties would be of a similar nature to the existing residential houses in this vicinity, and any disturbance during construction would be temporary. As such, the proposed development would not have an unacceptably harmful effect on the living conditions of nearby occupiers.

Conditions

14. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
15. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring implementation in accordance with the materials indicated is needed to protect the character and appearance of the area.
16. Details of cycle parking are necessary to promote sustainable modes of transport and a condition to submit details, implementation and retention of car parking and turning areas is included in the interests of the highway network and highway safety. However, the installation of electric vehicle charge points in new homes is covered by building regulations and therefore a condition requiring this provision would not be necessary or relevant, and it has not been included.
17. Details of sustainable drainage systems (SUDs) are necessary to ensure that the development does not increase flood risk, and these details should be pre commencement as the measures are required for the full duration of the works.
18. Details of renewable energy provision would be needed in order that the appeal scheme contributes to the reduction of carbon dioxide emissions. The proposed development must be carried out in accordance with the recommendations in the Ecological Appraisal and Roost Assessment in the interests of biodiversity. As well as the submission of a CEMP which would protect ecological features during construction. This is a pre commencement condition as it relates to the construction period of the development.
19. The submitted small sites biodiversity metric shows that the site would result in an overall loss of habitat units. Therefore, a Biodiversity Enhancement and Management Plan, as recommended in the PEA, should be submitted prior to commencement as these measures would be required to be approved prior to development above slab level taking place. However, the general biodiversity gain condition has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). The

condition is deemed to apply to every planning permission granted for the development of land in England and as such this should not be included in the list of conditions imposed on the written notice. Consequently, whilst it has been omitted from the schedule of conditions, the BNG provisions continue to apply. Notwithstanding, on the basis of the submissions in this case, I am satisfied that it is capable of being discharged successfully.

Conclusion

20. For the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers PLN01 Existing Site Plan, PLN02 Proposed Site Plan, PLN03 Proposed Floor Plans Dwelling A, PLN04 Proposed Elevations Dwelling A, PLN05 Proposed Street Elevations, PLN06 Location Plan 1:500 and 1:1250, PLN07 Proposed Floor Plans Dwelling B, PLN08 Proposed Elevations Dwelling B.
- 3) Prior to the commencement of the development a Biodiversity Enhancements and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements and mitigation shall thereafter be implemented and retained in accordance with the approved details.
- 4) Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority in writing.

The CEMP should include, but not be limited to:

- i) Map showing the location of all of the ecological features
- ii) Risk assessment of the potentially damaging construction activities
- iii) Practical measures to avoid and reduce impacts during construction
- iv) Location and timing of works to avoid harm to biodiversity features
- v) Responsible persons and lines of communication
- vi) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 5) Prior to the commencement of the development details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. The development shall not be first occupied until the approved surface water drainage scheme has been provided and it shall be retained as such thereafter.
- 6) No development shall take place above ground level until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.
- 7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained for their designated purposes.

- 8) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided and retained for their designated purposes.
- 9) The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessment, Wychwood Environmental Ltd (2022).
- 10) The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.