



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: 20 JUNE 2025

Appeal Ref: APP/M3645/W/24/3357950

Coldharbour Farm, Coldharbour Lane, Bletchingley, Surrey RH1 4NA

- 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 A Smith against the decision of Tandridge District Council.
 - The application Ref is TA/2024/735.
 - The development proposed is change of use of land to site 4no. shepherds' huts and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- 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.
- The effect of the proposal on the openness of the Green Belt.
- The effect of the proposed development on the character and appearance of the area.
- Whether the site would be a suitable location for the proposed development with particular regard to accessibility.
- The effect of the proposed development on flood risk.
- 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

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 the Framework.

4. Of relevance to this appeal, paragraph 154b) of the Framework provides for the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This is broadly echoed by policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP).
5. The appeal scheme would develop the appeal site for short term holiday accommodation, which involves, in combination, the addition of 4 shepherds huts along the northern and western boundaries, as well as a parking area and entrance to the eastern side, access pathways and incorporating the pond. An appeal decision has been submitted which relates to Priory Farm (APP/M3645/W/21/3273820) where glamping pods were considered to facilitate the use of that site as an outdoor setting for recreation, leisure and sport and to fall under this exception. However, in that particular case the pods were in association with the fishery on the site and therefore the circumstances are notably different to this case. The proposed huts would be used as indoor overnight accommodation for holidaymakers. Based on the evidence in this case I am not satisfied that the proposed development would be for outdoor recreation.
6. The 2024 Framework states that 'development' in the Green Belt is inappropriate, and the exception listed above relates to facilities, including buildings. As such whether or not the shepherds' huts are buildings would not alter the findings in this main issue.
7. Therefore, the proposed development would not fall under the exception in paragraph 154b) and consequently would be inappropriate development in terms of the Framework and Policies DP10 and DP13 of the LP.

Openness

8. Openness has both spatial and visual dimensions. The proposal would introduce development to this open, undeveloped field. It would include 4 modest shepherds huts as well as a car parking area and linking pathways, along with the likely associated paraphernalia across the site area. Whilst the shepherds' huts are designed to be moveable, planning permission is sought on a permanent basis and furthermore the associated hard landscaping would not be temporary. Therefore, these effects would be long term. The proposed development would introduce development in an area which is currently open and as such there would be harm to spatial openness.
9. Wider views of the site are somewhat limited and screened by vegetation, which is proposed to be increased as part of the development. However, the site would be visible from the entrance, which is on a public right of way where the parking and pathways would be seen, even if the shepherds' huts would be screened by the raised land around the pond. It is also likely that the development would be seen from nearby residential properties including Coldharbour House and the Bothy, particularly until the proposed boundary planting has established. As such there would be harm to visual openness.
10. Due to the scale of the development and the extent of its visibility these effects would be localised. Nevertheless, there would be harm to both the spatial and visual openness of the Green Belt, and openness would not be preserved.

11. Therefore, the proposed development would be harmful to the openness of the Green Belt and would be contrary to the Framework in this regard.

Character and Appearance

12. The appeal site is part of an open field, which has planted boundaries to three sides with natural gaps and a gate for access as well as a natural pool at a higher level than the surrounding land. There is a cluster of houses to the north, although these residential dwellings and their domestic gardens are distinct from the open land at the appeal site which is seen as part of the surrounding fields.
13. The site is within an Area of Great Landscape Value (AGLV) and the Surrey Landscape Character Assessment: Tandridge District (2015) identifies it as within the 'Low Weald Farmland: WF' area. Together these identify the important characteristics of this location as including its topography and undulating landform, well managed coherent field patterns with medium-large arable fields with views across the area, although woodland occasionally obscures longer views. The appellant's Landscape Visual Impact Assessment concludes that there would be a long term minor adverse effect on the character of the site and the AGLV, although a negligible effect on the Low Weald Farmland character.
14. The proposed development would introduce built form into this open landscape. Whilst shepherds' huts are traditionally rural features, the number proposed along with their use for tourism and likely paraphernalia, car parking and hardstanding would not have the character of a traditional agricultural use. Consequently, the appeal scheme would have a harmful urbanising effect on the land. The visibility of the site is described above taking into account the proposed planting, and therefore this harm would be experienced. Whilst scale and visibility of the development are somewhat limited, nevertheless, there would be localised harm as a result of the proposed development.
15. The shepherds' huts and parking area could be removed from the site. However, the development is not proposed on a temporary basis, so although this could be the case in the future, the appeal scheme proposes these effects in the long term.
16. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. As such it would be contrary to Policy DP7 of the LP and Policies CSP18 and CSP21 of the Tandridge District Core Strategy 2008 (CS). Together these seek a high quality design that respects the character, setting and local context and conserves and enhances landscape character.

Accessibility

17. Access to the site is via Coldharbour Lane which is a public right of way and leads to Rabies Heath Road. Coldharbour Lane is a long narrow road, it is unlit with no pavements and steep in places. The site also has good access to further public rights of way which are generally unmade and uneven. There would therefore be good access to recreational walking routes which may be used to travel to the nearby settlements and services. However, due to their various unlit, unmade, uneven and steep characteristics they would not be an attractive walking or cycling route for access to day to day facilities and services, particularly after dark.
18. Whilst tourist accommodation would generate a different need for trips to housing, visitors to this self-catering accommodation would still need to use shops and

services as well as likely visits to tourist attractions, public houses, cafes or restaurants. Sustainable transport options vary between rural and urban areas. However, for the reasons above, the majority of trips from this site are likely to be via private car and so the proposed development is not in a suitably accessible location.

19. This matter was not included as a refusal reason for a previously refused application at this site, however that does not alter the fact that, for the reasons above, there would be harm in this regard.
20. Therefore, the site would not be a suitable location for the proposed development with particular regard to accessibility. As such it would be contrary to Policy CSP1 of the CS which seeks to locate development where there is a choice of modes of transport available.

Flood Risk

21. Limited detail has been submitted as to how surface water would be managed. However, the majority of the site would remain open land. As such, given the layout and scale of the proposed development on this site, I am satisfied that, in the circumstances of this case, these details could be secured by condition.
22. An appeal decision has been provided which was dismissed due to insufficient evidence relating to drainage (Ref:APP/Y9507/W/22/3298808). However, this appeal related to foul drainage, and the proximity to a Site of Importance for Nature Conservation, the scale of the development and the existing arrangements, are clearly different to the scheme before me now. As such, this does not alter my decision.
23. Consequently, the proposed development would have an acceptable effect on flood risk. Therefore, it would be in accordance with Policy DP21 of the LP which seeks that development reduces the cause and impact of flooding. Nevertheless, the lack of harm in this regard is a neutral factor that does not weigh in favour of the appeal scheme.

Other Considerations

24. A certificate of lawfulness has been granted for the siting and use of no more than 3 caravans for no more than 28 days, and there are permitted development rights relating to temporary recreational campsites. However, even if there is a real prospect of such development taking place, the proposed development is not sought on a temporary basis. Therefore given the permanent effect of the appeal scheme, the fallback would be less harmful and consequently does not justify the development.
25. The Framework seeks to support a prosperous rural economy including through the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside. Policy CSP22 of the CS states that the Council will seek to develop a sustainable economy. The proposed development would provide units of tourist accommodation. This would generate economic benefits from both the proposed accommodation as well as spend from visitors in nearby businesses. The development would also provide additional planting which would have benefits

for biodiversity. However, given the scale of the development, overall, these are modest benefits.

Green Belt Balance

26. 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 and the accessibility of the location. 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.
27. On the other hand, the proposed development would result in modest economic benefits to the economy and biodiversity 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

28. 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. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR