



Appeal Decision

Site visit made on 26 June 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/M3645/W/25/3358831

Semper Fidelis, Wire Mill Lane, Newchapel, Surrey RH7 6HJ

- 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 Newman-Bucket against the decision of Tandridge District Council.
 - The application reference is TA/2024/878.
 - The development proposed is the redevelopment of equestrian site/buildings with eight detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Appended to the appellants' Final Comments is detailed/technical information pertaining to drainage matters, which includes manhole schedules, soakaway drawings/calculations, and drainage layout plans. However, given the late stage of this submission and the absence of an opportunity for the Council or interested parties to comment upon it, I am unable to accept this additional information for the purposes of decision-making as to do so would hold the potential to cause prejudice.

Main issues

3. The main issues in this appeal are as follows:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework, including consideration of openness effects;
 - whether the site represents an appropriate location for housing, having particular regard to the accessibility of facilities and services;
 - whether it has been satisfactorily demonstrated that adequate drainage provision would prevail;
 - the effect of the proposal 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 the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Green Belt

4. The appeal site lies within the Metropolitan Green Belt, the boundaries of which are drawn in accordance with Policy DP10 of the Tandridge Local Plan: Part 2 (July 2014) (the Local Plan). Policy DP10 states that planning permission will be refused for inappropriate development in the Green Belt, which is a statement in general conformity with the Framework.
5. The proposed development would constitute the redevelopment of previously developed land. The Framework states that development in the Green Belt is inappropriate unless one of the specified exceptions applies. This includes, at paragraph 154g), the limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
6. The appeal site contains equestrian buildings of various sizes, with large buildings grouped on the western side of the site and a collection of smaller buildings grouped on the eastern and southeastern side of the site. The central part of the site is open, as is the north of the site, with a sand school and vehicular access that provides circulation around the site. The proposed development would see the demolition of the buildings on the site and erection of eight dwellings.
7. There is disagreement between the main parties regarding the existing and proposed volume of buildings on the site. Whilst I acknowledge a comparison of volume can be helpful to assessing the effect of a proposal, the discrepancy in the parties' position is not determinative since neither the Framework or Policy DP13 of the Local Plan set out any volumetric or floorspace criteria or threshold for consideration of openness.
8. The openness of the Green Belt has a visual aspect as well as a spatial aspect. In this regard, the appeal site is characterised by the clustering of existing development in two distinct areas of the site, with the central and northern parts of the site having a distinct open character. This layout and scale of buildings provides open views through the site, and limits the depth of development on the site when looking towards the site from the footpath to the west.
9. The proposed development would see a layout of housing across the site. This would bring built development within the central part of the site and at greater depth in the northern part. The design of the proposed dwellings varies in scale and form, but includes two storey houses along the front and within the centre of the site. The height and depth of the proposed houses, combined with the spread of development across the site, would lead to a visual impression of substantial bulk. There would also be parking and circulation areas for the new dwellings across the site.
10. The form and layout of the proposal would thus see new built development introduced to the site which would have a substantially greater spatial impact than the existing development. There would be an adverse spatial impact due to the scale of development in this location, leading to significant harm to the openness of the Green Belt.

11. I therefore find that the proposal would not satisfy the exception set out at paragraph 154g) of the Framework. For the avoidance of doubt, I am content that no other exception set out under paragraphs 154 and 155 of the Framework is met by the scheme. Moreover, it is not the appellants' case that the provisions of paragraph 155 (which relate to grey belt land) are satisfied, and I have no reason to take a different stance. Thus, the proposal would be inappropriate development that would, by definition, be harmful to the Green Belt. In accordance with the terms of the Framework, I attach substantial weight to this harm.

Accessibility

12. There are very limited opportunities for residents to walk or cycle to local service centres due to the location of the appeal site being a considerable distance from such facilities, and reached by an unlit access. The single bus stop to the west of the appeal site does not provide a sufficient facility to fully militate against this lack of accessibility. Whilst opportunities to maximise sustainable transport solutions shall inevitably vary between urban and rural areas, a Highway Authority (HA) objection to the proposal on the grounds of location reinforce my views on this.
13. The proposal would thus conflict with the spatial strategy of the District as set out in Policy CSP1 of the Tandridge District Core Strategy (October 2008) (the Core Strategy) as well as with paragraphs 110 and 115 of the Framework in so far as they seek to promote the utilisation of sustainable transport modes. I attach moderate weight to this harm.

Drainage

14. Surrey County Council, as the Lead Local Flood Authority (LLFA) and relevant specialist technical consultee, responded to the planning application advising that the applicant had not considered the surface water flood risk to and from the site, and had not suggested appropriate mitigation measures to confirm how surface water will be managed on site and how the proposals will not increase surface water flood risk downstream of the site.
15. In light of the LLFA's observations and the not inconsequential scale of development under consideration I consider it reasonable for the District Council to have objected in the absence of such information to provide assurance that, if to apply a surface water drainage condition, it would be capable of being satisfactorily discharged. Similarly, it is reasonable to expect clear clarification of intentions for foul water management.
16. Whilst additional technical drainage information that could hold the potential to allay LLFA concerns has been submitted at the Final Comments stage, I have been unable to accept it for reasons that are set out under a Preliminary Matter to this Decision. I therefore conclude that there is insufficient evidence formally before me to satisfactorily demonstrate that adequate drainage provision to serve the development would prevail. As such, the proposal is contrary to Policy DP21 of the Local Plan which, amongst other matters, requires development proposals to have regard to the discharge of surface water runoff. I attach moderate weight to this harm.

Highway safety

17. Access to the proposed dwellings would be via the existing access road, which is taken from Wire Mill Lane. The appellants state that the visibility at this junction is very good and have referred to low traffic speeds in lieu of a bend in the lane and a speed limit that is in place. However, I observed upon inspection that some visibility constraints avail at the junction. No detailed drawings to demonstrate an acceptable level of visibility have been provided at the application or appeal stage.
18. Similarly, although the appellants claim the degree of use of this junction would be less than the equestrian use, there is no objective evidence upon which to make such a claim. The HA objected to the proposed development on the basis of potential harm to highway safety, and this reinforces my conclusion that, based on what I have read and seen, I am not reassured the proposal would have no harmful effect on highway safety. Thus, the proposal conflicts with Policy DP5 of the Local Plan, which seeks safe and suitable access to development sites. I attach moderate weight to this harm.

Other considerations

19. The proposal would lead to eight additional dwellings. The Council has a deficiency in five-year housing land supply which I understand to be very significant. Especially when also taking into account the recent poor housing delivery record in the District, the provision of these dwellings attracts significant weight in favour of the scheme.
20. Paragraphs 131 and 135 of the Framework require high quality, beautiful and sustainable buildings, and for development which is visually attractive and sympathetic to local character. These general objectives are also contained in Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan. The houses would be of a high standard of design, which means the scheme is compliant with policies that require high quality design, and no more. Hence the design merits of the scheme hold limited weight in favour.
21. The submitted preliminary ecological appraisal and the Biodiversity Net Gain (BNG) calculation show that there would be a BNG of 68.64%, which is notably greater than the 10% minimum. When also factoring in the low baseline at play, this is a benefit to the scheme to which I attach moderate weight.

Green belt balance

22. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
23. The development would result in harm to the Green Belt by virtue of inappropriateness and loss of openness. In accordance with the Framework, substantial weight is attributed to any harm to the Green Belt. In addition, I attach moderate weight to each of the harms I have separately identified in the contexts of accessibility to facilities and service, drainage, and highway safety.
24. In this case it is my judgement that, when taken together, the other considerations outlined above would not clearly outweigh the totality of harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. This provides a clear reason for refusing planning permission.

Footnote 7 of the Framework includes Green Belt as an asset of particular importance. As such, for the avoidance of doubt, the proposal does not benefit from the presumption in favour of sustainable development.

25. Moreover, the proposal conflicts with the development plan when read as a whole and material considerations, including the Framework, do not lead me to a decision otherwise.

Conclusion

26. For the reasons given the appeal is dismissed.

C J Leigh

INSPECTOR