



Appeal Decision

Site visit made on 17 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/C3620/D/25/3365440

St Catherines, Abinger Lane, Abinger, Surrey RH5 6JH

- 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 Richard Nicholson against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0046/PLAH.
 - The development proposed is the creation of new driveway access and driveway gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form is extensive in detail. I have had regard to this detail in my assessment. However, for the purposes of my banner heading, I have used the description in the Council's decision notice.

Main Issues

3. The main issues are:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the effect of the proposal on the purpose of the Green Belt; and
 - d) 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

4. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. Paragraphs 154 and 155 of the Framework do however set out exceptions where development in the Green Belt might not be considered as inappropriate.
5. Policy EN1 of the Mole Valley Local Plan 2024 (MVLP) similarly allows for the provision of certain development within the Green Belt. The range of development set out in the policy is broadly similar to that of the Framework.

6. The appellant refers to the scheme being in accord with the exception set out in Paragraph 154(h)(ii). This allows for engineering operations in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The Council similarly considered the proposal against this exception. There were no other exceptions to inappropriate development as set out in the Framework which were identified as relevant to the proposal.
8. The proposal is for a new vehicular access to the property from Abinger Lane and also includes an area of hardstanding and new vehicular gates. The existing pedestrian gate would be replaced with one whose design would match that of the new vehicular gates. The main parties consider the creation of the new access and hardstanding to be engineering operations and to fall within the terms of Paragraph 154(h)(ii). There is no substantive evidence before me to come to a different conclusion.
9. However, the definition of a 'building' set out at Section 336 of the Town & Country Planning Act 1990 (as amended) includes 'any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.' Gates are 'structures or erections' and as such must be considered as being a building. Such works do not fall within any of the exceptions listed in Paragraphs 154 and 155 of the Framework and, as such, would be inappropriate development in the Green Belt.
10. Therefore, the development as a whole would conflict with Policy EN1 of the MVLP and the provisions of Chapter 13 of the Framework, which are concerned with the protection of Green Belt land.
11. Framework Paragraph 153 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also confirms that any harm to the Green Belt attracts substantial weight.

Openness

12. The Framework identifies that a fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence.
13. The gravelled parking area would be approximately 100m² and therefore would be a sizable area. It would be well screened generally by the existing hedge and new gates. There may be a small spatial element to the works but I am mindful that the scheme entails the removal of the existing vehicular entrance/hardstanding, which is said to be approximately 85m².
14. The existing garage would no longer be accessible by car. There is nothing before me to indicate that it would be removed and thereby increase the openness of the site. Consequently, its retention would have a neutral impact on openness.
15. The vehicular entrance gates would be of a solid design with open slots at the top. Although they would represent the introduction of man-made built form they would not appear as a greater physical barrier than the large hedgerow currently in place. Indeed, their set back position and height would create some visual openness along the frontage which would help off-set any small spatial loss from the scheme

as a whole. The pedestrian gate would replace an existing gate and so its effect on openness would be neutral.

16. Preservation of openness does not mean that no change can occur and taking all of the above into consideration, the changes proposed would not have an impact on openness to the extent that openness of the Green Belt would not be preserved.

Green Belt Purposes

17. Paragraph 143 of the Framework identifies that Green Belts serve five purposes:
a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
18. The site is away from any large built-up areas or historic towns, so would not contribute to the sprawl or merger of urban areas or affect their setting or character. The proposal involves works within an existing residential plot, so there would be no encroachment into the countryside. The works are unlikely to discourage the recycling of derelict or other urban land. The proposal would not therefore conflict with the purposes of including the land in the Green Belt.

Other Considerations

19. The new access arrangements would allow for easier vehicular access and on-site manoeuvrability for the appellants. The chance of conflict with other vehicles using Glebe Lane would also be removed. While the limited visibility and having to reverse out onto Glebe Lane are currently not ideal conditions, the number of properties served by Glebe Lane together with the nature of the road and likely speed of vehicles would no doubt go some way to limit possible conflict.
20. It is said that the new arrangements would assist and make it easier for domestic oil deliveries. However, there is nothing to indicate the current arrangements, while possibly somewhat inconvenient, are unsafe. The appellant assumes that most of the dwellings, if not all the dwellings off Glebe Lane are also oil fired. If that is the case, then the benefit of the proposal on the wider area and Glebe Lane would be somewhat limited as the other properties would still require a tanker to deliver oil to them, with the possible inconvenience this might entail.
21. The appellant indicates that the proposals would add security and privacy. There is no information provided as to what crimes the site or wider area are currently, or previously, subject to. There is no information on what alternative security measures were considered that would have had a lesser impact on the Green Belt. Similarly, there is no information as to how privacy would be improved as a result of removing a tall hedgerow across part of the site frontage. New planting is proposed to the rear boundary but it is not clear that this is dependent upon the proposed development. As such these matters attract limited weight in my decision.
22. There is photographic evidence to suggest that the property did previously benefit from a vehicular entrance in a position similar to that proposed for the new entrance. However, there is no indication as to how long ago the entrance was

removed and nothing before me to indicate that it represents a fallback position and could be reinstated. Furthermore, it is not the vehicular entrance per se which is inappropriate development, but the proposed gates and the photograph does not show any gates in this particular position.

23. The main parties agree that there is no harm to various matters such as to the character of the area; neighbours; highway safety, biodiversity etc. These therefore represent an absence of harm rather than being matters which weigh positively in favour of the scheme. Accordingly, they are neutral within the overall balance.

Conclusion

24. The development would be inappropriate development in the Green Belt. As such, the Framework requires me to give the harm by reason of inappropriateness substantial weight. The Framework also confirms that inappropriate development should not be approved except in very special circumstances.
25. While the circumstances cited in support of a proposal do not have to be unique or extensive in number, they must however not just outweigh the harm to the Green Belt but clearly outweigh it, in order to constitute very special circumstances. For the reasons given above, I find that the other considerations in this case do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt that I have identified and the substantial weight I must attribute to that harm. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt from inappropriate development. I have considered all other matters raised but none outweigh the conclusions I have reached.
27. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR