



Appeal Decision

Site visit made on 16 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 5th August 2025

Appeal Ref: APP/C3620/W/25/3362077

Land south of Copse View, Burnt Oak Lane, Newdigate RH5 5BJ

- 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 S Naylor against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1188/PLA.
 - The development proposed is erection of detached two-storey dwelling with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site would be a suitable location for the proposed development with particular regard to accessibility by sustainable transport modes.
 - 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 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

Accessibility by sustainable transport

3. The appeal site is located on Burnt Oak Lane which is a public right of way. Leading to the site, it is a single width track with a 10mph speed limit, however it is not tarmacked or lit, with no pavements. This road connects to Newdigate, around 1.8km away which is just over a 20min walk or a 5min cycle, via Cudworth Lane and Church Road. Although wider and tarmacked, similar to Burnt Oak Lane, these roads are also unlit with no pavements. Consequently, this route would not be attractive to most pedestrians or cyclists, particularly after dark.

4. Both Newdigate and Charlwood can also be reached via public rights of way. Charlwood is 3.4km via this route which is over 20mins walk or around a 10min cycle. However, in the vicinity of the appeal site the routes are unmade, uneven and unlit. Whilst they could be used for recreational walking, they are unlikely to be suitable to access day to day services and facilities for most people.
5. There are other houses along this part of the road, and the proposed development would not be an isolated dwelling in the terms of paragraph 84 of the Framework. However, these properties do not provide services or facilities.
6. There is no objection from Surrey County Council in this regard and I have taken into account that sustainable transport solutions will vary between urban and rural areas. Nevertheless, the vast majority of trips from this site would be by private car. As such, sustainable transport modes are not prioritised and there would not be a genuine choice of transport modes. Consequently, the proposed development is not in a sustainable location.
7. Therefore, the site would not be a suitable location for the proposed development with particular regard to accessibility by sustainable transport modes. As such, it would be contrary to policies S1 and INF1 of the Mole Valley Local Plan 2020-2039 (2024) (LP) and Policy CA-GA1 of the Neighbourhood Development Plan – Parish of Capel 2016-2026. Together these seek to maximise the use of sustainable modes of transport, provide good pedestrian and cycle connections to local destinations and contribute positively to the social, economic and environmental enhancement of Mole Valley, amongst other things.
8. Policy EN4 mainly relates to character and design, therefore the policies set out above are more relevant to this main issue.

Whether inappropriate development

9. The Framework states that inappropriate development is, by definition, 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 exceptions in the Framework. This is broadly echoed by Policy EN1 of the LP.
10. Of relevance to this appeal, paragraph 155 provides an exemption to inappropriate development relevant to grey belt land. In order to benefit from this, the proposed development must satisfy all the criteria of this paragraph. These include that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. For the reasons set out above, the proposed development would not be in a sustainable location and would not satisfy this criterion. Therefore, it would not fall under this exception. I am not provided with evidence that the appeal scheme would satisfy any other exceptions to inappropriate development.
11. Therefore, the appeal scheme would be inappropriate development in terms of the Framework and Policy EN1 of the LP, the aims of which are set out above.

Openness

12. Openness has both spatial and visual dimensions. The appeal site is part of an open field. There is some machinery, a container and storage of materials and general clutter within the field, although, even taken together, these are small. The site is visible from the adjoining public right of way through the trees and site

entrance, particularly in the vicinity of the appeal site, as well as from the adjoining land at Copse View and Holmbush.

13. The proposed development would introduce a substantial, two storey house along with a gravel driveway, parking and domestic garden to this undeveloped land. This would result in a large amount of residential development in an area which is currently mainly open. This would be clearly visible in both public and private views. The appellant states that the appeal scheme would remove the existing structures and clutter. However, the proposed development would be evidently larger and more visible than these existing items. Therefore, the proposed development would result in harm to both spatial and visual openness.
14. Consequently, for the reasons above, the proposed development would result in harm to the openness of the Green Belt and would be contrary to the Framework in this regard.

Character and Appearance

15. This part of Burnt Oak Lane is characterised by fields and woodlands with sporadic residential development. There are three well spaced houses in this part of the lane, which then leads to Holmbush. Outside of these houses and their gardens is open land. This results in a rural character to the area.
16. The site is within the 'Low Weald Open Weald' landscape character area as identified in the Landscape SPD (2013). The key characteristics of this landscape include its moderately open, small scale, and undulating features with small, scattered development. The appeal site is an open field, with some small stables to the south. Its open appearance and the use for the keeping of animals appears compatible with the surrounding countryside character. Its open, green and undeveloped appearance therefore makes a positive contribution to the landscape character and rural appearance of the area.
17. The proposed development would introduce a house along with an access driveway, car and cycle parking and domestic gardens. The house is proposed to resemble a barn, with timber cladding above a brickwork plinth. The roof is shown in zinc, however a change of materials could be secured by condition. There would also be extensive fenestration, including large patio doors, and glazing to the front. These features of the building and its surroundings would result in an evidently domestic appearance to the appeal site. This would therefore introduce a sizeable amount of development of a clearly urbanising character. This would harmfully erode the open countryside character of this site and its surroundings.
18. Therefore, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to policies EN4 and EN8 of the LP. Together, in part, these seek high quality design that contributes to and enhances the local environment and character, and that development reinforces the scenic quality and distinctiveness of the landscape in which it is located.

Other Considerations

19. The appellant has submitted a Certificate from Mole Valley Council's District License scheme. The Council are satisfied that, subject to condition, this would secure adequate mitigation and compensation for Great Crested Newts. Based on

the evidence before me, I agree with these findings and I do not identify harm to biodiversity in this regard.

20. The appellant states that the building would be for self build or custom housing. However, I do not have any mechanism that ensures that the proposed house is constructed and occupied in this manner. As such, based on the submissions in this case, the appeal scheme would not ensure that this property would be self-build.
21. There is dispute between the parties as to whether the Council can demonstrate a 5 year supply of deliverable housing land. During the appeal process, the LP has been adopted, and the Inspector found that there would be a deliverable supply exceeding the five-year requirement. It is put to me that the housing figure in this document has not been calculated using the standard method as set out in the 2024 Framework. However, paragraph 232 of the Framework makes it clear that policies should not be regarded as out-of-date on that basis for a period of five years from the date of the plan's adoption. Furthermore, the up to date 2023 Housing Delivery Test does not indicate that the delivery of housing was substantially below the housing requirement over the previous three years. Therefore, in the circumstances of this case, policies H1 and S1 are broadly in accordance with the Framework.
22. Nevertheless, the proposed development would provide a dwelling on an unidentified small site which would make an important but small contribution towards the housing requirement. It would also deliver the social and economic benefits associated with the provision of a single new dwelling, including temporary economic benefits during construction. There is a possibility of ecological enhancement, however such details would be secured by condition, and are uncertain at this stage. Therefore, taken together, there would be modest benefits as a result of the proposed development.

Green Belt Balance

23. 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.
24. On the other hand, the proposed development would result in 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 and this is a strong reason for refusal.

Planning Balance

25. The appellant states that the Council do not have a 5 year housing land supply, and therefore paragraph 11(d) of the Framework is engaged. Even if I found that this was the case, further to the findings above, the application of policies relating to land designated as Green Belt provides a strong reason for refusing the

development proposed, as set out in footnote 7. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

26. 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