



Appeal Decision

Site visit made on 11 July 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/C3620/W/25/3361127

Land adjacent to Robins Nest, Ifield Road, Horley RH6 0DR

- 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 T Stacey against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1094/PLA.
 - The development proposed is Erection of 2 No. Dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T Stacey against Mole Valley District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council adopted the Mole Valley Local Plan (2020-2039) (LP) in October 2024, after the application was determined. The LP replaced the Mole Valley Local Plan (Adopted October 2000) and the Mole Valley Local Development Framework Core Strategy (Adopted October 2009), and therefore the policies from these documents as referenced in the reasons for refusal are no longer extant. The Council has provided copies of the replacement LP policies, and the relevance of those policies has not been disputed by the appellant. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the appeal scheme is found to be inappropriate development, 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 scheme.

Reasons

Whether inappropriate development

- Limited infilling in villages

5. The appeal site is situated in the Metropolitan Green Belt. The Framework states at Paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, certain exceptions. One of those, at paragraph 154(e), is limited infilling in villages.
6. Policy EN1 of the LP states that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy. The relevant list of exceptions to the definition of inappropriate development provided in Policy EN1 is generally consistent with those of the Framework as referred to above. However, in relation to limited infilling in villages part 3.f. of the policy outlines that limited infilling in Tier 4, washed over villages, will be permitted where it complies with other relevant policies in the LP. The site is not within a Tier 4, washed over village. Consequently, the proposal would be in conflict with policy EN1.
7. The Framework does not define what constitutes either a village or 'limited infilling.' This is a matter of judgement for the decision maker, having regard to the nature and amount of development, the location of the appeal site and its relationship to existing adjoining development. Case law¹ has established that limited infilling is applicable to all villages and not restricted to sites that fall within identified settlement boundaries in local plans. It is necessary for decision makers to have regard to the situation 'on the ground' to consider the factors which may determine whether a site can be considered to be within a village.
8. The appeal site is located adjacent to Robin's Nest. Whilst I acknowledge that there is a small degree of ribbon development on this particular part of Ifield Road, it does not comprise a continuous ribbon of street facing buildings leading to the boundary of Charlwood. From my observations on site, built development on Ifield Road is sporadic, with some areas of undeveloped land and some large plots with houses set back from the highway. The opposite side of the road is predominantly open agricultural fields. There is natural vegetation lining the properties' boundaries and a well established sense of space. There is no footpath along this stretch of Ifield Road. The verdant character and sporadic pattern of development around this part of Ifield Road lends the immediate area a semi-rural character.
9. Consequently, when viewed 'from the ground' the built form on this part of Ifield Road is dispersed and the features described above provide a physical separation and visual distinction between the appeal site and the village. For these reasons, the appeal site is not located within a village. Therefore, regardless of whether the proposal is infilling or not, the development of the appeal site would not amount to infilling within a village as identified by Paragraph 154 of the Framework.
10. I have been provided with an appeal decision where limited infilling in a village was allowed. The appeal decision (Ref:APP/L3625/W/18/3210381) relates to a site in Reigate & Banstead Borough Council. Whilst I have not been provided with details

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

such as drawings of that proposal, I note that the Inspector's decision referred to the surrounding area as comprising a significant number of dwellings in a fairly regimented pattern which gave the area a clear, definable form rather than appearing as a straggle of ribbon development. Consequently, it seems to me, that the site referred to has different characteristics to this appeal site, and it does not lead me to conclude that the appeal site is located within a village.

- Limited infilling or the partial or complete redevelopment of previously developed land

11. The appellant indicates that the appeal site was previously use as part of a licensed kennel business, including fenced areas. Annex 2 of the Framework provides a definition of previously developed land. However, on the basis of the evidence submitted and my site observations, the appeal site has not been developed, nor is or was occupied by a permanent structure. Neither does the site comprise large areas of fixed surface infrastructure. As such, the site does not constitute previously developed land and so the exception under paragraph 154 g) of the Framework does not apply.

- Limited affordable housing for local community needs

12. The appellant indicates that the proposal is for one affordable housing dwelling and one self-build dwelling. Paragraph 154 f) of the Framework identifies limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) as an exception to inappropriate development in the Green Belt.
13. Policy H4 of the LP identifies support for rural exception sites providing that proposals meet specific criteria, including that a local need has been demonstrated through a local housing survey, and that the affordable homes are retained in perpetuity. I acknowledge that the Housing Need Report, Parish of Charlwood in the District of Mole Valley, Surrey (2024) (HNR) demonstrates a local need for 2 bed affordable dwellings.
14. The Framework definition of rural exception sites confirms that market housing may be allowed on site at the local authority's discretion. To this end, policy H4 confirms that, in such instances, a viability assessment is required. The submitted evidence does not include detailed viability information to demonstrate the scheme would not be viable without the inclusion of the market housing, or that the amount of market housing proposed is the minimum need to make the scheme viable. Furthermore, at the application stage and as part of the appeal there was no planning obligation or other mechanism to secure means of ensuring the proposal would be retained as affordable housing in perpetuity. As such, I have to assess the proposal as market housing. Therefore, the proposal would not amount to limited affordable housing for local community needs as identified by Paragraph 154 of the Framework.

- Grey Belt

15. The appellant indicates that the appeal site should be considered 'Grey Belt' land. The Framework confirms that Grey Belt land can be land that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

16. The Council considers that the appeal site contributes to purpose (a) checking the unrestricted sprawl of large built-up areas. In this regard, the appeal site is part of the countryside and it is not part of the built envelope of the village. The appeal site is open land and there is an absence of built form which lies to the western side of Ifield Road. The site is characterised by natural vegetation on its boundaries and laid to grass, and contributes to retaining a low density of built form on this stretch of Ifield Road. In this regard, it makes a contribution to the rural setting of Charlwood which is located further to the north. While the proposal would involve only two dwellings, by increasing the density of development it would urbanise the rural setting of the settlement. It seems to me, that if the appeal was allowed further gap-filling proposals could come forward. Therefore, I find that the appeal site does make a strong contribution in terms of checking the unrestricted sprawl of the built-up area. As the appeal site is not demonstrably grey belt in the green belt, the proposal would not meet the exception to inappropriate development in paragraph 155.
17. My attention has been drawn to an allowed appeal at Fulbrook Farm (Ref: APP/C3620/W/17/3189829). I note the Inspector's comments in relation to the visibility of development and existing vegetation and boundary treatments. However, these were site specific comments related to the effect on openness of that proposal which also involved the removal of redundant buildings. As such, the issues involved in that appeal are not directly comparable to the appeal scheme before me, and do not lead me to conclude that the appeal site can be considered Grey Belt.
18. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances.

Openness

19. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension.
20. The proposal would introduce two relatively large structures into a space where there is currently no development, thereby eroding existing open space. This would have a harmful effect on spatial openness.
21. The appeal site's existing verdant character would be eroded, being replaced by built development with two areas of vehicular car parking and the associated residential paraphernalia that is bound to follow the new dwellings. This would have a harmful effect on visual openness.
22. Therefore, I conclude that the proposal would not preserve, and would have a harmful effect on, the openness of the Green Belt. Given the scale of the proposal, I consider the harm to openness to be moderate. As such, the proposal would conflict with the provisions within the Framework which seek to preserve the openness of the Green Belt.

Character and appearance

23. The ribbon development along this stretch is defined by dwellings often occupying spacious plots, which are of varying size, commensurate with their location adjoining the open countryside surrounding Ifield Road. Whilst dwellings are visible from public views on Shaw Road, the street scene is green and rural in character, marked by mature vegetation on the front boundaries of some properties.
24. Whilst the appeal plots would be narrower than those of adjoining properties and the proposal would undoubtedly introduce built form within an area where currently there is none, the dwellings' reasonably modest proportions and low eaves would ensure that a sufficient sense of spaciousness would be maintained. When compared to the positioning of the nearby dwellings such as Fulbrook Cottage, and the large garage building adjacent to the site's southern boundary it would not be located uncharacteristically close to the site's boundaries. Overall, the dwellings would not appear as a dominant form of development.
25. The design of the dwellings would not be out of keeping with the varied design of surrounding properties. The proposed external materials and fenestration would be consistent with, and therefore reinforce, the character and appearance of this particular street scene and the wider area. I do not consider that the dormer windows and solar panels within the roof of house 2, would be particularly uncharacteristic features.
26. For these reasons, the appeal proposal would not harm the character and appearance of the area with particular regard to the plot sizes, spacing around the building and the siting, form and orientation of the proposal.
27. Accordingly, I find no conflict with policy EN4 of the LP which requires proposals to be high quality design which integrate effectively with their surroundings, reflecting local distinctiveness.

Other considerations

28. The appellant indicates that the proposal would contribute to self-build and affordable housing within the district. The Council is required to keep a register of those seeking to acquire serviced plots for self-build and custom housing in the area under the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). The Act also requires Councils to give enough suitable development permissions to meet the identified demand for self-build and custom housing.
29. The Framework supports small sites to come forward for self-build and affordable housing. The addition of a self-build dwelling and an affordable dwelling on the appeal site would help to meet the demand for such housing in the area. However, at the application stage and as part of the appeal there was no planning obligation or other mechanism to secure some means of ensuring the proposal would be constructed for such use. There is therefore no mechanism to ensure that the proposed dwellings would be self-build and affordable houses. As such, I have to assess the proposal as market housing.
30. The appeal proposal would provide two additional dwellings and would align with the Framework in seeking to boost the supply of housing. The dwellings would be on a small site and would be able to be built out quickly. The HNR demonstrates a

local need for 2 bed, accessible dwellings. However, any weight attributed to these factors is tempered by the Framework's expectation that developments prioritise pedestrian and cycle movements. The Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing, rather than land in the Green Belt as is the case with this proposal.

31. Some socio-economic benefits would arise from the construction of two additional dwellings, including employment, the use of local supply chains and new residents using local shops and services.
32. The appellant indicates that their personal circumstances, including the need to remain close to family to provide care, provide justification for the proposal. I am sympathetic to the appellants' personal circumstances. However, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the proposed dwellings would remain long after the appellants' personal circumstances cease to be material. Future use of the dwellings would also not necessarily entail a similar situation. Therefore, this factor is afforded limited weight.

Green Belt Balance and Conclusion

33. The Council, which has recently seen its local plan adopted, sets out that its latest Housing Delivery Test results are above the 75% threshold. In addition, it sets out that it can demonstrate a housing land supply of 5 years. I have no substantive evidence to the contrary, or that would lead me to come to an alternative conclusion in this respect.
34. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Therefore, the proposed development is contrary to policy EN1 and H4 of the LP and the principles of the Framework that seek to protect the Green Belt from inappropriate development.
35. The proposal may be compliant with various other provisions of the development plan, including in relation to the effect on character and appearance. I have also found no harm in relation to any matters other than the harm to the Green Belt. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
36. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The limited benefits that would arise from the provision of two dwellings are not matters that clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
37. Even if I were to accept the appellant's argument that there is a lack of a five-year housing supply and that the policies which are most important for determining the proposal are deemed out-of-date, bullet (i) of Framework paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed.

Therefore, the proposed development would not benefit from the presumption in favour of sustainable development in this instance.

38. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR