



Appeal Decision

Site visit made on 16 September 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/C3620/W/25/3363380

Land at Shellwood Road, Leigh, Reigate RH2 8NX

- 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 V Parkinson against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1004/PLA MAJOR.
 - The development proposed is described as the erection of a stable block, agricultural building, sand school, access track and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a stable block, agricultural building, sand school, access track and parking at Land at Shellwood Road, Leigh, Reigate RH2 8NX in accordance with the terms of the application, Ref MO/2024/1004/PLA MAJOR, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council issued its decision¹, it has adopted a new Local Plan, the Mole Valley Local Plan 2020-2039 ("LP24")². Accordingly, the previous Local Plan 2000, and Core Strategy 2009, are no longer part of the Development Plan. As the LP24 was emerging at the time of the decision the Council had regard to its policies in their Planning Officer Report and Decision Notice. Both the Appellant's and Council's statement and evidence, as part of this appeal, reflects the latest position, and so will my decision.
3. The Council's third and fourth reasons for refusal related to ecology and surface water drainage. Following the submission of further details, the Council has confirmed that satisfactory information has now been submitted, and subject to conditions these reasons have been overcome. Having reviewed this additional information, I have no reason to disagree with the Council.
4. The Council's fifth reason for refusal related to securing Biodiversity Net Gain ("BNG") requirements. The Appellant has submitted additional evidence in respect of an updated metric and BNG assessment and this shows that the Appellant would achieve 27% BNG. I note that the Council is satisfied that this reason has also been overcome, subject to conditions. Having reviewed the submissions, I also agree with the Council.

¹ Decision date 3 July 2024

² Adoption date 15th October 2024

Main Issue

5. The main issue is:

- Whether the appeal proposal would be inappropriate development in the Green Belt.

Reasons

6. The appeal site lies within the Green Belt and the provision of appropriate facilities for outdoor sport or recreation are not inappropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. It is proposed to erect a stable block, sand school, and vehicle access with parking following removal of existing stable buildings and field structures. The stable block would incorporate six stables, with a gated walkway in the middle. A feed room would be located at one end of the block, and a tack room at the other. The sand school would be sited next to the stables and would be surrounded with landscaping.
8. The Council and Appellant agree that this part of the proposed development would be for outdoor recreation, and I have no reason to come to a different finding. The next step is therefore to assess whether it would preserve the openness of the Green Belt.
9. I consider that many 'appropriate' facilities for outdoor sport/recreation within the Green Belt would have a degree of impact on openness. If the intention were to maintain the status quo, there would have been no point including this exception in the National Planning Policy Framework ("the Framework"). Consequently, the assessment on the effect on openness should aim to preserve openness within the Green Belt rather than prevent any development.
10. The proposed stable would be constructed on land that is presently open. Therefore, in visual and spatial terms, it would influence the openness of the Green Belt. It would, however, be sited some distance from Shellwood Road and the boundaries are screened along this road. These features would therefore limit its impact from this public viewpoint.
11. Turning to any other viewpoints, it would be single storey with a low-pitched roof with a reasonably sized footprint for six horses. Appropriate rural materials could be agreed via a condition, and the stable block would be set against a landscaped boundary shared with the dwellinghouse 'Peverel' on the side limb of this L shaped appeal site with further landscaping to its remaining boundaries. Given its siting, scale, and design, these features, in combination, would limit its impact on openness.
12. The proposed sand school would be next to the stable block. Even with any limited works to ensure that it would have a level surface, together with the proposed landscaping, these aspects of the proposed development would have an open aspect. In addition, a landscaping condition can be imposed to agree details and position of any landscaping to reduce any formality to new planting and to reflect the wider rural character.

13. The new access and parking area would also be level, open, and modest in area when viewed in its context. Additional landscaping could also be introduced via condition to further soften this aspect of the proposed development as well as a condition to control the appearance of the hardstanding to reflect the rural character of the area. The appeal scheme is for the stabling of six of the Appellant's horses and the degree of activity arising from the proposal would also be limited.
14. Therefore, and tying all of the above considerations together, I find that the equestrian element of the proposed development would provide appropriate facilities for outdoor recreation while preserving the openness of the Green Belt.
15. Of the five purposes of including land within the Green Belt, as listed at paragraph 143 of the Framework, this equestrian development could fail to safeguard the countryside from encroachment as it would represent a development on land that is generally undeveloped. However, considering the function of the proposed development and its siting, scale, and design, as well as the other considerations set out above, I am satisfied that the development would not be perceived as 'encroachment', which would be contrary to this purpose of the Green Belt.
16. The proposed development also incorporates an agricultural barn. Buildings for agriculture are not inappropriate development in the Green Belt. The Council accepts that the barn would be used for some agricultural purposes. However, there is dispute as to whether it would be solely used for this purpose.
17. The Appellant states that the barn would be used to protect sheep during adverse weather conditions, isolate them if they are sick, facilitate breeding/lambing, and shield them from predators and other health risks. The Appellant has also referred to legislation and codes of practice for the welfare of farmed animals which I have had regard to. The barn would also be used to store equipment and hay.
18. Sheep require hay for various purposes, including feeding, sleeping, insulation, and comfort. A considerable section of the barn would be dedicated to the storage of hay and the Appellant states that hay is large and bulky by its nature, and hay which would be stored in the agricultural building would be solely for the sheep. I note that the Appellant also states that the stables have their own feed and tack rooms to store equestrian related hay separately.
19. There is limited evidence before me to suggest the allocation of space in the barn goes beyond an agricultural use. Additionally, there is no substantive evidence before me to firmly indicate that the proposed barn would not be used for its intended purpose which would be agricultural. Therefore, as a matter of fact and degree and the specific details of this case, the proposed agricultural building would not be inappropriate development.
20. Given that I have concluded that the agricultural building would not be inappropriate development in the Green Belt, there is no requirement to assess its impact on the openness of the Green Belt.
21. Concluding overall on this main issue, the development proposal would therefore not comprise inappropriate development in the Green Belt and would comply with the relevant exception set out in paragraph 154 of the Framework and the relevant provisions of Policies EN1, EC7 and EC6 of the LP24.

Other Matters

22. The proposed development would be well separated from the dwelling and primary garden areas of 'Peverel'. I have had regard to the separation distances, intervening boundary treatments and scale of the proposed development. No floodlighting is proposed, and the appellant does not intend to use the facility after dark. I therefore do not consider that any activity, noise, smell, privacy, daylight, or outlook impacts of the proposed development would be unneighbourly or would generate a level of harm which would render it unacceptable.
23. The appeal site is generally open with an undulating landscape with irregular shaped fields broadly bounded by landscaping. I have considered the impact on the openness of the Green Belt above. In addition, I would agree with the Council that agricultural barns and stables of this nature are usually located in rural areas. Therefore, given the design and siting of the appeal scheme, the impact on the character and beauty of the countryside would be acceptable.
24. While comments have been made that the proposal would result in the loss of a view and could negatively affect property values, the Courts have held that these concerns, are not planning matters. The Appellant has also provided evidence to show adequate land for the proposed uses would be provided within the site area.
25. The appeal scheme would continue to use the established vehicular access with Shellwood Road. There is no evidence before me to suggest the hedgerow requires felling or pruning to accommodate vehicles or visibility. Additionally, the County Highway Authority have not objected to the proposed development on highway safety grounds. The evidence before me also indicates that activity and vehicular movements would be limited. While there would be activity this would not be materially greater than the existing use of the site. Accordingly, the impact on the highway would also be acceptable.
26. The appellant confirms that any muck would either be composted and reused on the site or removed by an approved contractor at appropriate intervals. The muckheap is shown on the proposed drawings. Also, I have no reason to believe the Appellant would not comply with Environment Agency regulations.
27. This appeal has been considered on its unique circumstances as I have set out above. Any future development on this site or elsewhere would need to be considered at that time. It is not the purpose of this appeal to consider 'precedent' or any hypothetical development which may or may not lie ahead.

Conditions

28. The Council has suggested a list of fourteen conditions which I have considered and where necessary merged or amended in line with national policy and guidance. For the avoidance of doubt, any 'prior to occupation' conditions refer to the first occupation of either the approved buildings or the sand school.
29. In the interests of certainty, conditions specifying time, and the approved plans are required. While some information is provided on the plans in respect of the proposed materials, landscaping, and hard surfacing, these are not sufficiently precise. Given the sensitive rural location, the submission and detailed agreement of these matters are necessary.

30. A Surface Water Drainage Strategy was submitted with the appeal, and I note that the Lead Local Flood Authority (“LLFA”) was reconsulted. The Council confirmed that the LLFA were satisfied with strategy and conditions were recommended. Based on the comments of the LLFA, the details of the final design of a surface water drainage scheme, and verification showing it has been constructed as per the agreed scheme, is necessary and a condition is also required in this respect.
31. The Council has suggested a condition to secure Biodiversity Net Gain (“BNG”). BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under this framework every grant of planning permission (with a few exceptions) is deemed to have been granted subject to the condition that the biodiversity objective is met. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
32. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:
- (a) A Biodiversity Gain Plan (“BGP”) has been submitted to the planning authority, and
 - (b) The planning authority has approved the plan.
- The planning authority, for the purposes of determining whether to approve a BGP if one is required, would be Mole Valley District Council. Accordingly, it is not necessary to set out this condition in the schedule of conditions.
33. However, it is necessary to agree a Habitat Management and Monitoring Plan in accordance with the BGP to ensure the development delivers a biodiversity net gain on site.
34. BNG requirements are separate from those made for Great Crested Newts. A condition is necessary in this case in the interests of protected species. The submissions made by the Appellant regarding vehicle parking and turning so that vehicles enter and leave the site in forward gear are not sufficiently precise. Therefore, a highway condition in this respect is also necessary.
35. I note the comments made by the Appellant in respect of nighttime lighting. Given the character of this sensitive rural area and the living conditions of nearby dwellings, a condition to restrict this lighting is also necessary.
36. Finally, the description of development is sufficiently precise to understand what use has been applied for each building and this is reinforced by the approved plans. I do not consider that the allowed use of each building is ambiguous. Therefore, it is not necessary to restrict the use of these buildings via conditions.

Conclusion

37. The proposed development would not be inappropriate development in the Green Belt. As such, there would be no harm caused to the Green Belt and it is not necessary for me to consider whether very special circumstances exist. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

N Praine

INSPECTOR

Schedule of Conditions (11 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers contained within the application and no variations shall take place.
 - Drg No. 240017/01 Location Plan
 - Drg No. 240017/03 Site Plan Proposed
 - Drg No. 240017/04 Proposed Stables Floorplan and Roof
 - Drg No. 240017/05 Proposed Stables Elevations
 - Drg No. 240017/06 Proposed Layout Stable and Sand School
 - Drg No. 240017/07 Proposed Barn Floorplan and Roof
 - Drg No. 240017/08 Proposed Barn Elevations
- 3) Before any above ground works take place, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such.
- 4) Before any above ground works take place, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.

- 5) The development hereby permitted shall not commence until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The final solution should follow the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
- a) the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels. Where infiltration is proposed confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times;
 - b) hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events;
 - c) detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan; and
 - d) details of drainage management responsibilities and maintenance regimes for all drainage elements.
- 6) Prior to the first occupation of the development, a verification report must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified. Provide the details of any management company. Provide an 'As-Built' drainage layout and state the national grid reference of key drainage elements.
- 7) Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition and site clearance works), a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments and minor structures, shall be submitted to and approved in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

- 8) The development shall not commence until a Habitat Management and Monitoring Plan ("HMMP"), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the Local Planning Authority. This should include:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority (years 1, 5, 10, 15, 20, 25, & 30).

Notice in writing shall be given to the Council when the:

- a) HMMP works have been implemented; and
- b) habitat creation and enhancement works as set out in the HMMP have been completed.

No occupation shall take place until:

- a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 9) No development shall take place until a Precautionary Working Methods Statement for great crested newts written by a suitably qualified ecologist has been submitted to and approved by the Local Planning Authority. Once approved, the proposed development will be implemented in accordance with the approved statement and all the recommendations set out in the Great Crested Newt Mitigation and Enhancement Plan (May 2024).

- 10) No floodlights or any other form of lighting shall be installed on the site.
- 11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Once approved, the parking and turning areas shall be retained and maintained in accordance with the approved details for their designated purposes.

End of Schedule