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## Appeal Decision

Site visit made on 16 September 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> October 2025

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**Appeal Ref: APP/M3645/W/25/3364704**

**Barrow Green Farm, Haxted Road, Lingfield, Surrey RH7 6DE**

- 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 Andy Wilkins, Chartwell Land and New Homes 2 Ltd against the decision of Tandridge District Council.
  - The application Ref is TA/2024/1131.
  - The development proposed is the demolition of existing buildings and development of five residential dwellings with car parking, access, and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the appellant's submission of a NatureSpace report, the Council are satisfied that there would be suitable mitigation arrangements for the effect of the proposal on great crested newts. The Council have confirmed that this overcomes the third reason for refusal relating to protected species and as such this does not form a main issue.
3. The appeal is accompanied by a unilateral undertaking for a financial contribution of £25,000 towards the provision of Digital Demand Responsive Transport Services (DDRT) in the area. I have had due regard to this in my decision.

### 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 and purposes of the Green Belt;
  - the effect of the proposal on the character and appearance of the area including its effect on the significance of Barrow Green Farm as a Non-Designated Heritage Asset (NDHA); 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' required to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

5. The Framework identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out the categories of development which are exceptions to this. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2019 (adopted 2014) (Local Plan) reflects the approach of the Framework. Although referred to in the reason for refusal, Local Plan Policy DP13 is not directly relevant to the appeal scheme as it refers to the replacement or redevelopment of buildings within the Green Belt on previously developed land (PDL). The appeal site does not meet the Framework's definition of PDL as it is occupied by redundant agricultural buildings.
6. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. There is no dispute between the parties that the land is considered as 'grey belt' pursuant to Framework paragraph 155. This sets out that the development of homes in the Green Belt should not be regarded as inappropriate where a) it would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location. Criterion d is not relevant as the proposal would not be major development.
7. The appeal site is located in open countryside, outside of any settlement boundary. The surroundings are rural in character. Although there are other dwellings nearby, the location could not reasonably be described as part of, or near to, a built-up area and as such would not contribute to unrestricted sprawl. The proposed development would not result in the merging of neighbouring towns, and it does not form part of the setting of an historic town. The site does not strongly contribute to the purposes of (a), (b) or (d) of paragraph 143 and the proposed development would not fundamentally undermine the purposes of the Green Belt across the area of the plan. The proposed development would meet the requirements of paragraph 155(a).
8. With regards to 155(b), the Council's Housing Delivery Test results are well below the 75% threshold; in addition, the Council cannot demonstrate a housing land supply of 5 years. Based on the evidence before me therefore there is a demonstrable unmet need for the proposed housing. The proposal would meet the requirements of paragraph 155(b).
9. In relation to paragraph 155(c), as set out above, the appeal site is in a rural location. Whilst it is not isolated from neighbouring dwellings, the nearest settlements with everyday services and facilities are Lingfield or Edenbridge. The appeal site is located on an unlit rural road with no footway or wide verge, and no public transport available nearby. The distances and form of the road would make walking to local services an unrealistic and unsafe prospect, particularly outside daylight hours or in inclement weather. Similarly, for these reasons, I do not consider cycling would be a realistic option for many. Whilst there are Public Rights of Way (PRoW) locally, which could provide access to Lingfield, the path runs across fields and would not be a practical route for everyday journeys given the lack of lighting or level surfaces.

10. Paragraph 110 of the Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The occupants of the proposed dwellings would be reliant on private vehicles in practical terms to access most local services and facilities due to a lack of satisfactory walking or cycling routes, along with a lack of public transport facilities within a reasonable distance of the appeal site.
11. The appellant proposes mitigation in the form of a £25,000 payment towards the Digital Demand Responsive Transport (DDRT) services in the area. The Council indicate that this would be sufficient for less than 4 years' operation, it is unclear how frequent these services would be and whether they would offer a 'genuine choice of transport modes' as expected by the Framework. I have limited evidence before me regarding the effectiveness of the use of DDRT as a means of offering a realistic alternative to the private car. Given the relatively short funding timeframe relative to the potential lifetime of the development, I do not consider that this would effectively mitigate the unsustainable location of the appeal site.
12. The appeal referred to at Woodside House, Copthorne (APP/M3645/W/24/3347328) illustrates the Framework's acknowledgement that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, even within a rural context there will be varying degrees of accessibility to public transport or services. In this case, even taking into account its rural location and proposed mitigation, the site would be an unsustainable location with particular regard to paragraphs 110 and 115 of the Framework.
13. The proposed development, when judged against the criteria of paragraphs 154 and 155 of the Framework and Policy DP10 of the Local Plan, is therefore inappropriate development in the Green Belt.

#### *Effect on Openness and Purposes*

14. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually.
15. The removal of the former piggery to the north of the site would reduce the built footprint over the appeal site as a whole. However, this would be offset to a degree as the buildings to replace the stables and barn would be of greater depth than the existing buildings. The two-storey building proposed to replace the barn would however be slightly reduced in height compared to the current building, resulting in a lesser bulk. Overall, the appeal proposal would result in a reduction in built form over the site as a whole.
16. However, the formal landscaping and parking to the courtyard would read as domestic curtilage, along with the creation of gardens to the rear of each dwelling. Tended garden spaces and residential paraphernalia associated with domestic gardens would diminish the spatial and visual openness of the land. This would be particularly apparent to the west of the stable block which is currently open grassland. Whilst I acknowledge that the site would be viewed in the context of other gardens nearby, the expansion of domestic curtilage would nevertheless intensify the residential appearance of the appeal site.

17. Consequently, even though the built footprint would be a reduction over existing, due to the total footprint of domestic curtilage proposed, there would be some encroachment on the countryside, contrary to Framework paragraph 143c.
18. I consider there would be some, albeit limited, harm to spatial and visual openness arising from the large area of domestic curtilage. In conclusion therefore, there would be limited harm to the openness and purposes of the Green Belt arising from the scheme.

### *Character and Appearance*

19. Barrow Green Farm comprises a small Victorian/Edwardian farmstead with three attached main buildings, the stables, barn and cow shed/dairy, arranged in a C shape around a small courtyard open to the south. To the north of the site is a detached former piggery and silo, both of which have been clad in concrete. None of the buildings are currently in use.
20. The three main buildings comprise a NDHA. The Council indicates that the site would historically have had a rectangular layout, meaning that the courtyard was not part of the original design of the structure but formed after the original cattle sheds were removed from the site. The scar of the former roof can be seen on the south elevation of the barn. There is also evidence to suggest the barn was raised in height, although it is unclear when that took place.
21. The three main buildings are constructed in local brick with pitched, clay tiled roofs and retain some original apertures. The Council's heritage officer comments that the structures are distinctive and have a landmark quality to them as a former farmstead. The local brick and clay roof tiles represent a transition from constructing farm buildings in timber framing to mass produced structures at the start of the 20<sup>th</sup> Century. However, the parties agree that the overall level of significance ascribed to the NDHA is low due to the incomplete range of buildings. There is no evidence before me which would lead me to disagree with this assessment. Whilst not having the same level of heritage significance as those included on the statutory list, the building as a NDHA nevertheless forms part of the district's historic environment.
22. The Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the application, and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
23. The scheme would result in the total loss of the NDHA. Even though the NDHA has low significance, the scale of the harm would be significant due to the buildings being removed in their entirety.
24. Each of the proposed buildings would have a relatively shallow-pitched roof. The roofscape would be highly visible due to the form and scale of the buildings. The appellant's specification indicates a minimum roof slope of 30 degrees for plain clay tiles. For plots 1 and 2, the appellant indicates that clay pantiles would be used, which can be accommodated on a minimum pitch of 15 degrees. Despite the use of pantiles on a nearby house, they are not a characteristic feature of the area. Whilst I acknowledge the appellant's agreement to a materials condition, I cannot be satisfied from the evidence before me that it would be possible to use suitable clay tiles on plots 1 and 2 due to the pitch of the roof. As this material is a key characteristic of the

local vernacular, I cannot be certain that, even with a planning condition, the appearance of the finished roofs would be acceptable.

25. Taken together, the loss of the NDHA, along with replacement buildings that would not reflect the local vernacular, would be harmful to the character and appearance of the area. This would be contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Local Plan. Taken together and amongst other things, these policies seek to ensure proposals reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

#### *Other Considerations*

26. A High Court judgment has been brought to my attention (Wildie v Wakefield MDC [2013] EWHC 2769 (Admin)) to illustrate that a combination of several ordinary factors can result in 'very special circumstances' in the context of proposals within the Green Belt, and that matters required as a result of planning policies can still be considered as 'other considerations' in determining whether very special circumstances exist. I have had due regard to this in making my assessment of whether 'very special circumstances' exist.
27. I have been referred to an extant scheme given prior approval under Class Q, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended) (reference 2024/296/NC). This involves the conversion of the existing buildings to 5 dwellings with outdoor amenity space. The appellant presents this as a fallback scheme. I accept that given the extant prior approval, there is a reasonable prospect that this development would be likely to occur in the event the appeal is dismissed.
28. As it is a conversion scheme, the fallback position would retain the NDHA, even though there would be some harm to it as a result of the conversion. Taken as a whole and considering the harm I have identified through the uncertainty over the suitability of the pitched roofs for appropriate clay tiles, I consider the fallback position would be less harmful than the appeal proposal in terms of character and appearance, including the effect on the NDHA.
29. The appeal proposal would deliver benefits in the form of 5 new family sized dwellings. This would support the Government's aim of significantly boosting the supply of homes and would contribute to the Council's housing stock, as such I attach moderate weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited. These benefits would also arise from the fallback scheme.
30. There are also benefits arising from the appeal scheme which would not be secured through the fallback position. Biodiversity would be improved through the enhancement and creation of grassland and new native hedgerow; to which I attach moderate weight. The use of air source heat pumps and insulation would be a benefit to the sustainability of the proposed dwellings, to which I attach moderate weight. There would be a small benefit in terms of highway safety from an improvement to visibility at the access to the appeal site. There is however limited evidence before me to indicate that the existing arrangement is unsafe, and I afford the benefit limited weight. The DDRT contribution would in the long term not overcome the unsustainable location of the appeal site. Given the short-term mitigation, I afford this limited weight.

31. The appeal proposal includes gardens to each dwelling. The removal of the piggery enables larger rear gardens to plots 3, 4 and 5 than achieved in the fallback scheme. Nevertheless, the fallback scheme contains outdoor space for each unit, the principal difference being that there would be a courtyard for plot 4 and a small area of lawn for plot 3. Whilst the gardens in the fallback scheme may not be a consistent size, they nonetheless provide appropriate outdoor amenity space. I do not accept that the courtyard to plot 4 would be overlooked given the potential for planting or other forms of enclosure to obscure views from the parking area. The benefit offered by the appeal scheme in this respect would be marginal.
32. The District Licence for Great Crested Newts forms mitigation in relation to the appeal scheme and as such I consider this carries neutral weight in the balance.
33. There is limited evidence before me that the appeal scheme would have a greater longevity of structure than the fallback scheme. The freehold or leasehold status of the units is not a planning matter which could form a benefit of the proposal.
34. There are several benefits, albeit of a small magnitude, which distinguish the appeal scheme from the fallback position. Taken together, I consider these benefits carry moderate weight for the appeal scheme when compared to the fallback scheme.
35. The Council consider the proposal is otherwise acceptable in terms of its effect on highway safety, flood risk, energy, and its effect upon the living conditions of nearby residents. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh in favour of, or against the proposal.

### **Other Matters**

36. I have been referred to a planning permission for the residential redevelopment of Haxted Kennels (reference 2020/1125) which is nearby. I have little information before me regarding this decision. Even though the site is within the same district as the appeal scheme, circumstances between individual sites vary, and I have necessarily determined this appeal on its own merits.
37. My attention has also been drawn to an appeal decision at Chiltern Hill Field, Dunstable (reference APP/P0240/W/23/3316421) in terms of the Inspector's assessment of openness and relative emphasis placed on visual openness over effects on spatial openness. I have necessarily drawn my own conclusions regarding the appeal scheme's effect on openness, both spatial and visual, based on the circumstances of the site and surroundings.

### **Green Belt and Planning Balance**

38. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt as described in paragraph 153 of the Framework. I have also found that there would be limited harm to openness and purposes. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt that I have identified. In addition, the proposal would also result in the loss of a NDHA and harm to the character and appearance of the area through replacement buildings that would not reflect the local vernacular. I attach significant weight to this harm.
39. I find that the other considerations put forward by the appellant fall short of clearly outweighing the harm arising from inappropriateness, including the harm to the

character of the area including the NDHA. Therefore the 'very special circumstances' necessary to justify the development do not exist.

40. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. The 2023 Housing Delivery Test stands at 42%, indicating that the delivery of housing was substantially below the requirement over the previous 3 years. Consequently, paragraph 11 d) of the Framework is applicable. However, paragraph 11 d) i) provides an exception where there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 establishes that this includes the Green Belt. As I have found that the proposal would cause harm to the Green Belt, the appeal proposal does not benefit from the presumption in favour of sustainable development.

### **Conclusion**

41. 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. For the reasons given above, the appeal should be dismissed.

*L Francis*

INSPECTOR