
Appeal Decision

Site visit made on 23 October 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th October 2025

Appeal Ref: APP/C3620/W/25/3370799

Garlands, Broad Lane, Newdigate, Surrey RH5 5AT

- 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 Jason Darling against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0688/PLA.
 - The development proposed is demolition of existing outbuildings and erection of 2 No. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings and erection of 2 No. detached dwellings at Garlands, Broad Lane, Newdigate, Surrey RH5 5AT in accordance with the terms of the application, Ref MO/2025/0688/PLA, subject to the conditions in the attached schedule.

Main Issues

2. 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 relevant development plan policies, including 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
 - whether the proposal would provide its occupants with acceptable living conditions, with particular regard to private amenity space.

Reasons

Whether inappropriate development

3. The appeal site is located within the Metropolitan Green Belt. Policy EN1 of the Mole Valley Local Plan (2024) (MVLN), relates to the Green Belt and amongst other matters, states that such land will be protected against inappropriate development, as defined by national policy.
4. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt, including harm to its openness, stating that inappropriate development should not be approved except in very special circumstances. The Framework does however outline several exceptions to inappropriate development at paragraphs 154 and 155.

5. Paragraph 154 g) of the Framework outlines that the redevelopment of previously developed land (PDL) will not be inappropriate development in the Green Belt provided that it *“would not cause substantial harm to the openness of the Green Belt”*.
6. The wording within Policy EN1 of the MVLP is similar to the wording within the Framework, albeit refers to new development not having a greater impact on the openness of the Green Belt than the existing development. This appears to be rooted in the previous version of the Framework and is therefore not entirely consistent with paragraph 154 g) of the Framework as it imposes more stringent tests for the re-development of PDL. The requirements of Policy EN1 are therefore inconsistent with the Framework in this regard. As such, I have afforded limited weight to this policy in this respect.
7. There is no dispute between the main parties that the site meets the definition of PDL. Based on the evidence before me, I see no reason to reach a different judgement on this matter. It therefore falls to consider whether the development would cause substantial harm to the openness of the Green Belt.
8. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
9. The appeal site is occupied by various existing single storey outbuildings of permanent construction, associated with the host dwelling known as Garlands. The lawfulness of these buildings has been confirmed through a lawful development certificate. The appeal proposal seeks to demolish the existing outbuildings and erect two, detached dwellings within the site.
10. Noting their increased height, the proposed dwellings would be more visible in comparison to the single storey outbuildings. Nevertheless, the dwellings would be set back within the site with relatively low eaves heights. From a visual aspect, the increase in height of built form would have a marginally greater effect on the openness of the Green Belt when compared to the existing buildings.
11. However, the proposal would lead to a significant consolidation of built form within the site, resulting in a notable reduction in the footprint and volume, as well as a reduction in the areas of hardstanding. The result of this is that there would be greater areas of the site which would be void of built form. From a spatial perspective, where openness is the counterpart of urban sprawl, the proposal would therefore have a beneficial effect to the openness of the Green Belt.
12. Taking these factors together, whilst the openness of the appeal site would be amended, the overall effect of the proposal on the openness of the Green Belt would be neutral. The proposal would therefore not amount to substantial harm to the openness of the Green Belt. Consequently, the proposal would not be inappropriate development through paragraph 154 g) of the Framework. Based on the above assessment, I have also identified no conflict with Policy EN1 of the MVLP.

13. The main parties have also referred to other exceptions to inappropriate development in the Green Belt, including in relation to development in the grey belt and limited infilling in villages. However, because I have found that the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 154 g) of the Framework, it is not necessary for me to consider these matters further.

Character and appearance

14. Development along Broad Lane is typically low density in nature, formed of residential curtilages lining the road on either side. Plot sizes vary considerably in the surrounding area. To the north-east of the appeal site, gardens are relatively modest in their length. Whilst to the south-west and on the opposite side of the road, gardens are much longer in their extent.
15. Dwellings are typically detached with heights ranging from single storey bungalows to two storey dwellings. Most of the dwellings along Broad Lane are set back from the highway edge, albeit building lines are not consistent. Overall, properties occupy most of the width of the plot. However, there is no overall uniformity in respect to distance from dwellings to respective boundaries, with some dwellings being built abutting or very close to their side boundaries.
16. The Council has accepted that the proposed dwellings would be reflective of the character of the area in respect to their scale, and that the set back and partial screening afforded by the front boundary hedge would mean that the dwellings would not be overly prominent in the street scene. I see no reason to disagree on these points.
17. The appellant has demonstrated that the dwellings would have a similar building footprint to site area ratio as several other properties in the surrounding area, namely those to the north-east of the appeal site with more modestly proportioned gardens. Whilst I accept that the result of this assessment would be different if the dwellings with longer rear gardens were to be included, it does persuade me that the plots could accommodate the level and scale of built form proposed without appearing overly cramped within the site.
18. The corner of the dwelling proposed at Plot 2 would be built right up to the side boundary. Nevertheless, most of the dwelling would be some distance from the boundaries and as above, there are numerous examples within the surrounding area where built form is relatively close to site boundaries. This factor therefore does not lead me to conclude that the proposal would represent an overdevelopment of the site in the context of the setting of the surrounding area.
19. Based on the above, I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policy EN4 of the MVLP which, amongst other matters, requires all new development to be of a high-quality design that makes a positive contribution to its local character.

Living conditions

20. In respect to living conditions, Policy EN4 of the MVLP requires development to ensure the amenity of future occupiers is not significantly affected, including in relation to a sense of enclosure. The policy sets no specific standards in relation to the required size of private amenity spaces.

21. Each of the proposed dwellings would be afforded an area of private amenity space both to the rear and the side of the dwellings. Although the garden lengths would be much shorter than the gardens serving the dwellings to the south-west, the size of the gardens would be commensurate with the garden sizes which are already established through the plots to the north-east of the appeal site.
22. The Council has raised concern that the garden areas would be constrained and disproportionately small, compared to the size of the dwellings which they would serve. However, I find there is little substantive evidence before me to justify these concerns. The gardens would be of such a size that they would have space for a patio area as well as a lawn. The space available would be able to serve the functions likely to be expected from a private amenity space, such as areas for play, airing of laundry or sitting out in. Moreover, the gardens would be afforded an attractive outlook over the paddock land to the rear which would make their use more inviting.
23. I therefore conclude that the proposal would provide its occupants with acceptable living conditions, with particular regard to private amenity space. In this respect, I find no conflict with Policy EN4 of the MVLP.

Other Matters

24. As per the recommendations of a Preliminary Ecological Appraisal, a bat emergence survey was carried out prior to the determination of the application. During the surveys, bat activity was observed in relation to one of the outbuildings proposed for demolition, confirming that the appeal site is used as a day roost used by small numbers of non-breeding bats.
25. On this basis, a European Protected Species (EPS) Mitigation Licence will be required to allow the work to proceed lawfully. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) requires a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions.
26. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of EPS under Article 12(1). This includes bats and the places that they roost, irrespective of whether or not they are present at the time the development is carried out.
27. The Courts have established that planning permission should ordinarily be granted save only in cases where a proposed development would either be likely to offend Article 12(1) or unlikely to be licensed pursuant to the derogation powers. The duty to have regard to the requirements of the Directive, as set out in Regulation 9(1), remains but the judgement establishes that there is no need to carry out a detailed assessment as to whether there would be a breach of Article 12(1) or whether derogation from that article would be permitted and a licence granted.
28. Nevertheless, I am still required to ensure that any potential harm to an EPS would be adequately mitigated and whether or not the proposed development is unlikely to be licensed. Bearing in mind the suggested mitigation measures I find that the proposal would not offend Article 12(1). I am satisfied that the mitigation hierarchy has been followed and that there would be no significant harm to the long-term conservation status of the bat species that are present.

29. I have no reason to doubt that a mitigation license would not be issued on the basis of the evidence that is before me. Furthermore, it is not for me to determine whether the legal tests for a license would be met, as this would duplicate the function of another regulatory body and would be contrary to the well-established principle that non-planning regimes are assumed to operate effectively.

Conditions

30. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. Where necessary I have amended the wording in the interests of effectiveness and precision.
31. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. A condition seeking details and samples of the proposed materials is also necessary in the interests of maintaining the character and appearance of the area.
32. A condition requiring details of refuse and recycling facilities is necessary in the interests of visual amenity. It is also necessary to secure the parking spaces proposed as part of the development to prevent the risk of on street parking.
33. In the interests of sustainable travel, a condition requiring details of cycle storage is also reasonable. The Council has suggested an additional condition for a charging point for an electric vehicle, but this is secured through Building Regulations for new dwellings and therefore it is not necessary for me to also impose it on the decision.
34. I consider it reasonable to require details of further landscaping and tree planting on the basis that I have given this weight in the context of it leading to a reduction in hardstanding within the site.
35. Compliance with the recommendations of the submitted ecological surveys is necessary in order to ensure the development is in accordance with Policy EN9 of the MVLP. I note the request from Surrey Wildlife Trust for further conditions relating to an ecological enhancement plan and construction environmental management plan. However, I do not consider that either of these would be necessary to make the development acceptable, provided the recommendations within the submitted ecological surveys are adhered to.
36. Whilst not included within the Council's list of conditions, I note that the Council's officer report refers to the need for a condition for the obscure glazing of a bathroom rooflight. Whilst I consider that the outlook from this window would offer limited views into the neighbouring garden, given the intended use of the room, I find that a condition requiring its obscure glazing would be reasonable to safeguard neighbouring privacy.
37. The Council has requested a pre-commencement condition seeking a sensitive lighting management plan in the ecological interests of the site. Whilst I find it reasonable to control the level of lighting within the site, in line with Policy EN9 of the MVLP, I consider that this can adequately be dealt with in requiring details of lighting prior to its installation, rather than prior to the commencement of any development.

Conclusion

38. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawing nos 05 C; 08 C; 09 C; 10 C; and 11 C.
- 3) No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the submitted drawings, the dwellings hereby approved shall not be first occupied until refuse and recycling facilities are provided in accordance with details first submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall thereafter be retained in perpetuity.
- 5) The dwellings hereby approved shall not be first occupied until the vehicle parking spaces have been provided in accordance with drawing no 05 C. Thereafter the spaces shall be retained for the parking of vehicles only.
- 6) The dwellings hereby approved shall not be first occupied until cycle storage is provided in accordance with details first submitted to and approved in writing by the local planning authority. The cycle storage shall thereafter be retained in perpetuity.
- 7) The dwellings hereby approved shall not be first occupied until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:

Earthworks showing existing and proposed finished levels or contours;

Hard surfacing materials of either porous materials or the provision of a direct run off from the hard surface to a permeable or porous area;

Retained landscape features;

Full specification of all proposed tree planting including the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed

or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) The recommendations set out within the Preliminary Ecological Appraisal (John Wenman Ecological Consultancy June 2024) and Bat Emergence Survey (John Wenman Ecological Consultancy September 2024) shall be carried out in full. Specifically, prior to the first occupation of the development hereby approved, details of habitat boxes to be installed on the buildings and mitigation measures to ensure permeability for hedgehogs shall be submitted to and approved in writing by the local planning authority. The boxes / mitigation measures shall be installed in accordance with the approved details before any part of the development is first occupied.
- 9) The dwelling marked as Plot 2 on drawing no 08 C shall not be occupied until the window in the south-east facing roof slope has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 10) Prior to the installation of external lighting, full details including height, design, location, intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

END OF SCHEDULED CONDITIONS