



Appeal Decision

Site visit made on 2 October 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/C3620/W/25/3369415

Land at the Old Barley Mow, Old Reigate Road, Betchworth RH3 7LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Ben Brown against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0477.
 - The development proposed is erection of 4-6 dwellings (including affordable homes).
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 4 and a maximum of 6 dwellings at Land at the Old Barley Mow, Old Reigate Road, Betchworth RH3 7L in accordance with the terms of the application, Ref MO/2025/0477, dated 24 March 2025.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle route has two stages: the first 'permission in principle' stage establishes whether a site is suitable in-principle, and the second 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. In this instance, because the site is in the Green Belt, these matters must be assessed in relation to national and local Green Belt policies. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. An applicant can apply for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for 4-6 dwellings. Drawings were submitted with the application showing six dwellings, which I have treated as indicative only.

Main Issues

5. The main issues in this appeal are:
 - whether the appeal site is grey belt land and whether the development would be inappropriate development in the Green Belt having regard to the National

Planning Policy Framework (the Framework) and any relevant development plan policies; and

- whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

Whether inappropriate development

6. The appeal site comprises the site of a former public house. It is proposed to erect 4-6 dwellings on the site, sharing a vehicular access with an existing group of dwellings at the rear (Barley Mow Court).
7. The site lies within the Green Belt. The Government attaches great importance to Green Belts, whose essential characteristics are their openness and their permanence. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155, which I address below.

Grey belt

9. It is common ground between the parties that the site does not strongly contribute to Green Belt purposes (a), (b) or (d) of paragraph 143 of the Framework. From the evidence before me, I agree with this assessment. Furthermore, the site does not include any of the areas or assets listed in footnote 7 of the Framework. Consequently, I find that the proposal is grey belt land as defined by the Framework.
10. The appeal site is small in scale in relation to the size of the Green Belt in Mole Valley, and consequently developing the site as proposed would not fundamentally undermine the purposes, taken together, of the remaining Green Belt land across the area of the plan. The proposal therefore satisfies criterion (a) of paragraph 155 of the Framework.

Demonstrable unmet need

11. The parties dispute whether there is a demonstrable unmet need for the type of development proposed. Footnote 56 of the Framework indicates that in the case of applications involving the provision of housing, this means the lack of a five year supply of deliverable sites, including the relevant buffer where applicable, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years.
12. The Council can currently demonstrate a 5.1 year supply of housing, which includes a 20% buffer, and achieved 78% in the latest Housing Delivery Test (2023). However, the appellant considers that there is unmet housing need by reference to paragraph 155(b) of the Framework, as the Inspector's Report on the Mole Valley Local Plan Adopted October 2024 (MVLP) mandated that a three-year review of housing be undertaken because the Plan would not meet housing need.

13. Paragraph 232 of the Framework states that, where a local planning authority can demonstrate a five year supply of deliverable housing sites and has met the Housing Delivery Test, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.
14. Therefore, although the Inspector concluded that the MVLP would not meet housing need, the policies of the MVLP should not be regarded as out of date because the plan was adopted less than five years ago. The proposal does not therefore satisfy paragraph 155(b) of the Framework.

Sustainable location

15. The site is located between Brockham, a large rural village (tier 2), and Betchworth, a small rural village (tier 4). Betchworth possesses a modest range of facilities which cater for day-to-day needs, including a post office and stores, a school and a public house. The site is served by two bus routes: one stops outside the post office and stores, and links the village to Guildford, Dorking, and Redhill; the other stops on the A25 to the north of the appeal site, and provides a service to Crawley, Dorking and Leatherhead. The village also possesses a railway station, with regular services to Reading, Reigate and Gatwick.
16. The post office and stores, and associated bus stop, are located approximately 800 metres to the east of the site along Old Reigate Road. Old Reigate Road has a speed limit varying between 30mph and 40mph, with an informal footpath along a section of the route. As most vehicles use the A25, it is relatively lightly trafficked. The second bus stop is located approximately 200 metres to the north of the site via public footpath 48. The primary school is 1.1km away, the public house 1.3km away and the station 1.7km away.
17. Taking account of the range of available services and facilities and their relative proximity to the appeal site, and having regard to the advice in paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I consider that future residents would have access to sustainable transport modes in accordance with paragraph 115 of the Framework. I therefore conclude that paragraph 155(c) is complied with.
18. In summary, although the appeal site is grey belt land, the proposal conflicts with criterion (b) in paragraph 155 of the Framework. I therefore turn to the exceptions in paragraph 154.

Limited infilling in villages

19. The appeal site adjoins a small housing estate known as Barley Mow Court, and is close to Moore's Open Storage, a site used for the outdoor storage of materials which contains several buildings. To the east of the appeal site, separated from it by a field, is a waste management site known as J&J Franks. Nearby, there are several clusters of dwellings, and the Arkle Manor public house, all of which are separated from the appeal site by either fields or woods. There is little to suggest that, either geographically or functionally, these sites together constitute a village. The Council's Policies Map, whilst not determinative as to what constitutes a

village, identifies the appeal site as lying outside the settlement boundaries of Brockham and Betchworth.

20. Whilst infilling is not defined in the Framework, the term implies the filling of a gap in development. By virtue of the fact that two sides of the appeal site adjoin undeveloped land, I do not consider that the proposal would fill a gap, and it would not therefore constitute infilling. Again, whilst not determinative, the proposal would not meet the definition of infilling contained in Policy EN3 of the MVLP.
21. The proposal does not therefore constitute limiting infilling in a village, and as a consequence it conflicts with paragraph 154(e) of the Framework.

Limited affordable housing for local community needs

22. Policy H3 of the MVLP expects 40% of all units to be affordable in schemes of 6-9 dwellings in the designated rural area. The appellant has indicated that the scheme would include some affordable housing, though the number and size of the affordable units has not been specified, and nor has the local community need for affordable housing been set out.
23. Because the site is within a designated rural area, a scheme at the top end of the specified range of 4-6 dwellings would be required to include 40% affordable housing. However, even in this scenario 60% of the units would not be affordable homes and would not meet local community needs. I therefore conclude that the proposal would not accord with paragraph 154(f) of the Framework.

Previously developed land

24. The site originally contained a public house, which was subsequently converted to alternative commercial uses and then substantially demolished in 1991. Given the age of the original building, there is no suggestion that the site was not lawfully developed. Moreover, it is not in doubt that the site was occupied by a permanent structure (the former public house) and fixed surface infrastructure (hardstanding including accesses). To that extent, the site meets the Framework's definition of previously developed land.
25. However, the definition excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape. I saw on my site visit that the hoarding that previously enclosed the site had been removed and that vegetation had been cleared from much of the site. Part of the front corner of the original building and the remains of a cellar and footings were visible, along with a splayed access and a second narrower access off Old Reigate Road. At the rear, a vehicular access off Barley Mow Court and an area of hardstanding were visible. There was also evidence of underground services including drainage.
26. In assessing whether the remains have blended into the landscape, I have placed weight on the fact that the remains consist not only of a small portion of the original building, but elements of fixed infrastructure such as hardstanding, vehicular accesses and underground services. Furthermore, these remains cover a large area of the site, both to the front where the main buildings were and at the rear where there was a car park. I also attach importance to the fact that the site remains separate from the adjacent countryside and has not been assimilated into it.

27. I am aware that planning permission was granted in 1992¹ to extend the commercial buildings then on site, and that a start was made on implementing the permission with the construction of a trench; and that when planning permission was refused in 2013 for two dwellings on the site², the officer report stated that the permission had been abandoned owing to the amount of time that had elapsed. However, the test of abandonment is not the same as the definition of previously developed land, and the officer's conclusions are not determinative as to whether the site meets the definition of previously developed land in the Framework.
28. The officer report in 2013 indicated that only a small part of the original building remained along with the boundary hoarding, and concluded that the site had returned to nature and did not meet the definition of previously developed land. Whilst I attach weight to this conclusion and to the fact that further time has elapsed since that view was reached, I must also bear in mind that the officer's conclusions were not tested at appeal. On my site visit I saw considerably more evidence of fixed infrastructure than is indicated in the 2013 officer report, which may be explained by the fact that the site was at that time enclosed by hoarding and is likely to have been overgrown, which together could have obscured the fixed infrastructure on the site.
29. I have noted that the appeal site includes the rear access from Barley Mow Court and associated hardstanding, together with underground drainage, but excludes most of the former public house buildings and the two access points from Old Reigate Road. The fact that the remains of the original permanent structure are not within the appeal site does not mean that the appeal site cannot constitute previously developed land in its own right.
30. Taking all of the above factors together, and based on my observations on site, I consider that the remains of the fixed surface infrastructure have not blended into the landscape, and that therefore the appeal site is previously developed land in accordance with the definition in the Framework.

Effect on openness

31. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is almost entirely free from structures and thus contributes to the spatial openness of the Green Belt as a whole. The site abuts Barley Mow Court to the rear and is in close proximity to Moore's Open Storage on one side, meaning that there are limited views into the site on these sides. The site benefits from vegetation at the front and is additionally screened by existing woodland on the opposite side of Old Reigate Road. Although the site is visible in longer views from the open countryside to the east, the boundary is partially screened by vegetation. The site thus makes a limited contribution to the visual openness of the Green Belt as a whole.
32. The proposal would introduce between four and six dwellings onto the appeal site, with a resultant significant reduction in the spatial openness of the Green Belt as a whole. However, owing to the fact that the site is screened on three sides, and that the dwellings would be seen in the context of Barley Mow Court and against a backdrop of trees when viewed from the countryside to the east, the proposal

¹ LPA reference MO/91/0332

² LPA reference MO/2012/1460

would have only a moderate impact on the visual openness of the Green Belt as a whole.

33. Addressing the two aspects of Green Belt openness together, the significant reduction in the spatial openness of the Green Belt as a whole would be tempered by the limited harm to the visual aspect of openness, which is a consequence of the site's natural screening and close proximity to existing development. I therefore consider that, taking the two aspects of openness together, the proposal would not cause substantial harm to the openness of the Green Belt, which is the test applied by paragraph 154(g) of the Framework.

Partial redevelopment of previously developed land

34. The proposal relates to the partial redevelopment of the original site of the Barley Mow Inn. I have found that the site constitutes previously developed land in accordance with the definition in the Framework, and as a consequence it is immaterial whether the site is redundant or in continuing use. I have furthermore concluded that the proposal would not cause substantial harm to the openness of the Green Belt. I therefore find that the proposal is not inappropriate development in the Green Belt, in accordance with paragraph 154 of the Framework.
35. The proposal would not accord with Policy EN1 of the MVLP, because criterion 3g of that policy only allows for the redevelopment of previously developed land where the new development would not have a greater impact on the openness of the Green Belt than the existing development. However, as the MVLP was adopted in October 2024, prior to the Framework being updated in December 2024 when the test in paragraph 154(g) was changed to "significant harm", I accord this conflict limited weight. It does not alter my conclusion that the proposal is not inappropriate development in the Green Belt.

Location, proposed land use and amount of development

36. I have found that future occupiers would be able to utilise sustainable transport modes, in the form of walking, cycling and buses, in order to access services and facilities. Consequently, they would not be solely reliant on the car, and I therefore consider that the site is a suitable location for residential development in accordance with paragraphs 110 and 115 of the Framework.
37. Policy EN1 of the MVLP seeks to protect the Green Belt from inappropriate development. As I have found that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 154 of the Framework, I consider that the appeal site is suited to the proposed land use.
38. The proposal is for between four and six dwellings. The Council and interested parties consider that the appellant's indicative scheme would result in a cramped development, with the rear gardens being inadequate and parking provision being below local standards. I have not been supplied with the Council's standards for garden sizes and car parking.
39. However, the scheme is indicative only, and it would be for the appellant to ensure compliance with all the relevant local standards at the technical details stage. Given the size and shape of the site, there is nothing to conclusively indicate that it could not accommodate six dwellings of an appropriate size and design, to match the character and appearance of the existing houses in Barley Mow Court.

40. I therefore conclude that the proposal would accord with Policy EN4 of the MVLP, which requires all new development to be of high-quality design, including parking and amenity.

Other matters

41. As the proposal is for permission in principle and the plans are indicative only, matters of privacy, outlook, lighting and boundary treatment would be addressed at the technical details stage. Likewise, impacts on trees, wildlife and habitats would be addressed at the technical details stage.
42. As the proposal is for residential development of a similar scale to Barley Mow Court, I do not consider that it would cause noise and disturbance.
43. There is no requirement for the Old Barley Mow to be rebuilt, and it is for the appellant to determine what happens to the remains of the former public house.
44. The proposal involves utilising the existing access to Barley Mow Court, which the County Highway Authority has confirmed would not affect the safe operation of the public highway.
45. I have not been supplied with any evidence that the proposal would overload existing infrastructure.
46. The ownership and future maintenance of the access to Barley Mow Court lie outside the scope of this appeal.

Conclusion

47. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR