
Appeal Decision

Site visit made on 3 September 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6 November 2025

Appeal Ref: APP/L3625/C/23/3325231

Land at Long Acre, 42 Reigate Road, Hockwood, Horley, Surrey RH6 0HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Siegfried Gover against an enforcement notice issued by Reigate and Banstead Borough Council.
 - The enforcement notice, numbered E.01/919, was issued on 1 June 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from residential use to a B2/B8 use for the commercial storage/parking, repairs and sales of horseboxes.
 - The requirements of the notice are:
 1. Cease the use of the Land for stationing, repairs and sales of horseboxes and other commercial activities associated with the repair and alteration of vehicles.
 2. Remove the vehicle pit and associated vehicle hardstanding.
 3. Remove the fence to the to the (sic) Eastern boundary
 4. Remove from the Land all debris and materials resulting from steps 2 and 4
 5. Re grass the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld with a correction and a variation as set out in the Formal Decision below

Procedural matters

1. The timetable for this appeal was completed prior to the publication of the revised National Planning Policy Framework (Framework) in December 2024. The revised Framework incorporated some amendments of particular relevance to this appeal, including the policy in relation to 'Grey Belt'. The parties were accordingly offered the opportunity to make written submissions on the revised Framework. I have taken the comments received into account.

The Enforcement Notice

2. The breach of planning control alleged at paragraph 3 of the notice is, without planning permission, the material change of use of the Land from residential use to a B2/B8 use for the commercial storage/parking, repairs and sales of horseboxes. However, the requirement at paragraph 5(1) of the notice is to cease the use of the Land for the stationing, repairs and sales of horseboxes *and other commercial activities associated with the repair and alteration of vehicles*. There is consequently a slight mismatch between the breach of planning control alleged in the notice and the requirement to comply with it.

3. By including a requirement to cease other commercial activities associated with the repair and alteration of vehicles, the requirement at paragraph 5(1) of the notice goes beyond the breach of planning control that is alleged at paragraph 3 of the notice. It is essential that the requirements of the notice match as closely as possible the breach of planning control that is alleged. I will therefore vary the requirement at paragraph 5.1 of the notice to more closely reflect the breach of planning control that is alleged.
4. The requirement at paragraph 5(3) of the notice includes an obvious typographical error, insofar as the words 'to the' are repeated. I will correct that minor typographical error.
5. Section 176(1) of the 1990 Act provides that a notice may be corrected and/or varied where the Inspector is satisfied that doing so will cause no injustice to the appellant or the Local Planning Authority. I am satisfied that the notice can be corrected and varied in the above respects without causing injustice.

Background

6. The appeal site has a lengthy and complex planning history. It is therefore helpful to set out the background to the breach of planning control that is alleged at the outset.
7. The appeal site forms part of a wider site that comprises a residential property to the east (known as Long Acre) and an adjoining area to the west that is used in connection with the appellant's business. The whole of the site is within the Green Belt.
8. The appeal site itself is wholly within the administrative boundary of Reigate and Banstead Borough Council. The part of wider site to the west of the appeal site straddles the administrative boundaries of Reigate and Banstead Borough Council and Mole Valley District Council.
9. Following a series of enforcement investigations that began in early 2010, a Certificate of Lawfulness for Existing Use or Development was granted in October 2021 for use of the land as a residential garden (Council Ref:21/02324/CLE). This included the land which now forms the appeal site for this appeal, but not the land to the west. It follows that the use of the land as a residential garden (including the appeal site) was conclusively presumed as being the lawful planning use as of 31 August 2021, that being the date on which the application was submitted.
10. In January 2021, the Council granted planning permission for erection of an outbuilding ancillary to the dwelling known as Long Acre (Council Ref: 21/02993/HHOLD).
11. This was followed by the granting of a Certificate of Lawfulness for Existing Use or Development for a use comprising the storage, repair/renovation and the building of horseboxes, together with operational development comprising the erection of a workshop and hardstanding. This was in relation to the land to west of the appeal site, and not the current appeal site. A second Certificate of Lawfulness for Existing Use or Development, this time including hardstanding, was granted in December 2022 (Council Ref: 22/01749/CLE).
12. In between, in September 2022, Mole Valley District Council granted a Certificate of Lawfulness for Existing Use or Development in relation to the land

to west of the appeal site (Council Ref: MO/2022/1521/ECL). The use found to be lawful as of 5 September 2022 was the use for the storage, repair/renovation and the building of horseboxes.

13. On 13 June 2025, the Council granted planning permission for a development described as an extension to existing commercial unit/workshop (Use Class *Sui Generis*: building of bespoke horse boxes) and creation of staff and HGV parking area on the site (Council Ref: 24/02230/F). The application site was partly in the administrative area of Mole Valley District Council and did not include the current appeal site. At the time of my site visit, that planning permission has not been implemented.
14. In summary, the situation is that there is one part of the wider site (the land to the west of the appeal site, including that part of the site that is within the administrative boundary of Mole Valley District Council) that has the benefit of a Certificate of Lawfulness for Existing Use or Development and an extant planning permission, whereas one part the wider site (the appeal site itself) is subject to an enforcement notice against essentially the same use. It is in that context that I must consider the appeal on ground (a).

The appeal on ground (a) and the deemed planning application

15. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
16. The Council has stated one substantive reason for issuing the enforcement notice, from which the main issues raised are:
 - whether the appeal site is 'Grey Belt' for the purposes of paragraph 155 of the National Planning Policy Framework (Framework)
 - if not, whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt for the purposes of the Framework
 - the effect, if any, on the character and appearance of the area
 - the effect, if any, on the living conditions of the occupiers of surrounding residential properties, specifically in relation to noise disturbance and smells, and
 - if the breach of planning control alleged in the notice is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the appeal site is 'Grey Belt' for the purposes of the Framework

17. The definition of 'Grey Belt' is set out in Annex 2: Glossary to the Framework as:

For the purposes of plan-making and decision-making, 'grey belt' is defined 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. 'Grey belt' excludes land where the application of

the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

18. Central to that definition is the concept of 'previously developed land'. Insofar as relevant to this appeal, Annex 2: Glossary to the Framework defines previously developed land as including:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).

19. The Certificate of Lawfulness for Existing Use or Development granted in October 2021 for use of the land as a residential garden (Council Ref:21/02324/CLE) conclusively presumed that to be the lawful use of the appeal site. Just prior to that, the Council carried out a site visit on 14 August 2020 following several alleged breaches of planning control on the land. These included engineering works (lowering of ground levels) and hardstanding.
20. These works were carried out without the benefit of planning permission and consequently were not lawful. Moreover, these works were carried out in connection with and for the primary purpose of the appellant's business of the repair and sale of horseboxes. They were not ancillary or incidental to the residential use of the dwelling known as Long Acre. For that reason, these works cannot be properly regarded as being fixed infrastructure associated with, or within the curtilage of, that dwelling. Consequently, having regard to the full definition set out in Annex 2: Glossary of the Framework, I conclude that as a matter of fact and degree the appeal site does not constitute previously developed land.
21. This then leads to consideration as to whether the appeal site does or does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. In summary, these purposes are:
- (a) to check the unrestricted sprawl of large built-up areas
 - (b) to prevent neighbouring towns merging into one another, and
 - (d) to preserve the setting and special character of historic towns.
22. The appeal site was formerly part of the large rear garden to the residential property known as Long Acre fronting onto Reigate Road. That property is part of a ribbon of residential properties on either side of Reigate Road, albeit that the line of properties on the west side of Reigate Road is fewer in number and more widely spaced than the ribbon of residential properties on the east side. Moreover, the land and typically large gardens to the rear of the properties on either side of the Reigate Road provide a sense of openness to the area.
23. To the west of Reigate Road is the large built-up area of Horley. The gardens to the properties on both sides of Reigate Road therefore make a strong contribution to checking the unrestricted sprawl of Horley. The nearest towns of Horley and Dorking are widely separated, such that the appeal site does not prevent those towns from merging. To the extent that Horley and Dorking can be considered as being historic towns, neither does the appeal site contribute to the setting and special character of those historic towns.

24. The definition of 'Grey Belt' set out in Annex 2: Glossary to the Framework refers to land making a strong 'contribution' to checking the unrestricted sprawl of large built-up areas. It does not state that the land has to do that on its own: the contribution of the appeal site in checking the unrestricted sprawl of Horley is as part of a collection of individual open spaces on either side of Reigate Road that collectively achieve that purpose. The strength of the contribution made by the appeal site is therefore as a component of the whole. The loss of openness of the appeal site therefore weakens and, if repeated, would undermine the role of the whole area in checking the unrestricted sprawl of Horley. Therein lies the 'strong' contribution made by the appeal site.
25. In this case, because the appeal site is part of a wider area that retains a definite sense of openness, it strongly contributes to checking the unrestricted sprawl of Horley. The appeal site is not previously land. Consequently, the appeal site cannot be considered to constitute 'Grey Belt'.

Whether proposal is inappropriate development for the purposes of the National Planning Policy Framework

26. The breach of planning control alleged in the notice is the material change of use of the land from residential use to a B2/B8 use for the commercial storage/parking, repairs and sales of horseboxes. Paragraph 154 of the Framework indicates that a material change in the use of land is not inappropriate in Green Belt provided it preserves the openness of Green Belt and do not conflict with the purposes of including land in Green Belt.
27. I have already found that the development does conflict with the purpose of the Green Belt in one respect, and I do not rehearse that again here. In terms of openness, the Courts have held that matters relevant to the openness of the Green Belt are a matter of planning judgement and that openness can have both a spatial aspect as well as a visual aspect.
28. In spatial terms, the effect on the openness derives in part from the operational development associated with the use. The vehicle pit and associated vehicle hardstanding have relatively little effect on the openness of the Green Belt in this location in spatial terms. Not so the fence on the Eastern boundary, which by reason of its height significantly erodes the openness of the Green Belt in this location.
29. In visual terms, the vehicle pit and associated vehicle hardstanding collectively have a significant impact on the openness of the Green Belt, as does the parking/storage of the horseboxes. Photographs embedded with the Council's evidence show that the horseboxes, by reason of their height and bulk, significantly erode the openness of the Green Belt when parked or stored on the site. I recognise that the parking/storage of the horseboxes is transient, and the frequency with which horseboxes are parked or stored on the site may vary over time. Nevertheless, the evidence before me suggests that the parking/storage of the horseboxes on the site occurs on a regular basis: indeed, it is an integral part of the appellant's business.
30. This was confirmed by my observations at the site visit, at which time several horseboxes were parked or stored on the site. These were clearly visible from public land outside of the appeal, from where the harmful impact on the openness of the Green Belt was very apparent.

31. Paragraph 155 of the Framework indicates that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where *all* the following apply (emphasis added):
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan
 - b. There is a demonstrable unmet need for the type of development proposed
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework¹.
32. Turning then to the criteria (a), (b) and (c) of Paragraph 155 of the Framework, the first point to reiterate is that the (in this case) commercial development in the Green Belt should not be regarded as inappropriate unless of *all* those criteria apply do not fall to be considered. For completeness, I shall consider them briefly here.
33. In relation to Criteria (a), I have already found that the development would not utilise grey belt land. However, whilst I have found that the appeal site itself strongly contributes to checking the unrestricted sprawl of Horley, the development subject to the notice would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan when taken together.
34. Criteria (b) is that there is a demonstrable unmet need for the type of development proposed. The appellant explains that the business operated from the appeal site is a highly specialised business that serves the local equestrian community as well as a national customer base. The appellant explains that he would not have sought the land use if there was no necessity to do so, but that unsubstantiated statement falls a long way short of demonstrating through evidence that there is an unmet *need* for this type of development (as opposed to a demand for the products).
35. In relation to criteria (c), paragraph of 110 of the Framework indicates that significant development should be focused on locations which are or can be made sustainable. The appeal site has good access to a main road (Reigate Road, the A217) but there is no evidence before me that the site is easily accessible by public transport, being some distance from the nearest bus stops.
36. I recognise that by its very nature the appellant's business depends to a large extent on vehicles attending the appeal site itself to be repaired/renovates, etc, but with no public transport or services close by it is more likely than not that the day-to-day operation of the business generates a significant number of vehicle movements. By way of example, a van delivering spare parts arrived at the site just before my site visit. This is likely to be typical of the movements associated with the appellant's business. For that reason, I consider that the appellant's business cannot be reasonably regarded as being sustainable for the purposes of paragraph of 110 of the Framework.

¹ The 'Golden Rules' only relate to major development involving the provision of housing and is therefore not relevant in this case.

37. Paragraph 115 of the Framework indicates that sustainable transport modes should be prioritised taking account of the vision for the site, the type of development and its location. There is no evidence before me that this is the case with the appellant's business on the appeal site.
38. For all these reasons, I conclude that the breach of planning control alleged in the enforcement notice is inappropriate development in the Green Belt for the purposes of Paragraphs 154 and 155 of the Framework. Paragraph 153 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance of the area

39. Although formerly forming part of the rear garden to a residential property fronting onto Reigate Road, the appeal site is more visually associated with Crutchfield Lane. For much of its length, Crutchfield Lane has the character of a rural lane, being bordered by trees in some places and with verges of grass and/or other vegetation. This rural feel is enhanced by the long-distance views over the open fields to the south. I therefore consider that, overall, the area surrounding the appeal site has a rural character and appearance.
40. The appeal site itself is somewhat of an anomaly in this respect. The existing workshop, boundary fence and vehicular accesses give the appeal site an urban appearance when viewed from Crutchfield Lane that is itself in stark contrast to its more rural surroundings.
41. Photographs embedded within the Council's evidence and my own observations at the site visit reveal that the horseboxes are parked/stored on the site are visually dominant and intrusive. The number of horseboxes that are parked or stored on the site greatly exceeds that which might reasonably be expected in a typical rural context. As a result, the material change of use that is alleged in the notice (and which has occurred) has exacerbated the urban character and appearance of the appeal site and thereby eroded the rural character and appearance of the surrounding area.
42. In its representation dated 19 September 2023, Mole Valley District Council expresses concern that the intensification of use of the land with its associated activity (i.e the repair and sale of horseboxes) is not considered to be in keeping with the rural character of the area. Similar observations have been made in the two representations from local residents.
43. These representations reinforce my own view that the breach of planning control alleged in the notice unacceptably harms the character and appearance of the area. For that reason, I conclude that the development is contrary to Policies and DES2, EMP3 and NHE6 of the Reigate and Banstead Development Management Plan 2019 (RBDMP). These policies provide, amongst other things, that within the Green Belt and Rural Surrounds of Horley the re-use and adaptation of buildings to support the rural economy or diversification of rural businesses will not be supported where they fail to enhance the rural character of the immediate setting.

Living conditions

44. Representations have been received from the occupiers of two residential properties close to the appeal site. Both refer to noise and disturbance caused

by the use of the appeal site alleged in the notice. One of the representations goes into more detail and describes how the 'very loud noises' of grinding metal and the smells emanating from the appeal site are sometimes unbearable, forcing the occupier to stay inside the house and close windows and doors. Although the evidence before me in this respect is limited, it is specific and well detailed. Accordingly, I have no reason to question the views expressed in these representations.

45. I conclude that the breach of planning control alleged in the notice unacceptably harms the living conditions of the occupiers of surrounding residential properties, specifically in relation to noise disturbance and smells. I therefore conclude that the development is contrary to Policies DES 1 and EMP3 of the RBDMP which, amongst other things, expect new development not to adversely impact upon the amenity of occupants of existing nearby buildings and that employment development outside of employment areas and town centres does not harm the amenity of neighbouring properties/occupants through impacts such as noise and odour.

Other considerations

46. The appellant's business operating from the appeal site builds, renovates and sells bespoke horse boxes. I recognise that this is a highly specialised business that has grown up over many years and serves the local equestrian community as well as a national customer base. I am advised that the appellant's business typically converts and sells around 40 vehicles annually although it additionally services, maintains and modifies a greater number of vehicles. The appellant explains that the vehicles built/repaired/renovated at the appeal site are purchased by customers who require one-off bespoke features not normally provided by competitors selling standardised designs. The business employs 5 people directly and uses 3 sub-contractors.
47. I acknowledge that the appellant's business provides a valuable and bespoke service to the equestrian community at local, national and international levels. It is therefore reasonable to conclude that the appellant's business makes a positive contribution to the local economy. However, the extent of that contribution has not been quantified through the provision of evidence of sales receipts, staff wages, etc that might be re-invested in the local economy. In the absence of that evidence, I can only afford the benefit accruing the local economy from the appellant's business moderate weight.
48. Moreover, I have found that the appellant's business on the appeal site harms that character and appearance of the area as well as unacceptably harming the living conditions of the occupiers of surrounding residential properties. The support provided for employment development in rural areas by Policy EMP3 of the RBDMP is predicated on the use causing no harm to the character and appearance of the area and causing no harm to the living conditions of the occupiers of surrounding residential properties. I therefore consider that the use of the appeal site subject to the enforcement notice does not benefit from the support provided by policies in the development plan for employment development.
49. I fully recognise that in June 2025 the Council granted planning permission for a development on the western part of the wider site that included the extension to existing commercial unit/workshop and the creation of staff/HGV parking areas on the site (Council Ref: 24/02230/F). That permission can only

be viewed as being intended to operate in conjunction with the use of the current appeal for the stationing, repairs and sales of horseboxes, facilitated in part by the vehicle pit and associated vehicle hardstanding on the appeal site. Indeed, in some respects the grant of that permission can only be viewed as consolidating the use of the appeal site.

50. However, the Officer Report for that application makes it clear that the Council approached the proposal as being on the area subject to the Certificate of Lawfulness for Existing Use or Development for a use comprising the storage, repair/renovation and the building of horseboxes, together with operational development comprising the erection of a workshop and hardstanding. (Council Ref: 22/01749/CLE). The Officer Report concluded that the proposal would support growth and expansion of a business within a rural area; was not inappropriate development in the Green Belt and would preserve its openness; and that the site would function at the same intensity as the existing lawful use of the site.
51. The latter point is key. It is clear from this that the Council was in part basing its assessment on a comparison of the lawful use and the impacts of the development then proposed and assessed the planning units in and of their own individual merits. On my reading, there is no attempt in the Officer Report to compare the development proposed with the use taking place on the current appeal site. This explains the apparent contradiction in the Council's position in pursuing the enforcement notice on the appeal site having granted planning permission for the development on the western part of the site.
52. The appeal site and the land to the west of it form a single unit of occupation and are functionally related. There is a degree of physical separation between these two areas, but this appears to be openable, and the two areas are clearly used in conjunction. I therefore consider that, as a matter of fact and degree, the appeal site and the land to the west comprise a single planning unit.
53. However, it is settled case law that an enforcement notice does not have to be directed at the whole planning unit. It is clear from the approach adopted by the Council that the two areas are considered to have different impacts upon, for example, the living conditions enjoyed by the occupiers of the surrounding residential properties. I am therefore satisfied that the appeal site can be distinguished from the remainder of the planning unit due to the impact of the activities taking place on that part of the wider site, such that the planning permission in relation to the land to west of the appeal site (Council Ref: 24/02230/F) does not provide any justification for the breach of planning control subject to the enforcement notice.
54. I have considered whether the imposition of suitably worded conditions could overcome the harms that I have identified above and make the development acceptable in planning terms. In particular, I have considered whether a condition limiting the hours of operation of the business could overcome the harm to the living conditions of the occupiers of the surrounding residential properties. As a matter of principle, that might be a possibility. However, the overall harms identified are intrinsic to the breach of planning control that has occurred when taken as a whole and could not be overcome by the imposition of conditions.

Green Belt balancing exercise and conclusion on the ground (a) appeal

55. In accordance with paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development constituted by the breach of planning control alleged in the notice, including the harm to its openness. I further conclude that the development subject to the enforcement notice has unacceptably harmed the character and appearance of the area, as well as the living conditions of the occupiers of the surrounding residential properties. These are both matters to which I attach significant weight. These harms could not be overcome by the imposition of suitably worded conditions.
56. Against this, I attach moderate weight to the benefit that results to the local economy from the appellant's business on the appeal site.
57. Consequently, the harm by reason of inappropriateness and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist.
58. For the reasons set out above, the breach of planning control alleged in the notice is also contrary to policies in the RBDMP. I have not been advised of any material considerations of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan.
59. Accordingly, I conclude that planning permission ought not to be granted for matters stated in the notice.

Conclusion

60. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

61. It is directed that the notice shall be corrected by:
- in paragraph 5.3 of the notice, deleting the repeated words 'to the'
62. It is directed that the notice shall be varied by:
- in paragraph 5.1 of the notice, deleting the words 'and other commercial activities associated with the repair and alteration of vehicles'.
63. Subject to the correction and variation, the appeal is dismissed and the enforcement notice is upheld.

Paul Freer
INSPECTOR