



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: 10 NOVEMBER 2025

Appeal Ref: APP/C3620/W/25/3369622

Southgate House, Patchesham Park, Leatherhead, Surrey KT22 0DJ

- 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 Jack Miller against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0852.
 - The development proposed is a small freestanding treehouse/children's play structure.
-

Decision

1. The appeal is allowed and planning permission is granted for a small freestanding treehouse/children's play structure at Southgate House, Patchesham Park, Leatherhead, Surrey KT22 0DJ in accordance with the terms of the application, Ref MO/2025/0852, subject to the following 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 drawings entitled Block Plan, Plan, Detailed Plan, Front View, Side View 1, Side View 2 and Rear View, and the Treehouse Planning Document prepared by High Life Treehouses Ltd.

Main Issues

2. The site lies within the Green Belt. It is common ground between the parties, and I concur, that the proposal does not satisfy any of the exemptions in paragraphs 154 and 155 of the National Planning Policy Framework (the Framework), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful.
3. In light of this, the main issues in this appeal are:
 - the effect of the development on the openness of the Green Belt; and
 - whether the 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

Openness

4. The appeal site contains a detached dwelling set in a large garden. It is proposed to construct a timber children's treehouse in the rear garden.

5. The Government attaches great importance to Green Belts, whose essential characteristics are their openness and their permanence, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has spatial as well as visual aspects. The appeal site contains a detached dwelling set in large grounds which include a swimming pool and changing room. The appeal site is bounded to the rear by a copse and on either side by dwellings. As a consequence, views are limited to the site itself and the neighbouring properties.
6. The proposal would consist of a wooden treehouse on an elevated platform, which would have a modest domestic scale and appearance. Whilst the treehouse would be visible from neighbouring properties above the boundary fence, it would be seen against a backdrop of existing buildings and trees, and would be temporary in nature. It would result in only a very small loss of the spatial and visual aspects of openness, having a minor conflict with the fundamental aim of Green Belt policy, set out in paragraph 142 of the Framework, of keeping land permanently open.

Other considerations

7. The appellant has explained that the tree house would be utilised by their child, who has symptoms of attention deficit hyperactivity disorder (ADHD) which necessitate access to a safe, calming and supervised outdoor environment. The treehouse would offer specific benefits including sensory regulation, safe physical activity and a therapeutic retreat. The appellant has directed me to research showing that outdoor activities, particularly those in natural environments, offer significant benefits for children with ADHD by promoting active play, providing a calming space, fostering imagination, improving concentration and providing sensory benefits.
8. The proposal would allow the appellant to adapt the appeal property for the benefit of their child's health and wellbeing, thereby avoiding the need to travel to the nearest park, which is not within easy walking distance. I give considerable weight to the benefits to the appellant's child of having access to a calm, safe outdoor space in a natural environment.

Other Matters

9. Interested parties have raised concerns about potential overlooking, overshadowing and loss of privacy. The nearest dwelling is Four Seasons, which is separated from the appeal site by Patchesham Road, which functions as a single track shared driveway. Whilst the proposed treehouse would be positioned near the site boundary and be visible above the boundary fence, it would face towards the host property and at an angle to the boundary. The treehouse would be utilised for children's play, and as such would be unlikely to be used intensively. I consider that the separation distance between the proposed treehouse and the dwelling at Four Seasons would be sufficient to ensure that its living conditions would not be adversely affected by the proposal.

Green Belt Balance

10. The Framework advises us that substantial weight should be given to any harm to the Green Belt, including harm to its openness. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other

considerations. The proposal would be inappropriate development, but the impact on Green Belt openness would be very small, and the visual impacts would be largely confined to the site itself, an existing domestic garden.

11. Set against this, the evidence suggests that the appellant's child has a protected characteristic as set out in s149 of the Equality Act 2010. The Public Sector Equality Duty aims, amongst other things, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I am required to have due regard to this consideration in my assessment of the effect of the proposed development. The proposal would provide specific benefits to the appellant's child, who has symptoms of ADHD.
12. Weighing these matters together, I consider that the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.

Conditions

13. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested list of conditions on this basis.
14. It is necessary to confirm the standard time limit for the development, and to specify the approved plans and drawings, for the avoidance of doubt and in the interest of certainty. To safeguard trees in the vicinity of the proposed play equipment, I have listed in the condition the appellant's Treehouse Planning Document, which includes a tree protection & method statement and an arboricultural method statement.
15. The appellant has offered a number of conditions, including that the treehouse be used solely as a children's play facility incidental to the enjoyment of the dwellinghouse, that the treehouse be limited to the height and design shown on the approved plans, and that there should be no external lighting. However, given my conclusions above, I do not consider that such conditions are necessary to make the development acceptable.
16. I have not attached a condition that the treehouse be removed after five years or when the appellant's child reaches the age of eighteen, as I have no information about how long the appellant's child may require the treehouse. I have not attached a condition to retain boundary vegetation, as the appellant's plans show the vegetation beyond their fence being outside their control.

Conclusion

17. The proposal constitutes inappropriate development in the Green Belt, but I have found that very special circumstances exist which outweigh the Green Belt harm. The proposal would therefore accord with Policy EN1 of the Mole Valley Local Plan 2020-2039 Adopted October 2024 and paragraph 153 of the Framework.
18. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR