



Appeal Decision

Site visit made on 4 November 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/M3645/W/25/3371822

Chedworth, Coopers Hill Road, South Nutfield, Redhill, Surrey RH1 5PD

- 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 Dave Kemp against the decision of Tandridge District Council.
 - The application Ref is 2025/397.
 - The development proposed is erection of 9 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made against Tandridge District Council. This is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 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 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. The main issues which relate to location, land use and the amount of development permitted, are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal is in a sustainable location;

- the effect of the proposal on the character and appearance of the area; and
- if the development is inappropriate, 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

6. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless exceptions apply.
7. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (Local Plan) aligns with the Framework and details that inappropriate development will normally be refused. Policy DP13 of the Local Plan details exceptions to inappropriate development, but the proposal would not fall within any of the exceptions listed.
8. Reference has been made to exceptions to inappropriate development in the Framework. The first of these is at paragraph 154(g) which refers to the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. Annex 2 of the Framework defines previously developed land (PDL) as '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)'. Given that the appeal site comprises an undeveloped paddock and does not contain any permanent structures or associated infrastructure, it would not fall within the definition of PDL. Consequently, the exception relating to PDL is not applicable to the proposal.
10. A further exception at paragraph 155 of the Framework details that the development of homes, should not be regarded as inappropriate where all of the following apply, 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 suitable 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 Framework.
11. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising PDL and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.

12. It is common ground between the parties that the appeal site does not strongly contribute to purposes (a), (b) and (d) in paragraph 143 of the Framework. On that basis, the site satisfies criterion (a) of paragraph 155 and falls within the definition of Grey Belt. This establishes that the proposal is eligible for consideration under paragraph 155. However, the Framework is explicit that compliance with criterion (a) alone is insufficient. To benefit from the exception, the development must also accord with criteria (b) to (d) of paragraph 155.
13. With reference to criterion (b), Footnote 56 details that a demonstrable unmet need, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years. The Council accepts that it is unable to demonstrate a five year housing supply and so criterion (b) is met.
14. In relation to criterion (c), although the appellant contends that the site is sustainably located, this claim is not substantiated. Whilst sustainable transport options will vary between urban and rural areas, based on the evidence, it would seem unlikely that future occupiers would be able to access the nearest local amenities on foot, by bicycle, or by bus. This is because there is no safe pedestrian or cycle route, no nearby bus stop, and no street lighting along the route to the nearest facilities. In addition, the site is accessed from Coopers Hill Road which has a 40mph speed limit which would not be suitable for cyclists. Consequently, a genuine choice of transport modes would not be available to future occupiers. The proposal would therefore not be in a suitable location, with reference to paragraphs 110 and 115 of the Framework. It would therefore fail to satisfy criterion (c).
15. While neither party have addressed whether the proposal complies with the Golden Rules, given that it would fail to adhere to criterion (c) of paragraph 155, the proposal would be inappropriate development in the Green Belt.
16. Reference is made to Policy DP14 of the Local Plan in the reason for refusal. However, a copy of this policy was not provided, nor is it referenced in the officer's report or the Council's appeal statement. In the absence of clarity on its content and application, I afford no weight to Policy DP14 in my decision. Nevertheless, I have found clear conflict with Policies DP10 and DP13, which seek to protect the openness of the Green Belt and prevent inappropriate development.
17. For the above reasons, the proposal does not fall within the exceptions to inappropriate development listed in Policy DP13 of the Local Plan or the Framework and it would therefore comprise inappropriate development in the Green Belt.

Openness

18. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has both spatial and visual aspects. The spatial impact of the proposal is significant, as it would introduce built form on an undeveloped site through the introduction of nine dwellings. With reference to the visual impact, given that the site is visible from the M23, the nine proposed dwellings would erode the open spacious feeling of the undeveloped site and adversely impact the visual openness of the Green Belt. The proposal would therefore have an adverse impact on openness resulting in significant harm to the Green Belt and conflicting

with the purpose of the Green Belt to safeguard the countryside from encroachment.

Sustainable Location

19. Amongst other criteria, Policy DP5 of the Local Plan requires proposals to provide safe and suitable access to the site which is achievable by all and promotes access by public transport, foot and bicycle to nearby residential, commercial, retail, educational, leisure and recreational areas where appropriate.
20. The highways authority has raised concerns regarding the appeal sites pedestrian and cycle accessibility and poor access to public transport services. In terms of pedestrian accessibility, the site is significantly removed from local amenities, which inherently limits the feasibility of walking as a primary mode of travel. This issue is compounded by the absence of suitable pedestrian infrastructure, including a continuous footpath and street lighting. In the context of prevailing high vehicle speeds along Coopers Hill Road and Kings Cross Lane, these deficiencies present a material risk to road safety.
21. Cycling would also be impractical due to the 40 mph speed limit on Coopers Hill Road, which is unsuitable for shared carriageway use. Furthermore, public transport options are distant and inaccessible by foot or cycle, which would leave future occupiers heavily reliant on private vehicles. Considering these factors the appeal site is not in a sustainable location.
22. The appellant has referred to multiple appeal and planning decisions in support of the contention that, in circumstances where a five-year housing land supply cannot be demonstrated, it is appropriate to consider sites that involve some compromise in respect of sustainable transport options. Whilst that proposition may have some validity, each case must be determined on its own merits.
23. Reference is made to a previous application at Chedworth (2018/1996) which permitted the change of use of a storage building to a bungalow. While that site appears to be outside the current appeal site, its location is broadly comparable in terms of remoteness. In that case, the officer accepted the isolated setting but considered that the limited trips from one household did not outweigh the benefit of providing a small affordable dwelling. In contrast, the proposal involves a significantly greater number of dwellings. This difference makes the sustainability of the site a more critical factor, given the needs of multiple occupiers and the cumulative effect on accessibility and transport. The circumstances therefore differ substantially from the previous application and therefore cannot be regarded as directly comparable.
24. The planning and policy context of the other cited examples are not before me, and although sustainability was a factor in these decisions, the principal considerations that informed the outcomes are unknown. This significantly limits the weight that can be attributed to these examples in the context of the current appeal. In any event, in terms of locational sustainability, the sites referred to are not directly comparable to the appeal site. For instance, at Woodside House (2023/1480), although there was no footpath to the nearest amenities and the main road was subject to a 50mph speed limit, the site was situated on a straight section of road and was closer to local services than the appeal site. Similarly, at 84–90 Rook Lane (2024/5612), the site was positioned between existing dwellings, and facilities were considered reasonably accessible by bicycle or bus.

25. The examples at Marhaba (2025/755) and Perryfield Farm (2023/1249) concerned the conversion of existing buildings and development on PDL. Whilst these sites may have shared certain locational disadvantages, they were already subject to a level of activity beyond that which would be expected on an undeveloped paddock. Consequently, the policy considerations applicable to those cases are not comparable to the present proposal.
26. The example at Nyahlands Farm (2025/499) relates to a permission in principle for nine dwellings on a site of similar size in an unsustainable location. However, given that the address indicates a farm, it is reasonable to assume the presence of agricultural buildings or associated activity, which distinguishes it from the undeveloped paddock that forms the appeal site. Accordingly, this example is not wholly comparable.
27. I have also considered the Chapel Road decision (Ref. 2023/1464), which related to an outline proposal for 270 dwellings. In that case, reference has been made to the tilted balance being engaged. This would mean footnote 7 to paragraph 11(d)(i) of the Framework did not apply; and the site was not within an area of particular importance that would provide a strong reason for refusing the development. However, given my findings on the first main issue in this appeal, the circumstances of that decision differ materially from those before me. Accordingly, I do not regard this example as directly comparable to the appeal scheme. As such, these examples are not wholly comparable to the development before me and do not justify a planning permission. For the above reasons, the appeal site is not in a sustainable location. It would therefore be contrary to Policy DP5 of the Local Plan.

Character and appearance

28. In the context of this appeal for permission in principle, this issue is limited to the amount of development proposed as matters of design would be dealt with at the technical details consent stage.
29. The appeal site comprises an undeveloped paddock adjoining a kennel and cattery. Its character and that of the surrounding landscape is predominantly agricultural and open. This contributes positively to the pastoral qualities and rural character of the area. Having regard to the amount of development proposed, despite the Council's Tree Officer raising no objection, the erection of nine dwellings on an undeveloped plot, would result in an unacceptable degree of urbanisation. This would be at odds with the rural character and setting of the site.
30. For the above reasons, the amount of development proposed would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to Policy DP7 of the Local Plan and Policy CSP18 of the Tandridge District Core Strategy 2008 (Core Strategy). Amongst other things these policies require proposals to integrate effectively with its surroundings, reinforce local distinctiveness and landscape character.

Green Belt Balance

31. The proposed development constitutes inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would also adversely affect the openness of the Green Belt, be located in an unsustainable location and the amount of

development would harm the character and appearance of the area. VSC will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

32. The proposal would deliver a net gain of nine dwellings, which would make a positive contribution to housing supply within the borough. This is particularly relevant given the Council's acknowledged inability to demonstrate a five-year supply of deliverable housing sites and is therefore afforded significant weight. However, while the scheme would positively contribute to housing provision, the presumption in favour of sustainable development does not apply in this instance. In accordance with footnote 7 of paragraph 11(d)(i) of the Framework, the Green Belt is an area of particular importance, and it provides a strong reason for refusing the proposal.
33. The benefits that would accrue from the provision of nine dwellings would not clearly outweigh the harm to the Green Belt and other harms identified. The VSC required to justify the proposal do not, therefore, exist. The proposed development is therefore contrary to Policies DP5, DP7, DP10 and DP13 of the Local Plan and Policy CSP18 of the Core Strategy.

Conclusion

34. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the above reasons and having regard to all matters raised the appeal is dismissed.

V Goldberg

INSPECTOR