



Appeal Decision

Site visit made on 2 September 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/C3620/W/25/3367924

Hillside Farm, Cudworth Lane, Newdigate, Surrey RH5 5BH

- 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 I and J Bohuslavova and Greenhalgh against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0183/PLA.
 - The development proposed is demolition of existing buildings and erection of detached dwelling with associated garage, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was accompanied by a NatureSpace Great Crested Newt District Licensing Scheme Certificate dated 29 July 2025. In response, the Council advised that it was no longer defending the reason for refusal relating to the impact of the proposal on protected species. I am likewise satisfied that the proposal would not have an adverse impact on protected species, provided that the measures set out in the Certificate are implemented, a matter which is capable of being controlled by condition.
3. There is disagreement between the main parties as to whether or not the buildings the subject of the appeal are currently used for residential purposes. It is not for me, within the ambit of this appeal, to make a finding as to their current lawful use, this being a subject that needs consideration under an application for a lawful development certificate. However, I have considered this matter in my decision only insofar as it is material to my assessment of the proposed development.

Main Issues

4. In light of the above, the main issues in this appeal are:
 - 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, with particular reference to whether or not the site comprises grey belt and/or previously developed land (PDL), the accessibility of the site to services and facilities, the need for the development, and its effect on openness;
 - the effect of the proposal on the character and appearance of the area; and

- 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

5. The appeal site contains a dwelling known as Hillside Farm which forms part of a loose ribbon of houses located in the countryside. The dwelling has large grounds which include a building, the remains of a second building and a hardstanding, which are proposed to be demolished and replaced by a dwelling. The site is within the Green Belt.
6. 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.
7. 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.
8. Paragraph 155 advises that the development of homes should not be regarded as inappropriate where (a) the development would utilise grey belt land and 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.
9. Policy EN1 of the Mole Valley Local Plan Adopted October 2024 (MVLP) seeks to protect the Metropolitan Green Belt from inappropriate development unless the development proposed meets one of the exceptions within the policy, one of which is the redevelopment of PDL where it would not have a greater impact on the openness of the Green Belt than the existing development. The changes to the Framework in December 2024 have resulted in this part of Policy EN1 no longer being in conformity with the Framework, with Paragraph 154(g) now referring to the redevelopment of PDL which would not cause substantial harm to the openness of the Green Belt.

Grey Belt

10. Grey belt is defined in the Glossary to the Framework as “*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not contribute strongly 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*”.
11. It is common ground between the parties that the appeal site does not contribute strongly to Green Belt purposes (a), (b) and (d). From the evidence before me, I agree. Furthermore, the appeal site does not include or impact on any of the areas or assets listed in footnote 7 of the Framework. Consequently, the appeal site is grey belt land.

12. The appeal site is small in scale in relation to the size of the Green Belt in Mole Valley. 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. Therefore, the proposal meets criterion (a) of paragraph 155.

Demonstrable unmet need

13. Turning to criterion (b), footnote 56 of the Framework clarifies that ‘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 Test was below 75% of the housing requirement over the previous three years.
14. Paragraph 232 of the Framework guides that, where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, 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.
15. The MVLP was adopted last year. The Council has drawn my attention to the Inspector’s Report on the MVLP, which confirmed that at the time of the plan’s adoption, the Council had a deliverable housing supply exceeding the five year requirement; and has supplied appeal decisions postdating the changes to the Framework in December 2024 which confirm that the Council has a five-year housing land supply^{1 2}. Moreover, the Housing Delivery Test over the last three years passes the required 75%. Whilst I acknowledge the circumstances that surround the adoption of the plan relating to need, and the agreement that the MVLP be subject to immediate review in relation to need and supply, the Council can currently demonstrate a five year supply of deliverable housing sites in the Framework’s terms.
16. The appellants have also argued that the changes to the Framework in December 2024 have increased Mole Valley’s local housing need figure significantly, and that the impending local government reorganisation could delay the three-year review of housing need mandated by the Local Plan Inspector. However, these factors do not influence the application of paragraph 232 of the Framework nor paragraph 155.
17. I therefore conclude that there is not a demonstrable unmet need for the type of development proposed in the Framework’s terms.

Sustainable location

18. Amongst other things, the Framework, at paragraphs 110 and 115, seeks to manage patterns of growth to account for the environmental impacts of transport, and promote sustainable transport options including walking, cycling, and the use of public transport. Development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine

¹ PINS reference APP/C3620/W/25/3360287

² PINS reference APP/C3620/W/25/3360100

choice of travel modes. However, it is recognised that opportunities to maximise sustainable transport will vary between urban and rural areas.

19. The appeal site is located in the countryside beyond the settlement boundary of Newdigate. The facilities in Newdigate include a convenience store, public house, doctors' surgery, infant school/pre-school and village hall, and there is a limited bus service providing access to higher order facilities in Dorking, Crawley, Leatherhead and Epsom.
20. The route to Newdigate utilises country lanes which are signposted as having a 30mph speed limit, but which are narrow in places and lack pavements or lighting. Surrey County Council's Healthy Streets guidance advises that a facility is considered accessible by foot if it is within a 10 minute or ideally a five minute walk, and that most people's needs should be available within a 20 minute walk or cycle. The appellants have calculated that Newdigate is a 9 minute walk or 4 minute cycle ride from the appeal site, which the Council has not disputed.
21. Whilst this would be within the maximum walking and cycling times, the route would be difficult to navigate safely because of the narrow carriageway, which would be exacerbated at night and during the winter. I consider that walking and cycling from the appeal site to the village would be challenging, and that the time it would take is not a determinative factor as to whether future residents would use the route regularly. The bridleways referred to by the appellant are likewise unlikely to provide a suitable pedestrian route in winter and after dark. Consequently, notwithstanding the facilities that are available in Newdigate and beyond, future residents would be heavily reliant on the car.
22. The appellants have referred me to planning permission for a dwelling at Hillside Farm³ as an example of a dwelling in the countryside which the Council considered to be sustainably located. Whilst noting the similarity of the location in terms of accessibility, I do not have sufficient information about the circumstances of the case to judge whether the other considerations in that instance warranted the granting of planning permission for a house. I accord this decision limited weight.
23. On this matter, I conclude that the development would not be in a sustainable location, having regarded to the limited opportunities available to maximise sustainable transport solutions commensurate with the rural nature of the site.
24. In summary, although the appeal site is grey belt land, the proposal conflicts with criteria (b) and (c) in paragraph 155 of the Framework. Consequently, the development would be inappropriate development in the Green Belt.

Previously developed land

25. The exception at paragraph 154(g) of the Framework relates to the complete redevelopment of PDL, including a material change of use to residential, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
26. The parties disagree about whether the site is PDL. I have noted that it was formerly part of Hillside Farm, most of whose buildings were replaced by a dwelling to the east of the appeal site. The appellants have referred to the intact

³ LPA reference MO/2019/1377

building as a former lambing shed, whilst an interested party has referred to it as a piggery. Whilst I observed no farming activity when I visited the site, the building's relative distance from the main house limits its attractiveness for domestic storage, and I saw no clear evidence that the building was being used for domestic storage.

27. From the evidence before me, therefore, I consider that the site does not constitute PDL as defined in the Glossary to the Framework.

Openness

28. The proposed dwelling would be substantially larger in both footprint and massing than the existing buildings, and entail a significant increase in height. The dwelling would extend the existing ribbon of residential development beside Cudworth Lane into open countryside. Although the dwelling would be seen against the backdrop of the tree belt which lines Green Lane, it would be visible in longer views from the east, and the proposed driveway from Green Lane would open up views from the west which additional planting would not completely mitigate. The paraphernalia which would be associated with a dwelling, including boundary treatment, garden furniture and domestic planting, would further impinge on the openness of the Green Belt.
29. Given such, the proposal would substantially affect both the spatial and visual aspects of the openness of the Green Belt as a whole, and so does not comply with paragraph 154(g). Drawing this together, the proposal would be inappropriate development in the Green Belt that would have a substantial harmful effect on openness.

Character and appearance

30. The appeal site is located in the Open Weald landscape character area, which is characterised by a moderately open, undulating landscape with a strong pattern of hedgerows and narrow winding lanes. From my observations on site, the appeal site and its surroundings exhibit many of the characteristics of the Open Weald. There is a belt of trees to the west, a vista over open countryside to the east, and the site slopes southwards towards a watercourse. Overall, the appeal site possesses a spacious and tranquil quality.
31. The proposed dwelling would be significantly larger than the existing buildings on the site and would be visible in views across open countryside. The proposal would involve the creation of a driveway from Green Lane, with a resultant interruption to the belt of trees along this boundary, and opening up of views into the site, which could not be fully mitigated by planting. The transformation of two low key buildings into a separate domestic curtilage, with associated paraphernalia, would mark a significant change in the character of the site, resulting in a harmful erosion of its rural charm.
32. Whilst Cudworth House, Barings Field Farm and Hogsmead sit behind linear frontages alongside rural roads, they are located some distance from the appeal site and consequently do not affect its immediate setting. Whilst the site is not generally visible from Cudworth Lane, it is visible from Green Lane and in longer vistas from the east. Although additional planting could potentially limit some of the impacts of the proposal, it could not fully mitigate the range of adverse impacts I have identified.

33. For these reasons, I consider that the proposal would significantly harm the character and appearance of the area, contrary to the aims of policies EN4 and EN8 of the MVLP, which together require new development to respond to the prevailing pattern of development and the landscape, and to demonstrate that they have taken into account the key characteristics, attributes and sensitivities of the landscape type in which they are located.

Other considerations

34. The appellants have pointed to the circumstances surrounding the adoption of the MVLP in 2024 and the subsequent ramifications of the revisions to the Framework in December of that year. Whilst this does not amount to a demonstrable unmet need for housing in the terms set out in paragraph 155(b) of the Framework, I am mindful of the substantial notional housing shortfall put forward by the appellant, and accord significant weight to the provision of a new house, noting that it could be delivered in the short term.
35. The proposal is for a self build dwelling, the benefits of which are set out in the Framework. However, as an appropriate mechanism to secure the development as self build has not been provided, I accord limited weight to this aspect of the proposal.
36. The proposal would result in the removal of a former agricultural building and the remains of a second building, along with a hardstanding. As a result, there would be a modest degree of visual enhancement from this aspect of the proposal in isolation.
37. The proposal would provide economic benefits during the construction phase, and support local facilities in the long term. The dwelling would utilise low/zero carbon technologies, and overall the proposal would deliver ecological enhancements and additional landscaping. These factors weigh moderately in favour of the proposal.

Green Belt Balance

38. I have found that the proposal would be inappropriate development in the Green Belt and would harm its openness, matters to which the Framework requires me to attach substantial weight. It would cause significant harm to the character and appearance of the area and would be unsustainably located, harms which also attract substantial weight. The other considerations above do not clearly outweigh the harm arising from inappropriateness and the other harms. The very special circumstances required to justify the proposal do not, therefore, exist.
39. The proposal would conflict with Policy EN1 of the MVLP and the Framework, which seek to protect the openness of the Green Belt and to protect it from inappropriate development. It would also conflict with policies EN4 and EN8 of the MVLP, which require new development to respond to the prevailing pattern of development and the landscape, and Policy S1 which guides new housing to sustainable settlements.

Planning Balance and Conclusion

40. As I have found that substantial harm to openness would arise as a result of the proposal, and moreover that on the evidence before me the site is not PDL, the inconsistency between the Framework and Policy EN1 of the MVLP has had very little bearing on my assessment. Consequently, the conflict with Policy EN1, and

the rest of the aforementioned policies within the development plan, attracts full weight in this case.

41. Given that the Council can demonstrate a five-year supply of deliverable housing sites based on the method espoused for a development plan of the MVLP's age, and given that the application of policies in the Framework that protect the Green Belt provides a strong reason for refusing the development proposed, paragraph 11(d)(ii) of the Framework is not engaged.
42. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR