



Appeal Decision

Site visit made on 2 December 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th December 2025

Appeal Ref: APP/C3620/W/25/3372913

Fourays, Horsham Road, Capel, Surrey RH5 5LF

- 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 & Mrs J. Sharpe against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0356.
 - The development proposed is demolition of the existing attached garage, metal store and log store and erection of a detached 1 No. dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing attached garage, metal store and log store and erection of a detached 1 No. dwelling at Fourays, Horsham Road, Capel, Surrey RH5 5LF in accordance with the terms of the application, Ref MO/2025/0356, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in my formal decision is taken from the decision notice, rather than the application form. The difference is the removal of reference to a self-build dwelling, the relevance of which I shall discuss further in my decision. Nevertheless, the appellant has indicated through the appeal form that the description was amended and therefore I am satisfied that the main parties would not be prejudiced by the description used in my formal decision.
3. The appeal has been supported by an Ecological Survey as a direct response to the third reason for refusal. There is some disagreement between the main parties as to whether the appellant was made aware of the need for such a survey during the determination of the application. Nevertheless, I am satisfied that the Council has had the opportunity to comment on the survey during the appeal proceedings and therefore I have taken it into consideration in my determination.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the safety of the highway network; and,
 - the effect of the proposal on protected species.

Reasons

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Policy EN1 of the Mole Valley Local Plan (2024) (MVLP), relates to the Green Belt and amongst other matters, states that such land will be protected against inappropriate development, as defined by national policy.
6. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt, stating that inappropriate development should not be approved except in very special circumstances. The Framework does however outline several exceptions to inappropriate development at paragraphs 154 and 155. Paragraph 154 g) of the Framework outlines that the redevelopment of previously developed land (PDL) will not be inappropriate development in the Green Belt provided that it “*would not cause substantial harm to the openness of the Green Belt*”.
7. The wording within Policy EN1 of the MVLP is similar to the wording within the Framework, albeit refers to new development not having a greater impact on the openness of the Green Belt than the existing development. This appears to be rooted in the previous version of the Framework and is therefore not entirely consistent with paragraph 154 g) of the Framework as it imposes more stringent tests for the re-development of PDL. The requirements of Policy EN1 are therefore inconsistent with the Framework in this regard. As such, I have afforded limited weight to this policy in this respect.
8. There is no dispute between the main parties that the site meets the definition of PDL. Based on the evidence before me, I see no reason to reach a different judgement on this matter. It therefore falls to consider whether the development would cause substantial harm to the openness of the Green Belt.
9. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness capable of having both spatial and visual aspects.
10. The appeal site sits within a small cluster of development comprising residential plots set within pockets of woodlands and open fields. Building lines in the immediately surrounding area are inconsistent, typically set back from the highway with grassed and wooded frontages. Residential outbuildings are frequent, including an existing car port within the appeal site.
11. The proposal relates to the replacement of an existing single storey garage and other single storey ancillary outbuildings, with a detached two storey dwelling. The proposed dwelling would represent a notable increase in volume, height, floorspace and footprint within the appeal site when compared to the existing built form. The adjacent existing car port would do little to screen the development noting its lower height. From both a spatial and visual perspective, the proposal would have a harmful impact on the openness of the Green Belt.

12. Notwithstanding the above, the proposed dwelling would be sited within part of the Green Belt where there is sporadic development of similar scale and proportions to the dwelling proposed, partially screened by existing vegetation. The dwelling would not extend beyond the limits of built form established by neighbouring dwellings and its footprint would broadly follow the position of the existing garage, outbuildings and areas of hardstanding. The urbanising effects of the development would therefore be modest and the actual perceived harm to the openness of the Green Belt would be relatively limited.
13. The Council has raised concerns that the creation of an additional planning unit would lead to an intensification of use which, with associated comings and goings and domestic paraphernalia, would be harmful to the openness of the Green Belt. However, in the context of the surrounding residential plots, I find that the intensification associated with a single additional dwelling would have a limited, imperceptible, harmful effect on the openness of the Green Belt.
14. The change in wording within the Framework to increase the threshold of harm to openness must have been intentional, to allow the use of more PDL for development, in favour of the release of Green Belt land elsewhere. Based on the site-specific factors discussed above, I conclude that the harm to the openness of the Green Belt would not meet the threshold of being substantial.
15. Consequently, the proposal would not be inappropriate development through paragraph 154 g) of the Framework. Whilst the proposal would conflict with the wording of Policy EN1 of the MVLP, given my findings above that this policy is in part inconsistent with the Framework, I find that there are material considerations which would outweigh this conflict.
16. The main parties have also referred to other exceptions to inappropriate development in the Green Belt, namely in relation to development in the grey belt. The evidence in relation to this matter includes discussion regarding the Council's ability to demonstrate a five-year supply of deliverable housing sites. However, because I have found that the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 154 g) of the Framework, it is not necessary for me to consider these matters further or to make a judgement on the Council's housing land supply (including in the context of the previous appeal decisions referred to).

Highway safety

17. Policy INF1 of the MVLP states, amongst other matters that development proposals will be assessed for their impact on the highway network so as to eliminate any unacceptable impact on highway safety. The proposed dwelling would be served by a long driveway shared with the existing property. The width of the driveway is inconsistent, and at its narrowest point, not wide enough to allow two vehicles to pass one another.
18. The appellant has submitted a plan demonstrating how the driveway could be widened at the site access. However, based on the evidence before me, I cannot be satisfied that these works would fall within the red line site location plan for the appeal proposal, and thus whether the land falls within the appellant's ownership. I have therefore given the ability to secure widening of the driveway through condition limited weight in my decision.

19. The Council's concerns relate to the potential for conflict between vehicles along the driveway which could subsequently lead to a vehicle reversing onto the highway. However, in the likely infrequent occasions where two vehicles were to be using the driveway in opposite directions, there would be space for vehicles to either manoeuvre around one other at the access entrance (which is wider in extent), or to reverse back into the site in favour of reversing onto the highway.
20. The appeal site would be accessed via a rural road which at the time of my site visit was very lightly trafficked. Whilst I appreciate that this represents only a snapshot in time, there is little in the evidence before me to suggest that the highway is usually much busier. Even in the acknowledgement of the presence of nearby bus stops, if a vehicle were to on rare occasion reverse onto the highway, I am not convinced that this would be implicitly harmful to highway safety. On this basis I find that the proposal would have an acceptable effect on highway safety, and I have identified no direct conflict with Policy INF1 of the MVLP.

Protected species

21. Policy EN9 of the MVLP in part requires an assessment of the impact of development proposals, including in relation to protected species, where development proposals are likely to affect natural assets. Whilst an ecological appraisal has been submitted to support the appeal, the Council has maintained its reason for refusal on this matter on the basis that comments have not been received from Surrey Wildlife Trust.
22. The submitted report provides an adequate assessment of the ecological value of the site confirming that no further survey works are recommended to support the proposals. Various mitigation measures are suggested, which could be secured by condition. Based on the submitted assessment and its associated mitigation works, I am satisfied that the proposal would have an acceptable effect on protected species and would not conflict with Policy EN9 of the MVLP.

Other Matters

23. The appellant has submitted a unilateral undertaking (UU) to secure the proposal as a self-build dwelling. Notwithstanding the policy support at both a local and national level for self-build dwellings, based on my findings above, it is not necessary for the dwelling to be self-build in order for the proposal to be acceptable in planning terms. Having regard to the Framework, the UU is therefore not necessary to make the development acceptable, and I have not afforded it any weight given it has no bearing on my decision to allow the appeal.
24. Letters of representation have been received objecting to the proposal on various grounds. These include that the proposed dwelling has not been specifically allocated as a windfall site and that it falls outside of the allocations for further development within the Capel Neighbourhood Plan. The Framework recognises the importance of small and medium sized developments and the development of windfall sites. The proposal would make a small contribution to housing supply within the District and this represents a benefit to the proposal despite the site not being specifically allocated for development.
25. There is concern that the proposal would not deliver much needed affordable housing. However, the proposal for a single dwelling would fail to meet the

thresholds which require the provision for affordable housing and therefore this does not amount to a justifiable reason to resist the proposal.

26. Privacy concerns have been raised in relation to overlooking of neighbouring gardens and dwellings. The Council has assessed this matter within the associated officer report, in part noting the distances which would remain between the proposed dwelling and neighbouring dwellings. Based on the evidence before me, I see no reason to reach a different conclusion from the Council in relation to the effect of the proposal on neighbouring living conditions.
27. It is presented that the existing car port was built relatively recently and that this, coupled with the proposal represents an encroachment and cumulation of proposals which undermine the purposes of the Green Belt. There is also a suggestion that there could be further demand for ancillary outbuildings. Each proposal must be assessed on its own merits. As above, I have found that the proposal would have an acceptable effect on the Green Belt, and I cannot speculate to development which may come forward in the future which is not for consideration in the appeal scheme before me.
28. Concerns have been raised in relation to the level of parking provision proposed and the effect of the proposal on surface water, specifically relating to localised flooding. I am satisfied that both matters could be adequately addressed through conditions.
29. The proposal would require the removal of at least one ash tree to facilitate the development. Nevertheless, there are no trees within the appeal site which are specifically protected. Noting the tree cover within both the appeal site and the surrounding area which would be unaffected by the proposal, the tree removal proposed through the development would not have a significant effect on either the biodiversity value of the site, or the character and appearance of the area.

Conditions

30. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. Where necessary I have amended the wording in the interests of effectiveness and precision.
31. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. A condition seeking details and samples of the proposed materials is also necessary in the interests of maintaining the character and appearance of the area.
32. Further details are required in relation to surface water drainage to ensure that the development does not have a detrimental impact to localised surface water flooding. Given that this would be a pre-commencement condition, the appellant was given notice in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Confirmation has been received that the appellant would be satisfied with the terms of the condition.
33. The Council has suggested a condition relating to climate change mitigation which I find reasonable in order for the development to comply with Policies EN4 and EN13 of the MVLP.
34. A condition requiring the provision of vehicular spaces and turning areas is necessary to prevent the parking of vehicles on the highway and reduce the risk of

vehicles reversing onto the highway to turn. The Council has suggested an additional condition for a charging point for an electric vehicle, but this is secured through Building Regulations for new dwellings and therefore it is not necessary for me to also impose it on the decision.

35. Compliance with the recommendations of the submitted ecological surveys is necessary in order to ensure the development is in accordance with Policy EN9 of the MVLP.

Conclusion

36. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Having taken into account all matters raised, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR

Schedule of 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 drawing nos Location Plan (unreferenced), 4352-PL-02/A, 4352-PL-03, 4352-PL-04, 4352-PL-06 and 4352-PL-07.
- 3) (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with the drainage hierarchy contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.
- 4) No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall take place until details of how the development hereby permitted will be zero-carbon ready have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to the first occupation of the dwelling hereby approved. In the event of Air Source Heat Pump (ASHP) technology being proposed for use at the site, full details of the specification and maintenance of the ASHPs shall be included within the submitted details and the development thereafter carried out in accordance with those approved details.
- 6) The dwelling hereby approved shall not be first occupied until space has been laid out within the site in accordance with drawing no. 4352-PL-02/A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) The mitigation recommendations set out within Table 1 of the Ecological Appraisal (Deepdene Ecology 10 September 2025) shall be carried out in full.

END OF SCHEDULED CONDITIONS