



Appeal Decision

Site visit made on 17 November 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/C3620/W/25/3366290

Happy Paddocks Farm, Stan Hill, Charlwood, Surrey RH6 0ES

- 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 Jim against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0197/PLA.
 - The development proposed is the demolition of an existing detached house and erection of a replacement 3 bedroom detached house, together with the change of use of agricultural land to facilitate the repositioning of the house and to provide residential curtilage and parking area.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jim against Mole Valley District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development differs between the application form and the decision notice. Whilst the appellant has acknowledged the change in Section E of the appeal form, I have not seen any formal agreement to the change in description. In these circumstances, I have used the description of development from the application form. This states the development proposed is “the demolition of an existing detached house of substandard construction and erection of a replacement 3 bedroom detached house, together with the change of use of agricultural land to facilitate the repositioning of the house and to provide residential curtilage and parking area”.
4. The text “of substandard construction” is superfluous and does not relate to an act of development, and therefore I have removed this from the description of development in the banner heading in the interests of clarity.
5. I understand that an amended site plan which removed the proposed curtilage was prepared at the application stage and has been referred to in the evidence. However, the evidence shows the application was determined against the originally submitted site plan which included a proposed residential curtilage. As part of the appeal, I have only been provided with an unscaled extract of this plan, and I note that the formation of a curtilage also forms part of the description of development. As such, in the interests of clarity, I have made my decision on the

basis of the original site plan with a proposed curtilage which the Council made its decision on.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;
- the effect on the character and appearance of the area;
- whether the proposal would comply with the Nationally Described Space Standards (NDSS);
- whether adequate refuse collection provisions would be provided; and
- if the proposal is inappropriate development in the Green Belt, 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

7. The appeal site is situated within the Green Belt. The National Planning Policy Framework (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies.
8. This approach as outlined in the Framework, is reflected in Policy EN1 of the Mole Valley Local Plan (2024) (LP). Given the consistency with the Framework, I have afforded significant weight to the LP Policy EN1. I also consider the Framework to carry significant weight as a material consideration.

Material change in the use of the land

9. In the first instance, I understand from the evidence that a lawful development certificate was issued for the use of the two former agricultural buildings as a residential dwelling¹. It is clear from this certificate the lawful residential use relates solely to the buildings themselves, and no wider curtilage area was subject to this certificate. As such the surrounding land remains in agricultural use.
10. Given the size of the footprint of the proposed dwelling and the introduction of a residential curtilage, the development proposes a change of use from the existing surrounding agricultural land to residential.

¹ PINS ref APP/C3620/X/22/3295260

11. Exception h) v. of paragraph 154 of the Framework sets out that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) is not considered to be inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. This is broadly reflected in LP Policy EN1 part 3j.
12. This exception is not a broad open category and to qualify, a proposal must take its flavour or extent from the examples given. In these circumstances, the change of use from the agricultural land to residential would not fall within exception h) v. of paragraph 154 or part 3j. of LP Policy EN1. As such, the change of use from agricultural to residential would be inappropriate Green Belt development, which is by definition harmful.

Is the proposed dwelling materially larger than the dwelling it replaces?

13. Exception d) of paragraph 154 sets out that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would not be inappropriate development in the Green Belt. Part 3b of LP Policy EN1 also mirrors the exception set out in the Framework.
14. As mentioned, the planning history demonstrates that a certificate of lawfulness was granted for the use of these buildings as a residential dwelling. The proposal is for a replacement residential dwelling and is therefore in the same use as the existing building and meets the first part of the exception.
15. The existing buildings are lightweight timber structures with shallow pitched roofs. The Council has measured the existing dwelling to have a floor area of 47.6m² which is unchallenged by the appellant, whilst the appellants evidence confirms that the proposed floor space would be 97.88m². Furthermore, the plans show that the existing dwelling has a ridge height of 2.9m and an eaves of 2.3m, and the proposed dwelling has a maximum roof height of 5.56m sloping down to approximately 2.9m in height.
16. The proposed dwelling would be of a significantly greater size than the existing in terms of its height, footprint and stature leading to a significantly greater amount of bulk, scale and massing being introduced to the appeal site. As such, the proposal would amount to a building that is materially larger than the one it replaces. The proposal would therefore not meet paragraph 154(d) of the Framework or part 3b. of LP Policy EN1.
17. I note that prior approval was given by the Council for first floor permitted development extensions to the existing dwelling. However, both Policy EN1 and paragraph 154(d) of the Framework are clear that this exception relates to the replacement of a building. As the extensions have not yet been built, they are not being replaced by the appeal scheme and cannot count as part of the baseline. However, I consider this fallback position later on in my assessment.

Paragraph 155

18. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate as set out by paragraph 155 where a number of criteria apply.

a. Utilising grey belt land

19. In the first instance, the parties disagree whether the appeal site comprises previously developed land. The definition of previously developed land includes 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, but also excludes land which is or was last occupied by agricultural buildings². Whilst the appeal site contains a residential dwelling, this lawful residential use only relates to the dwelling itself. It is confirmed by the certificate that the lawful residential use did not include a wider residential curtilage or other structures at the site. The remainder of the appeal site is therefore in agricultural use which falls outside of the definition of previously developed land. In these circumstances, the majority of the appeal site would not fall within the definition of previously developed land.
20. Nevertheless, it is common ground between the parties that the appeal site would amount to grey belt land by virtue of the land not strongly contributing to purposes a), b), or d) as set out in paragraph 143 and the policies relating to the areas or assets in footnote 7 (other than Green Belt) not providing a strong reason for refusing the development. The parties also agree that the development of the appeal site would not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.
21. Based on the evidence before me and my observations on site, I see no reason to disagree with this position. The proposal would utilise grey belt land and not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan. The proposal would therefore meet criteria a. of paragraph 155.

b. Demonstrable unmet need

22. In the case of housing, footnote 56 of the Framework sets out that demonstrable unmet need relates to a lack of five year supply of deliverable sites or a previous under delivery of housing. The evidence before me demonstrates that the Council can demonstrate a five-year supply through the recent adoption of its Local Plan. I have little evidence in relation to past delivery.
23. However, in any case, the proposal is not for new residential development that would contribute to the Council's supply of deliverable housing sites, rather it is replacing a dwelling within the existing stock. Whilst the appellant may desire a replacement dwelling at the site, I have little evidence before me of the demonstrable unmet need for replacement dwellings. The proposed development would therefore not meet the requirements of paragraph 155b.

c. Sustainable location

24. The appeal site is located down an unpaved and unlit track which is accessed from Stan Hill, an unlit countryside road with fast moving traffic and no pedestrian footpath. The evidence does not show, and I did not observe, that there would be any accessible modes of public transport close to the appeal site. Furthermore, owing to the circumstances of Stan Hill as described, it appears that only a confident cyclist would undertake journeys along this road.

² As defined in Annex 2 of the Framework.

25. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision making. Furthermore, paragraph 115 a) states that it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
26. In this case, the proposed dwelling would be in a significantly car-dependent location, with the evidence not presenting any alternative sustainable modes of transport that could be utilised. Whilst there is an existing dwelling, the proposed three-bedroom six-person property would generate additional and highly car-dependent movements to and from the site compared to the baseline. In these circumstances, the evidence does not demonstrate that the development would be in a sustainable location, and the proposal would therefore not meet the requirements of paragraph 155c.

d. Golden rules

27. The development does not meet the definition of major development³ and therefore the golden rules do not apply to the appeal proposal.

Conclusion of paragraph 155

28. The appeal proposal would not meet criteria b. and c. of paragraph 155 and therefore would not benefit from the provisions of this exception to development within the Green Belt.

Conclusion on whether the proposal is inappropriate development

29. Overall, I conclude that the proposed development would not meet any of the exceptions as set out in paragraphs 154 and 155 of the Framework. In these circumstances the proposal would be inappropriate development within the Green Belt, which is by definition harmful.

Openness

30. The Planning Practice Guidance identifies various factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt⁴. This includes visual and spatial dimensions, as well as the level of activity generated.
31. As previously described, the development would be over double the floor space and nearly double the height of the existing dwelling. The proposal would add a significant amount of additional bulk, scale, mass and height to the appeal site compared to the existing situation. It would further introduce a residential curtilage including a domestic garden and parking area. The proposal would reduce both visual and spatial openness at the site. It would also introduce additional movements compared to the existing situation. However, given the scale of the proposal for a single replacement dwelling, in these circumstances, the level of harm to the openness of the Green Belt would be moderate.

³ As defined at Annex 2 of the Framework.

⁴ Paragraph: 013 Reference ID: 64-013-20250225

Character and appearance

32. The area is predominantly agricultural in character with open fields surrounding the site with woodlands set along the field boundaries. The existing dwelling comprises two former agricultural buildings of a timber construction. They are unintrusive within the wider landscape and appear in keeping with the predominantly agricultural character and appearance, which includes other similar timber structures nearby the site. There is also a larger metal structure which is open on all sides and a small area of hardstanding close to the access gate. The existing site is in keeping with and contributes to the small scale agricultural character and appearance of the area.
33. The proposed dwelling would have a contemporary appearance utilising a significant amount of glazing and two mono-pitched roofs whilst being finished in Bargate stone, pale wash render with timber detailing. The design and materials would fail to take any cues from the surrounding small scale agricultural development. Whilst I agree with the appellant that a development does not necessarily have to copy its surroundings, in this case, the design of a significant bulk, scale and mass, utilising unsympathetic materials and glazing would be distinctly out of keeping with the rural agricultural character and appearance of the area and landscape.
34. Furthermore, the proposed design of the dwelling would be distinctly domestic compared to the existing dwelling and would introduce a large residential curtilage. The domestic formalisation of this land and the associated paraphernalia would be distinctly at odds with the rural agricultural character and appearance of the area and would result in visually harmful domestic encroachment into the countryside.
35. This harm would occur despite the orientation of the proposed dwelling following the shape of the existing and the materials stated to be locally sourced. Although, due to the fairly limited public views of the appeal site and woodland boundaries, this harm which I have identified would be fairly localised.
36. Whilst a condition could be imposed to required different materials, this would not overcome the other harms to character and appearance which I have identified.
37. I therefore conclude that the appeal proposal would result in considerable harm to the character and appearance of the area. The appeal proposal would conflict with Policy EN4 of the LP. This policy, amongst other matters, seeks to ensure that development is of a high quality design with detailing that responds to the surrounding buildings and makes a positive contribution to its local character.

NDSS

38. The dwelling is proposed as a 3-bedroom 6-person dwelling. The NDSS sets out that a single storey dwelling of such a size should have a minimum gross internal floor area (GIA) of 95m². The appellant has provided a drawing clarifying the GIA of the proposed dwelling would be 97.88m² which would exceed the requirements as set out in the NDSS. The Council has not challenged this measurement. In these circumstances the evidence demonstrates the proposal would comply with the overall GIA required.
39. Part e. of the NDSS sets out that one double room should be at least 2.75m wide and every other double room should be at least 2.55m wide. The proposed floor

plans demonstrate that bedroom 3 would have a width of 2.55m, and bedrooms 1 and 2 would both have widths exceeding 2.75m. The proposal would therefore comply with the requirements of the NDSS in this regard.

40. The proposal would therefore comply with Policy H10 of the LP which requires development to meet or exceed the Nationally Described Space Standards.

Refuse

41. The proposed dwelling is a considerable distance from Stan Hill, with the existing access track to the proposed dwelling being a narrow, unmade and uneven surface. I observed on my visit that the existing bins associated with Happy Paddocks Farm were presented at the junction of the access track with Stan Hill.
42. The Council highlights that a refuse vehicle would not be able to directly access the dwelling through the narrow access track, and from my observations on site I agree.
43. It is proposed that future residents would present the refuse bins at the roadside of Stan Hill, which would be a continuation of the existing arrangement currently undertaken at the site. Presenting the bins at the roadside at such a distance from the dwelling would be undesirable for future occupiers. However, it would be a continuation of the existing arrangement and therefore the proposal would be no different or more harmful than the existing situation.
44. The Council highlights that placing the bins at the entrance with Stan Hill could be obstructive and obtrusive to other users of the site access. However, I observed on my visit that the existing bin was set on a grass verge to the side of the access track and did not impede users from using the track. I therefore do not consider that a continuation of this would result in being obstructive or obtrusive to other users of the track.
45. LP Policy EN4 criteria n. requires that the bin storage is unobtrusive and should be easily accessed by waste collection services. Given the bins would be presented at the roadside and would not block the existing access, there would be no conflict with this policy.

Other Considerations

46. The proposal would improve the living conditions of the occupiers of Happy Paddocks Farm by providing additional floor space and residential curtilage at the property. However, this is a personal benefit of the scheme and it attracts limited weight in favour of the development.
47. A prior approval application was granted for the construction of an additional storey on top of the existing single storey structures at the appeal site⁵ (the fallback position). These extensions would add height, bulk and massing to the existing dwelling.
48. The parties have referred to case law on the subject of fallback positions⁶. These cases can be summarised that for a fallback position to be a material consideration it should have a real prospect of being implemented and that this prospect of

⁵ LPA ref MO/2024/1674

⁶ - Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314 and;

- Zurich Assurance Ltd (t/a Threadneedle Property Investments) v North Lincolnshire Council [2012] EWHC 3708 (Admin).

implementing the fallback position does not have to be probable or even have a high chance of occurring, it has to be only more than a merely theoretical prospect. A very slight indeed or merely an outside chance of the fallback position happening is sufficient to make the position a material consideration. Weight, is however a matter the decision maker.

49. Given the small scale of the existing dwelling and the additional floorspace offered by the fallback position, even without a parking area or wider curtilage, I consider that there is a real prospect and a greater than a theoretical possibility that the fallback scheme could be implemented. Particularly as there is clearly a desire for the appellant for additional floor space at the site, as evidenced by the appeal scheme. I therefore consider that the fallback position is a material consideration to this appeal.
50. The appellant has provided a range of measurements comparing the fallback position to the appeal scheme. This includes the fallback position having a floor area of 103.68m² compared to the proposed 97.88m² floor area of the appeal scheme and that the height of the appeal scheme is predominantly lower due to it sloping mono-pitches compared to the fixed 5.33m ridge height of the fallback position. In these circumstances the appellant considers that there is an overall reduction in built form at the appeal site.
51. In relation to the openness of the Green Belt, the evidence shows the appeal scheme would offer a very modest reduction in the floor area of built form which could be constructed at the appeal site compared to the fallback position. This would have limited benefits to spatial openness, specifically in relation to buildings. However, the appeal scheme has a larger footprint and, whilst it would offer an overall reduction in height compared to the fallback position, it would nevertheless appear as a more sprawling development with a greater footprint which would be more harmful to visual openness. It would also introduce a residential curtilage with associated paraphernalia and activity into an area of open space further reducing the openness of the wider site. Therefore, the appeal scheme would have a greater overall impact on the openness of the Green Belt than the fallback position.
52. In relation to character and appearance, the fallback development would have an overall higher fixed ridge than the appeal scheme. However, it would have a smaller footprint and would not domesticate a large section of agricultural land through the formation of a residential curtilage. Furthermore, the fallback scheme would continue to retain an agricultural appearance through its design and materials. Conversely, as previously discussed, the imposing contemporary design of the appeal scheme, including the proposed materials, would be distinctly out of keeping with its rural agricultural setting. The appeal proposal would therefore be more harmful to the character and appearance of the area than the fallback position.
53. As such, whilst I consider the fallback position to be a relevant material consideration, the appeal scheme would be more harmful in terms of its effect on the openness of the Green Belt, character and appearance in comparison to the fallback development. The evidence does not present any other ways the appeal scheme would be more beneficial than the fallback development. In these circumstances, the fallback position would not represent a factor which weighs positively in favour of justifying the proposed development.

54. The appellant has provided an appeal decision⁷, where the Inspector in this case considered a fallback position for a development consisting of the construction of three dwellings. I have very limited details before me of the specifics of this case so I cannot be certain the circumstances are directly comparable. In any case, from reading this other decision letter I do not consider my approach to be inconsistent with that of the Inspector of this other appeal.
55. The appellant has suggested that improvements secured through conditions, such as to landscaping, would be a benefit particularly given the lawful use was secured through a certificate of lawfulness with no such controls. However, given the small scale of the development, any benefits secured through conditions would be limited. Furthermore, I do not consider that conditions could be used in this instance to make an otherwise unacceptable development, acceptable.

Green Belt Balance

56. Paragraph 153 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As previously identified, this is reflected in LP Policy EN1.
57. The proposal would amount to inappropriate development in the Green Belt and would result in moderate harm to openness. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, including harm to its openness. I have also identified that the proposal would result in considerable harm to the character and appearance of the area.
58. There are no other considerations which clearly outweigh the harms I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would conflict with LP Policy EN1.

Conclusion

59. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

C Housden

INSPECTOR

⁷ APP/K1128/W/20/3252605