



Appeal Decision

Site visit made on 13 January 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2026

Appeal Ref: APP/M3645/W/25/3374877

Parast, Broadbridge Lane, Smallfield, Surrey RH6 9RD

- 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 Matthew Langley against the decision of Tandridge District Council.
 - The application Ref is TA/2025/754.
 - The development proposed is permission in principle for up to 9 dwellings.
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Decision

1. The appeal is dismissed.

Applications 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.
5. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

6. 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 Framework;
- the effect of the proposal on the openness of the Green Belt;
- whether the proposal is in a sustainable location; 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

7. 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.
8. 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.
9. Reference is 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.
10. 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)'.
11. While the appellant has sought to rely on this exception, no substantive justification has been provided to demonstrate that the proposal would constitute limited infilling or that the site meets the definition of PDL. The planning application form describes the appeal site as paddock land, and it is an open, undeveloped parcel of land. In the absence of any indicators of prior development, the site does not comprise PDL. Moreover, as the site does not sit within a clearly defined, built-up frontage, and evidence has not been presented to demonstrate how the proposal would amount to limited infilling, the exception at paragraph 154(g) of the Framework does not apply.
12. 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 Green 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.

13. 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.
14. It is common ground between the parties that the appeal site does not make a strong contribution to purposes (a), (b) and (d) of paragraph 143 of the Framework. On that basis, the site satisfies criterion (a) of paragraph 155 and therefore falls within the definition of Grey Belt. This establishes that the proposal is eligible to be assessed under paragraph 155. However, the Framework is clear that satisfying criterion (a) alone is not sufficient to benefit from the Grey Belt exception. For the development to be permissible, it must also comply with criteria (b), (c) and (d).
15. With reference to criterion (b), Footnote 56 of the Framework explains that a demonstrable unmet need arises where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, including the appropriate buffer where applicable, or where the Housing Delivery Test has resulted in delivery below 75% of the housing requirement over the previous three years. In this case, the Council accepts that it cannot demonstrate a five-year housing land supply. On that basis, criterion (b) of paragraph 155 is met.
16. In relation to criterion (c), the appellant contends that Bridleway 496, which adjoins the southern boundary of the appeal site, provides safe equestrian and pedestrian access to bus stops on Redehall Road without the need to cross any roads. I walked this bridleway during my site visit. Whilst it does physically connect the appeal site to Redehall Road, the route was heavily waterlogged and muddy, with visible rutting, standing water and areas of churned ground along its length.
17. The poor drainage and uneven surface would make the bridleway difficult to use during wetter months, particularly for children and elderly or less able users, and it would require careful navigation by able-bodied walkers. In these circumstances, the condition of the bridleway limits its suitability as a reliable and convenient route to services and alternative modes of transport.
18. Whilst the nearest bus stop would be approximately 1 km from the site and some facilities are located less than 1.3 km away, future occupiers would be required to access these either via the bridleway or by walking along Broadbridge Lane. This road has a 40 mph speed limit and lacks both a footway and streetlighting. Although the Framework recognises that sustainable transport opportunities will vary between urban and rural locations, the evidence before me indicates that future occupiers would be unlikely to access local amenities or public transport on foot or by bicycle. Consequently, a genuine choice of transport modes would not be available. The proposal would therefore not be in a suitable location with reference to paragraphs 110 and 115 of the Framework, and it would fail to satisfy criterion (c).

19. Neither party has expressly addressed whether the proposal complies with the Golden Rules. However, given that the proposal fails to satisfy criterion (c) of paragraph 155, it follows that it cannot benefit from the Grey Belt exception.
20. For the reasons set out above, the proposal does not fall within any of the exceptions to inappropriate development identified in the Framework. It therefore constitutes inappropriate development in the Green Belt. The development is accordingly contrary to Policy DP10 of the Local Plan, which seeks to prevent inappropriate development within the Green Belt.

Openness

21. Openness is identified in the Framework as one of the essential characteristics of the Green Belt and has both spatial and visual dimensions. In spatial terms, the proposal would result in a substantial loss of openness, as it would introduce built development in the form of nine dwellings on currently undeveloped paddock land. This would negatively alter the existing open character of the site.
22. In visual terms, while the appeal site is set back from the highway and is partially screened by existing vegetation, the proposal would not be entirely concealed. Views into the site are available through gaps in the vegetation along the access lane and the adjoining bridleway, such that the development would be perceptible from public vantage points.
23. Accordingly, the proposal would cause harm to the spatial and visual aspects of openness, resulting in substantial harm to the Green Belt. It would also conflict with one of the Green Belt's fundamental purposes, namely, to safeguard the countryside from encroachment.

Sustainable Location

24. The appeal site is accessed from Broadbridge Lane, which is subject to a 40mph speed limit. The lane is a narrow, single-carriageway rural road, enclosed on both sides by mature hedgerows, grass verges and trees. There are no formal footways, cycle lanes or street lighting along the lane.
25. Amongst other criteria, Policy DP5 of the Local Plan seeks to ensure that development proposals provide safe and suitable access to the site for all users, and that they facilitate sustainable travel choices. In particular, the policy promotes accessibility by public transport, walking and cycling to nearby residential areas and to commercial, retail, educational, leisure and recreational facilities where appropriate.
26. The Highway Authority consider the appeal site to be in an unsustainable location, I agree. The site is not easily accessible by modes of transport other than private car, and opportunities for future residents to travel on foot or by cycle are limited and would raise safety concerns. Pedestrian access would require either use of an informal and unreliable bridlepath or walking along Broadbridge Lane for a significant distance. The latter option would involve walking close to moving traffic along a road with no footway or street lighting. Neither route would provide a safe or practical means of access for all users, particularly children, elderly persons, or those with mobility impairments.

27. Whilst paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not displace the clear expectation of Policy DP5 of the Local Plan that proposals should provide safe and suitable access for all users and facilitate sustainable travel choices.
28. The appellant refers to decisions at Woodside House, Nyahlands Farm and Perrysfield as examples where housing has been permitted on rural roads without footpaths and subject to speed limits of 40–50mph. A comparative sustainability table has also been submitted, comparing Nyahlands Farm, Perrysfield and the appeal site in terms of locational sustainability.
29. Although the appellant draws comparisons based on distances to services from these sites compared to the appeal site, the wider planning and policy context for these cases, other than Nyahlands Farm, have not been provided. While sustainability formed part of the assessment in these cases, the considerations that ultimately justified the grant of permission are not evident from the information before me. In the absence of this contextual detail, I am unable to establish whether the circumstances are comparable. I therefore afford these examples limited weight in the determination of this appeal.
30. In respect of Nyahlands Farm, a copy of the officer's report has been submitted with the appeal. This confirms that the site is not directly comparable to the proposal and, accordingly, only limited weight can be afforded to it. While it is claimed that the appeal site performs more favourably than Nyahlands Farm in terms of locational sustainability, the Nyahlands scheme involved the demolition and removal of existing outbuildings, including a timber shed, container, sand school and riding pen. The site was therefore previously developed, and the proposal resulted in a materially different impact on the openness of the Green Belt when compared with the undeveloped nature of the appeal site.
31. Furthermore, whilst there was a county highway objection to Nyahlands Farm, based on the evidence before me, this site is located significantly closer to bus stops than the appeal site. These bus stops provided a regular service and multiple routes to nearby villages, enabling access to a range of community facilities and shopping opportunities. Taken together, these considerations further distinguish Nyahlands Farm from the proposal in both Green Belt and locational sustainability terms.
32. For these reasons, the appeal site is not in a sustainable location and would therefore conflict with Policy DP5 of the Local Plan, which requires safe and suitable access for all and the promotion of travel by public transport, walking and cycling to nearby facilities.

Other Matters

33. The appellant has referred to appeal and planning decisions¹ to demonstrate that the Council is unable to show a five-year supply of deliverable housing sites and/or that housing delivery has fallen below 75% of the housing requirement over the previous three years. I note these decisions, and it is not in dispute that the Council cannot demonstrate a five-year housing land supply. In the Perrysfield

¹ Woodside House APP/M3645/W/24/3347328, Rook Lane APP/M3645/W/24/ 3347815, Perrysfield Farm APP/M3645/W/24/3352066, Chapel Road APP/M3645/W/24/3355743, Barrow Green Farm APP/M3645/W/25/3364704, Marhana, Horley (decision dated 8th April 2025) and Nyahlands Farm, Copthorne (decision dated 13th June 2025)

decision, the Inspector observed that, given the very significant shortfall in housing land supply, it was likely that Green Belt sites would need to be allocated or released to meet future housing needs. However, the conclusions reached in this case and others do not predetermine the outcome of this appeal, which must be assessed on its own merits, having regard to the characteristics of the site, the policies of the development plan, and all other relevant material considerations.

34. In referencing these other appeal decisions, attention is drawn to the inconsistent weight that has been attributed to the housing land supply shortfall. Given the extent of the shortfall and the inability to demonstrate housing delivery above the 75% threshold, I agree with the appellant that the issue of housing supply attracts substantial weight in the planning balance.
35. Whilst the Council do not consider that the quantum of development proposed is harmful to landscape character and that there are no other in principle issues other than those identified, the absence of harm is a neutral factor and does not weigh in favour of the proposal.

Green Belt Balance

36. The proposal constitutes inappropriate development within the Green Belt, which the Framework makes clear is, by definition, harmful. Substantial weight must therefore be afforded to this harm. In addition, the development would result in a loss of openness and would occupy a location that is not well related to services or sustainable transport options. I attribute significant weight to these additional harms. Taken together, the harm to the Green Belt and the other identified harm is of a high order.
37. The scheme would provide a net increase of nine dwellings, which would make a positive contribution to housing supply in the borough. Given the Council's inability to demonstrate a five-year supply of deliverable housing sites, this benefit attracts substantial weight. However, the presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, does not apply in this case. In accordance with footnote 7, the Green Belt is an area of particular importance, and it provides a strong reason for refusing the proposal.
38. The benefits that would accrue from the provision of nine dwellings, do not clearly outweigh the harm to the Green Belt and the other harm identified. As such, the VSC necessary to justify the development do not exist. The proposal would therefore conflict with Policies DP1, DP5 and DP10 of the Local Plan.

Conclusion

39. 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