



Appeal Decisions

Site visit made on 27 January 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/C3620/W/25/3360473

Mark Oak Nursery, Cobham Road, Fetcham, Surrey KT22 9SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant planning permission.
- The appeal is made by Mr Kevin Allen against the decision of Mole Valley District Council.
- The application Ref is MO/2024/1277/PLA.
- The development proposed is described as a change of use of land from garden nursery (Use Class E) to outside storage (Use Class B8).

Formal Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is another appeal¹ at the property made by the same appellant against an enforcement notice served by Mole Valley District Council on a fence and gates over 2 metres in height at the front of the appeal site. Whilst at the same site these are independent appeals and are subject to separate decisions.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above.
4. Both parties agree that the proposal would be inappropriate development within the Green Belt, however there is confusion in the delegated report as to whether the proposal meets the relevant tests for 'grey belt'. Consequently, whilst the parties agree it would be inappropriate development, it is incumbent upon me, as the decision maker, to fully assess the proposal in accordance with the National Planning Policy Framework (the Framework) and the relevant development plan policies.

Main Issues

5. Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and, if so, the effect on openness;

¹ PINS Ref: APP/C3620/C/25/3358752

- the effects of the proposed development on character and appearance; 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

6. Policy EN1 of the Mole Valley Local Plan 2020-2039, adopted October 2024 (MVLP) states that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy, unless very special circumstances are demonstrated. The policy further sets out that some forms of development are exceptions to the definition of inappropriate development and will be permitted where they comply with other relevant policies. These policies are generally consistent with the Framework.
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. Paragraph 154 of the Framework establishes that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. Paragraph 154.h) v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) is the most relevant here.
8. The proposal is for a change of use from garden nursery (Use Class E) to outside storage (Use Class B8), and that use class is not specifically referred to under paragraph 154.h) v. Case law² states there must be a commonality between the proposed use and those listed under 154.h) v, i.e. an activity which is not expressly described must discover from the context in which the expression appears what are the relevant common characteristics of the activities expressly described. The storage of materials, goods and/or equipment would not be akin to outdoor sport or recreation etc.
9. Even if, a storage use did fall within this exception, it would need to meet the secondary requirements in respect to the preservation of the openness of the Green Belt and the purposes of including land within it. The openness of the Green Belt has both a spatial and visual aspect³. The appeal site is relatively well-enclosed via extensive vegetated boundaries and a large set of gates and a fence (subject to a separate decision). Given this, there are limited views from the road or other public vantage points.
10. At the time of my visit the appeal site was separated from the surrounding Green Belt with a mixture of fencing, trees, hedges and shrubs, typical of a rural environment. The area inside this enclosure is relatively open, albeit various elements of the previous garden nursery have been retained. These included hardstandings, furnaces, framing for the glasshouses, glazed panels and various other associated items. Interspersed amongst these items were various other paraphernalia associated with building operations which are now stored at the site. These included but were not limited to logs, mechanical diggers, pea-shingle, hoardings, prefabricated buildings, bollards, bins, vehicles and alike.

² *RB of Kingston upon Thames v SSLUHC [2023] EWHC 2055 (admin)*

³ *Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466*

11. It is acknowledged that many of the items stored at the site are transient in nature, and the proposal will limit the storage area into a narrow L-shaped parcel of land adjoining the accessway. However, it is the sprawling nature of the development that would affect the openness of the Green Belt. Whilst views outside the site would be limited to an extent, thus limiting visual harm, the existing storage and potential for increased storage to be located within it, would provide a further limited, but a nonetheless perceptible loss of openness. Consequently, the use of the land would not meet the relevant exception of paragraph 154 of the Framework.
12. In addition to the exceptions under paragraph 154, the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states the development of homes, commercial and other development should not be regarded as inappropriate where (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 sustainable 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 Framework paragraphs 156-157.
13. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143, and 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.
14. From the information before me the appeal site consists of a garden nursery which has ceased trading. The area consists of a substantial portion of land previously occupied by glasshouses and other paraphernalia associated with a nursery business. Since the cessation of the use the glasshouses have been demolished, albeit many of the hardstandings remain at the site, and the area has been used as a builders' storage yard as detailed above. The area could therefore be considered as PDL.
15. Even if, the site is not considered PDL neither party dispute that the appeal site would not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143 of the Framework, on the basis that it is not located close to a built-up area; would not merge towns; nor would it affect the setting and special character of a historic town. Consequently, the appeal site would be considered 'grey belt' land, although the proposal would need to meet all of the criteria of paragraph 155 in order for the proposal to qualify as not inappropriate development.
16. The proposal accords with paragraph 155.a. of the Framework as it 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.
17. Criterion 155.b. sets out that there needs to be demonstrable unmet need for the type of development proposed. The development is for outside storage (B8) within an area of PDL. However, I have been presented with little evidence that the provision of storage materials associated with building operations would be

sufficient to demonstrate any unmet need as required by criterion 155.b. of the Framework. In the absence of figures regarding the occupancy of B8 facilities, and identifiable demand, I have no evidence that there is an unmet need for B8 storage and therefore criterion b) has not been met.

18. Similarly, I have been presented with little detail in respect to criterion 155.c. and whether the development would be in a sustainable location, with reference to paragraphs 110 and 115 of the Framework. Additionally, criterion 155.d. only applies to “major development” as defined in the Glossary at Annex 2 of the Framework, which this development is clearly not.
19. I conclude on this main issue that the proposed development is not an exception under paragraph 154 of the Framework. Although the site can be considered grey belt land, there is no demonstrable unmet need for the proposed development, and it is not therefore an exception under paragraph 155 of the Framework. The proposed development would, therefore, be inappropriate development in the Green Belt.

Character and appearance

20. The appeal site is located on the northern side of Cobham Road in Fetcham. It is sited opposite several detached residential properties located on spacious plots and adjoins the detached property of Mark Oak cottage to the west. Despite this ribbon of development, the area immediately adjoining the appeal site to the north has a rural feel with a large green open space interspersed with wooded areas.
21. The current use has led to the introduction of various building paraphernalia being stored within the area, providing a spreading effect of materials and goods, detrimental to the open character. I acknowledge the appeal site has a lawful use as a garden nursery (albeit now ceased), which could be considered more commercial in character within the area. However, the provision of the glasshouses and associated works, in my view, would have appeared more agricultural in function and appearance, akin to rural activities found in such a location. Furthermore, a restrictive condition was attached to the original nursery permission⁴, ensuring that no materials could be stored or displayed open in the site. Thus, the condition contained the development and prevented any additional sprawl into the open area.
22. I have carefully considered whether conditions could be attached to this scheme to ensure that any harm is mitigated. However, it is unclear from the information before me the amount and type of the storage that would be required by the business in order to remain viable. Whilst restrictive conditions could be attached in respect to areas, heights and types of materials stored, there are limited details in respect to infrastructure and transportation requirements, thus I am uncertain as to whether the provision of conditions would place unacceptable pressures on the business, such that it would affect its viability. Therefore, I must adopt a precautionary approach.
23. Overall, whilst the presence of a nursery formed part of the character of the area, I consider that the current unrestricted proliferation of materials, structures and other items provide additional spread within the area which are intrusive and discordant, such that it causes harm to the character of the area. This would be

⁴ Mole Vale District Council Planning Ref: LEA/25357

contrary to policy EN4 of the MVLP which seeks development to be of a high-quality of design that makes a positive contribution to its local character, including an understanding of the site, how it relates to the existing area and to improve the quality of the landscape and townscape, amongst other things.

Very Special Circumstances

24. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt, for which the Framework requires substantial weight to be apportioned. I have also found the scheme would harm the character and appearance of the surrounding area.
25. The appellant has set out very special circumstances, which include an essential need for the storage facility; lack of suitable alternative sites; minimal impact on Green Belt openness; transitional nature of storage; economic and employment benefits and a minimal footprint.
26. As stated above, I have not been furnished with details regarding either occupancy and/or an identifiable demand for B8 storage within the area, thus I am unclear whether there is an essential need as a whole. Nevertheless, the appellant highlights that the current operation is essential for the needs of the business and there is a lack of alternative sites. I accept that the appellant may indeed require storage facilities from time to time, and therefore I would attach moderate weight given the small scale nature of the business. However, I have been presented with no detail in respect to any alternative sites sought, so only limited weight can be attached in that respect.
27. In regard to the scale of the development and the impact on the openness of the Green Belt I have already found that the proposal would provide a perceptible loss of openness, albeit limited despite its transient nature. Given that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence, I cannot afford these matters anything other than limited weight.
28. The provision of employment and associated economic benefits to the locality is unlikely to be lost entirely as the business will seek to find other premises, though I accept that this may not be nearby and some local benefits may be lost, so this is a matter that carries moderate weight in favour of the development.
29. Nevertheless, the substantial weight given to the harm to the Green Belt and its openness is not clearly outweighed by any positive weight of the considerations put forward on these matters, either individually or collectively. Therefore, the other considerations in this case do not clearly outweigh the harm that I have identified.
30. Consequently, the very special circumstances necessary to justify the development have not been demonstrated and the proposal would conflict with the Framework and the policies EN1 and EN4 of the MVLP as outlined above.

Conclusion

31. The proposal would therefore conflict with the development plan taken as a whole and there are no other considerations that outweigh this. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR