
Appeal Decision

Site visit made on 9 February 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/C3620/W/25/3374870

Greystones, Chalkpit Lane, Brockham, Surrey RH3 7EZ

- 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 and Mrs Claire and Jamie Myers against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/1993/PLA.
 - The development proposed is erection of a single detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have been given the opportunity to comment on the arboricultural report reference AFA Consulting dated 23/4/2025 which was not submitted to the Council as part of the appeal documents and the appellants have had the opportunity to respond. I have taken these comments into account in my decision as neither party has been prejudiced by my acceptance of this report.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site would be grey belt with particular reference to whether the sites location in the Surrey Hills National Landscape (SHNL) and the Site of Special Scientific Interest (SSSI) provides a strong reason for refusing or restricting the development and 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;
 - The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on character and appearance of the area; 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

4. The appeal site forms an area of land to the east of the residential property known as Greystones located to the northern end of Chalkpit Lane, a cul de sac in the Green Belt, SHNL, and the Impact Risk Zone for the Mole Gap to Reigate Escarpment Special Area of Conservation (SAC) and SSSI. The area of land is within the appellants ownership but does not have the appearance of residential land and I have not been provided with evidence of the change of use of the land to residential curtilage.
5. The appeal is for the erection of a detached split level dwelling, following the demolition of various structures. There would be a driveway to the front with off-street parking spaces.
6. The dwelling would be single aspect with windows to the front. The rear would be partially set into the bank with the internal space lit by light funnels on the roof. The western end of the roof would host solar panels and the eastern end would be a sedum roof.

Whether the appeal site would be grey belt, whether the SHNL or SSSI provides a strong reason for refusing or restricting the development and whether the proposal would be inappropriate development in the Green Belt

7. Grey belt is defined as land in the Green Belt comprising previously developed land and/ or other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143 of the Framework. Grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 of the Framework includes National Landscapes (NL) and SSSIs.
8. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in NL which have the highest status of protection in relation to these issues. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) places a duty on relevant authorities to further the statutory purpose of the NL.
9. The SHNL is one of the most wooded of the UK's protected landscapes and is characterised by hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages and market towns.
10. Some of the threats to the SHNL have been identified as the demand for more houses and general development pressures which has led to high land and property prices and the general standardisation in the design and use of building materials which has contributed to a gradual loss of local distinctiveness and sense of place.
11. The proposed dwelling would have an extensive footprint, would be contemporary in design and would have a light coloured fenestration and significant expanse of glazing. The glazing has the potential to cause glare in the south elevation against a dark, wooded backdrop. The design of the proposal, materials and extensive glazing would be an incongruous feature within the protected landscape which would neither conserve or enhance the natural beauty of the SHNL. A public

footpath also runs immediately north of the site, offering clear views onto the proposal.

12. The site is located within the 800m buffer of the SAC and within 200m of the SSSI. Policy EN9 of the Mole Valley Local Plan (MVLN) states there will be a strong presumption against new development unless the impact on the integrity of the SAC can be mitigated. The types of development which are of most concern are those that increase the number of residents (or employees) who are likely to access the SAC.
13. The SAC has Europe-wide importance for nature conservation. The qualifying features of the SAC are Box scrub, calcareous grassland which support Orchids, Beech and Yew dominated woodland. Species of interest include Great Crested Newts and the Bechstein Bat.
14. A Preliminary Ecological Appraisal (PEA) Report and a Bat Roost Assessment were submitted with the application. These recommended that prior to determination of the application, additional bat presence surveys would be required. The surveys also did not include consideration of Great Crested Newts and therefore the applicant has not adequately demonstrated that there would be no impact to Great Crested Newts and/or their habitat as a result of the proposal.
15. In light of the above, Surrey Wildlife Trust recommend that prior to determination, further assessment of impacts to the SSSI/SAC in relation to Bechstein's bats is required, as well as presence/likely absence surveys of Great Crested Newts.
16. The additional surveys requested by the statutory consultees in respect of ecology could form part of a condition requiring the submission of additional appropriate surveys and mitigation measures. However, no additional information has been provided with the appeal and I consider this information necessary prior to determination due to the potential impact on protected species.
17. Given the site's proximity to the SSSI/SAC, the potential presence of Great Crested Newts and Bechstein's bats, and the risk of increased pressure from an additional dwelling, a Habitats Regulations Assessment would be required. The assessment must be completed prior to determining the appeal, which would require the submission of the aforementioned additional information. In light of the above, and in the absence of the additional information, the proposal would be contrary to policy EN9 of the MVLN and advice within the Framework.
18. Given my findings above on NL and the potential impact on the SSSI/SAC, the site does not meet the definition of green belt. As such, the proposal cannot be considered under the exception at paragraph 155 of the Framework.
19. Turning to the question of whether the proposed development would be inappropriate development in the Green Belt. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

20. The construction of new buildings in the Green Belt is to be regarded as inappropriate development, unless for a number of specifically identified exceptions. Of relevance to this case could be paragraph 154(g) of the Framework.

(g) 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.

21. Previously developed land is defined in the Framework 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). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’
22. Whilst the area has historically been used for industrial activity in association with Brockham Lime Kilns, having visited the site and reviewed the evidence presented to me, I do not consider the land previously developed as the remains of any permanent structure or fixed surface structure have since blended into the landscape. There are structures on the site (labelled G and H), however, given their temporary nature with no substantial footings and poor condition, I do not consider these structures would meet the definition of permanent. There is also a barn (labelled I) on site but I have not been provided with evidence this has been erected lawfully. From the information before me, the only lawfully erected building appears to be the double garage granted permission under reference MO/2016/1118. The proposal would not therefore constitute previously developed land.
23. In conclusion, the proposal would not fall within the definition of grey belt due to the adverse effect on the SHNL and the SSSI. The proposal would not meet any of the exceptions for development within the Green Belt and would therefore constitute inappropriate development and would be contrary to policies EN1, EN8 and EN9 of the MVLP, policies P1, P2 and P3 of the Surrey Hills Management Plan and the Framework. These policies seek to protect against inappropriate development within the Green Belt, to respect landscape character, avoid undue prominence and conserve and enhance the natural beauty of the NL and to demonstrate consideration has been given to the conservation and enhancement of biodiversity.

Openness of the Green Belt

24. Consideration of the effect of the proposal on the openness of the Green Belt requires a judgement on matters such as the circumstances of the case, considering both spatial and visual aspects, the duration of the development and the intensity of the activity likely to be generated.
25. The structures to be demolished and replaced by the proposal are (apart from the garage and structure I to the east) largely temporary in nature, single storey and

small scale. These structures are also spread across the site and unobtrusive from Chalkpit Lane.

26. The lawful garage building is located close to the existing residential dwelling and reads in connection with the main dwelling. The building to the east (structure I) does not appear to have been lawfully erected and is subject to an enforcement notice for its removal.
27. The proposed dwelling would be single storey in height, partially built into the landscape and centrally located on the appeal site. Whilst I have been provided with information relating to the footprint of the buildings to be demolished (166sqm), this includes buildings which have not been demonstrated to be lawful or are temporary structures on the site. The footprint of the proposed dwelling would be 149sqm which equates to an overall reduction in footprint of 10%. This figure is not disputed by either party.
28. In considering the impact of the proposal on the openness of the Green Belt, volume is a more helpful metric than footprint as volume is the visible scale and mass of the development. The Council put forward undisputed figures that indicate the proposal equates to an approximate 59% increase in volume over and above the buildings to be removed, if the temporary structures are not included in the figures then the proposal would result in a volume increase of 134%. These figures have not been disputed by the appellant and I have not been provided with any alternative.
29. This increase in volume as a single building towards the front of the site would have a significant impact on the landscape and result in substantial harm to the openness of the Green Belt.
30. In conclusion, the scale and mass of the proposal would result in substantial harm to the openness of the Green Belt, taking into account the volume of the proposal in relation to the volume and location of the existing structures on the site. The proposal would therefore be contrary to policy EN1 of the MVLP and the Framework which seek to protect the Green Belt from inappropriate development, including harm to its openness.

Character and appearance of the area

31. The proposed development would create a new residential curtilage in the rural area. The proposal would have a contemporary appearance which would appear as an incongruous feature in the landscape due to the use of light-coloured materials against a dark, wooded backdrop. The proposal would also have a flat roof which would be in contrast to the surrounding properties along Chalkpit Lane which are characterised by brickwork, clay tiles and pitched roofs.
32. The appellant has relied on existing mature trees and hedges to create a natural screen to limit the buildings visibility, however, the site appears to have been substantially cleared of mature vegetation over recent years and therefore any reliance on boundary planting for screening would not be considered a reliable approach to screen the proposal as the proposed landscaping could be removed or could fail. The trees identified on the tree constraints and tree protection plans are also located to the northwest corner of the site and the northeast edge which would have minimal impact on screening the development from wider public view.

33. I have not been provided with a plan for the protection of trees during the demolition phase and therefore I cannot be certain that the existing trees will be adequately protected to ensure the limited screening on the site is retained.
34. The appellant also refers to proposed additional planting but I have not been provided with a Project Landscaping Plan outlining where this planting would be. I have also been advised that an additional 250 trees and hedgerows have already been planted on the site but I have not been provided with information detailing where they are.
35. It is noted the proposal would allow for a reduction in hardstanding on the site, however, as with the removal of temporary and unauthorised structures on the site, this would be possible without the redevelopment on the site and therefore the overall effect would be neutral.
36. To conclude, the proposal would have a harmful effect on the character and appearance of the area by virtue of the scale, design and location of the proposal as well as a lack of evidence of appropriate screening which would help mitigate the effects of the proposal on the landscape in perpetuity. In light of the above, the proposal would be contrary to policies EN4 and EN8 of the MVLP which seek to ensure all new development makes a positive contribution to its local character through appropriate scale, height, massing, proportion and form and conserves and enhances NL.

Other Considerations

37. A number of other considerations have been put forward including the removal of existing structures on the site and additional landscaping. Whilst the removal of unsympathetic structures and a landscaping scheme would enhance the appearance of the site, the unsympathetic structures are temporary in form and only the double garage appears to be lawful. The removal of these structures and additional planting could take place without planning permission being granted for the redevelopment of the site and I therefore attribute these benefits limited weight.
38. The appellant refers to the footprint of a former cottage on site. Whilst I noted limited evidence of footings on the site, I have not been provided with substantive evidence these are from a former cottage. In any event, the remains of any permanent structure or fixed surface structure have blended into the landscape and I therefore attribute limited weight to this evidence.
39. It is common ground that Mole Valley District Council has a five-year housing land supply, there is therefore no demonstrable need for additional residential development in a protected landscape, outside the settlement boundary where development would normally be restricted. It is noted the proposal would have environmental credentials such as sustainable construction methods and ecological enhancements and would meet the national space standards, however these credentials have limited weight compared to a five-year housing land supply.

Other Matters

40. The appeal site lies within the setting of the Brockham Lime Works Scheduled Monument to the immediate east of the site as well as the Grade II Brick Kilns further to the east. I therefore have a statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to have special regard to the

desirability of preserving the setting of the Scheduled Monument and the Brick Kilns. The Council raised no objections in relation to any impact on the Scheduled Monument or the Brick Kilns and I have no reason to disagree.

41. There would be no clear views of the application site from the Scheduled Monument or the Brick Kilns and I have not been provided with substantive evidence of any clear associated significance between the site and the heritage assets. As a minimum, the development would therefore preserve the setting of the Scheduled Monument and Brick Kilns, in accordance with the expectations of national policy.
42. My attention has been drawn to reference to the site's historic character by a Planning Inspector in an appeal in 1980¹ and reference to a replacement dwelling granted in 1996². I have not been provided with any details of the appeal or the application to enable me to make any comparison with the proposal, and due to the age of the appeal and application, I do not consider they would be directly relevant to the scheme before me.

Green Belt Balance and Conclusion

43. For these reasons, I conclude the proposed development would constitute inappropriate development in the Green Belt and the scale, mass and siting of the proposal would result in substantial harm to the openness of the Green Belt to which I have attributed substantial weight. Inappropriate development is only justified by very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I have taken account of other considerations put forward, however, no very special circumstances have been advanced to clearly outweigh the harm in conflict with development plan policies EN1, EN4, EN8 and EN9, policies P1, P2 and P3 of the Surrey Hills Management Plan and the Framework which seek to protect against inappropriate development.
44. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR

¹ T/APP/5387/A/80/00516/G6

² MO/94/0372