

Location: Land North of St Piers Lane, Dormansland, Lingfield, Surrey, RH7 6PN

Proposal: **Making of an immediate and non-immediate Article 4 Directions on the land that remove permitted development rights under Class A, Part 2, Schedule 2; Class B, Part 2, Schedule 2; Class A, Part 4, Schedule 2; Class B, Part 4, Schedule 2; Class A, Part 5, Schedule 2; Class C, Part 5, Schedule 2; Class A, Part 6, Schedule 2; Class B, Part 6, Schedule 2; and Class E, Part 9, Schedule 2; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Wards: **Dormansland and Felbridge**

Parish: **Dormansland**

Decision Level: **Chief Planning Officer**

Constraints: Land designated as Green Belt and open countryside

RECOMMENDATION: **Approve the making of both the immediate and the non-immediate Article 4 Directions for Land North of St Piers Lane, Dormansland, Lingfield, RH7 6PN.**

Summary

- i) This 4.63-acre site is identified on the attached plan. The land is situated directly north of St Piers Lane, to the north-east of 'Goodwin Allen' furniture store and 'Miss Automotive' vehicle repairs. The site is currently in agricultural or woodland use and is laid to pasture, clear and absent of any built form.
- ii) The site is designated as being within the Green Belt as set out in the Tandridge Local Plan 2008.
- iii) There are a number of forms of development which benefit from 'permitted development rights' (PDR) under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (known as the GPDO) and therefore do not require planning permission. These are set out within Schedule 2 of the GPDO.
- iv) The land in question has been advertised on social media as being 'for sale'. The details of which provide a map of the site, shown the land to be sub-divided into 12 individual rectangular plots. As of 8th January, four of these plots were advertised as having already been sold. The social media post of the own stipulated: 'Yards for sale in Lingfield Surrey not far from J6 M25 very good location 10 minutes from Gatwick airport close to all local

amenities plots are 135x50 has its own gated access land never tried for anything’ The local area has experienced several instances in very recent times where parcels of land have been sub-divided, sold and then resulted in unauthorised developments which have made it difficult to manage and control due to the multiple owners, absent of collaborative agendas and aspirations for their respective purchased land. In this as a result of the imminent sub-division and sale of the site into twelve (12) individual plots. Therefore, Permitted Development on this land under the provisions of the GDPO, particularly if divided into a number of different sized plots in different ownerships, would conflict with the fundamental aim of Green Belt policy. This site and the adjoining areas of Local Green Spaces are all within the designated Green Belt in the adopted Tandridge District Local Plan. This site contributes to Green Belt policy with respect to the conservation and maintaining openness and the objectives in National Planning Policy Framework paragraph 143 of preventing urban sprawl, keeping land permanently open and protecting the countryside from encroachment. If exercised without control, permitted development rights would threaten to undermine the purpose of the Green Belt to maintain openness and undermine the purpose of excluding it from the Settlement Boundary of the Neighbourhood Plan. Accordingly, it is recommended that permitted development rights are withdrawn from this site.

Site Description

1. The site relates to a large parcel of land, of rectangular shape on the northern side of St Piers Lane, to the north-east of ‘Goodwin Allen’ furniture store and ‘Miss Automotive’ vehicle repairs situated to the south. The site as a whole has an area of 4.63 acres. The land in question is accessed from the north of St Piers Lane, with an Road/access being shown to be provided north to south of west of the plots, allowing for access to each plot from the main road, due to the plots vertical positioning. The land is currently open and unspoilt, the site boundaries are natural and made up of dense hedgerows and mature trees.
2. The adjoining land consists of larger parcels of open pasture, which are delineated by natural mature trees and dense hedgerows. The whole site is in a combined agricultural and woodland use and at the present time remains clear and absent of any built form.
3. The application site has no relevant planning history.

Background

4. On 12th December 2025, the Council was made aware that the site had been made available for sale and may have changed hands several times within the last year. Following this, a number of members of the public provided evidence from conversations with individuals who are associated with the land, who have expressed their desire to sell the land and also exhibits from social media accounts offering the land for sale and maps showing plots which have been sold and those plots which were still available. The Council in recent times has seen a significant number of instances where owners of agricultural land, have exercised their Permitted Development rights for leisure, stationing of caravans and agricultural uses, and carry out operational development such as erection of fencing to sub-divide the site and construction of internal access tracks. Such development detracts from Green Belt openness and in this instance would have a detrimental impact visually on this designated Local Green Space.

Key Issues for Consideration in Making this Article 4 Direction

5. Under Article 4 of the GPDO, a planning authority can remove specified PDR, and require that a planning application be made. There are a number of existing Article 4 directions in operation in Tandridge.
6. There are two types of Article 4 direction: immediate and non-immediate. An immediate Article 4 direction, once served on an area, removes the specified PDR with immediate effect.
7. An Article 4 Direction removes specified national permitted development rights related to operational development and changes of use. Paragraph 53 of the National Planning Policy Framework 2024 provides that such directions should:
 - Be limited to situations where an Article 4 Direction is necessary to protect local amenity or the well-being of the area.
 - In all cases be based on robust evidence and apply to the smallest geographical area possible.
8. Planning Practice Guidance reaffirms the above at paragraph 038 of the section on “When permission is required (13-038-20210820)” and goes onto state that: “The potential harm that the article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to

demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty.”

Noting that there is no definition of exceptional beauty in the NPPF, the scenic quality of the Green Belt and open countryside of which the land forms part is considered to be one of exceptional beauty having regard to:

- i) Its designation a Local Green Space in the development plan, a clear indication that it is considered to be a valued landscape.
- 9. The potential consequences if the permitted development rights currently attaching to the land are allowed to stay in place, are set out in paragraphs 17 to 20 below.
- 10. The potential new owners of the land, who aspire to acquire the land would likely do so for development purposes, which is the subject of this report could, under Permitted Development, erect fences which is significantly likely as the land must be ‘split’ into 12 plots as depicted on the social media posts which offered the land for sale. In order to identify and distinguish ownership boundaries between the prospective purchasers, or other means of enclosure, up to 2 metres in height (1 metre adjacent to a highway used by vehicular traffic) subject to the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Similarly, they could form a new means of access to the highway subject to the provisions of Schedule 2, Part 2, Class B of the GPDO.
- 11. Under the provisions of Schedule 2, Part 4, Class A of the GPDO, the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land is allowed.
- 12. Under the provisions of Schedule 2, Part 4, Class B of the GPDO temporary changes of use of the land for specified activities (for example holding a market) for up to 28 days in a calendar year would be allowed as permitted development.
- 13. Under the provisions of Schedule 2, Part 5, Class A of the GPDO the use of the land as a caravan site in the circumstances specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required) would be allowed as permitted development. This does not include use for winter quarters.

14. Under the provisions of Schedule 2, Part 5, Class C of the GPDO, the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use is permitted development. For the purposes of Class C, “recreational organisation” means an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936 (power of local authority to control use of moveable dwellings).

15. Under the provisions of Schedule 2, Part 6, Class A of the GDPO (agricultural development on units of 5 hectares or more) permitted development includes:

- (a)works for the erection, extension or alteration of a building; or
- (b)any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

16. Under the provisions of Schedule 2, Part 6, Class B of the GPDO (agricultural development on units of more than 0.4 of a hectare but less than 5 hectares) specified works would be allowed as permitted development where reasonably necessary for the purposes of agriculture within that unit.

17. Schedule 2, Part 9, Class E of the GPDO provides for the carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.

18. There are a number of commercial enterprises, adjacent to the south west of the site, consisting of a car repair unit, a kitchen showroom and a car detailing workshop. There is the potential for permitted development uses, such as the holding of open air markets or motorsports, to take place on the land. Likewise, there is significant potential for recreational, including camping and caravanning, uses. The uncontrolled use of the land in these ways would adversely impact by way of noise and traffic movements.

19. For the reasons set out in paragraphs 17 and 18 above the making of an Article 4 Direction or Article 4 Directions is considered an appropriate and proportionate approach in this case to protect the countryside, Green Belt and amenities of local residents by removing the permitted development rights set out in paragraphs 9 to 16 above from the land.

Procedural Steps in Making Article 4 Directions

20. The process for making an Article 4 direction would be broadly as follows:

- a) Under the process set out in Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), as soon as practicable after an Article 4 direction is made, notice must be served by local advertisement and at least two site notices within the area. Notice must also be served on the owner.
- b) The period for making representations must be at least 21 days from the date on which the last notice was served. It is proposed that the specified deadline should be **xx February 2026**, to allow some flexibility in the timescale for serving the notices. Representations must be considered when making the decision whether to confirm the direction, once the period has closed.

21. In procedural terms there are two main forms of Article 4 Direction:

- Non-immediate directions (permitted development rights are only withdrawn upon confirmation of the direction by the local planning authority following local consultation); and
- Immediate directions (where permitted development rights are withdrawn with immediate effect but must be confirmed by the local planning authority following local consultation within six months, or else the direction will lapse).

22. Immediate directions can only be used to withdraw a small number of permitted development rights. Non-immediate directions can be used where the threat from the exercise of permitted development rights is not immediate, or where permitted development rights cannot be withdrawn by an immediate direction. The immediacy of the threat and potential compensation liability are considerations in determining whether to use a non-immediate or immediate direction. Since 2010 the planning authority confirms the Article 4 Direction not the Secretary of State, however the Secretary of State has the power to make a direction modifying or cancelling most article 4 directions at any point.

23. There are circumstances in which planning authorities may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited in many cases to the time limits that apply. Compensation may be payable to those whose permitted development rights have been withdrawn if the planning authority:

- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
- Grant planning permission subject to more limiting conditions than the GDPO would normally allow, as a result of an Article 4 Direction being in place.

24. Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Abortive expenditure includes the preparation of plans and other similarly preparatory measures but no more. The onus is on the claimant to prove financial loss resulting from the refusal to grant planning permission, or grant subject to conditions more limited to that the GPDO would normally allow. All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GDPO). Additionally, for certain permitted development rights withdrawn by an Article 4 Direction, compensation may only be claimed if an application for planning permission is submitted within 12 months following the effective date of the Direction.

25. Consultation would take place in accordance with the requirements of Schedule 3, Article 1 (1) of the GDPO. This will comprise:

- Local advertisement (as defined in Article 1(2) of the GPDO)
- By site display at no fewer than two locations within the area to which the Direction relates, for no less than 6 weeks
- By serving the notice on every owner and occupier affected by the Direction specifying a period of at least 21 days in which any representations may be made
- The County Planning Authority

26. The Secretary of State should be notified on the same day that the notice of an Article 4 Direction is first published or displayed locally, and as soon as practicable after the Direction has been confirmed.

27. Any representations received during consultation must be taken into account by the planning authority in determining whether to confirm the Direction. Material changes to the direction resulting from consultation will require re-consultation. Immediate directions will expire six months after

they come into force, unless confirmed. The planning authority shall not confirm a direction until after the expiration of either a period of at least 28 days following the latest date of the consultation period specified in the Notice of making the Article 4 Direction, or such longer period as may be specified by the Secretary of State (after having been notified by the local planning authority of making a direction).

28. Equalities Implications/ Public Sector Equality Duty – an Equality Impact Assessment has not been carried out because it is not considered necessary in making an Article 4 Direction. Development plan policy contains the criteria against which development in the Green Belt and open countryside is assessed and was subject to an equalities assessment prior to its adoption. Any potential equalities implications arising from a specific proposal would be addressed during the assessment of the planning application required by the making of the Article 4 Direction.

Conclusion

29. An immediate Article 4 Direction is recommended in respect of the following permitted development rights as such development would harm Green Belt openness, the character and appearance of the open countryside and would thus be detrimental to the landscape setting and adjoining uses:

- a) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure
(Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).
- b) The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).
(Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015).
- c) The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. (Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

d) The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of: a) The holding of a market;

b) Motor car and motorcycle racing including trials of speed, and practicing for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use.

(Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015).

30. A non-immediate Article 4 Direction is recommended in respect of the following permitted development rights as such development would also harm Green Belt openness, the character and appearance of the open countryside and be detrimental to the amenities of local residents:

i. The use of land, other than a building, as a caravan site in the circumstances specified in paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters).

(Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

ii) The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.

(Schedule 2, Part 5, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015).

iii) The carrying out on agricultural land comprised of an agricultural unit of 5 hectares or more of:

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit. (Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

iv) The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of:

a) the extension or alteration of an agricultural building;

- b) the installation of additional or replacement plant or machinery;
- c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- d) the provision, rearrangement or replacement of a private way;
- e) the provision of a hard surface;
- f) the deposit of waste; or
- g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit. (Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015).

- v) The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.

(Schedule 2, Part 9, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015).

31. Following consideration of all the known circumstances, Council officers acting under delegated powers have determined that both an immediate and non-immediate Article 4 Directions should be made withdrawing certain permitted development rights which it was considered had significant potential, exercised individually or cumulatively, to harm Green Belt openness and visually detract from a designated Local Green Space, the character and appearance of the open countryside and be detrimental to the local amenity and adjoining uses.

Recommendation

- I) An immediate Article 4 Direction is made in respect of the following permitted development rights as such development would harm Green Belt openness, the character and appearance of the open countryside and be detrimental to the amenities of local residents.
- e) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

(Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

f) The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

(Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015).

g) The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. (Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

h) The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of: a) The holding of a market;

b) Motor car and motorcycle racing including trials of speed, and practicing for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use.

(Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015);

and

II) A non-immediate Article 4 Direction is made in respect of the following permitted development rights as such development would also harm Green Belt openness, the character and appearance of the open countryside and be detrimental to the amenities of residents:

ii. The use of land, other than a building, as a caravan site in the circumstances specified in paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters).

(Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

vi) The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.

(Schedule 2, Part 5, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015).

vii) The carrying out on agricultural land comprised in an agricultural unit of 5 hectares of more of:

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit. (Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015).

viii) The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of:

- a) the extension or alteration of an agricultural building;
- b) the installation of additional or replacement plant or machinery;
- c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- d) the provision, rearrangement or replacement of a private way;
- e) the provision of a hard surface;
- f) the deposit of waste; or
- g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit. (Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015).

ix) The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way. (Schedule 2, Part 9, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015).

Signed: Thomas James

Thomas James

Interim Head of Planning (DM)

Date: 16 January 2026