

Appeal Decision

Site visit made on 27 September 2016

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/M3645/W/16/3152934

Kingswood Farm, Tandridge Lane, Lingfield RH7 6LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Young against the decision of Tandridge District Council.
 - The application Ref TA/2016/431 was refused by notice dated 17 May 2016.
 - The development proposed is described on the application form as 'Hardstanding to support agricultural use (retrospective)'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the Appellant against the Council. This application will be the subject of a separate decision.

Main issues

3. The main issues in this appeal are:
 - Whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and the development plan.
 - The effect on the character and appearance of the locality.
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal concerns land immediately to the east of a barn forming part of a complex of buildings used for agricultural and industrial purposes. The site identified on the submitted plan has already been hard surfaced with the exception of an area at the eastern end which remains as grass.
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5. The appeal site is located within the Green Belt where Government policy in the Framework identifies development that would not be inappropriate. The laying of the hardstanding comprises an engineering operation, as suggested by the Appellant. These are one of the types of development listed in paragraph 90 that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Inappropriate development should not be approved except in very special circumstances, which 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.
6. Tandridge Local Plan (LP) Part 2: Detailed Policies 2014-2029, Policy DP10 reflects the general approach of the Framework to development in the Green Belt. LP Policy DP13 identifies types of development that would not be inappropriate in the Green Belt. This specifically includes the forms of development indicated in Paragraph 90 of the Framework. The relevant development plan policies are therefore consistent with the Framework.
7. The hard surface itself comprises road planings to a depth of only 5cm and therefore has no significant volume. In consequence it has not materially affected openness. However, at my site visit there were tractors together with various attachments across the area, which because of their number, solidity and height significantly reduce openness. Although not present during my visit it is indicated that the site would also be used to store haylage, comprising bales covered in plastic sheeting. From the submitted photograph of such items stacked elsewhere on the farm and my observation of such an example, it is clear that these can form a fairly tall, solid and imposing presence, to the appreciable detriment of openness.
8. I therefore conclude that because of the items stored on the hard surface, the development the subject of this appeal has materially eroded the openness of the Green Belt and therefore failed to preserve it. The hardstanding therefore constitutes inappropriate development in the Green Belt. Moreover, the loss of openness would be readily apparent to users of the public footpath which passes through the site. Under the terms of the Framework inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.

Character and appearance

9. The new hardstanding is similar in nature to the immediately adjacent hard surfaces and the planings give an informal and irregular appearance, suitable to the rural location. Both the surface itself and the associated outside storage are compatible with and reflect their location within a working farm next to farm buildings and hard surfaces, despite being visible from the public footpath.
10. Due to these factors, the character and appearance of the locality has not been harmed. The development has integrated effectively with its surroundings and reflects and respects the character, setting and local context, therefore satisfying these aims of LP Policy DP7 and Tandridge District Core Strategy 2008, Policy CSP 18.

Other considerations

11. Because of the distance of the nearest dwellings from activity taking place on the hardstanding, I do not consider that their occupiers are subject to undue noise and disturbance. There is no technical evidence to support concerns in relation to matters such as fire risk, flooding and pollution. Damage to the highway at the junction with Tandridge Lane by HGVs is a matter for the Highway Authority and the hardstanding has not affected the number of vehicle movements. The Surrey County Council Countryside Access Officer raises no objection to the application. This is subject to a minimum width of 2m being kept clear of obstructions, including vehicles, machinery and hay, which in the event of the appeal succeeding could be the subject of a condition.
12. In consequence, none of these matters raised by local residents would justify rejection of the appeal but neither do they weigh positively in favour of it.
13. The Appellant draws attention to the support of the Framework for a prosperous rural economy where it is indicated that the development and diversification of agriculture should be promoted. However, there is no detailed evidence of any significant economic benefit from the creation of the hardstanding, such as additional employment.
14. It is indicated that the development is needed to provide a more secure location for machinery following a number of thefts. It is also argued that the hardstanding is necessary to prevent the land from becoming rutted and unsightly as shown in an aerial photograph, as well as stopping mud being spread on the access road. Furthermore, the Appellant indicates that ground conditions are prohibitive and refers to the Council's Landscape Character Assessment which indicates that the area has heavy, poorly drained soil. The development is also said to be needed to prevent haylage being spoiled and photographs showing spoiled bales have been provided.
15. It is further suggested that rutting can lead to a reduction in payments received from the basic payment scheme which is part of the Common Agricultural Policy. However, the information concerning compliance with this indicates that it applies to areas of 1ha or more, or land next to a water course at least 2m wide. For this reason alone I am doubtful that such a reduction in payments would be applied in relation to the appeal site, which is significantly smaller than the minimum size and not next to such a water course.
16. Local residents point out that the new hardstanding was first used in connection with industrial uses that operate at Kingswood Farm rather than agriculture. To my mind this casts some doubt on the alleged all year round need for agricultural purposes. Despite a somewhat generalised reference to the layout being restrictive and having limited areas for external storage, the farm contains a fairly large amount of buildings and hardstandings, which the Appellant estimates to have an area of 1.36ha.
17. I consider this to be particularly significant as there is no detailed evidence to show that the need to store the relevant items cannot be met by other hard surfaces, or even within existing buildings at the farm. As a result, there is nothing to show that this could not be done in a suitable location and manner that would prevent any adverse effects. It also seems to me that a building would provide a significantly more secure location for machinery than any outside area.

18. It is noted that the machinery and bales could be stored on the land without the need for planning permission. However, given the stated problems of doing this and the intention to provide all year round storage, it seems to me that at the very least the amount and frequency would be likely to be significantly less without the hardstanding.
19. As a result of these factors the weight that can be afforded to the above considerations put forward by the Appellant is fairly modest. I note that the Council has not consulted its agricultural advisor but must, nevertheless, consider this appeal on the basis of the information and evidence before me.

Conclusion

20. There would be no harm to the character and appearance of the locality but mere acceptability in this respect does not weigh positively in favour of the appeal. The matters put forward by the Appellant in support have been found to attract only fairly modest weight. This is set against the substantial weight that must be accorded to the inappropriate development that has taken place.
21. As a result it is concluded that the harmful effect of the development in relation to the Green Belt is not clearly outweighed by other considerations. There can, in consequence, be no very special circumstances and there is conflict with the Framework policies in relation to the Green Belt as well as the relevant development plan policies. It is therefore determined that the appeal fails.

M Evans

INSPECTOR