
Appeal Decision

Site visit made on 11 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 26th October 2016

Appeal Ref: APP/Y3615/W/16/3151912

Pound Farm, Old Lane, Cobham, Surrey KT11 1NH

- 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 Jonathan Lines and Mr Andrew Maiklem against the decision of Guildford Borough Council.
 - The application Ref 16/P/00449, dated 2 March 2016, was refused by notice dated 25 April 2016.
 - The development proposed is a retrospective change of use of agricultural land to dog walking/activity area with fenced enclosure, use of existing hard-standing for two vehicles and of field shelter and out-building for staff and dog shelter.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The submission made in support of the appeal clarifies that the application was intended to be a joint application between the business owner and the land owner. I have therefore set out the banner heading accordingly.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - 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

Whether the proposal is inappropriate development within the Green Belt

4. The site lies within the Metropolitan Green Belt. Section 9 of the Framework sets out the Government's approach to protecting Green Belt land. It states
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that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Courts have confirmed that development, which includes material changes in the use of land, is inappropriate unless it falls within any of the exceptions set out in paragraphs 89 and 90 of the Framework. The proposed development does not fall within any of the listed exceptions.
6. Saved Policy RE2 of the Guildford Borough Local Plan 2003 (LP) states that within the Green Belt, new building will be deemed inappropriate unless it is one of a given number of purposes. The development does not accord with any of the exceptions set out in this policy.
7. For the purposes of establishing whether the appeal proposal amounts to inappropriate development, I find Saved Policy RE2 to be broadly consistent with the Framework. Therefore, in this regard, following the advice in paragraph 215 of the Framework, I have given it substantial weight.
8. On this basis I conclude that the proposal represents inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework and Saved LP Policy RE2. I attach substantial weight to this harm.

Effect on openness

9. The appeal site comprises a narrow but relatively long, open field, laid to grass with the two main associated structures positioned in the south western corner.
10. Although described as an 'out-building' for dog and staff shelter, the structure has the appearance of a mobile home and has a width of approximately 10.8m and a floor area of 32m². On its own it materially reduces openness but it is also positioned alongside an open fronted shelter of 21m². Despite both buildings being of relatively modest height, the combined footprint of approximately 53m² is significant and increases the loss of openness.
11. Cladding the 'out-building' in feather-edge softwood panelling with appropriate staining would go some way to assimilating it into its surroundings. However, because of its size and contrasting white domestic style windows and doors, it would remain an obvious and a somewhat incongruous feature. In this respect I do not find it comparable to the existing stable block in the opposite field.
12. Whilst the scale and permanence of parked vehicles on the hard standing area would not be significant on its own, it does nonetheless further reduce openness.
13. Other than a small field shelter and the inclusion of a few agility items, the openness of the remainder of the field is not materially affected by the change of use. Moreover, the fenced enclosures are largely open in design and of modest height and as such do not materially affect openness.
14. Overall therefore, I find the proposed development results in a material erosion of the openness of the Green Belt. Paragraph 79 explains that the essential characteristics of Green Belts are their openness and their permanence. The proposal would not therefore accord with the Framework in this regard and I have attached significant weight to this harm. Although not bordering any existing built development, the colonisation of the land by the buildings and

hard standing area does result in a material encroachment into land which would have formerly been undeveloped countryside. Accordingly I also find conflict with one of the five purposes of Green Belts.

Other considerations

15. Paragraph 28 of the Framework states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, it is stated that local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, and promote the development and diversification of agricultural and other land-based rural businesses.
16. In this regard, the business employs four people (two of whom are full time) and achieves diversification of the agricultural land for which the land owner receives rent. The enterprise does therefore make a positive, albeit modest, contribution towards economic growth in this rural area. This is a matter of significant weight in favour of the appeal development.
17. I also note that the proposal has attracted a number of objections with noise and disturbance among the matters of concern. However, given the separation to the nearest residential property I am satisfied that any harm arising could be satisfactorily mitigated by way of condition restricting the hours of operation. Moreover, there is no reason why a well run establishment should result in excessive amounts of barking or other forms of disturbance. Nevertheless, the level of concern does demonstrate that it is generally preferable for such a use to be in a more isolated location such as this. This is a matter of moderate weight in favour of the appeal proposal.

Other matters

18. I note the appellant's concerns regarding the Council's Planning Committee's consideration of the application. However, these concerns are not matters for this appeal, which I have determined afresh and on its planning merits and having regard to all matters raised. Whilst the decision to refuse the application was taken contrary to recommendation, I agree with the Council that there is sufficient reason to justify withholding planning permission.
19. I have considered the Council's approval of planning application reference 14/P/01088 but note that the two field shelters would each be 12m² and as such would not therefore have a comparable effect on the openness of the Green Belt. The appellants have also stated that applications with identical supporting arguments but of a larger scale have been approved by the Council in the Green Belt. However, I have not been provided with specific details of these, thereby limiting the weight I am able to afford this assertion.

The Green Belt Balance

20. I have found that the proposal constitutes inappropriate development that conflicts with national and local policy to protect the Green Belt. This is a matter to which the Framework requires me to attach substantial weight. I have also found material harm to the openness of the Green Belt. As openness is one of the most important attributes of the Green Belt, this significantly weighs against the proposals.

21. The proposals modest contribution to economic growth in this rural area, in accordance with paragraph 28 of the Framework, is a matter to which I have attached significant weight in its favour. I have also recognised the locational constraints of such an operation and attached moderate weight in favour of the development in this regard.
22. Balancing all of the above, I have found that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with national policy contained in the Framework and Saved LP Policy RE2.

Conclusion

23. For these reasons, and having taken all other matters raised into account, I conclude that the appeal should fail.

Richard S Jones

Inspector