
Appeal Decision

Site visit made on 17 January 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 30 January 2017

Appeal Ref: APP/D3640/W/16/3161686

Rear of 31 Windsor Road fronting The Grange, Chobham, Woking GU24 8LA

- 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 The Secretary, LID Limited against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0353, dated 7 April 2016, was refused by notice dated 30 August 2016.
 - The development proposed is create new gated vehicular access to The Grange for maintenance purposes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the appeal the appellant has confirmed that the gate would be 1.2 metres high as shown on the elevation¹, not 1.7 metres as stated in the written evidence. There is also an inconsistency between the drawings and the written evidence with regard to the set back of the gates. This is drawn at 10 metres, but described as 25 metres. However, if the appeal was allowed, a condition could be imposed requiring compliance with the approved drawings. As such, I have proceeded on the basis that the setback would be 10 metres.
3. Although not mentioned in the Council's reasons for refusal, the officer's report notes that the site lies within the Green Belt. As such I have included an assessment of the development against national policies in my reasoning below.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;

¹ LID 04/16

- the effect of the proposal on highway safety; and,
- whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

1. The appeal site comprises a large field including woodland areas and scattered trees to the rear of 31, 33 and 35 Windsor Road. To the immediate east there is an estate road, The Grange, serving a residential development. The proposals would comprise the provision of gated access and a gravelled apron from the estate road, to facilitate maintenance access to the field.
2. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings for agriculture and forestry are listed as exceptions in Paragraph 89 and fencing is generally considered to fall within the definition of building work. Although I share the Council's concerns that the size of gate proposed is overly large for normal agricultural or forestry access, I conclude that the gates and associated apron would not, in principle, be inappropriate development.

Openness

5. Openness in the Green Belt is generally considered to mean freedom from development. In this instance, the development would require the removal of a section of hedgerow with associated small trees, and a grass verge, and the creation of a 10 metre deep area of gravelled hardstanding in front of 6 metre wide gates. There would also be 10 metre wide bellmouth adjacent to The Grange.
6. The width of the gates and extensive hardstanding would appear as an urbanising feature in this environment which currently has a very clear distinction between residential development on one side of The Grange and the informal rural field boundary on the other.
7. As such, I consider the development would represent an encroachment of development into an area of rural and open land, and there would be a small adverse effect on openness. This would be contrary to Paragraph 79 of the Framework with respect to openness, as outlined above, and I attach minor weight to this harm.

Character and appearance

8. The proposed width of the gates would be disproportionately large for a rural setting. Furthermore, the dimensions and surfacing of the bellmouth would be intrusive and prominent. I appreciate that gravel would, in time, become naturalised but the extent of the development would be evident from the gap in the existing hedge, the section of dropped kerb and the width of the gate. Neither would be characteristic of agricultural boundaries or access points generally seen in the countryside. For those reasons, the development would

introduce urbanising features onto this side of the road. This would be contrary to Policy DM9 of the Local Plan² (LP) which requires development to respect and enhance the local or natural character of the environment, be it in an urban or rural setting, paying particular regard to scale amongst other issues.

9. I appreciate that the appellant requires agricultural and forestry machinery to access the site. However, if maintenance machinery requiring a 6 metre clearance is required, it is unclear how it would gain access to the site, as Windsor Road (which leads to The Grange) is a fairly narrow two lane carriageway and The Grange itself is only 4.8 metres wide. Whilst I acknowledge that wide loads can be accommodated on public roads, I did not notice anything on the appeal site itself that indicated such large and specialist maintenance machinery was required. In any case, where access is restricted, contractors would select appropriately sized machinery. Furthermore, the irregular shape of the site and its slight undulations indicate that oversized machinery would not necessarily be appropriate for maintenance operations.
10. Moreover, the evidence before me indicates that the current maintenance arrangement comprises a tractor with a folding boom. I noted on my visit that although there is a street light near the current Chobham Poor Allotments Charity's field gate, the tyre track depressions in the grass verge indicate that the street light is not obstructing access through this gate, as argued by the appellant. As such, I give little weight to the argument that health and safety concerns preclude access through this gate. Nor am I persuaded that a standard farm gate in another location would have insufficient clearance for agricultural or maintenance machinery.
11. In the light of the above, the development would be detrimental to the character and appearance of the area and contrary to LP Policy DM9 as outlined above.

Highway safety

12. A concern has been raised that the loss of a section of verge would present pedestrian safety issues. However, The Grange is a very quiet estate road and during my time on site, which I acknowledge is a snapshot, I did not see any moving vehicular or pedestrian traffic. As such, I do not consider the surfacing of a section of verge would represent a loss of a refuge as it would remain available to pedestrians, were it needed. In any case, there is a tarmac footway on the other side of the road.
13. Consequently, the development would not be contrary to LP Policy DM11 which states that development will be expected to protect existing footways. The Council's evidence refers to the harmful effect on residential amenities but mentions only the effects on highway safety. As such, I have also limited my reasoning to issues of highway safety.

Other matters

14. Interested parties have raised a concern in relation to the loss of a section of hedgerow. However, if the appeal was allowed a condition could be imposed to ensure replacement planting and given the size of the affected trees, I am satisfied that this would be appropriate mitigation.

² Surrey Heath Core Strategies and Development Management Policies Document, 2012

15. Other concerns have been raised in respect of disruption during construction, reduced parking availability on The Grange, alternative access points, service access and increased traffic. However, as I have found harm in respect of the main issues, it is not necessary for me to conclude on these other matters.
16. I appreciate that the officer's report did not find harm in respect of the development. However, Members are entitled to take a different view, as have I.
17. The appellant has provided details of land ownership and this has not been a determinative factor in my reasoning.
18. In the final comments, the appellant invited me to enter the site during my visit to view a particular tree which is in danger of falling. However, the appeal questionnaire notes that the site can be viewed from the public domain, which is what I did and I considered this was sufficient. In any case, tree felling does not generally require equipment with a 6 metre clearance and so this does not alter my reasoning.

Other considerations

19. As I have found that the proposals would not be inappropriate development in the Green Belt, it is not necessary for me to consider the very special circumstances that might justify harm caused to the Green Belt.

Conclusion

20. The proposal is not inappropriate development in the Green Belt. However, I have found harm in relation to character and appearance as well as minor harm in relation to loss of openness in the Green Belt. Nor am I satisfied that the scale of the development is warranted in order to provide access for normal maintenance and husbandry operations.
21. For these reasons and taking all matters into account, I conclude that the development would not comply with the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR