
Appeal Decision

Site visit made on 21 March 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/K3605/W/16/3165088

Imber Court Sports Ground, Ember Lane, East Molesey KT8 0BT

- 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 Michael Milne-Home of Pop Up Arena Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3094, dated 22 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is described as "temporary provision of storage containers".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The storage containers are already in place on the site and this appeal seeks to retain development carried out before the date of the planning application.
3. The Council and the appellant have considered the development on the basis of the containers being buildings. Given the size of the containers and their permanence whilst being used, as a matter of fact and degree I agree with that view. I will deal with the appeal on that basis.

Main Issues

4. The appeal site is within the Green Belt and the main parties have agreed that the development represents inappropriate development. Paragraph 89 of the National Planning Policy Framework (the Framework) makes it clear that new buildings within the Green Belt are inappropriate unless a number of exceptions are applicable. None of the exceptions are applicable and there are no further exceptions within policy DM17 of the Elmbridge Local Plan¹ (LP), which takes a similar approach as the Framework. I concur that the development is inappropriate and therefore by definition, harmful to the Green Belt.
5. The main issues are:
 - The effect of the development on openness, on the character and appearance of the area as well as on the purposes of the Green Belt; and
 - Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very

¹ Elmbridge Local Plan, Development Management Plan, April 2015

special circumstances necessary to justify the development.

Reasons

Openness, character and appearance, purposes

6. The Imber Court sports ground complex includes large open spaces of the sports fields as well as horse paddocks interspersed with related buildings and car parking areas. The appeal site is within and to the south western side of the complex, between the extensive paddocks and the open playing fields. The sports ground as a whole has a rural feel particularly in this part of it.
7. The appeal site is partially covered by hard-surfacing and enclosed by timber boundary fencing on all sides. The storage containers are positioned along the western side of the site and there are other items such as mobile trailers, equipment, logs and soil being stored in the open air within the enclosed area. As well as the timber fencing around the site there is a large covered horse exercise area close to the northern boundary and a lower corrugated building along the eastern side.
8. The enclosed area of the site was previously a storage space used by the operators of Imber Court. I have not been provided with much detail of the nature of the use prior to the installation of the containers. However the appellant has stated that the area was previously underutilised and often became unkempt and overgrown. The Council has referred to historic aerial photographs which they say show the fencing and some hard-surfacing rather than any buildings.
9. The 10 containers take up a significant proportion of space within the appeal site. The internal floor-space is stated on the planning application form as 150m². Other dimensions are not given. However, the tops of the containers are above the height of the surrounding fence. They are bulky with a substantial volume. Further storage takes up additional space outside of the containers and is less noticeable from outside of the site. However the containers along with other stored items contrast with the previous condition of the site. The development has in my judgement resulted in a loss of openness of this part of the Green Belt. Paragraph 79 of the Framework confirms that an essential characteristic of Green Belts is their openness and permanence.
10. The site is partly screened by the covered horse exercise area, by other buildings as well as by a robust evergreen hedge. It is difficult to notice the containers from the playing pitches to the east or from the north of the complex. However they are clearly seen above the fencing from the surfaced driveway to the south and also the track and fields to the west. From these directions, the containers are seen against a backdrop of buildings. The nature of the development is one of urban character in an otherwise rural area. This would have a small but harmful effect on the character and appearance of the area. This also results in an encroachment of urban development within the countryside contrary to one of the purposes of the Green Belt as set out in paragraph 80 of the Framework.

Other considerations

11. The appellant is working towards a different solution to these storage requirements although it is not clear at what stage a separate proposal has reached or whether it is likely to be approved. A temporary period for the

development of between 18 and 24 months is requested. This would limit the length of time that the identified harm to the Green Belt would occur. However, paragraph 88 of the Framework makes it clear that substantial weight must be given to any Green Belt harm.

12. The main vehicular access for the site is from the southern side of the complex. I have no reason or evidence to consider that any additional vehicles resulting from the development would adversely affect highway safety at the junction with Ember Lane. The Council is not concerned about the potential for the proposal to lead to problems due to the risks of flooding on site or nearby. I agree that in these respects the development would not be harmful and these matters are neutral within the overall balance.
13. The appellant company provides band-stands and other equipment for sporting events within the Imber Court sports ground. They have numerous other clients locally. The location is therefore well suited to their operation and this helps to limit the amount of travel required. LP Policy DM11 encourages employment development and I give this benefit a moderate degree of weight.

Conclusions

14. I attribute substantial weight to the harm to the Green Belt due to the development being inappropriate development which should not be approved except in very special circumstances. In addition, the development results in a loss of openness and conflicts with one of the purposes of the Green Belt. There is also a small but noticeably harmful impact upon the character and appearance of the area which is another harmful factor of limited weight.
15. I give a moderate degree of weight to the positive economic advantages of the proposal but this is insufficient to clearly outweigh the harm to the Green Belt and other harm. I therefore find 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 and the proposal would not comply with the Framework or LP Policy DM17.
16. I therefore conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR