
Appeal Decision

Site visit made on 6 August 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/M3645/W/19/3221131

Green Lane Sawmills, Green Lane, Outwood, Redhill RH1 5QP

- 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 A Needham of Ryall and Edwards Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2018/1025, dated 9 May 2018, was refused by notice dated 26 July 2018.
 - The development proposed is described as the erection of a storage building for timber for a temporary 3 year period.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Background and Main Issues

3. The appeal site is located south of Green Lane, within the Green Belt, and comprises an access road and an area of land upon which a storage building has been erected. The storage building is constructed from a scaffolding frame with panel cladding. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.
4. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt, including its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the surrounding area; 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 Inappropriate Development and the Effect on Openness

5. The Framework makes clear that substantial weight must be given to any harm to the Green Belt, with the fundamental aim of planning policy in relation to such areas being to prevent urban sprawl by keeping land permanently open. Policy DP10 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014) (the Local Plan) provides that planning permission for inappropriate development within the Green Belt will normally be refused. This is consistent with the terms of the Framework.
6. Policy DP13 of the Local Plan concerns the construction of new buildings in the Green Belt and provides that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of buildings as inappropriate development. However, subject to other Policies contained within the Development Plan, exceptions to this include the partial or complete redevelopment of previously developed sites in the Green Belt (outside the Defined Villages) where the proposal would not have a greater impact on the openness of the Green Belt. This Policy broadly reflects the terms contained within paragraph 145(g) of the Framework.
7. There is dispute between the main parties as to whether the entire site would constitute previously developed land in terms of the Framework. In this regard, at the time of my visit, the proposed building had been constructed and occupied an area adjacent and close to several other structures of varying height which are located outside of the appeal site's application boundary.
8. The appellant maintains that the site has historically formed part of the sawmill operation and has been in that use for a number of years. Whilst the appellant's submissions refer to the existence of photographic evidence which demonstrates that the appeal site was historically used for that purpose, I have not been provided with any such photographs. However, there is no substantive evidence before me that the site did not form part of the curtilage of previously developed land associated with the sawmill operation.
9. Nonetheless, in the event that the appeal site was considered to comprise the curtilage of previously developed land, consideration of the effect of the development on the openness of the Green Belt is required due to the terms of Policy DP13 of the Local Plan and the provisions of paragraph 145(g) of the Framework.
10. The Framework explains that the essential characteristics of Green Belts are their openness and their permanence. In broad terms, 'openness' means an absence of buildings or development, regardless of how obtrusive or screened they may be. The openness of the Green Belt has both spatial and visual aspects.
11. The evidence before me indicates that prior to the erection of the building at this site, the land was a grassed area. As outlined above, it is disputed as to whether this area would comprise previously developed land. However, it does not appear to be disputed that there was the absence of built form at the appeal site, and consequently the construction of the existing building would, spatially, represent an increase in the volume and footprint of built form at this location. The appellant has been put to me that whilst there would be an

increase in built form, the proposed building would not result in visual harm to the openness of the Green Belt.

12. As noted above, an assessment of the impact on openness is not only confined to visual impact but is also concerned with physical presence. The proposed storage building would be a sizeable structure in terms of height and mass. Its mass would fill a substantial and significant portion of that part of the appeal site beyond the access hardstanding and would visibly increase the volume of development on the site. This would have a substantial impact upon openness and as such it would amount to significant harm to the Green Belt.
13. The appeal scheme is the construction of a new building and is not covered by any of the exceptions in the Framework. The proposal would be harmful to the openness of the Green Belt and would conflict with the purposes of the Green Belt. Therefore, I conclude that the proposed development would be inappropriate development in the Green Belt having regard to the Framework and would be contrary to Policy DP13 of the Local Plan which seeks to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy.

Character and Appearance

14. In addition to areas of hardstanding, there are other buildings and structures positioned nearby, with the appeal building sitting close to a cluster of existing development. These other buildings and structures appear to be predominately of traditional design and are generally in keeping with the other buildings nearby in terms of materials, height and scale.
15. However, the proposed storage building is substantial in scale, particularly in terms of its bulk and its height. The design and use of a scaffolding frame with reflective panel cladding would be in stark contrast to the appearance and form of the other buildings and structures that are located close to the appeal site. Consequently, by reason of its height and design, the proposed storage building is an incongruous feature within the context of the site and its surroundings and, given its central position within the overall open industrial area associated with the adjacent scaffolding enterprise, the appeal scheme is visually prominent.
16. In light of the above reasons, the proposed structure does not reflect or respect the character and setting of the area. Furthermore, the proposal does not complement the building design of any nearby structures or buildings and therefore would be harmful to the character and appearance of the surrounding area. I acknowledge that the site is adjacent to other industrial and commercial buildings and relatively well screened from public views outside of the site and, consequently, any harm in respect of character and appearance would be localised in extent.
17. However, for the above reasons there would be some degree of harm to the character and appearance of the area. As such, the appeal scheme would be in conflict with Policies CSP18 and CSP21 of the Tandridge Core Strategy (2008) (the Core Strategy), in that it fails to reflect and respect the character, setting and local context of the vicinity. It would also be contrary to Policy DP7 of the Local Plan which aims to secure high quality design that integrates effectively with its surroundings.

Other Considerations

18. Paragraph 143 of the Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Consequently, within paragraph 144, the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. It has been put to me by the appellant in general terms that the building is essential for storage in connection with timber used for the construction industry. However, in this regard there is no evidence before me which confirms or indicates why the structure must be of a substantial scale nor any evidence or submissions which indicate why such a structure would need to be located at the appeal site.
20. Furthermore, it is maintained that the building would be essential for the business to continue to trade. However, in this respect I have only been provided with a general assertion that the building would be required for the business. Whilst this lends some support to the scheme, I am not aware that the appeal building is needed to support the growth of the appellant's business or that any jobs would be created as a result of the development and there is no evidence before me which demonstrates that the development would contribute to promoting a strong rural economy. This limits the weight which I can attach to this consideration.
21. In addition to the above, it is maintained that very special circumstances exist by reason of the temporary nature of planning permission which is being sought in respect of the proposal. In this regard, the appellant is seeking temporary planning permission for a period of three years, but further indicates that it would be their intention to seek permanent planning permission for the building once any temporary planning permission had lapsed.
22. On the basis of a temporary permission, the same types of harm would occur and the same matters which weigh in favour of the appellant would equally apply. The degree of harm to the Green Belt would be reduced because it would be limited in time. Nonetheless, the degree of the harm to the Green Belt in this case extends beyond inappropriateness and includes harm to openness.
23. Consequently, substantial harm to the Green Belt would still arise. I conclude, therefore, that, even in respect of a temporary permission, there are no other considerations which clearly outweigh the harm that would arise through inappropriate development in the Green Belt, in addition to the harm in respect of character and appearance identified above. There are no very special circumstances which justify the granting of a temporary planning permission.

Other Matters

24. In the determination of this appeal, I have also considered the details submitted by interested parties. In this instance, however, I have found the proposed scheme conflicts with the development plan, and there is no further

information put forward by interested parties which outweighs the harm that would be caused by the development.

Conclusion

25. I have found that there would be harm to the openness of the Green Belt and harm to the character and appearance of the surrounding area. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
26. As such, the proposed development conflicts with policies DP10 and DP13 of the Local Plan and the relevant parts of the Framework which prevent inappropriate development in the Green Belt, in addition to the other development plan policies cited in my reasoning above. There are no material planning considerations in this instance which would justify a decision other than in accordance with these Policies in the development plan. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR