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## Appeal Decision

Site visit made on 6 November 2019

**by A McCormack BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> November 2019**

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**Appeal Ref: APP/Q3630/D/3214645**

**The Caduceus, Hardwick Lane, Lyne, Chertsey KT16 0AA**

- 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 Mrs Helena Graham against the decision of Runnymede Borough Council.
  - The application Ref RU.16/1794, dated 12 October 2016, was refused by notice dated 18 October 2018.
  - The development proposed is new access to Hardwick Lane together with new boundary wall and entrance gates and removal of existing entrance (part retrospective).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council amended the description of the proposed development, as set out in the original application form, which read: '*Relocation of the entrance and gates.*' The amended description is set out at the top of this Decision letter and, in my view, it provides a more accurate description of the proposal. Therefore, I have referred to that description.
3. At the time of my visit, the boundary wall and new entrance gates, described as part of the proposal, were already substantially constructed. Accordingly, I have been able to assess the proposed scheme and its impact on the surrounding area and determine this appeal in that context.
4. The appellant has not submitted a statement identifying the grounds of appeal for this case. Notwithstanding this, having had regard to the reasons given for this and the circumstances described, the deadline for submission has now passed. Furthermore, I have noted the enforcement proceedings undertaken in relation to this proposal as well as other relevant appeal decisions that have been submitted. Nonetheless, taking account of the above, I confirm that I have determined the appeal on the basis of the evidence before me, on the individual merits of the proposed scheme and with due regard to all other material considerations.

### Main Issues

5. The main issues are:
  - whether the proposal is inappropriate development in the Green Belt;
  - 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**

### *Inappropriate development*

6. Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 (LP) says that in the Green Belt there will be a strong presumption against development that conflicts with the purposes of the Green Belt or adversely affects its open character. The National Planning Policy Framework 2019 (the Framework) states that the Government attaches great importance to the Green Belt.
7. Paragraphs 145 and 146 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The list of exceptions in the Framework is finite. Therefore, as walls and fences are not set out in this list and the building of the appeal scheme wall does not fall within the scope of any such exceptions, I find the appeal scheme to be inappropriate development in the Green Belt.
8. Accordingly, I conclude that the appeal scheme is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Therefore, the proposal would be contrary to Policy GB1 of the LP and the relevant sections of the Framework.

### *Green Belt openness*

9. A fundamental aim of Green Belt policy, as set out in Paragraph 133 of the Framework, is to keep land permanently open. The key characteristics of Green Belts are stated as being their openness and permanence. Furthermore, the Planning Practice Guidance says that openness is capable of spatial and visual aspects. As such, the visual impact of a proposal may be relevant, as could its volume.
10. From what I have seen and read, I find that the appeal scheme results in Green Belt harm due to the significant visual impact of the boundary wall on its openness. This harm is manifest through the substantial height of the wall, its length and extent along a prominent boundary, its bright and highly visible appearance and its proximity to the public highway of Hardwick Lane.
11. Furthermore, on the basis that I consider the appeal scheme to be within an area characterised as open countryside, I find that the scheme not only has an adverse impact on Green Belt openness but also results in the encroachment of development into the open countryside. As such, in my assessment, it has a substantive detrimental impact on the related Green Belt purpose. Taking account of the harm I have identified resulting from the scheme and noting Paragraph 144 of the Framework, it is evident to me that such Green Belt harm should be given substantial weight.
12. For similar reasons to those relating to the Green Belt harm identified, I find that the wall and wider scheme has a significant adverse impact on the character and appearance of the street scene and surrounding area. The stark contrast of the boundary wall along a substantial section of the rural public highway is, in my view, at odds with the open and predominantly rural character and appearance of the locality. It is also out of step with the more prevalent roadside features which are hedges, trees and fences or walls that are more suited in appearance, design and materials to their surrounding context.

13. Consequently, I conclude that the appeal development results in a loss of Green Belt openness and has a significant adverse impact on the Green Belt purpose of safeguarding the countryside from encroachment. Furthermore, it has a significant detrimental effect on the character and appearance of the surrounding area. Therefore, the scheme is contrary to Policy GB1 of the LP and the Framework.

*Other considerations*

14. The appellant has indicated that the existing driveway and entrance gates are to be removed and that mitigation measures can be put in place to offset the harm which results from the scheme. I have had due regard to these and all other relevant matters and considerations in relation to the appeal scheme. I appreciate that some of the harm resulting from the development could be reasonably mitigated. Nonetheless, when the impact of the scheme is considered as a whole, I find that the substantial weight I must give to Green Belt harm due to the siting, form and appearance of the boundary wall, and the other harm to the character of the local area, is not overcome by these other considerations.

**Conclusion**

15. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and as such, it should not be approved other than in exceptional circumstances. Furthermore, when planning schemes are considered, substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
16. Based on the evidence, I conclude that the appeal scheme is inappropriate development in the Green Belt and has an adverse impact on Green Belt openness and its related purposes. Furthermore, it has a detrimental effect on the character and appearance of its surroundings. Having carefully considered the above matters, I conclude that the substantial weight to be given to Green Belt harm is not outweighed by the other considerations put forward in this case. As a result, the very special circumstances necessary to justify the scheme have not been demonstrated in this case.
17. Therefore, for these reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A McCormack*

INSPECTOR