
Appeal Decision

Site visit made on 6 January 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 27 January 2020

Appeal Ref: APP/Z3635/W/19/3236959

Plot 5 Las Palmas Estates, Sandhills Meadow, Shepperton, Middlesex TW17 9HY

- 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 William Rees against the decision of Spelthorne Borough Council.
 - The application Ref 18/01627/FUL, dated 15 November 2018, was refused by notice dated 11 March 2019.
 - The development proposed is the change of use of land to the keeping of horses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal used above is as set out on the planning application forms. The Council included reference to the fence and gates in its description of the development on its decision notice. The appellant has commented that the fence and gates are ancillary to the proposed change of use. He states that it would be necessary to include the fence and gates and has included drawings of them which are to be considered in the appeal. In these circumstances, I shall take account of the effects of the fence and gates when determining the appeal.
3. The appellant has commented on the distinction between the use of land for *keeping* horses (as is proposed), as opposed to the use of land for *grazing*. I have had regard to this distinction in determining the appeal.

Main Issues

4. The main issues in this appeal are;
 - Whether the proposal constitutes inappropriate development in the Green Belt
 - The effects of the proposal on the character and appearance of the area
 - The effects of the proposal in relation to biodiversity.

Reasons

Whether the proposal constitutes inappropriate development in the Green Belt

5. The National Planning Policy Framework (NPPF) states that, amongst other things, material changes of use of land do not constitute inappropriate development within the Green Belt, provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt. The Council indicates that it expects that the use of the land would generate a need for stables/shelters and feed-stores to be erected. However, the appellant states that horses will be kept at the site on a rotation basis and will not need to have stables/shelters erected and feed would be brought to the site from elsewhere.
6. The proposed fence and gates would need to be erected around the perimeter of the site. Whilst this would be an obvious feature of the site, in Green Belt terms, I do not consider that it would have a negative effect on the openness of the site. Therefore, I consider that the proposal would not amount to inappropriate development within the Green Belt.

Character and appearance of the area

7. The appeal site is bounded by woodland to the north and south, by a track and houses on the east and a track and woodland to the west. The appeal site itself was part of the surrounding woodland until it was largely cleared. What remains are some individual trees, some tree stumps, and regenerating ground cover vegetation. After the site was cleared the larger area, including the appeal site, was included within a Woodland Tree Preservation Order (TPO) and was made the subject of an Article 4 Direction preventing the erection of gates fences and other means of enclosure.
8. In visual terms the appeal site appears as part of the larger woodland. Its boundaries to the west and east are formed by the same tracks and, notwithstanding the largely cleared state of the appeal site, its undeveloped nature with regenerating ground plants and some trees means that it has the appearance of a (partly) cleared area within the woodland.
9. Although the appellant does not seek to remove any additional trees as part of the proposal, he does indicate that the site would be subjected to the clearance of the low level vegetation and the introduction of a 'seeding regime', only if planning permission were to be granted. There is no indication of what plants would arise from the seeding regime. In my judgement, it is highly likely that such action would considerably erode the semi-natural appearance of the site. In addition, the proposed fence and gates would introduce an overtly man-made feature within and adjacent to this wooded area which would have a negative and unacceptable effect on its character. I fully appreciate that such fences and gates may be commonly found in rural locations but the character of this particular area is of natural or semi-natural woodland which is free from such features. In this respect, the proposal conflicts with Policy EN1 of the Core Strategy and Policies DPD.

The effects of the proposal in relation to biodiversity

10. The appellant states that the site has already been largely cleared and so any arguable loss of biodiversity value has already taken place and does not arise from the appeal scheme. However, I envisage that the loss of the regenerating ground plants and the leaf litter which creates a woodland-floor environment and its replacement with a seeding regime, would be likely to reduce its value to wildlife. In addition, the presence of horses would be likely to hinder the growth of natural plants and lead to compaction of the soil.
11. The appellant also states that the clearance of the site that has already taken place, would allow natural light into the adjacent areas of woodland and allow woodland-floor plants to grow, thus promoting biodiversity. However, the clearance has already taken place and does not form a feature of the appeal scheme that is before me and so cannot be taken as a benefit of the appeal scheme. Therefore, I attach little weight to this matter.
12. In relation to this issue, I consider that the proposal would diminish the biodiversity value of the site, contrary to Policy EN8 of the Core Strategy and Policies DPD.

Planning Balance and Conclusion

13. The appellant states that saved Policy GB1 of the Local Plan is inconsistent with the NPPF as it does not acknowledge that a material change of use of land can constitute not-inappropriate development within the Green Belt. I acknowledge this and have made reference to the NPPF in my consideration of this matter. However, there are other relevant and important policies that have a bearing on the determination of the appeal scheme and I have referred to these in my reasoning. In my judgement, this does not place us in a situation where paragraph 11(d) of the NPPF applies.
14. When judged against the relevant policy considerations contained in the NPPF and the Core Strategy and Policies DPD, I find that the proposal would give rise to unacceptable harm, for the reasons set out. I consider that there are no matters which are sufficient to outweigh that harm. Therefore, the appeal is dismissed.

ST Wood

INSPECTOR