



Appeal Decision

Site visit made on 15 June 2020

by Katie Peerless Dip Arch RIBA

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

Decision date: 25 June 2020

Appeal Ref: APP/M3645/C/19/3240465

Land off Chalkpit Lane, Oxted, Surrey RH8 0NG

- The appeal is made by Oxted Land Company Ltd. against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice, numbered LC/103-004952, was issued on 2 October 2019.
 - The breach of planning control as alleged in the notice is the erection of a hoarding adjacent to a Highway in excess of 2m in height in the approximate position shown on Plan B attached to the Enforcement Notice by a black line between points A and D, including a gate at the same height erected between points B and C.
 - The requirements of the notice are (i) Remove the hoarding in the approximate position shown on Plan B attached to the Enforcement Notice by a black line between points A and D, to include the gate marked between points B and C. (ii) Following compliance with (i) above, remove all resultant debris and unused materials from the land to an authorised place of disposal.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Site and surroundings

2. The site lies in land designated as Green Belt and was previously a construction yard for the M25 motorway and the land already contains areas of hardstanding. The development enforced against consists of a green painted solid hoarding with double gates in the centre, which extends for about 30m along the boundary with Chalkpit Lane, from where access to the site is taken.
3. Planning permission¹ for the hoarding was refused by the Council in July 2019.

Main Issues

4. The main issues in this case are firstly the effect of the development on the character and appearance of the area and secondly, as it is not disputed that the hoardings represent inappropriate development within the Green Belt, whether there are any material considerations that outweigh the harm caused by such development, and any other harm, and are sufficient to justify the proposal on the grounds of very special circumstances.

¹ Ref: TA/2019/847

Reasons

5. The appellants state that the hoarding is intended to be a temporary installation whilst a planning application is submitted and considered by the Council for the re-development of the site. The barrier is said to be required to prevent unauthorised access and, to support the need for this, the appellants state that there have already been numerous incidents of fly tipping on the site and have submitted details of an attempt to break into it. This security requirement is claimed to be the very special circumstances needed to permit the development.
6. The Council considers that there are no very special circumstances that would justify granting permission for a development that it considers to be harmful to the character of the area as well as being inappropriate development in the Green Belt. It also states that, at the time of their appeal statement, there had been no planning application received for the site re-development and that to grant planning permission for the hoarding would be likely to set a precedent for other such inappropriate development.
7. At my visit to the site I saw that the hoarding is very prominent and dominant in this semi-rural environment and has been made even more so by graffiti that has appeared on it since the photographs submitted by the appellants were taken. It is a high (over 2m), solid barrier and although it is painted green, this flat expanse of colour does little to make it less visible amongst the surrounding vegetation.
8. It seems to me that the hoarding is harming the character of the surrounding area, where it appears as a somewhat crude and alien and intrusion into the natural features of the surrounding woodland. This is contrary to the objectives of policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008) (CS) and policies DP7 and DP9 of the Tandridge District Local Plan Part 2: Detailed Policies (2014) (LP). These policies, amongst other things, require a high standard of design, the conservation of landscape character and state that means of enclosure involving harsh and/or incongruous features are unlikely to be permitted.
9. Therefore, in addition to the harm through inappropriate development in the Green Belt, which the National Planning Policy Framework (the Framework) confirms should be accorded substantial weight, there is also harm to the character and appearance of the area.
10. I consider that, whilst there is a proven need to provide security for the site, it has not been demonstrated that a boundary treatment of this nature would be the only way to achieve this. It is also the case that I have been given little firm evidence that there is likely to be any development of the site as a whole in the near future and, therefore, no indication that the harm caused by the hoarding would necessarily also be short lived.
11. I consider it would be preferable to uphold the enforcement notice and thereby encourage the appellants to seek a more acceptable solution to providing security for the site, rather than granting a time limited permission, which would possibly then need to be renewed, given the uncertain nature of the future of the site.

12. In these circumstances, I find that there are no material considerations that amount to the very special circumstances needed to justify the grant of planning permission. As such, the proposal is also contrary to Policies DP10 and DP13 of the LP as well as the guidance in the Framework.
13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Katie Peerless

Inspector