



Appeal Decision

Site visit made on 29 September 2020

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/M3645/W/20/3248366

Frith Manor, Lingfield Road, East Grinstead, RH19 2JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Harrison against Tandridge District Council.
 - The application, Ref TA/2019/2041, is dated 20 November 2019.
 - The development proposed is single storey machinery / storage shed.
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Decision

1. The appeal is dismissed and planning permission is refused for a single storey machinery / storage shed at Frith Manor, Lingfield, East Grinstead, RH19 2JW, in accordance with the terms of the application, Ref TA/2019/2041, dated 20 November 2019 and the plans submitted with it.

Main Issues

2. Although the Council failed to determine the application within the statutory time limit, it indicated that it would have refused the application on the grounds of harm to the Green Belt by virtue of a lack of justification, neighbouring amenity, ecology and trees.
3. Having regard to these, I consider the main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect of the proposal on the living conditions of the occupiers of the neighbouring property, Farmview Cottage, with particular regard to noise.
 - iv) the effects on ecology; and
 - v) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate

development will only be permitted where very special circumstances exist. This approach reflects paragraph 143 of the National Planning Policy Framework (the Framework). Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions.

5. One of the exceptions listed in paragraph 145 is 'a) buildings for agriculture and forestry'. Frith Manor estate comprises fields, woodland, trees and hedges. However, although having an agricultural holding number, no evidence has been provided of any agricultural activity on the estate other than a suggestion that the pasture could be cultivated for animal feed. I acknowledge that there is a need to maintain the estate and that the proposed building is intended to accommodate a range of machinery including tractors, trailers, a hedgecutter and mini-digger for this purpose. However, the maintenance of land does not itself fall within the definition of agriculture in Section 336 of the Town and Country Planning Act 1990 (as amended). Consequently, the proposed building is not for agriculture or forestry.
6. I therefore conclude that the proposal would be inappropriate development which would conflict with local and national policy to protect the Green Belt.

The effect on openness

7. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are therefore their openness and permanence. Openness has both spatial and visual effects.
8. The appeal site is an open grassed area with no permanent structures. Although surrounded by tall coniferous trees on three sides and a tall coniferous hedge on the boundary with Farmview Cottage, the site therefore contributes to the openness of the Green Belt.
9. The proposed building would have a footprint of 150 m² and be approximately 6.9 m high to the ridge. It would therefore be a substantial building and, spatially, would result in the loss of openness of the Green Belt. However, although the top of the proposed building would be visible from Farmview Cottage, the existing vegetation around the site would screen the proposed development from public view. Thus, there would be no significant visual impact on openness.
10. I therefore conclude that the proposed development would result in a loss of openness which would be harmful and thereby conflict with local and national policies to preserve the openness of the Green Belt.

Living conditions

11. The proposed building and large hardstanding would be in proximity to Farmview Cottage and the rear garden of that property. Vehicles and machinery being taken to and from the proposed building would need to pass by the side of Farmview Cottage. A significant degree of peace and quiet could reasonably be expected in this location.

12. However, as I have concluded that the use of the proposed building would not be agricultural, it is likely that it would only be used occasionally. Moreover, the existing tall hedge on the boundary between the appeal property and Farmview Cottage would provide some screening. Therefore, whilst the proposed development would give rise to some occasional noise and disturbance, this would be limited and not sufficient to justify the withholding of planning permission had the proposal been acceptable in all other respects.
13. I therefore conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Farmview Cottage. Accordingly, in this respect, the proposed development would conform with Policy CSP 18 of the Tandridge District Core Strategy (2008) (the Core Strategy) and Policy DP7 of the Local Plan which require, amongst other things, development not to significantly harm the living conditions of the occupiers of neighbouring properties by reason of noise. However, this lack of harm is not a factor in the proposal's favour and I therefore give it neutral weight in my decision.

Ecology

14. Notwithstanding the Council's concerns, no ecological issues have been brought to my attention. The appeal site is an area of grassland surrounded by conifers and there is nothing before me to suggest that the site or its immediate environs has any particular wildlife interest. On the evidence before me therefore, there is not a reasonable likelihood that protected species may be present on the site and affected by the proposed development.
15. Consequently, the requirement for an ecological survey under paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations And Their Impact Within The Planning System* is not engaged. The appeal to which the Council refers¹ relates to a different site, adjoining a Site of Nature Conservation Importance and with evidence indicative of wildlife activity. In these respects, it is significantly different to the site and case before me.
16. I therefore conclude that the proposed development would not harmfully affect the ecological value of the site. Accordingly, in this respect, the proposal would comply with Policies CSP 17 of the Core Strategy and Policy DP19 of the Local Plan which seek to protect, maintain and enhance biodiversity. Again, this lack of harm is not a factor in the proposal's favour and so attracts neutral weight in my decision.

Other considerations

17. Secure storage for machinery and equipment would contribute to the smooth operation of the maintenance activities associated with Frith Manor and would therefore be a benefit of the proposal. However, I have no information on any existing storage arrangements or why these may be inadequate. Neither do I have any information on other possible storage provision. I have no substantive evidence to justify the size of the proposed building on the basis of the machinery and equipment required to maintain the estate. I therefore give the benefits of the proposal limited weight in my assessment.

¹ APP/L5240/W/15/3121599

18. The appeal site includes a number of substantial trees. Due to their height and form these are attractive and contribute to the sylvan character and appearance of the area. I acknowledge the Council's concern about the potential effect of the proposed development on these trees. However, the submitted drawing indicates only a very limited possible encroachment by the proposed hardstanding into the root areas of a tree in the north-west corner of the site and of the trees either side of the access to the site from the driveway to Frith Manor. I am satisfied that these trees could have been adequately protected by a condition had the proposed development been otherwise acceptable. This is therefore a neutral factor in my decision.
19. Contrary to the Council's assertion, the appeal site is not within Ashdown Forest although it is within its 7 km buffer zone. The Forest is an internationally important habitat classified as a Special Protection Area (SPA) and a Special Area of Conservation (SAC). It is also a Site of Special Scientific Interest (SSSI). The SPA is vulnerable to recreational pressure from visitors and the SAC to atmospheric pollution from additional vehicle movements. However, the proposed development is not residential and there are no pathways that would lead to effects on the integrity of this designated site. The proximity of Ashdown Forest is therefore not relevant to my decision.

Green Belt Balance

20. I have found that the proposed development would be harmful to the Green Belt by reasons of inappropriateness and loss of openness. Paragraph 144 of the Framework requires me to give this harm substantial weight. I find that the other considerations in this case do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. The proposal conflicts with the development plan as whole and for this reason, the appeal is dismissed and planning permission is refused.

Martin Small

INSPECTOR