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## Appeal Decision

Site visit made on 13 October 2020

**by J Davis BSc (Hons) MSc MRTPI**

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

**Decision date: 06 November 2020**

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**Appeal Ref: APP/Y3615/W/20/3249356**

**Oakride Farm, Oakride Kennels and Cattery, Tithebarns Lane, Send, GU23 7LE**

- 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 Ms Carolyn Murphy against the decision of Guildford Borough Council.
  - The application Ref 19/P/01984, dated 17 November 2019, was refused by notice dated 14 January 2020.
  - The development proposed is Installation of floodlights around the agility area.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal area:
  - Whether the proposed development constitutes inappropriate development in the Green Belt,
  - Its effect on the openness of the Green Belt,
  - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether the proposed development constitutes inappropriate development*

3. The appeal concerns the installation of six floodlights around a dog agility area associated with Oakride Kennels. The dog agility equipment is arranged on a field close to the kennel complex. Floodlights were in place at the time of my site visit.
4. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019) seeks to protect the Green Belt from inappropriate development in accordance with the National Planning Policy Framework (the Framework). The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145. Paragraph 134 of the Framework confirms that the Green Belt serves five purposes, including to assist in

safeguarding the countryside from encroachment. Paragraph 146 lists further exceptions from inappropriate development however none of these are considered by the parties to be relevant to this appeal.

5. Whilst the Council contend that the development does not fall within any of the exceptions listed in paragraph 145 of the Framework, the appellant considers that the proposal accords with sub-paragraphs (b) and (g) and as such, should be considered as not inappropriate in the Green Belt.
6. The exception listed in sub-paragraph (b) of paragraph 145 of the Framework is *"the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*.
7. The Council state that the dog agility facility is not considered an outdoor recreation use but exists to support the operation of a commercial business. However, the appellant contends that the agility area is used for the purposes of outdoor recreation. Representations from interested parties received in connection with the appeal proposal indicate that the dog agility area is also used by local residents to train their dogs. However, in the absence of any substantive evidence regarding the level and frequency of such activity, I am unable to conclude that the floodlights are an appropriate facility for outdoor sport / recreation use. Based on the evidence before me, I find that the proposal does not fall within the exception set out in paragraph 145 (b) of the Framework.
8. The appellant also contends that the proposal complies with Paragraph 145 (g) of the Framework. However, I consider that the erection of floodlights in association with the use of a field for dog agility would not constitute limited infilling or the partial or complete redevelopment of previously developed land and as such the proposal fails to comply with the provisions of paragraph 145 (g).
9. Having regard to the above considerations I conclude that the proposal constitutes inappropriate development in the Green Belt. In accordance with paragraph 143 of the Framework, inappropriate development is, by definition, harmful to the Green Belt. As set out in the Framework, substantial weight should be given to that harm.

### *Openness*

10. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.
11. The six floodlights are of an identical design with a maximum height of 3 metres. They are of a slimline design, with the lights baffled and angled downwards at 35 degrees to help mitigate light spillage. Furthermore, the appellant confirms the lights are only in use for a few hours in the evening when it is dark and that they will be folded down when not in use. Having regard to the slim-line design and low height of the floodlights, I consider there would be no effect on the openness of the Green Belt.

### **Other considerations**

12. Given the height and slimline structure of the floodlights together with the extent of natural screening that exists along Ripley Road, I concur with the views of the parties that the floodlights are not harmful to the character and appearance of the area. I also acknowledge that the floodlights do not have the same impact as those associated with nearby Send Prison, however, these are associated with a different use. I am also in agreement that the floodlights are not harmful to the living condition of the occupiers of neighbouring dwellings. However, I only attach limited weight to these factors in the overall balance.
13. I also acknowledge that the floodlights enable the dog agility area to be used in the evening when it is dark which is of considerable benefit to the appellant and other users of the facility. I accordingly attach moderate weight to this consideration.

### **Conclusions**

14. Whilst the proposed floodlights would not have a harmful effect on openness, inappropriate development is by definition harmful to the Green Belt. For the reasons given, the other considerations are not sufficient to outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework and Policy P2 of the LP.
15. I therefore conclude that the appeal should be dismissed.

*J Davis*

INSPECTOR