



Appeal Decision

Site visit made on 8 December 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/R3650/W/20/3258720

Field at End of Muddy Lane, Grayswood

- 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 Benjamin Webb against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0259, dated 3 January 2020, was refused by notice dated 6 August 2020.
 - The development proposed is the *"Change of use of land from agriculture to provide a base for outdoor education and recreation together with the erection of 4 buildings; 5 moveable structures associated parking and ancillary works (as amended and amplified by plans and information received 29/05/2020, 08/06/2020, 17/06/2020 and 19/06/2020) (amended description)."*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description used above has been taken from the appeal form and is similar to the description used by the Council in their decision notice. Although the proposal was described differently in the original application form, that description included various details that would not constitute an act of development. The amended description used above has been used by both main parties within their appeal submissions and is concise. I have therefore used the amended description.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - If the proposal is inappropriate development, 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 proposal.

Reasons

Whether the proposal would be inappropriate development.

4. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (adopted 2018) (The WBLP) states that the Green Belt will be protected against

inappropriate development in accordance with The Framework. In turn, The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. The appeal site features no built form and consists of undulating grassed land with pockets of brambles that is part of a larger field that is shown to be within the appellant's control, extending up to an adjacent bridleway that is lined with an intermittent belt of trees and hedges. The appeal site is surrounded by areas of substantial tree coverage at three sides and is accessed from a track that terminates at the entrance to the abovementioned bridleway. The proposal would involve the change of use of the land at the appeal site to use for a purpose described as outdoor education and recreation, with the evidence before me indicating that this would be dependent on the siting of fixed and moveable structures at the site and the use of part of the site for car parking.
6. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is normally inappropriate development. However, paragraph 145 b) identifies an exception to this restraint where the development involves the provision of appropriate facilities for outdoor sport and recreation. Paragraph 146 also identifies that a material change in the use of land, such as a change of use for outdoor sport or recreation, is not inappropriate in the Green Belt. The use of the term 'such as' does not indicate that the use of land should be unduly restricted and should not include the use that is proposed. However, in both cases, it is necessary for the development to preserve openness and not conflict with the purposes of including land within the Green Belt in order to not be inappropriate development.
7. The land is currently free from built form or any other structures and I have no basis to conclude that the existing use of the land would give rise to the presence of structures or any other paraphernalia at the site. Conversely, the proposed use would be dependent on the introduction of several fixed and movable structures, thereby causing a significant increase in the number of structures at the site in comparison to the existing situation. Individually and cumulatively, those structures would result in a substantial loss of openness at the site. The use of the land would also be dependent on the presence of vehicles and other items and paraphernalia at the site for a substantial part of the year which would also be likely to detract from the openness of the site in both visual and spatial terms.
8. The proposed structures would be of limited size, positioned to be distant from the abovementioned bridleway and designed to appear as structures that might be expected to be found in a rural setting. Moreover, the topography of the site and the surrounding land and the presence of trees and other vegetation would restrict or reduce views of some of the proposed structures from publicly accessible land. However, whilst these factors would reduce the effect of the development, they would not prevent the development reducing the visual openness of the Green Belt and would not address the effect on spatial openness. The case of *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3* that has been cited by the appellant does not lead me to a different conclusion in this respect.
9. The appellants submissions indicate that the moveable structures would remain at the site and therefore, although they may be moved, they would still be present and impinge on the openness of the site. Even if those structures were to be removed from the site, this would not mitigate their presence at the site for the majority of the year. In any case, the fixed structures would remain and whilst I

recognise that the appellant has identified that the structures are removable, I must proceed on the basis that they would remain in place if they were granted planning permission.

10. Whilst the appellant has identified developments within the area of Mole Valley District Council which have been granted planning permission, limited details of the sites and the developments have been provided and, as such, I am not able to ascertain that the circumstances and the developments are sufficiently comparable to alter my assessment of this proposal. In this regard, the appeal decision¹ relating to a Campsite at Polesden Lacey indicates that the proposal would have involved the replacement of existing structures and, as such, the effect on openness is likely to have been different.
11. Paragraph 135 of The Framework identifies that one of the purposes of the Green Belt is to prevent encroachment into the countryside. For the reasons set out above, the development would conflict with that purpose of including land within the Green Belt. Moreover, the proposal would result in several structures being present at the site which would prevent the development preserving the openness of the Green Belt. Consequently, the proposal would constitute inappropriate development in the Green Belt.

The Openness of the Green Belt

12. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. In this case, for the reasons set out above, the development would erode the visual and spatial openness of the Green Belt. Consequently, the development would be contrary to The Framework and I afford substantial weight to the harm arising in this respect.

Other Considerations

13. The appellant has identified that the proposed use would represent tourism and diversification that would be of benefit to the rural economy and encourage the appreciation of the Surrey Hills Area of Outstanding Natural Beauty. In these respects, the proposal is supported by Policy DM32 of the Waverly Local Plan Part 2, Policy RT1 of the Surrey Hills Area of Outstanding Beauty Management Plan 2020-2025 and The Framework. The appellant has also identified that the proposed use would bring about benefits in terms of supporting other facilities and services within the wider area, fostering learning and development opportunities, particularly amongst young people, encouraging people to be outside and improving physical and mental health. In this regard, The Framework encourages developments to promote health and well-being. I afford moderate weight to these benefits arising from the proposal.
14. Moreover, I recognise that the proposal has been supported by the Surrey Hills AONB Planning Adviser for similar reasons as those set out by the appellant. However, I do not find that the rareness of such support is a reason to alter the weight that I afford the benefits of the proposal. Likewise, Chiddingfold Parish Council not objecting to the proposal does not alter my assessment of the effect of the development.
15. Whilst the nature of the use means that it is best located in a rural setting, I have no basis to assume that it can only occur at this site. As such, I only afford little weight to the functional requirement of the proposed use to be located in a rural setting. Moreover, whilst the appellant has suggested that the proposal would

¹ APP/C3620/W/15/3029773

represent a more effective use of land at the appeal site, I do not find that this factor weighs substantially in favour of the proposal.

16. The Framework requires that all developments provide net gains for biodiversity. Therefore, whilst the appellant's Preliminary Ecological Appraisal outlines that the proposal could achieve improvements and the findings of that report are supported by the Surrey Wildlife Trust, the evidence before me does not demonstrate that these improvements exceed what The Framework requires to be achieved to an extent that it represents more than a limited benefit of the proposal.
17. The appellant, the Council and other interested parties identify a range of views as to whether the development should be found acceptable in terms of, amongst other things, the adequacy of the access to the site, the effect of the development on walkers and other users of the bridleway and the effect of lighting and noise. Even if I proceed on the basis that the proposal would avoid causing harm in respect of each of those matters, these are factors that should be expected to be acceptable in all cases and this, therefore, weighs neutrally.

Very Special Circumstances

18. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore be, by definition, harmful to the Green Belt and I give substantial weight to that harm.
19. Whilst the proposal being acceptable in various respects weighs neutrally, the proposal would be likely to generate some social and economic benefits through the attraction of tourists and the provision of a service that is intended to aid education, wellbeing and health. I afford weight to those benefits as set out above. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and, therefore, I find that the proposal does not accord with The Framework. Moreover, the conflict with Policy RE2 of The WBLP leads me to conclude that the proposal would be contrary to the development plan and the harm arising in that respect is not outweighed by other considerations.

Conclusion

20. For the reasons set out above, I dismiss the appeal.

Ian Harrison

INSPECTOR