
Appeal Decision

Site visit made on 26 November 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 7 January 2021

Appeal Ref: APP/Y3615/W/20/3256540

Lot M4, Westwood Lane, Wanborough, Guildford, GU3 2JR

- 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 Mrs Elham Javaherizadeh against the decision of Guildford Borough Council.
 - The application Ref 19/P/02128, dated 9 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is the erection of fencing around site and gate.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description was amended from that on the application form on 9 January 2020 and I have reflected this in the banner above.

Preliminary matters

3. The site is part of a wider area subject to an Article 4(1) Direction (27 July 2018) that specifically requires planning permission is obtained for fencing.

Main issues

4. The appeal site is located in the Metropolitan Green Belt and the application was retrospective. Accordingly, the main issues are:
 - whether or not the proposal will be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (2019) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - whether or not the proposed development will conserve and enhance the natural beauty of the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value; and,
 - if the development will be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, will be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal will be inappropriate development

5. Paragraph 145 of the National Planning Policy Framework (the 'Framework') states that construction of new buildings is inappropriate development in the Green Belt. The term 'building' is defined as any structure or erection in section 336 of the Town and County Planning Act (1990) (the Act), which includes fencing. An exception is allowed in paragraph 145(a) of the Framework for construction of buildings in the Green Belt for agriculture and forestry.
6. The appellant has indicated that the site could be used for a variety of uses, including chestnut and fruit trees, pasture and vegetable growing. All of these could meet the definition of 'agriculture' in Section 336 the Act, and as the land was previously in agricultural use, I consider it reasonable to treat the land as 'agricultural' for the purposes of this decision.
7. The construction of a fence on agricultural land would meet the requirements of the exception in paragraph 145 of the Framework and is therefore not inappropriate development. I therefore do not find conflict with the requirements of Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (adopted April 2019) (LP), which protects the Green Belt.
8. For the exceptions within paragraph 145 of the Framework where the effect of the development on openness is not expressly stated as a determinative factor, as in this case, there is no requirement to assess the impact of the development on the openness of the Green Belt.

Other harm – the scenic beauty of the AONB and AGLV

9. The appeal site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). At this location the landscape is dominated by the Hog's Back ridge, and its wide, open slopes, which sweep down to the valley and woodland below. The land is almost entirely unenclosed in the area, creating uninterrupted views and a sense of openness. Enclosure of a part of this area with wooden fencing in a central and highly visible location on the slope is uncharacteristic, incongruous and highly intrusive.
10. I note that the appellant is not of the opinion that the original land is beautiful, and therefore the proposed changes will enhance the beauty of the area. However, in this case, the landscape has been identified as an AONB, which acknowledges its value at a national level and consequently it attracts the highest status of protection in relation to these issues.
11. There will be harm to the scenic beauty of the AONB and the AGLV. The development will therefore be in conflict with Policy P1 of the LP, which requires that the AONB is conserved and enhanced to maximise its special landscape qualities and scenic beauty, and that the character of the AGLV is not harmed. I am required to give the harm to the AONB great weight according to Policy P1 of the LP and paragraph 172 of the Framework.

Other Considerations

12. I note that the appellant aspires to create a woodland to help wildlife. However, no policy has been brought to my attention in support of this, nor an

assessment of how the proposal will contribute to the cause, so I am unable to give this weight in my decision.

13. It is suggested that the proposed trees and pasture would require protection from commuters and animals. Risk from the former seems to me to be unlikely given that the site is located in a rural location towards the end of a private track. The post and rail fence is not a structure that will prevent most animals from entering the site. I am therefore unable to attribute weight to a clear agricultural purpose for the fence.
14. A nearby recent barn conversion has similar fencing around it. In this case, the fence appropriately demarcates the boundary of a domestic property on the edge of the built-up core of the village. The purpose and situation are therefore not comparable to an isolated enclosure of agricultural land.
15. The site is a short distance to the west of Wanborough Conservation Area (CA). I have been provided with a map of the CA, which shows that it is focused on the historic core of the village. Given the distance and small scale of the proposal, I do not find that there will be any harm to the CA, nor its setting.

Conclusion

16. Although I do not find that the proposal will be inappropriate development in the Green Belt, it will harm the scenic beauty of the AONB and AGLV, a matter to which I afford substantial weight. I therefore conclude that the appeal should be dismissed.

B Davies

INSPECTOR