



Appeal Decision

Site visit made on 27 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/Q3630/W/20/3254523

Fangrove Park, Lyne Lane, Lyne, Chertsey, KT16 0BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Preston of Wyldecrest Parks Management Limited against the decision of Runnymede Borough Council.
 - The application Ref RU.19/1718, dated 1 November 2019, was refused by notice dated 14 May 2020.
 - The application sought planning permission for the use of 13 acres of land at Fangrove Caravan Park, Lyne, Chertsey, for the stationing of 150 residential caravans without complying with a condition attached to planning permission Ref T.P.3/No.15850 dated 5 November 1962.
 - The condition in dispute is No.2 which states that: The figure of 150 residential caravans shall be a total and inclusive figure for the whole of Fangrove Caravan Park aforesaid.
 - The reason given for the condition is: the site is in the metropolitan Green Belt where permanent residential development would not normally be permitted and the temporary period is granted to enable the local planning authority to review the matter in light of circumstances prevailing in 1972.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background.

2. The appeal was submitted without a copy of the original 1962 planning permission. This was provided by the Council, after my site inspection. As this document had not been previously seen by the appellant, they were given the opportunity to comment on it. I have used the description of development, and other relevant details in the header, from this original decision.
3. The effect of the disputed condition is to limit the number of caravans across the entirety of this site to 150. The proposal seeks to vary the condition to increase this figure to 156. The reason given for the condition makes reference to the site falling within the Green Belt. Two other conditions were also imposed, including a temporary use condition, but these were removed on appeal in 1963.
4. Since determining the planning application, the Council adopted the Runnymede 2030 Local Plan ("Local Plan"). It confirms in its statement of case that policies EE17, EE18 and EE19 of this plan apply to the first reason for

refusal and policy EE1 applies to the second reason for refusal. These supersede the development plan policies cited on the decision letter.

Main Issue

5. The site is located in the Green Belt, so the main issues are:

- i) 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;
- ii) The effect on the openness of the Green Belt;
- iii) The effect of the proposal on the living conditions of existing and proposed residents, with particular regard to the space between caravans, parking and access arrangements, and the extent of communal facilities provided within the park; and
- iv) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

- 6. Policies EE17, EE18 and EE19 of the Local Plan reflect national policy on development in the Green Belt, which is set out in the Framework. This states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to explain that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7. The variation of condition proposed would increase the number of permitted residential caravans, therefore intensifying the existing development on this site. It is a well-established principle that, for a proposal to comprise not inappropriate development in the Green Belt, it must meet one of the exceptions set out in paragraphs 145 and 146 of the Framework.
- 8. The Council maintain that the proposal is inappropriate development. It does not obviously fall within any of the permitted exceptions. In the absence of any persuasive evidence or argument to demonstrate otherwise, I conclude that the proposal would comprise inappropriate development in the Green Belt. The Framework directs that substantial weight should be attached to the harm that arises, in consequence.

Openness of the Green Belt

- 9. The site comprises a well contained complex of residential caravans. It has the feel of a residential area, in contrast to the more open surrounding land, which broadly comprises large residential gardens, woodland and fields.
- 10. The six additional caravans would each have a volume, as do the existing caravans on the site. The proposals would also bring associated residential paraphernalia and vehicles on to the site, adding to the collective volume of residential built form and activity associated with it. The area would therefore appear more built up, as a consequence of the proposals, and some of the gaps

between the caravans would be smaller. In this respect, there would be a noticeable loss of openness to the Green Belt.

11. The effects would be localised, and limited to views around the existing caravan site, which as noted previously is an existing residential area. The surrounding open land would be unaffected. However, there would still be a loss of openness to the Green Belt. I attach limited weight to the harm that would arise, in consequence.

Living Conditions

12. Notwithstanding the concerns set out above in relation to the openness of the Green Belt, the submitted plans indicate that the additional caravans could be accommodated in similar sized plots to those that currently exist on the site. These appear well sized, benefitting from good separation and screening. On inspection the existing site does not appear cramped. The vehicular access around it appeared to be good, indicating that appropriate arrangements can be made for access to the existing and proposed plots by the emergency services. Provision is made for vehicular parking within the site, and the highway authority did not object to the proposal. There are also communal facilities of a scale that would be expected in a park such as this.
13. It is clear from the objection letters that there are various disputes between the residents and the appellant regarding the management and maintenance of the park. However, these are essentially private matters. In planning terms, the degree of change to the living conditions in this park from the addition of 6 more caravans would be insignificant, given the existing size and scale of this caravan park. From what I have read and seen, the additional caravans could be easily accommodated within the existing layout and landscape structure of Fangrove Park, without appearing cramped.
14. Consequently, there would be no unacceptable harm to the living conditions of either existing or proposed residents through the effect on the amount of space between caravans, parking and access arrangements, or the extent of communal facilities provided within the park. There is no conflict with policy EE1 of the Local Plan, which seeks to achieve high quality and inclusive design with no adverse impact on amenity.

Other Considerations and the Green Belt Balance

15. The proposal would provide 6 extra caravans for residential accommodation. These would be likely to appeal to older people, fulfilling a demand in this part of the housing market and potentially freeing up larger homes. This would help improve the supply of housing, whilst providing sustainable and energy efficient living accommodation. Cumulatively, I attach moderate weight to these benefits. However, they do not outweigh the harm to the Green Belt.
16. The appellant argues that there would be no conflict with the purposes of including land in the Green Belt. However, this is not a persuasive reason to depart from the well-established approach towards inappropriate development in the Green Belt, as set out in the Framework and reflected in the Local Plan.
17. In conclusion, the proposal is inappropriate development in the Green Belt and substantial weight should be given to this harm. The proposal would also result in a loss of openness to the Green Belt, to which I attach limited weight. There are no other considerations that would constitute the very special

circumstances necessary to justify inappropriate development in the Green Belt. The proposal conflicts with policies EE17, EE18 and EE19 of the Local Plan and the Framework which seek, amongst other things, to avoid inappropriate development in the Green Belt and preserve its openness.

Other Matters

18. When the principle of development was historically considered by the Council and planning Inspectors, its location in the Green Belt was a factor in determining the number of permitted caravans on this park. This is reflected in the condition, and the reasons given for it. Given my conclusions above, which follow an assessment against up to date planning policy, it is still relevant to a planning purpose and its retention is in the wider public interest. The condition is also justified as, on the evidence before me, the impacts on the Green Belt would not be given the same level of consideration in other controls relating to caravan sites. The condition is necessary, relevant to planning and the development to be permitted, precise and reasonable in all respects. Its retention is also consistent with the various other policies and decisions cited by the appellant.
19. It is suggested some additional development on the site has become immune from enforcement action due to the passage of time. However, this point has not been demonstrated with certainty, in the evidence before me. It does not invalidate the original condition, which sets out a simple numerical test in a precise and easily understandable way and is therefore enforceable.
20. It was argued that, at the time of the application, the Council could not demonstrate a 5-year housing land supply. However, the policies on proposals affecting the Green Belt, as set out in the Framework, provide a clear reason for refusing this application. The proposal conflicts with the recently adopted development plan and the tilted balance, as set out in paragraph 11 d ii) of the Framework does not apply.
21. A legal undertaking is provided, providing mitigation in relation to the impacts of the proposal on the nearby Thames Basin Heath Special Protection Area. However, this does not amount to a consideration in favour of the proposal. As I am not minded to grant planning permission, it is not necessary to consider whether to carry out an Appropriate Assessment under the Habitats Regulations.

Conclusion

22. Whilst the proposal would be acceptable in terms of its effect on the living conditions of existing and future residents, there would be unacceptable harm to the Green Belt. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR