



Appeal Decision

Site visit made on 22 February 2021

by J D Westbrook BSc(Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/D3640/W/20/3259860

Oak Farm House, Pennypot Lane, Chobham, WOKING, GU24 8DL

- 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 & Mrs Khan against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0105/FFU, dated 28 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is the creation of a new driveway and associated vehicular accessway from Beldam Bridge Road. Also the erection of 2.4m high wooden gate with brick piers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - Would harm by reason of inappropriateness, and any other harm resulting from the proposal, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. Oak Farm House is a large detached house with a number of linked and separate outbuildings, set in extensive grounds within the Green Belt to the east of West End. It is currently accessed from a private driveway that leads from Pennypot Lane. It would appear that the driveway is in the ownership of the appellant, though it also provides vehicular access to two other dwellings. The driveway is entered through a 5-bar gate with a security-controlled electronic pad, and there is a further larger security gate with brick piers at its western end, where it enters the main part of the property. The area around Oak Farm House to the north, east and south is generally open with isolated properties, fields, woodland, a golf course and equestrian paddocks.

4. The proposed development would involve the construction of a new driveway and associated vehicular accessway from Beldam Bridge Road, to the south of the dwelling, to meet the existing driveway close to the house. It would be some 200 metres long. The application form does not specify surface materials for the driveway, though the accompanying Planning Statement indicates that it would have a compacted permeable base with a gravel overlay. The proposal would also involve the erection of 2.4m high wooden gates with brick piers set some 9.5 metres back from the carriageway of the road. Submitted plans (ref: 117 (03)304) indicate that the surface of the accessway from Beldam Bridge Road to the gates would be tarmac.
5. Paragraphs 143 – 144 of the National Planning Policy Framework (the Framework) indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 146 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations.
6. The current point of access into the appeal property from Beldam Bridge Road has recently been closed by a new wooden fence, which apparently replaced an older gate. There is a vehicular crossover at the edge of the carriageway which crosses a drainage channel before meeting the fence. The surface of the access between the crossover and the fence is grass, and beyond the fence is a linear grassed area extending around 100 metres northwards between a wooded area, which lies within the confines of the boundary of Oak Farm House, and a low hedge which marks the boundary between the appeal property and the neighbouring Hatchgate Farm. Beyond this, the proposed driveway would skirt around an existing pond through a small wooded area, and thence across a lawned area between the house/garden and a tennis court, before joining the existing driveway close to the house.
7. The whole of the 200 metre long driveway would be constructed, using gravel on a compacted sub-layer, on land that is currently given over to grass and wooded areas, I consider that this represents an engineering operation that would be development harmful to the openness of the Green Belt. Moreover, the brick piers and gates would add a further built feature into what is currently an open, undeveloped area, and that the overall proposal would, therefore, be inappropriate development in the Green Belt.
8. The appellants accept that the proposed development of brick piers and gates is inappropriate development within the Green Belt. However, they contend that the southern part of the driveway would be constructed on the site of an earlier accessway that is now used only sporadically and that there is likely to be a harder surface below the grass. Such a hard surface sub-layer may or may not exist, but in any case, this would only apply to around half of the length of the proposed driveway. Moreover, if it does exist at lower levels, it has now completely blended into the landscape. There is no evidence before

me that the access has been used in recent times, and the replacement of the gate by a fence indicates that there is currently no need to use it.

9. The crossover that marks the point of the earlier access from Beldam Bridge Road forms a narrow gap in a long tree-lined boundary at the southern end of the appeal property. The appellants have provided an Arboricultural Impact Statement (AIS) relating to the development which assesses trees in the vicinity of the proposed new access. There would appear to be some inconsistency here since two large trees adjacent to the existing point of access (ref nos: T92 and T106), are assessed in Appendix 3 as trees with a generally good structural and physical condition that would merely need a low canopy raising, and on submitted drawing 117 (03)304, it appears that they would be retained. However, the AIS states in section 2.2 that they would be removed in order to construct the new brick piers and gates, and this removal is shown on the Mitigation Plan in the AIS.
10. From my site inspection, I think it likely that the two semi-mature trees would indeed need to be removed, since they would be very close to the brick piers, and the improvements to the surface of the access at this point could, at the very least, adversely affect the Root protection Areas. Their removal would increase the visibility and prominence of the piers and gates in the landscape at this point, to the detriment of openness, albeit to a limited extent.
11. The appellants also contend that brick piers and gates up to 2 metres high could be constructed using Permitted Development rights, and that this represents a relevant fall-back position. Moreover, they contend that the existing point of access could be used in the future by machinery involved in woodland management and coppicing. However, in my opinion, there is no realistic likelihood of the brick piers and gates being constructed independently of the 200 metre long driveway, and I have no evidence that woodland management and coppicing is a realistic future scenario, particularly given that the earlier gate, which could have been used by the relevant machinery, has now been replaced by a sturdy fence.
12. The appellants make note of other large gates with piers in the vicinity of the appeal property. I accept that the proposed gates at Oak Farm House would not, in themselves, represent an uncharacteristic feature along Beldam Bridge Road or its continuation as Scotts Grove Road, and would not be significantly harmful to the character or appearance of the wider surrounding area. However, I have little information about the history or circumstances of the other examples referred to, and I have, in any case, treated this case on its own merits and in the light of the overall set of proposals.
13. Finally, the appellants contend that the proposed new driveway would relieve pressure on the existing access from Pennypot Lane, and would reduce the amount of traffic turning onto and from Pennypot Lane itself. However, the existing access serves only three dwellings and any reduction in traffic is likely to be extremely limited. Moreover, there is no indication that the existing access to Oak Farm House itself would cease to be used altogether, and so the proposed new driveway would, in effect, be an additional access, which fact adds to my concerns about the harmful effects of the proposal on the openness of the Green Belt. Any public benefits to highway safety arising from a second vehicular access to the appeal property would be minimal, and I afford this matter very limited weight.

14. In conclusion, I find that the considerations put forward by the appellant, whether singly or in combination, do not clearly outweigh the harm to the Green Belt that would be caused by the proposal, and that there are, therefore, no very special circumstances to justify this inappropriate development. It would conflict with policy on Green Belt as contained in the Framework.

J D Westbrook

INSPECTOR