The Planning Inspectorate

Appeal Decision

Site Visit made on 10 June 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/Y3615/W/21/3268599
Woodhill Sawmill, Farley Heath Road, Albury, Surrey GU5 0SR

- 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 Ben Nicholson Tree Services Ltd against the decision of Guildford Borough Council.
- The application Ref 20/P/02021, dated 26 November 2020, was refused by notice dated 15 January 2021.
- The development proposed is erection of a forestry building.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a forestry building at Woodhill Sawmill, Farley Heath Road, Albury, Surrey GU5 0SR in accordance with the terms of the application, Ref 20/P/02021, dated 26 November 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Fp0189.06 Location Plan and Fp0189.03 Proposed machinery, sawmill and drying barn.

Preliminary Matters

2. This appeal follows the refusal of permission by the Council for a similar forestry building (ref. 20/00347). Prior to this permission has been granted for a change of use of a hardstanding to open wood storage area and a log cabin office and a decision issued that prior approval would not be required for the erection of a forestry store including drying barn and sawmill.

Main Issues

3. The main issues are:

   (a) whether the proposal would constitute inappropriate development in the Green Belt,

   (b) the effect of the proposal on the landscape and scenic beauty of the Surrey Hill Area of Outstanding Natural Beauty (AONB), and

   (c) if it 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 development.

Reasons

Whether inappropriate development

4. The appeal relates to an area of open land surrounded by woodland with an excavated sandpit beyond. At the time of my visit there were a weighbridge, sawmill, several large wheeled or tracked vehicles and substantial log piles on site. The land was being used for forestry purposes. The proposal is to erect a forestry building on an area of concrete hardstanding.

5. Paragraph 145 of the National Planning Policy Framework (the Framework) states subject to stated exceptions that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exception (a) relates to "*buildings for agriculture and forestry*". Policy P2 of the Guildford Borough Local Plan Strategy and Sites (2019) (LPSS) is consistent with the Framework in relation to cited exceptions to inappropriate development in the Green Belt.

6. The appellant has explained that the building would be used to store a mobile sawmill, forestry plant and as a drying barn for timber. It would be used for forestry purposes in association with the forestry use of the site. Case law[1] confirms for this exception to inappropriate development that there are no restrictions relating to the size or location of the building. The proposal would be in accordance with exception (a) to Paragraph 145 of the Framework and there would be no conflict with Policy P2 of the LPSS.

7. The Council is concerned that the building may not be used solely for forestry purposes referencing other services provided by the appellant including tree surgery and domestic arboricultural work. But the key consideration is the use of the proposed building in relation to the lawful forestry use of the site, not the breadth of services offered by the appellant. The appellant has explained that whilst there is a related arboricultural business, this is sub-contracted and operates from a separate yard with its own equipment. Furthermore, that the forestry business includes forestry work off site and the processing on site of timber from both on site and off site sources. It seems unlikely that the use of the proposed building would encompass materials or equipment relating to the arboricultural business given the smaller scale and different kind of operations involved, but if it did it would be open to the Council to consider the expediency of enforcement action.

Landscape character

8. The building would be large, 49.22m long, 10.20m wide and 6.08m high clad in timber boarding with roller shutter doors to the front according to the plans. Its long axis would be parallel with Farley Heath Road with a landscape buffer 25m wide in-between. The building would not be readily visible from the road or from the site access. Its end wall would be seen from a public right of way to the north of the site, but the building would not be an unduly conspicuous feature amidst forestry operations in the open yard when viewed from this footpath. The building would not be visible from more distant viewpoints.

9. The Council's concerns relate to an impact on the AONB if the building is not used for forestry purposes, a matter I have already addressed. The building is proposed to be used for forestry purposes in association with the forestry use of the appeal site.

[1] R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404; [2016] Env. L.R. 30.

10. Supporting paragraph 4.3.11 to Policy P1 of the LPSS comments that the "*Surrey Hills AONB Management Plan (2014-2019) … interprets the AONB as a 'living landscape', which constantly changes across seasons and in response to the many social and economic forces placed upon it*". The building would be appropriate to its immediate context as a forestry site within a woodland setting and would have limited visibility beyond that context. It would not detract from the landscape character and scenic beauty of the Surrey Hills AONB and would not conflict with Policy P1 of the LPSS that seeks to conserve and enhance these qualities.

Other considerations

11. As the proposal would not amount to inappropriate development in the Green Belt there is no need to consider if there are very special circumstances necessary to justify the proposal.

Other Matters

12. In reaching my decision I have noted the representation from the Surrey Hills AONB officer about the possible use of the building for non-forestry purposes and the comments from customers of the appellant's business. These do not lead me to a different conclusion.

Conditions

13. Planning conditions are necessary to limit the lifespan of the permission to the statutory framework and to list the plan numbers for certainty on what is proposed. I have not included the Council suggested condition to control external lighting fixed to any building or installed anywhere on site. This would be excessive, as the proposal is for just one building, and is also unnecessary to protect visual and residential amenity given the site's remote and secluded location.

Conclusion

14. The proposal would not be inappropriate development in the Green Belt and would not adversely affect the landscape character and scenic beauty of the Surrey Hills AONB. For the reasons given the appeal should be allowed.

Rory MacLeod

INSPECTOR