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## Appeal Decision

Site Visit made on 10 August 2021

**by AJ Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 September 2021**

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**Appeal Ref: APP/Y3615/C/20/3261072**

**Land at Lot A1, Westwood Lane, Wanborough, Guildford, GU3 2JR**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Tony Crook against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 24 September 2020.
- The breach of planning control as alleged in the notice is without planning permission:
  - i) operational development comprising engineering and other operations consisting of the importation of hardcore and other materials on the Land, earthworks and the laying of hardcore and other materials on the Land.
  - ii) operational development consisting of the erection of fencing
  - iii) the material change of use of the Land from agriculture to the mixed use of the land for agriculture and for storage purposes including but not limited to the open storage of building and other materials, pipes, liquid containers, liquid tanks and shipping containers.
- The requirements of the notice are to:
  - i) Take down all the fencing on the Land and remove it from the Land.
  - ii) Take up and remove from the Land any and all material laid to create a hard surface.
  - iii) Remove from the land any rubble, waste, debris or other materials and rubbish resulting from compliance with steps i) and ii).
  - iv) Cease the use of the land for storage purposes including but not limited to the storage of building materials, pipes, liquid containers, liquid tanks and shipping containers and remove all items being stored on the Land.
  - v) Reseed the land with grass seed and restore the Land to its condition prior to when the breach of planning control took place
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

**Summary Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.**

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### Preliminary Matters

1. As no-one attended the site visit to show me around the site, it was not possible to view within the site on my visit. However, I was able to see the site from the entrance and through the trees alongside Westwood Lane.
2. I note reference to planning applications for agricultural or horticultural development on the site. However, those applications are not before me. I am required to determine this appeal based on the description of development within the enforcement notice so will proceed with the appeal on that basis.

3. The National Planning Policy Framework (the Framework) was revised during the course of the appeal. I gave the parties an opportunity to comment and I have taken its contents into account in coming to my decision.

### **The Appeal on Ground (a) and the Deemed Planning Application**

#### *Main issues*

4. The main issues are:

- Whether the development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect of the development on the intrinsic character and beauty of the landscape within the Area of Great Landscape Value;
- Whether there are other considerations weighing in favour of the development; and
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

#### *Reasons*

##### **Inappropriate development within the Green Belt**

5. The Framework states that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LP) reflects the Framework in seeking to protect the Green Belt from inappropriate development, unless very special circumstances can be demonstrated.
6. The development subject of the enforcement notice comprise engineering and other operations in the form of earthworks and the laying of hardcore and other materials on the land and the erection of fencing, and the material change of use of the land to a mixed use for agriculture and storage. The site is part of a large field that has been subdivided with some hardstanding and tracks, structures and fencing but is predominantly open.
7. The laying of hardcore and other materials is at ground level and is likely to grass over in time, at least to some extent, such that its visual effect on the openness of the Green Belt is modest. The subsequent use of this area for outside storage results in material piled on top of that hard surfacing, such that it is visible from the surrounding area, including Westwood Lane. Consequently, this has resulted in significant harm to the spatial and visual openness of the Green Belt.
8. There is a variety of fencing on the site, some of which appears solid. That fencing restricts views over the field of which the site forms part. The less solid post and rail or wire fencing has less effect on views across the field but does result in spatial and visual subdivision. As a result, the fencing adds to the harm to the openness of the Green Belt. Even if the solid fencing were replaced with

post and rail or wire fencing, that would not wholly overcome the harm to the openness of the Green Belt.

9. The purposes of the Green Belt are set out at paragraph 138 of the Framework. These include assisting in safeguarding the countryside from encroachment. The development has resulted in development encroaching into the countryside such that it has resulted in conflict with the purposes of the Green Belt.
10. For these reasons, I conclude that the engineering operations, erection of fencing and material change of use that have taken place do not preserve the openness of the Green Belt and conflict with the purposes of including land within it. Consequently, they result in inappropriate development within the Green Belt. As such, the development is contrary to the Framework and Policy P2 of the LP.

#### Landscape

11. Westwood Lane runs between Wanborough and Flexford with hedges and woodland beyond the verges to both sides of the road and open countryside, comprising mainly large fields and woodland, beyond. The appeal site comprises part of a field accessed on the outside of a sharp bend in the road. The field is visible through that access and in glimpsed views through the hedge separating it from the road. It is within an area designated as an Area of Great Landscape Value.
12. The outside storage, fencing and other development subject of the enforcement notice is visible in glimpsed views through the field entrance and between trees along Westwood Lane and from surrounding fields. It is spread over the site within the predominantly open field such that it appears incongruous. The storage may be temporary and the solid fences may be replaced with more open fencing in due course. Nevertheless, given the undeveloped, predominantly agricultural or wooded nature of the area, this development does not reflect its rural surrounds.
13. For these reasons, I conclude that the development harms the intrinsic character and beauty of the landscape within the Area of Great Landscape Value. As such, it is contrary to Policy P1 of the LP, Policies G1(12), G5(7) and G5(9) of the Guildford Borough Local Plan 2003 and the Framework that seek to safeguard and enhance the characteristic landscape of the locality, including the distinctive character of the Area of Great Landscape Character taking account of design and materials within the landscape.

#### Other considerations

14. I note that the site is subject of separate applications for agricultural development. It is possible that some of the operational development and items stored on the site may be temporary storage related to that proposal, but it is unclear for how long it would be required to be stored. It is also unclear whether that agricultural development will be permitted. Consequently, I can only give limited weight to these considerations.

#### Conclusion

15. I have found that the development subject of the enforcement notice, including operational development and the material change of use of the land has resulted in harm to the openness of the Green Belt and conflict with the

purposes of the Green Belt. As a result, it is inappropriate development within the Green Belt. In addition, it has resulted in harm to the intrinsic character and beauty of the landscape within the Area of Great Landscape Value. I note that the operational development carried out and items stored may be required for future agricultural development which constitute other considerations that carry limited weight. On that basis, the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations, either individually or cumulatively. Therefore, there are no very special circumstances in this case to outweigh that harm to the Green Belt. As a result, the development subject of the enforcement notice is contrary to Policy P2 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.

16. For the reasons set out above, I conclude that the development does not accord with the development plan. The appeal on ground (a) therefore fails.

### **Formal Decision**

17. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*AJ Steen*

INSPECTOR

