



Appeal Decision

Site Visit made on 26 July 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/Y3615/W/21/3267156

Barnsthorns Woods, Old Lane, Cobham KT11 1NN

- 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 L Grimshaw against the decision of Guildford Borough Council.
 - The application Ref 20/P/00019, dated 20 December 2019, was refused by notice dated 24 November 2020.
 - The development proposed is described as, "Temporary Storage of 2 no. 12ft x 7ft x 7ft containers for 3 years".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site visit, I observed that storage containers were in place at the appeal site. Nevertheless, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published, which replaced the February 2019 version. The parties were provided with an opportunity to comment on its relevance to this appeal. Although no comments were received, as the Framework is a material consideration in planning decisions, I have had regard to it in the determination of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Reasons

Whether inappropriate development

5. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 149 of the Framework. In this respect, the parties have focussed on a) buildings for agriculture and forestry. This principle is reflected in Policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (adopted 2019) (Local Plan) which references the list of exceptions identified by the Framework.
6. The appellant has stated that the proposal would be for forestry use. Specifically, reference has been made to the storage of plant and machinery required for the maintenance of the woods. However, the woodlands are subject to a Tree Preservation Order, and in this context very limited information has been provided to demonstrate the type or extent of forestry operations that would be supported by the proposed storage containers. Accordingly, based on the evidence before me I consider that the exception at paragraph 149 a) does not apply.
7. Thus, based on the evidence before me, I consider that the proposal constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy P2 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
9. The proposed storage containers would be located within an area of existing woodland where they would be unlikely to be visible from public vantage points. Nevertheless, even though they would be modestly-sized and temporary in their use, they would reduce the openness of the Green Belt in spatial terms. As such, whilst the impact to openness would be limited and localised, harm would result to the Green Belt. This would be in addition to the harm I have identified in regard to the first main issue.

Other considerations

10. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes 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.
11. Reference has been made to 2 nearby paintballing facilities where shipping containers and other structures have been erected. The structures identified are substantially-sized and in this regard it is recognised that their impact on the openness of the Green Belt is likely greater than that which would be caused by the proposal. Considering this, I have given this matter moderate weight.

Balancing of considerations and whether very special circumstances exist

12. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of Policy P2 of the Local Plan, or the Framework, and consequently would be unacceptable.

Conclusion

13. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR