
Appeal Decision

Site visit made on 15 June 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2021

Appeal Ref: APP/A3655/W/20/3264984

Land on South side of Lock Lane, Pyrford, Woking GU22 8UX

- 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 Mrs T Lewis against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0846, dated 26 October 2020, was refused by notice dated 11 December 2020.
 - The development proposed is demolition of the existing stables and field shelter and the subsequent erection of a single residential bungalow together with the formation of a new access road to serve the site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.

Applications for costs

3. Applications for costs were made by Mrs T Lewis and Woking Borough Council against each other. These applications are the subject of a separate Decisions.

Main Issues

4. The site is located in the Metropolitan Green Belt (MGB). Accordingly, the main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the 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;
 - Whether there is sufficient information to assess the potential impact of the proposal on protected species or habitats and on-site biodiversity;
 - Whether the proposal would provide adequate mitigation for the Thames Basin Heaths Special Protection Area (TBHSPA);

- If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

5. The appeal site is located within the countryside adjacent to Lock Lane. It is in private equestrian use, and comprises grassed paddock land containing a stable building and field shelter.

Whether the proposal would be inappropriate development

6. Policy CS6 of the *Woking Core Strategy (2012)* (the CS) and DM13 of the *Development Management Policies Development Plan Document (2016)* (the DMPDPD) aim to protect the MGB from harmful development and ensure that strict control will continue to apply over inappropriate development as defined by the Framework, which confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
7. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in Paragraph 149. These exceptions include '*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*' and '*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*'.
8. The proposed single storey dwelling would replace the existing stable and field shelter structures which would be demolished. It would be located in the southwestern part of the site, fronting onto Lock Lane and accessed via a new vehicular access from Lock Lane. This is in a different position than either of the existing buildings, and the new building would be used for a different purpose. As such, the proposal would not constitute appropriate development having regard to criterion d) of Paragraph 149.
9. Having regard to the lawful equestrian use of the appeal site and the existing stables and field shelter structures and former manage on the site, the appeal site comprises previously developed land for the purposes of Paragraph 149 of the Framework. There is no evidence before me that the proposal comprises affordable housing to meet an identified affordable housing need within the Council area. As such, my conclusion on the next main issue, the effect on openness, will determine whether or not the appeal scheme is inappropriate in the Green Belt having regard to criterion g) of Paragraph 149.

The effect on openness

10. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special

circumstances. It also states that one of the essential characteristics of Green Belts is their openness.

11. Having regard to the spatial impact on openness, the evidence before me, including the 'Proposed Block Plan' drawing no. 100, photographs submitted by both main parties, and my observations during my site inspection, is that there would be an increase in hardstanding on the appeal site as result of the proposed access drive and on-site parking and turning area. I am not persuaded otherwise by the appellant's assertion that the proposed hardstanding shown on the application drawings is only shown for indicative purposes, since the application relates to full planning permission. Also, I must determine the appeal on the basis of the plans that were refused by the Council.
12. There is also a likelihood that further hardstanding/built development would be required around the immediate vicinity of the new dwelling in association with the domestic use of the building and its garden, for example to provide pedestrian access around the building and garden, and access to any outdoor amenity area leading off from the rear elevation dining room bifold doors and bedroom patio doors.
13. The appellant has drawn my attention to the proposed siting of the new built development within the manage arena, which, the appellant states, comprises a drainage layer of crushed stone and sand and subsequent layer of threaded rubber. It was evident on my site visit, that the manage is no longer in operation and it has blended into the landscape, so that the existing fenced off area, within which the new built development is proposed, appears as an integral part of the wider grassed paddock land of the appeal site. As such, I have no detailed evidence before me of the extent to which built development connected with the former manage still remains on the appeal site, and I am unable to assess with any certainty how much of the proposed built development would be located on existing built development associated with the manage, in assessing the effect of the appeal scheme on the spatial openness of the Green Belt.
14. Notwithstanding this, openness has a visual as well as a spatial aspect. The appeal site is perceived as an undeveloped, predominantly open, grassed area of paddock land, with two simple low-key rural structures which are set some distance apart and have a low degree of visual prominence. Based on the evidence before me, the proposal would result in an increase in three-dimensional built form on the site, in addition to a visually perceptible increase in hard-surfacing within ground that currently has the appearance of a rural paddock.
15. I have noted the difference in opinion between the two main parties in respect of the increase in built development that would arise as a result of the appeal scheme compared to the existing built development on the appeal site. Even taking the appellant's lower figures, the replacement building would result in a significant increase in building volume on the site of approximately 26%. I have noted the appellant's reference to DMPDPD Policy DM13, whose supporting text states that the Council expects proposals for building extensions or alterations to be within the range of 20-40% above the original volume of the building and suggests that the appeal proposal is therefore compliant with this policy. However, this figure specifically relates to building

extensions and alterations not replacement buildings, and, notwithstanding this, the policy acknowledges that details of any application will be treated on its own individual merits.

16. The perceived visual impact on the Green Belt would be magnified by the proposed conglomeration of the building form into a single, more substantial, building, with a notably higher and bulkier roof form than the two existing lighter and more spread-out simple rural structures on the site. Moreover, the more elementary designs of the existing modest equestrian structures reflect their equestrian use, supporting outdoor sport and recreation, which is appropriate within the Green Belt. As such, they assume a low visual presence within the Green Belt.
17. In contrast, the new building would have an overtly domestic appearance, including a large amount of domestic glazing, which is predominantly floor to ceiling height on the rear elevation, giving rise to a significant increase in artificial light emission from the site. The visual impact on openness would be exacerbated by the creation of a new vehicular access within the landscaped site frontage, the presence of a large parking and turning area with associated parked vehicles to the front of the new dwelling, and domestic paraphernalia associated with the proposed use of the new building within its proposed domestic curtilage.
18. Whilst the impact of the proposal in wider views of the site would be confined to some degree by existing frontage vegetation and the adjacent buildings associated with the neighbouring golf club, this would not completely eliminate the visual impact on Green Belt openness from the parts of the site which are less well-screened, in particular in views from Lock Lane to the north of the site, and from the east and southeast. Also, the proposal would bring built development further forward towards Lock Lane, from which it would be visible from the new access point.
19. I therefore consider that the proposal would have a greater impact on the openness of the Green Belt in visual terms than the existing development. As such, the proposal would not comprise an exception to inappropriate development when assessed against Paragraph 149 g) of the Framework. It would also fail to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Character and appearance

20. The appeal site has a tranquil, spacious rural character and contains simple low-key equestrian structures which are wholly appropriate to their countryside location and are well-spaced within the site, thereby retaining a predominantly green and spacious character. As such, the existing site character is in keeping with the rural nature of Lock Lane, which is a narrow, unlit country lane, with no pavements, and with edges predominantly defined by trees, mature landscaping and grass verges. Notwithstanding the adjacent golf club buildings, which comprise a development which is compatible with a rural recreational use, the road is quiet and undeveloped, characterised by open countryside to both sides. As such, the appeal site is clearly perceived as forming part of a wider area of undeveloped rural landscape and makes a positive contribution to the attractive landscaped setting around the urban area to the northwest.

21. The introduction of a residential plot within the site, which would be sited in close proximity to the road, and contain a building which would be significantly more visually prominent within the site than the existing rural structures, would have a harmful urbanising effect on the site. It would disrupt the peaceful rustic nature of Lock Lane, extending built development into the undeveloped rural area, appearing incongruous within the street scene of Lock Lane, and detrimentally eroding the intrinsic landscape character of the site.
22. Additional urbanising impacts would result from the proposed access to the site via a new vehicular access onto Lock Lane through the treed and landscaped site frontage, instead of the existing arrangement whereby the site is accessed via Pyrford Lane via the adjacent built development. The formal arrangement of a parking and turning area to the front of the dwelling and enclosed domestic curtilage would further domesticate the rural site. It is also reasonable to expect that the proposed residential use of the site would include features such as further ornamental plantings, domestic paraphernalia, garden buildings and structures. These features would be notably more out of keeping within the rural context of Lock Lane than equestrian paraphernalia associated with the existing buildings, and, even if restricted to within the area of the existing paddock fence, would further erode the open rural character of the site.
23. Potential further harm also arises from the proximity of the proposed development to trees adjacent to the site frontage, including a group of Beech trees in front of the proposed residential plot. I have noted the appellant's intention to retain these trees, and I have observed the existing fencing along this part of the frontage. However, in the absence of an Arboricultural Impact Assessment in accordance with BS5837:2012, or any other substantive evidence to the contrary, and following my site inspection, I am unable to conclude that the development, including the vehicular access and its required visibility splays, and the parking/turning area, would not result in unduly harmful damage to frontage trees. Whilst these trees are not protected, they currently make a positive contribution to the rural character of this part of Lock Lane. The proposal could result in the need for tree works, or even tree removal, which would reduce the amount of landscaped boundary screening of the site, thereby eroding key rural features of the locality and rendering the built development more visible in wider views. Without cogent evidence to the contrary, I am not satisfied that the protection of these trees can be ensured by means of a planning condition.
24. The proposed new landscaping and tree planting to the north and east of the dwelling would provide some screening to the proposal. However, the proposed amount of built development, and its proximity to the site frontage means that it would be likely to be visible in public views from Lock Lane, including from the new access point. Also, the new planting would rely upon the implementation, and maintenance thereafter, of the landscaping scheme, and I am not persuaded that this would overcome the harm to the intrinsic rural character of this part of the countryside which would arise from the introduction of permanent residential built development onto the appeal site.
25. The proposed use of materials that are appropriate for a rural location and the single storey design of the dwelling do not overcome the above concerns. Furthermore, the existence of a small cluster of residential properties to the south of the golf club off Pyrford Road does not alter my conclusion on this

matter, since they form a more sporadic form of development and are sited within the context of Pyrford Road which is more urban in character than Lock Lane and contains residential development directly fronting the road.

26. For the above reasons, I therefore conclude that the appeal scheme would cause significant harm to the character and appearance of the area. As such, it would conflict with CS Policies CS21 and CS24 and DMPDPD Policy DM2, which, amongst other things, require new development to make a positive contribution to the character of the area in which they are situated, provide a positive benefit in terms of landscape character and local distinctiveness, retain trees of amenity value and require adequate protection of trees to be retained to avoid damage during construction.
27. For similar reasons, the appeal scheme would be contrary to Chapters 12 and 15 of the Framework, which, respectively, require well-designed places and the conservation and enhancement of the natural environment.

Protected species and biodiversity

28. *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System* (Circular 06/05) states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed development, should be established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
29. The proposal is not supported by a professional ecological assessment by a qualified ecologist. Notwithstanding that the appellant has chemically treated part of the site, this does not rule out a reasonable possibility that the site could potentially accommodate and/or provide foraging facilities for protected species, such as bats, reptiles, and Great Crested Newts, having regard to factors including the proposed removal of existing buildings which could provide bat access and offer potential for roosting accommodation, together with the site's tranquil rural location, grassed nature, and proximity to trees and mature landscaping along Lock Lane and nearby ponds.
30. Therefore, in the absence of an up-to-date ecological appraisal, which would inform any necessary protected species mitigation and/or compensation requirements, and demonstrate the potential for on-site biodiversity gains, I do not concur with the appellant that this matter is capable of being properly assessed on the basis of my site inspection, particularly given that ecological surveys are required to be undertaken at specific times of the year depending on the species, nor that this matter is capable of being dealt with by means of a planning condition.
31. For the above reasons, and taking a precautionary approach, I therefore conclude that there is insufficient information to assess the potential impact of the appeal scheme on protected species and/or their habitats and ensure that the scheme delivers net gains for biodiversity. As such, the proposal does not accord with the objectives of CS Policy CS7 and Circular 06/05.
32. This is generally consistent with Chapter 15 of the Framework, which seeks to ensure that new development conserves and enhances the natural environment, including a requirement for opportunities to improve biodiversity in and around developments to be integrated as part of their design, especially

where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate (Paragraph 180).

TBHSPA

33. The site is within 5km of the TBHSPA, where a net increase in housing development, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, has the potential to significantly adversely impact on the integrity of the TBHSPA. The Council has carried out an Appropriate Assessment (AA) under the Habitats Regulations, concluding that the adverse impacts would be avoided if mitigation is provided through the payment of a financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in accordance with the Council's adopted TBHSPA Avoidance Strategy. These would be partly dealt with through CIL, with the SAMM payment to be secured outside CIL by means of a financial contribution secured by a Section 106 Legal Agreement.
34. The appellant has confirmed willingness to make the SAMM contribution and submitted a draft Unilateral Undertaking (UU) with the planning application in this respect. This was not acceptable to the Council's legal department, and the appellant has since submitted a revised UU as part of this appeal. The Council has not confirmed that this has satisfactorily addressed the fifth reason for refusal.
35. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the TBHSPA European designated site falls to me as the competent authority. Were I minded to allow the appeal, I would need to carry out an AA before considering the proposed mitigation set out in the UU, since the proposal would be likely to have a significant effect on the TBHSPA. However, as other main issues provide clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As a consequence, I do not need to consider the UU and this matter further, since any findings on this issue would not change the appeal outcome.

Other considerations

36. There would be a small social benefit in providing an extra housing unit, which would contribute to the Borough's housing stock and provide an accessible single storey dwelling which would appeal to older and/or less physically mobile Pyrford residents. Economic advantages would also arise from the construction and occupation of a new house. The site is located in accessible location in respect to facilities and services within Pyrford and public transport access to other settlements including Woking, and this accords with the sustainable development objectives of the Framework. However, the benefits associated with one additional unit would be small, and I therefore give these benefits limited weight.
37. The Council has raised no objection in respect of a number of issues, including detailed design of the dwelling, impact on the setting of nearby listed buildings, neighbouring living conditions, flood risk, contamination and highway safety. I attach neutral weight to these matters, since they are requirements of the development plan and the Framework in any case.

38. Similarly, whilst the proposed incorporation of sustainable design and energy generation into the appeal scheme is generally welcome, I attach moderate weight to this factor, since it would be a typical objective of most modern builds.
39. I have noted the appellant's concern about on-site security in respect of equestrian-related equipment held on the site. However, I am not persuaded on the basis of the information before me, that a new dwelling is necessary to ensure security for ponies and equestrian equipment, since other forms of on-site security could be employed to address the issue. I therefore afford limited weight to this matter.
40. Consequently, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Other Matters

41. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
42. In determining the application, the Council concluded that no harm would result to the significance and setting of the Grade II listed buildings comprising Henry VII Cottage and East Cottage to the south-east of the site and Grove Cottage to the south-west. Based on my site visit, which also included a consideration of the separation distance between the appeal site and the listed buildings, and the intervening landscaping and built development, I have no reason to disagree with Council in respect of this matter.
43. The appellant has drawn my attention to other planning approvals granted by the Council for residential development in the Green Belt. On the basis of the information before me, I find that none of these are directly comparable with the appeal scheme in respect of the appeal proposals. In any case, I must determine this appeal on the basis of the particular circumstances of the appeal site and the merits of the scheme before me.

Planning Balance

44. In conclusion, I have identified that the scheme comprises inappropriate development in the Green Belt as defined by the Framework. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on the openness of the Green Belt, the purpose of safeguarding the countryside from encroachment and character and appearance. Substantial weight should be given to harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are outweighed by other considerations.
45. As explained above, I give only moderate, limited or neutral weight to each of the material considerations cited in support of the proposal, and I conclude that, taken together, the substantial weight to be given to Green Belt harm and the harm caused to the character and appearance of the area would not be clearly outweighed by the other considerations, sufficient to amount to the very

special circumstances necessary to justify the development. The proposal would therefore be contrary to CS Policy CS6 and DMPDPD Policy DM13 which aim to protect the Green Belt against inappropriate development.

46. For similar reasons, the proposal would be contrary to Chapter 13 of the Framework, which requires the protection of Green Belt land.

47. I acknowledge a number of third-party objections on a range of other matters. However, given that I have already identified that the harm to the Green Belt is not outweighed by the benefits of the proposal, there is no need for me to consider these matters further.

Conclusion

48. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR