The Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/M3645/W/21/3269895
Land off Church Road, Woldingham CR3 7JX

- 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 John Crundwell against the decision of Tandridge District Council.
- The application Ref TA/2020/486, dated 3 March 2020, was refused by notice dated 11 December 2020.
- The development proposed is erection of mesh fencing to replace some existing barbed wire fencing, erection of three gates and electric fencing to provide restricted grazing areas for horses.

Decision

1. The appeal is allowed and planning permission is granted for erection of mesh fencing to replace some existing barbed wire fencing, erection of three gates and electric fencing to provide restricted grazing areas for horses at land off Church Road, Woldingham CR3 7JX in accordance with the terms of the application, Ref TA/2020/486, dated 3 March 2020, subject to the following conditions:

   1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

   2) The development hereby permitted shall be carried out in accordance with the following approved drawings:- 4926 01; 4926 02 Rev A; and 4926 03.

   3) The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the approved plans.

Application for costs

2. An application for costs was made by Mr John Crundwell against Tandridge District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) in July 2021. The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

4. The land is subject to an Article 4 Direction, which removes permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure. Therefore, planning permission is required for the proposed development.

Main Issues

5. The main issues are:

    - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
    - the effect of the proposal on the landscape character of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV).

Reasons

Inappropriate development

6. The appeal site comprises a field within the Green Belt. The Framework in paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the Local Plan) is consistent with this. The Framework states that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 149, should be regarded as inappropriate development. A 'building' is defined in Section 336 of the Town and Country Planning Act 1990 to include any structure or erection, and it therefore includes fences and gates.

7. The appellant states that the proposed replacement/new fencing and gates are required in connection with the use of the land for the grazing of horses. The appellant advances the exception at paragraph 149a) relating to buildings for agriculture and forestry. I am satisfied that the proposed fencing/gates are reasonably required to secure the horses on the land and provide smaller paddocks for animal welfare and pasture management. The grazing of land by horses falls within the definition of agriculture[1], and there is no substantive evidence before me to dispute the appellant's claim regarding the existing land use. Consequently, the proposal meets the exception in paragraph 149a) of the Framework and therefore it is not inappropriate development in the Green Belt.

8. Even if the activities on site were considered to be for equestrian purposes, the exception in paragraph 149b) provides for the provision of appropriate facilities for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy DP13 of the Local Plan also lists appropriate facilities for outdoor recreation as an exception, with the same provisos. Policy DP17 relates to equestrian facilities and includes the same requirement that these must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

[1] As set out in Section 336 of the Town and Country Planning Act 1990 as amended.

9. There is an existing barbed wire fence and gates along the western boundary adjacent to a public bridleway, which would be replaced by equine mesh fencing and 3no. field gates (measuring 2.13m wide x 1.15m high). Furthermore, the proposal includes electric fencing within the site, comprising wooden posts and green tape, to divide the paddocks. The proposed fencing would have 1350mm high posts.

10. The design of the proposed mesh fence and gates would enable views through it, which ensures that it would not appear obtrusive or act as a visual barrier in the surroundings. Taken together with the modest height of the fence/gates and the screening provided by the trees and vegetation along the western boundary, the proposal would not cause a loss of Green Belt openness. Furthermore, the electric fences, comprising timber posts and green tape, would have negligible visual impact due to the proposed materials and open design. The fences would be in keeping with the rural character of the countryside and the large size of the field would ensure that the fences would not appear unduly cluttered. The proposal would therefore preserve the openness of the Green Belt and it would not conflict with any of the Green Belt purposes set out in paragraph 138 of the Framework.

11. For the above reasons, I conclude that the proposal would not constitute inappropriate development in the Green Belt. Consequently, the proposal would accord with Chapter 13 of the Framework and Policies DP10, DP13 and DP17 of the Local Plan.

Landscape character

12. The appeal site is within the Surrey Hills AONB and the AGLV. Policy CSP20 of the Tandridge District Core Strategy 2008 (the Core Strategy) states that the conservation and enhancement of the natural beauty of the landscape is of primary importance within AONBs. The principles to be followed in the AONBs include conserving and enhancing the special landscape character, heritage, distinctiveness and sense of place of the locality, protecting the setting and safeguarding views out of and into the AONB, and for development to take advantage of existing landscape features and tree screening. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

13. The appeal site consists of a field in the open countryside, which is lined on the boundaries by trees and vegetation. Due to the open design and modest height of the proposed fences, visibility would be very localised, and this would mainly be from the public bridleway to the west. The proposal would not be discernible in the landscape from further afield. The fences would be of a height and design that would be in keeping with the rural character of the area, and I do not consider that the extent of the fencing would be excessive or cause undue clutter.

14. For these reasons, I conclude that the proposal would conserve the landscape and scenic beauty of the AONB and AGLV. The proposal would therefore accord with Policies CSP18, CSP20 and CSP21 of the Tandridge Core Strategy 2008, Policies DP7 and DP17 of the Local Plan, Policies L1 and L3 of the Woldingham Neighbourhood Plan 2016 and Policy P1 of the Surrey Hills AONB Management Plan 2020-2025, which seek development that would not adversely impact upon the character of the landscape.

Other Matters

15. I have had regard to the representations submitted by local residents, the Woldingham Association and Woldingham Parish Council, which raise various concerns in addition to the above main issues. There is no substantive evidence before me that the proposal would cause a material increase in traffic or parking, and I note that the local highway authority raised no objection. Furthermore, there is little to indicate that the proposal would cause a material increase in equipment, waste and storage. The appeal scheme does not propose a change in land use, and any future proposals for development should be considered on their own merits. Details of the plans and circumstances associated with the previous planning decisions are not before me, and I have nevertheless determined the appeal scheme on its own merits having regard to the current national and local policy framework.

16. Without evidence to support the contention that there is a badger sett in the vicinity of the appeal site, I am not persuaded that there is a reasonable likelihood of badgers being present. The Council has raised no concerns in this regard. Whilst the appeal site is near to a Site of Special Scientific Interest, the proposal would be of a minor nature and would have no adverse effect on wildlife features. The proposed mesh fence would replace existing barbed wire fencing, and the post and tape would enable passage of small animals due to its open design.

Conditions

17. The Council has suggested 3 conditions, which I have considered against the tests set out in the Framework. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. Furthermore, in order to maintain the character and appearance of the area, I have imposed a condition to require the proposed development to be finished in the materials specified on the submitted plans.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR