



Appeal Decision

Site visit made on 22 April 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/M3645/W/21/3273820

Nutfield Priory Lake, Sandy Lane, South Nutfield RH1 4EJ

- 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 Edwards of Priory Farm against the decision of Tandridge District Council.
 - The application Ref TA/2020/2122, dated 25 November 2020, was refused by notice dated 8 March 2021.
 - The development proposed is change of use from lawful fishery to mixed use overnight fishery and glamping site with provision of four accompanying glamping pods.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from lawful fishery to mixed use overnight fishery and glamping site with provision of four accompanying glamping pods at Nutfield Priory Lake, Sandy Lane, South Nutfield RH1 4EJ in accordance with the terms of the application Ref TA/2020/2122, dated 25 November 2020, and subject to the conditions in the attached schedule.

Procedural Matter

2. The application form gave no site address but described it as 'Lake and surrounding land within Priory Farm'. The appeal form gave the address as 'Priory Farm, Sandy Lane, South Nutfield RH1 4EJ'. The Council's decision notice gave the address as 'Nutfield Priory Lake, Sandy Lane, South Nutfield RH1 4EJ'. I have used the address from the Council's decision notice in both the banner heading and my formal decision as this more accurately identifies the site.

Main Issues

3. 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;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is an area of open land around a lake, Nutfield Priory Lake. It is accessed via a vehicular track from Sandy Lane which terminates close to the eastern end of the lake at an area of hardstanding, used for car parking. There is a footbridge over the eastern end of the lake which links to a footpath running close to its northern banks. There is a single-storey timber building by the bridge. The lake is used as a member only fishery during the daytime. It lies within the Green Belt and an Area of Great Landscape Value (AGLV).

Whether inappropriate development in Green Belt

5. The Framework sets out in paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 149 of the Framework sets out that the construction of new buildings is inappropriate within Green Belts subject to a number of exceptions, which includes b) the provision of appropriate facilities in connection with the use of land or a change of use, which includes for outdoor sport or outdoor recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Paragraph 150 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes e) material changes in the use of land such as changes of use for outdoor sport or recreation.
8. Policy DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (the TLP) are consistent with the Framework, stating that inappropriate development in the Green Belt will only be permitted where very special circumstances exist and identifying new buildings as inappropriate subject to exceptions which includes the provision of appropriate facilities for outdoor sport and recreation.
9. The appeal scheme proposes the use of the existing fishery for overnight fishing and the construction of 4 glamping pods on the edge of the lake. It also seeks the change of use of the site to introduce a glamping use together with its use as a fishery. The appellant's Planning Statement sets out that the aim of the proposed development is to provide appropriate facilities to enable anglers to stay overnight in order to use the fishery for a longer period of time, or to fish at night.
10. The glamping activity would facilitate the use of the site as an outdoor setting for recreation, leisure and sport, in this case fishing. In coming to this view, I am mindful of an appeal decision¹ for the installation of 6 camping pods within the Green Belt at Apps Court Farm, Hurst Road where it was agreed by the parties that such a use would be associated with outdoor recreation. I also note in that appeal, that the existing use was an established fishery and therefore not dissimilar to the appeal scheme.

¹ APP/K3605/A/13/2205008

11. The Council states that anglers make use of fishing bivvies (tents) for overnight accommodation and that the glamping pods would not be suitable or appropriate for overnight fishing given the nature of the sport. However, it provides no further explanation as to why that would be the case. Additionally, the Council considers that overnight fishing activities on the site is a seasonal leisure pursuit. To my knowledge, fishing can occur throughout the year with some restrictions during breeding season. I have nothing before me to suggest that it cannot. Indeed, it seems to me that with the provision of warmer accommodation such as proposed here, this is more likely. I am therefore satisfied that the seasonality of the pursuit would not reduce the requirement for the pods.
12. The appellant is also seeking to make the glamping accommodation available to other visitors and tourists. It seems to me that the use of the pods solely for glamping purposes, which amounts to an overnight or short-term stay in an outdoor setting away from any settlements or other development, would be a form of outdoor recreation.
13. I turn now to whether the proposed glamping pods and use would meet the tests under paragraphs 149 b) and 150 e) of the Framework in preserving the openness of the Green Belt and whether they would not conflict with the purposes of including land within it.
14. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.
15. The proposal would result in 4 glamping pods being erected on the site. These would be positioned close to existing trees and on the edge of the lake and would not be visually intrusive. They would not be visible from public viewpoints as they would be set at a much lower level than the adjacent public highway and additionally screened from this by boundary vegetation.
16. Inevitably there will be some loss of spatial openness through the introduction of a structure where there is currently none. However, the pods themselves would be small structures, positioned discretely close to trees on the banks of the lake. This would ensure that despite the small loss of spatial openness, the scheme would preserve the openness of the Green Belt.
17. It is proposed that the entire site be used for glamping purposes but limited to the 4 proposed glamping pods positioned by the lake. With no additional structures or for any other form of overnight accommodation proposed, the change of use would preserve the openness of the Green Belt.
18. The Framework sets out at paragraph 138 that the Green Belt serves five purposes. Relevant to the scheme before me is c) to assist in safeguarding the countryside from encroachment. The introduction of 4 small glamping pods around the lake's edges would not significantly increase activity in this location. In addition, there are already a few urbanising features including the vehicle access, hardstanding and a shed / building. In this context, the unobtrusively positioned glamping pods would not have an unduly urbanising effect on the environment. This leads me to conclude that the scheme would not conflict with the aforementioned purposes of the Green Belt.

19. I conclude that the proposed development would be not inappropriate development in the Green Belt. It would therefore comply with Policies DP10 and DP13 of the TLP as referred to above. It would also accord with national policy to protect Green Belt. As the proposal complies with these policies an assessment as to whether very special circumstances apply is not required.

Character and appearance

20. The appeal site lies within the countryside and has a rural character and appearance, characteristic of the low weald farmland landscape. The site itself is an irregular area of land comprising the lake and a large area of open grassland to the north. The lake sits within a natural valley, with the surrounding land rising steadily and reasonably steeply. To the south and west, boundary trees and vegetation provide screening of the site and the lake from surrounding areas and from public viewpoints along the highway.
21. The proposed glamping pods would be sited around the edge of the lake, 3 pods to the southern bank and 1 pod to the north-eastern bank and would be screened from public viewpoints making them unobtrusive in the landscape. They would not harm the character and appearance of the area, subject to the imposition of a suitably worded condition to control their external appearance. The Council has not disputed this.
22. The Council's concern relates to the use of the rest of the site for glamping purposes. This would be located to the north of the lake, on a hillside which is significantly more open and visible from the surrounding area including both public and private land. This area of land is distinctly different from the lakeside area where the proposed glamping pods would be sited. The appellant has stated that the land is to be used as open space for guests of the 4 glamping units.
23. There are no proposals for any structures, hard surfacing or any physical changes to this part of the site and consequently there would be little visible change arising from the proposal. Furthermore, since there is currently no vehicular access to the site beyond the existing car parking area which is located at the eastern end of the lake, it would not be possible for cars and caravans to be parked in this area. This area of the site would therefore be little changed by the proposal and would retain its rural character. To secure this, a suitably worded condition should be imposed to prevent any incursion into this area from the glamping use likely to have adverse effects on the character and appearance of the area.
24. I therefore conclude that the proposal would not harm the character and appearance of the area, including the AGLV. It would therefore not conflict with Policies CSP18 and CSP21 of the Tandridge District Core Strategy 2008 and Policy DP7 of the TLP which together seek development that integrates with its surroundings, respects the setting and local context, protects the landscape and countryside and conserves landscape character. It would also accord with the Framework which requires development to recognise the intrinsic character and beauty of the countryside and to protect and enhance valued landscapes.

Conditions

25. The Council has suggested a number of conditions including those which I have already referred to earlier in my decision. I have considered these and imposed

where they meet the tests set out in Paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.

26. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. In the interests of the character and appearance of the area, a condition requiring details of hard and soft landscaping works are reasonable and necessary. A condition requiring details in relation to drainage is also necessary to avoid any flooding from the proposal. To protect the ecology of the site and to safeguard any protected species, a condition requiring the development to be carried out in accordance with the submitted ecological report is necessary.
27. A condition to restrict occupation of the glamping pods to short term stays so that they may not be used for permanent residential occupation would be reasonable and appropriate to avoid inappropriate development in the Green Belt and harm to the character of the area.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be allowed.

Rachael Pipkin

INSPECTOR

Schedule of 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 wholly in accordance with the drawings numbered 0203.01, 0202.02 and 0203.03. There shall be no variation to these approved drawings.
- 3) No development shall take place above ground level until details of the materials (including physical samples) to be used in the construction of the external surfaces of the glamping pods hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details.
- 4) No development above ground level shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before any part of the development hereby permitted is brought in to use. These details shall include:
 - a. Proposed finished levels or contours
 - b. Means of enclosure
 - c. Car parking layouts
 - d. Other vehicle and pedestrian access and circulation areas
 - e. Hard surfacing materials
 - f. SuDS
 - g. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc)

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

The hard landscape works shall be carried out prior to the occupation of the development hereby approved.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 5) The development shall be carried out in accordance with the Ecological Assessment by the Ecology Co-op Environmental Consultants dated 30th September 2020.

- 6) The use of the site for glamping purposes hereby permitted shall be limited to overnight sleeping occupation within the 4 glamping pods, and no other form of overnight accommodation to include caravans or tents, shall be permitted unless otherwise agreed in writing by the local planning authority.
- 7) The units hereby approved shall only be occupied on the following basis:
 - a. the units shall be occupied for holiday purposes, including in association with the fishing use of the site;
 - b. the units shall not be occupied as a person's sole or main place of residence;
 - c. the units shall not be occupied by any one person for a period exceeding 28 days consecutively or cumulatively in any calendar year;
 - d. the owners / operators of the site shall maintain an up-to-date register of all occupiers and their main home addresses and shall make this information available to the local planning authority upon request.

End of schedule