
Appeal Decision

Site visit made on 28 July 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/Y3615/W/22/3292157

Lot 4 Westwood Lane, Wanborough, Guildford GU3 2JR

- 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 Sophie Belcher against the decision of Guildford Borough Council.
 - The application Ref 21/P/02376, dated 11 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is provision of an underground electricity cable and external electricity feeder cabinet.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Sophie Belcher against the decision of Guildford Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. There is a discrepancy between the supporting plans and the dimensions of the feeder cabinet described in the Planning Statement. I have determined the appeal on the basis of the supporting plans.

Main Issues

4. The main issues are:
 - i) 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;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area, including the Hog's Back Area of Great Landscape Value (the AGLV);
 - iv) If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 137 states that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state, at paragraph 147, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy P2 of the LPSS¹ shares the objectives of the Framework, and it lists development that would not be inappropriate in the Green Belt.
6. Paragraphs 149 and 150 of the Framework list types of development which are not inappropriate in the Green Belt. For the purposes of the planning application, both main parties considered the proposal under the provisions of paragraph 150 which lists other forms of development that are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
7. The proposed electricity cable would comprise an engineering operation. As it would be situated below the ground level it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the cable would not be inappropriate development in the Green Belt under paragraph 150b) of the Framework.
8. The proposed cabinet, however, is not an engineering operation. As part of the appeal, the appellant suggests the cabinet should be considered under paragraph 149 of the Framework as an agricultural building, which is listed as an exception to inappropriate development. The Framework does not define 'building' but the term is defined in section 336 of the 1990 Act² as including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Applying this definition would suggest that the proposed cabinet could comprise a building. I am also mindful of case law which identifies three primary factors as decisive of what constitutes a building³, being size, permanence, and physical attachment, and that none of these factors are necessarily decisive. Given the particular characteristics of the proposed cabinet, based on the evidence before me, I consider the cabinet to be a building.
9. Despite this, the cabinet would contain cabling which would, in turn, extend a power supply to the site. Despite its onward use being to supply power for agricultural tools, this would not make the cabinet itself, an agricultural building. For this reason, and based on the evidence, I do not consider the cabinet to constitute an agricultural building for the purposes of paragraph 149a) of the Framework.
10. Alternatively, the cabinet could be considered under paragraph 150e) of the Framework, as part of a material change in the use of land for the siting of a cabinet. However, the new built form of the cabinet would be located centrally within an area of open countryside which is free from development. By reason of its height and bulk, it would have a negative impact on both the spatial and

¹ The Guildford Borough Local Plan: Strategy and Sites 2015- 2034, adopted April 2019

² Town and Country Planning Act 1990

³ Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949] 1QB 385

visual qualities of the openness of the Green Belt. For this reason, it would not preserve the openness of the Green Belt and would not conform to the exception to inappropriate development at paragraph 150e).

11. Consequently, the proposed cabinet would be inappropriate development in the Green Belt.

Openness

12. The appeal site comprises predominately open grassland with hedgerows to the north which adjoin the southern side of Westwood Lane. Other than low level paraphernalia associated with the agricultural use of the land, the site is free from built forms and development. The openness of the wider area is characterised by the predominance of open fields with a cluster of buildings to the east.
13. As set out above, the proposed cabinet would introduce a built form onto the site and would be centrally located on the otherwise open land, thereby negatively affecting the spatial and visual aspects of the Green Belt's openness. Due to the scale of the cabinet relative to the surrounding grassland, and the gradient of the land, it would be visible across the landscape, in particular from the track and raised ground to the south and in views from buildings to the east. Taken together, the harm to the openness of the Green Belt would be significant.
14. For the reasons given, the proposal would conflict with Policy P2 of the LPPS which relates to inappropriate development in the Green Belt and the objectives of the Framework.

Character and Appearance

15. The site lies within a designated AGLV to the north of the distinctive landscape feature of Hog's Back, which is a narrow chalk ridge, characterised by a steep rising slope to the south. The Guildford Landscape Character Assessment January 2007 (the Guildford LCA) defines the key positive landscape attributes as including panoramic views, an intact pattern of fields and sparse settlement. The Wanborough Wooded Rolling Clayland to the north of the Ridge is identified by the Guildford LCA as having positive attributes including a peaceful rural character and views to the unsettled rural backdrop of the rising chalk ridge to the south. The Surrey Landscape Character Assessment: Guildford Borough 2015 (the Surrey LCA) identifies similar key characteristics.
16. The appeal site is largely flat and it forms part of a wider open area of predominantly grassland which extends along the northern edge of the Hog's Back Ridge. At the time of my visit the site comprised areas of unmown grassland to its southern end, and mown grass and young fruit trees to the north.
17. The proposed cabinet would have a utilitarian appearance and it would be in stark contrast to the natural features of the appeal site and the wider landscape in which it would sit. At times of year when the grass is long, the cabinet would be screened and it would not be visually prominent. However, for most of the time it seems reasonably likely that the grass would be shorter and consequently, the cabinet would be a visually prominent and alien feature in its verdant surroundings. Its green colour would be unlikely to reduce its visual prominence, particularly given the changing palette of colours across the

grassland. Its harmful visual effect would be evident in close views including glimpses from the road, as well as from the properties to the west and views from the Ridge to the south due to its position in the centre of the appeal site.

18. While there are some other visible features in the nearby landscape which support the use of the land, including water butts and the existing tap on the site, these are smaller features, or temporary. As such I do not find them comparable to the appeal scheme, where the effects on the landscape would be significant and long lasting.
19. For the reasons given above, I conclude that the proposal would cause significant harm to the character and appearance of the area and the AGLV. It would conflict with Policies D1 and P1 of the LPSS insofar as they require that development responds to and reinforces locally distinctive patterns of development including landscape setting, and that it does not harm the distinctive character of the AGLV. The appeal scheme would also conflict with the objectives of the Guildford LCA and Surrey LCA.

Other Considerations

20. 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. 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.
21. I have found that the development proposed would cause harm through inappropriateness and would cause significant harm to the openness of the Green Belt. I am required to give substantial weight to this harm, in line with paragraph 148 of the Framework.
22. The appellant states that electricity is required to enhance and manage the agricultural use of the land and that it would benefit the future of the business, as supported by paragraph 84 of the Framework. While this would be a benefit of the proposal, based on the evidence, I am not satisfied that the appeal scheme is the only solution to achieve this benefit, or that the viability of the business is reliant on it. As such I ascribe this moderate weight.
23. The appellant refers to a fall back position whereby the appeal scheme would be installed under permitted development rights. I do not, however, have assurances before me that the proposal would adhere to the relevant criteria of the Town and Country Planning (General Permitted Development) Order, as amended (the GPDO), and the appellant admits this is dependent on the use of the land meeting the definitions of the GPDO in the future. Neither is it for me to establish whether the proposed works would be permitted development under this appeal. For the reasons given I afford this position minimal weight.
24. While the proposal may assist in delivering biodiversity net gain, there is little substantive evidence before me to demonstrate the extent to which this would be achieved. As such I also afford this minimal weight.
25. Overall, while there would be a benefit to the agricultural business and enhancement in terms of the management of the land, taken together, the weight of the other considerations in this instance would not be sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

26. Planning permission has previously been granted for the existing tap on the site. However, the tap is slim in profile and low level and it has a substantially different impact on the landscape character. As such it does not alter my assessment of the appeal scheme or provide a justification for the proposal.
27. The appeal site is within an area being considered for inclusion in the Area of Outstanding Natural Beauty (AONB). The Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs. However, the relevant policies in the Framework do not refer to candidate or potential AONBs. Therefore, this is not a matter that I have considered further.

Conclusion

28. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I therefore conclude that the appeal should be dismissed.

C Shearing

INSPECTOR