



Appeal Decision

Site visit made on 2 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/A3655/W/22/3290781

Blanchards Hill Farm, Blanchards Hill, Sutton Park, Sutton Green, Guildford, GU4 7QN

- 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 Miss Sophie Banks against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/1074, dated 26 November 2020, was refused by notice dated 10 August 2021.
 - The development proposed is described as "part change of use of storage barn and land to south to include Class E(d) (indoor sport) and F2(c) (outdoor sport) creation of associated parking."
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Procedural Matters

3. The Council altered the description of the development to better reflect the proposed works. The appellant agreed to the change and used the new description on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore used this description in the banner heading above and considered the appeal on this basis.
4. As part of the appeal, the appellant has proposed to reduce the intensity of the use in terms of class size and frequency, from 6 classes a day to 3 classes a day and with a maximum class size of 8 people rather than 15 people. The classes would take place in the morning, afternoon/lunch time and early evening. There would be no limit on one-on-one personal training sessions with up to two customers at a time. Opening hours would be 6am to 9pm Monday to Friday and 8am to 4pm on Saturday, Sunday, and Bank Holidays. As this amendment would likely reduce any effects of the proposal and the nature of concerns of those who would normally have been consulted are clear from consultation on the original proposal, I do not consider that their interests would be prejudiced if I take account of the proposal operating at a reduced intensity. I shall therefore determine the appeal on this basis and the Block Plan (Rev B), Ref: KCC2948/02B, dated January 2022, that proposes 8 parking spaces.

5. I saw on site that the fitness studio has been set up in the barn. I also note that the appellant's statement states that despite planning permission being refused they have continued to operate small classes and one-on-one personal training sessions.

Main Issues

6. The main issues are:

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the development and any expansion of hardstanding to provide additional parking, turning points, or passing places for the access drive and any informal parking, on the openness of the Green Belt;
- whether or not the location of the development would encourage the use of private vehicles and contribute to the achievement of sustainable development; and
- 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 development, including effect on openness

7. Blanchards Hill Farm is located to the north of Jacobs Well, a village on the outer edges of Guildford. It is positioned between Blanchards Hill and the Sutton Place estate and is within the metropolitan Green Belt. Although the appeal site is not very visible from Blanchards Hill, a public right of way (PROW) runs past the north of the site. Currently there are clear views from the PROW through the site and to open land beyond.
8. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Policies CS6 of the Woking Borough Core Strategy (2012) (Core Strategy) broadly conforms with national Green Belt policy and refers to inappropriate development as defined by Government policy currently outlined in the Framework. Policy DM13 of the Woking Development Management Development Plan Document (2016) (DPD) sets out new buildings and forms of development other than those specifically identified on allocated sites in the Site Allocations DPD as inappropriate in the Green Belt.
10. Notwithstanding this, paragraph 150 of the Framework establishes that the re-use of buildings, provided that the buildings are of permanent and substantial construction; material changes in the use of land, such as changes of use for outdoor sport and recreation; engineering operations; and local transport infrastructure which can demonstrate a requirement for a Green Belt location; are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

11. The proposal would convert a section of an existing barn, which is currently used for storage associated with the equestrian business and the development of an agricultural workers dwelling, into a fitness studio. The use would include outdoor fitness classes on a piece of land close to the barn and 8 parking spaces. Taking account of paragraph 150 of the Framework, this type of development would not be inappropriate in the Green Belt, provided the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
12. The fitness studio itself would be contained within the existing barn as would be a lot of the activity directly associated with it, such as indoor fitness classes and 1 to 1 personal training sessions. This would not affect the openness of the Green Belt. It therefore falls to me to assess the effect of the outdoor fitness classes and parking area on the openness of the Green Belt.
13. The proposed parking area would consist of two sets of parking spaces. Four spaces would be provided on the existing hardstanding and another four spaces would be accommodated in a new parking area adjacent to the riding arena. The effect of the four spaces on the existing hardstanding on openness would be limited given their proximity to the barn. However, while the new parking area would be located between the riding arena and woodland, this area is currently open and allows views through the site to open land beyond. Also, the riding area is largely open and thus its effect on openness and the views through the site are limited. Therefore, any structure placed within this area, whether temporary or permanent, would have a localised effect on openness both spatially and visually.
14. While the means of construction of the parking area would allow it to blend into the landscape and remain green, it would be the parked vehicles rather than the characteristics of the parking area itself that would affect the openness of the Green Belt. Notwithstanding that some customers may arrive at the site via foot or cycle, the proposal would result in up to 4 vehicles in the proposed new parking area for three hours a day. In addition to this, at different times during the day, it is likely that there would be vehicles parked by customers undertaking 1 to 1 personal training sessions. I appreciate that this number of vehicles and the total duration they would be parked represents a large reduction when compared to the intensity of the original proposal, and in comparison, could be considered as not significant. However, this area provides an important open gap that allows views of and ties in with the openness of the land beyond. Therefore, having vehicles parked in this area relatively frequently for not an insufficient amount of time and on a daily basis, as well as the associated vehicle movements, would result in harm to the openness of the Green Belt, albeit the degree of harm would be moderate.
15. I acknowledge that the existing equestrian business generates vehicular movements and parking, including larger vehicles required for this use and there appears to be no restrictions on where they park on site. At the time of my site visit there was a large horse box parked close to the proposed new parking area. Nevertheless, the appellants statement is clear that vehicle movements generated by the current use of the site are limited as the work is undertaken by the owner that lives on site and that members of the public very rarely enter the site.

16. The site was previously used more intensely for livery and while it is likely that the vehicle movements and parking associated with this was more significant, there is no substantive evidence before me regarding the timings of these traffic movements or the total number of vehicles on site at any one time. However, it is likely that the movements would have been more staggered than those associated with the proposal that are set by class start and finish times.
17. The appellant has drawn my attention to the findings of the Inspector with regards to a previous appeal decision at the site, Ref: APP/A3655/W/15/3004253. This development was located on another part of the site and, therefore, its effect on openness would be different to the proposal before me. The appellant has also referred to a decision made by the Council, Ref: PLAN/2019/0233 for the change of use of a barn to a gymnastics club, which was located within the Green Belt and included 25 parking spaces. However, whether or not the Council has been consistent in their approach to applying planning policy, based on the evidence before me, the location of this barn, close to what appear to be other industrial uses and another large car park, is quite different from the appeal site.
18. In terms of encroachment, the parking area would be located adjacent to the riding arena and would be contained by the woodland. Given this, and that the parking area is modest in size, any harm in terms of encroachment would be limited.
19. The outdoor fitness classes would take place on a piece of land between the existing barn and riding arena. This area also forms part of the open land that allows views through the site to open land beyond, although to a slightly less degree than the land for the proposed parking area. Given that outdoor classes would likely be less frequent than other classes, while there would be some harm to the openness of the Green Belt, this would be limited.
20. The Council is concerned that it has not been demonstrated that the existing access drive and parking arrangements at the site are appropriate and that mitigation measures would be put in place to address this. This they consider could lead to the expansion of the hardstanding surface and this expansion, and any informal parking, would comprise further inappropriate development in the Green Belt.
21. The site is accessed by a single-track driveway with narrow grass verges either side. Although along most of its length it would not be easy for two vehicles to pass one another, at either end of the track there is space for two cars to pass. The space at the entrance to the track would allow vehicles to wait off the road. While there is a risk that if more than 2-3 vehicles were to arrive at the same time, they would spill out onto the highway while waiting for a vehicle to exit, at the reduced intensity there would be no crossover between classes arriving and leaving, therefore the chance of this occurring would be limited.
22. Paragraph 111 of the NPPF is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. In this regard I am aware that the County Highway Authority advised that, subject to conditions, the proposal at its original intensity would not result in any material impact on the safety and operation of the adjacent highway. Moreover, there is no evidence before me that the vehicle movements associated with the existing use or previous more intense livery use have compromised highway safety.

23. Notwithstanding this, while I understand the Council's concern regarding the potential impact of mitigation measures on the Green Belt, no mitigation measures have been proposed as part of the application, and the number of parking spaces proposed are proportionate to the intensity of the use. This therefore affords limited weight.
24. For the reasons above, the proposal would not preserve the openness of the Green Belt and would therefore be an inappropriate form of development within the Green Belt. It would conflict with policies CS6 of the Core Strategy and DM13 of the DPD, which seek to control inappropriate development in the Green Belt.

Location

25. Policy CS1 of the Core Strategy sets out the spatial strategy for Woking Borough, directing most of the new development to previously developed land in the town, district, and local centres. With regards to the sequential test set out at Paragraph 87 of the Framework, Policy CS1 is clear that main town centre uses will be acceptable in principle in Woking Town Centre subject to the requirements of policies of the Core Strategy. Therefore, while the aim of policy CS1 is to direct development towards Woking Town Centre, particularly main town centre uses, it does not prohibit them from being developed in other locations. Furthermore, the scale of the proposal is modest, and paragraph 89 of the Framework is clear that the sequential approach should not be applied to applications for small scale rural development.
26. Notwithstanding this, the site is located far beyond the outskirts of Woking and, although closer to the outskirts of Guildford, access to the site on foot and cycle and by public transport would be limited. There is no formal footway to the site along Blanchards Hill. While initially from Jacobs Well there is a path along the grass verges on the western side of the road, to access the site from Blanchards Hill pedestrians must walk not an insignificant distance on the carriageway of a relatively narrow 40mph rural road. I saw on my visit that there were frequent traffic movements along the road and that vehicles either side of the carriageway were unable to pass each other and a pedestrian at the same time. I understand that Blanchards Hill forms part of a national cycle route, however with the exception of wayfinding signs, there is no formal cycle infrastructure.
27. There is also no formal footway along the road to Sutton Place, although I appreciate that traffic movements are far less frequent than on Blanchards Hill, vehicles are likely to be moving at slower speeds and there are larger grass verges that pedestrians can take refuge on when a vehicle approaches. To access the site from this road a pedestrian or cyclist would have to navigate the PROW, which although is direct, is also secluded, narrow and uneven. In addition, Blanchards Hill, the road to Sutton Place and the PROW are all unlit, making them far less appealing after dark, which would likely impact how customers would choose to access morning and evening classes in the winter months. Although there are two bus stops fairly close to the site, customers coming by bus would have to use either Blanchards Hill or the road to Sutton Place and the PROW to access the site.
28. Policy CS18 of the Core Strategy seeks to deliver a well-integrated community connected by a sustainable transport system by locating most new development in the main urban areas that are served by a range of sustainable

transport modes. The aim of this policy is to minimise the amount and length of journeys, particularly by private car. It may be that approximately half of the existing customers are from the neighbouring residential areas of Sutton Green and Sutton Park and that many have walked and/or cycled to the site previously. However, there is no way to control where customers travel from or how they choose to access the site and the poor accessibility of the site by foot, cycle and public transport would not encourage customers to use these more sustainable modes of transport thus encouraging use of the private car. It may be that there are other commercial businesses in the surrounding area, however these did not appear to be in the immediate vicinity of the site, and therefore their circumstances with regards to access are likely to be different.

29. I acknowledge that paragraph 84 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations not served well by public transport. However, it also states that in these circumstances it is important to ensure that development exploits any opportunities to make a location more sustainable for example by improving the scope for access on foot, by cycling or by public transport. This has not been demonstrated.
30. For the reasons above, the proposal would encourage the use of the private car due to its inaccessibility via foot, cycle, and public transport. In this regard it would not contribute to the achievement of sustainable development. It would conflict with the aims of the spatial strategy of Woking set out in policy CS1 of the Core Strategy, as well as the aims of policies CS18 and CS19 of the Core Strategy. These seek to locate new development in the main urban areas, specifically the town, district, and local centres, and in locations well served by public transport, pedestrian and cycle infrastructure.

Other Considerations

31. The appeal site is located within the Sutton Park Conservation Area (SPCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character of the SPCA.
32. The appeal site is also located close to the Catholic Church of St Edward the Confessor, a Grade II listed church, and other designated heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.
33. The Council concludes in the Officer's Report that there would be no visual harm done to any nearby heritage assets or the wider area. This is because the proposal relates to an existing modern agricultural barn and the only physical change would be the larger door and panel on the west elevation. While there would also be an area of surface car parking, this would use permeable plastic cell reinforcement which allows grass to grow through, leading to an informal rural type of surface. Based on my site visit, I am also of the view that, given the limited physical changes that would result from the proposal, it would not harm the significance of the SPCA, neither would it effect the setting of any other designated heritage assets including the Catholic Church of St Edward the Confessor.

34. The appellant has suggested that the intensity of the business could be controlled further by imposing conditions. However, even if the intensity could be further reduced by condition, the proposed parking arrangements and outside fitness classes would continue to harm the openness of the Green Belt, albeit to a lesser degree. Furthermore, there is no evidence before me that at a reduced intensity the business would be viable.
35. The proposal would provide fitness facilities that would help people get fit and remain fit. This is important given current statistics relating to obesity and the recent Covid 19 pandemic. However, this carries only moderate weight as, while there is local demand for the facility, there would be other fitness facilities available within Woking and Guildford. Moderate weight is also afforded to the support provided to this type of development by other development plan policies and national policy.
36. It has been put to me that the facilities provided by the proposal, given their modest size, would be more accessible and provide a more personal service for a disabled client, as well as providing more privacy and dignity. These are personal circumstances to which I attribute weight in favour of the appeal.
37. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
38. I am mindful of the advice contained in the Planning Practice Guidance that, in general, planning is concerned with land use in the public interest. The proposal is not specifically targeted at people with disabilities and would likely remain after the client's personal circumstances cease to be material. Future use of the fitness studio would also not necessarily entail a similar situation. The weight attributed is therefore moderate.
39. The appellant has purchased a property in Jacobs Well and contends that relocating the fitness studio elsewhere would require them to drive or utilise public transport as opposed to walking which they currently do. While the appellants ability to walk to site is a benefit of the proposal, its overall impact in terms of reducing carbon emissions is very limited and likely to be outweighed by the number of clients accessing the site by private vehicle. This therefore affords limited weight.

Conclusion

40. In conclusion I have identified that the proposal would harm the openness of the Green Belt and therefore constitutes inappropriate development. The Framework indicates that harm by reason of inappropriateness should be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. While the adequacy of the access drive and parking arrangements would not result in mitigation measures or informal parking that would further harm the openness of the Green Belt, the proposal would also encourage the use of the private car due to its inaccessibility via foot, cycle and

public transport. The proposal would therefore conflict with the development plan read as a whole.

41. I have given moderate weight to the local demand for and health benefits of the proposal, the support of other planning policy and personal circumstances of an existing client. I have also had regard to the letters of support from existing clients. However, these considerations do not clearly outweigh the harm to the openness of the Green Belt that I have identified. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The appeal should therefore be dismissed.

Hannah Guest

INSPECTOR