



Appeal Decision

Site visit made on 29 November 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JANUARY 2023

Appeal Ref: APP/B3600/W/21/3289175

Land at Rolls Farmhouse, Partridge Lane, Newdigate RH5 5BW

- 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 Hannah Kenward, South East Tree Surgeons against the decision of Surrey County Council.
 - The application Ref MO/2020/1804, dated 7 October 2020, was refused by notice dated 23 June 2021.
 - The development proposed is described on the application form as: 'Change of use of land, existing storage bays and existing building for the storage and sorting of green waste. Erection of roof on storage barn and retaining bund'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development for the banner heading above from the application form. The application form states that the proposed development had not been carried out when the application was submitted. No confirmation has since been provided that the proposed use has commenced. I have therefore considered the proposed use as set out in the application.
3. There are 3 buildings on the appeal site and inconsistent descriptions of those buildings have been provided in the plans and documents. Prior to the application being validated, an existing building with a roof covering only part of it was omitted from the appeal site. The appellant refers to that as 'the smaller building', which I take to be the building annotated as 'extended store to meet arboricultural assoc. stds' on one of the site layout/block plans¹. I shall refer to this as 'Building B'. The site plan² includes Building B as part of the appeal site.
4. The 2 other buildings within the appeal site are annotated as an existing workshop and a dry log store on the same site layout/block plan. I shall refer to these as 'Building A' and 'Building C' respectively. Building A is the first building seen when entering the appeal site from Partridge Lane, adjacent to Building B. Building C is located next to storage bays in the northern extremity of the appeal site.

¹ Drawing number 14/169SK12, dated April 2015

² Drawing title W1810_001 Location Plan, Revision A, dated 6 September 2019

5. The description of the development proposed only refers to the proposed erection of a roof to a storage barn. The appellant's submissions, including the Planning and Heritage Statement³ (PHS) explain that planning permission was sought for the erection of a roof to Building B and Building C. Following the submission of the planning application a roof has been erected to Building C. A roof is shown on the plans relating to Building C⁴, but they are not marked as existing or proposed. I have therefore considered the proposed erection of roofs on both Building B and Building C as part of the appeal.
6. Two sets of plans relating to Building B have been provided⁵, but neither have been marked as existing or proposed. They both show pitched roofs of different ridge heights on the building. As only part of that building currently has a roof, I take these plans to show different proposals. These plans are not listed on the Council's decision notice or officer report, but the appellant has provided a list of plans submitted with the application and a list of plans on which the Council made its decision. The earlier plan is not listed as a plan on which the Council made its decision, but the more recent plan is. I therefore take the more recent plan, submitted to the Council on 15 September 2020, as the relevant plan showing the proposed roof to Building B.
7. No increases in the floor areas of existing buildings are shown on any of the plans provided. The appellant has clarified that the proposed increase in non-residential floorspace indicated at section 17 of the application form refers to existing areas of uncovered building floorspace proposed to be covered by roofs.
8. The retaining bund referred to in the description of the development proposed has already been constructed. The appellant's submissions clearly state 'a bund (retrospective) is also proposed by this application with the details provided on plan 14/169SK13'. I have therefore considered the retaining bund shown on the submitted plans as part of the proposal.

Main Issues

9. The main issues are:
 - i. Whether the proposed 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;
 - ii. The effect of the proposed development on the openness of the Green Belt;
 - iii. Whether the appeal site is an acceptable location for waste management development, having regard to the Surrey Waste Local Plan 2019-2033 (2020) (SWLP);
 - iv. The effect of the proposed development on local landscape character; and

³ Ref: 9622, dated September 2020 by Bell Cornwell LLP

⁴ Drawing number 14/169SK11, dated April 2015

⁵ Drawing numbers 14/169SK10 and 14/169SK20, dated April 2015 and September 2020 respectively

- v. Whether any 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 development.

Reasons

Green Belt

10. The appeal site is an area of land described as having an agricultural/forestry use, adjacent to Rolls Farmhouse, in a rural part of the Metropolitan Green Belt.
11. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve, which include to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
12. Paragraphs 147 and 148 of the Framework advise that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework confirms that the construction of new buildings in the Green Belt is inappropriate, other than when specific exceptions apply. Paragraph 150 explains that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. Policy 9 of the SWLP and Policy RUD19 of the Mole Valley Local Plan (2000) (MVLPL) broadly reflect the advice of the Framework with regard to development in the Green Belt, as set out above.
14. The third exception to inappropriate development provided at paragraph 149 of the Framework states that the alteration of a building would not be inappropriate development in the Green Belt provided that it would not result in disproportionate additions over and above the size of the original building. I have not been provided with confirmation of the original sizes or forms of Building B or Building C.
15. The Glossary to the Framework confirms that the original building should be taken as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Based on the information provided, I take Building B in its current form, with a low sloping roof covering only part of it, to be the original building in that case. I also take Building C in its previous form without a roof to be the original building in that case.
16. A pitched roof measuring 3.9 metres to its ridge would be added to Building B. A flat roof with a low slope towards the east has been added to Building C. Based on the evidence available, the addition of the low flat roof to Building C has had a minimal impact on the size and proportions of the building. That roof does not result in disproportionate additions over and above the size of the original building. This element of the proposal does not therefore comprise inappropriate development.

17. At present, Building B resembles an unfinished shell of a building, up to eaves height. The existing sloping roof which covers a small part of the building remains low in height and the building is modest in size compared to nearby buildings. The pitched roof proposed to Building B would significantly raise the overall height and mass of that building. Although this would be seen alongside Building A and larger buildings on the neighbouring site to the south, the significant increases in height and mass proposed would comprise disproportionate additions over and above the size of the original building. The proposed roof to Building B would therefore comprise inappropriate development in the Green Belt.
18. Paragraph 150 of the Framework states that the following are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it: engineering operations, the re-use of buildings which are of permanent and substantial construction, and material changes in the use of land.
19. The retaining bund is a significant construction, artificially raising land levels around the northern part of the appeal site where storage bays and Building C are located. The retaining bund is not a building, as it comprises an engineering operation.
20. The retaining bund is partially planted and skirted by vegetation, and the appellant has explained that further planting could be provided to help it blend into the landscape. Although it is a significant construction, it is a minor feature in the landscape due to thick tree and hedgerow planting around the appeal site and its integration with its natural surroundings. It appears as an unnatural, man-made landform. Its limited height and width, and its position adjacent to the appeal site's western boundary, amongst planting, ensure it has only a very low-level visual and spatial impact on the openness of the Green Belt. However, even that low-level impact fails to preserve the openness of the Green Belt and it therefore comprises inappropriate development.
21. The proposed re-use of existing buildings should be considered as part and parcel of the proposed material change of use of the appeal site. This is because the proposed re-use of the existing buildings is reliant on the overall use of the appeal site and the various activities undertaken outside those buildings. The proposed use of the buildings in this case is inseparable from the proposed use of the appeal site.
22. The activities associated with the proposed use of the land and buildings are described in the PHS as providing a base for the appellant's tree surgery business, the receiving and storage of green arboricultural residues, and its sorting for chipping, log splitting or to be taken off-site for planking. Plant and machinery would be used to chip, split, move and sort timber within the appeal site and vans and lorries would be used to bring in and take away green timber and chip. Reference is also made to staff driving to the site and parking their cars, before leaving the site in light goods vehicles, and external contractors bringing green waste to the site.
23. The proposal would therefore result in significant areas of the appeal site being used for the open storage of green waste, vehicles, plant and machinery. Some of this could be stored within the existing buildings, but the limited sizes of those buildings and the various elements of the proposed use mean other extensive areas of the appeal site would also be used for those purposes. I saw

a number of vehicles, plant, and associated trailers and machinery stored in the open during my site visit, while little space appeared to remain in Building C for further storage of plant and logs.

24. The use of the appeal site for the storage and sorting of green waste would therefore necessitate the open storage of many of the materials, vehicles, plant and machinery described by the appellant as being associated with the proposal. Extensive parts of the appeal site would be used for that purpose, having a significant adverse impact on the openness of the Green Belt in a visual and a spatial sense. This would represent encroachment into the countryside of a non-agricultural/forestry use which would be more commercial/industrial in nature. The proposed use would therefore comprise inappropriate development in the Green Belt.

Location for Waste Management Development

25. The appeal site is not allocated for waste development in the SWLP and it does not form part of a site in existing lawful waste management use. Policy 2 of the SWLP supports certain waste management development where specific criteria apply. Criterion A.iii of Policy 2 states planning permission will be granted where the site is suitable for waste development when assessed against Policy 10 and other policies in the Plan.
26. Policy 10 of the SWLP sets out 5 types of location where waste management facilities will be granted planning permission. The fourth criterion refers to redundant agricultural and forestry buildings and their curtilages. I have been referred to an appeal decision⁶ relating to an enforcement notice at the appeal site, where the previous Inspector commented that the main parties agreed that the appeal site had previously been used for agricultural purposes. It is claimed that all 3 buildings within the appeal site were previously used for agriculture, but no detailed explanations of that use or the events that led to any previous agricultural use ceasing have been provided.
27. I have been provided with an aerial photograph claimed to date from 1999⁷ which appears to show Building A and a small part of Building B surrounded by undeveloped, grassed land. This does not confirm that all 3 existing buildings were in agricultural use at that time. An absence of evidence provided by the Council that there were any non-agricultural uses at the appeal site prior to 2015 does not confirm the buildings or appeal site were all used for agricultural purposes prior to then.
28. Even if all 3 buildings were previously in agricultural use, it does not necessarily follow that when they ceased to be used in that manner, they became redundant for agricultural purposes. For example, considering the previous appeal decision I have been referred to, it is not clear whether any previous agricultural use of the 3 buildings ceased in association with any unauthorised material change of use. I have not been referred to any evidence which shows there is no longer any agricultural or forestry need for the buildings; indeed, I have been referred to a recent Lawful Development Certificate⁸ (LDC) for the proposed use of the appeal site and other land for forestry purposes.

⁶ APP/C3620/C/18/3202808

⁷ Page 3 of the appellant's final comments letter dated 10 June 2022

⁸ Mole Valley District Council's ref: MO/2020/0527/PCL

29. Taking all of the above into account, it has not been demonstrated that the appeal site comprises the curtilage of redundant agricultural or forestry buildings, and as such Policy 10 of the SWLP does not offer any support for the proposal. Even if the proposal would be suitable for waste development when assessed against Policy 10, Criterion A.iii of Policy 2 also requires proposals to be assessed against other policies in the SWLP, which includes Policy 9 referred to in the first main issue, which I shall return to below.
30. I have not been provided with any convincing evidence that the appeal site would otherwise be suitable for waste development. For the reasons set out above, the appeal site would not be an acceptable location for waste management development and the proposal would fail to accord with Policies 2 and 10 of the SWLP.

Local Landscape Character

31. The appeal site is located within the Cranleigh to Charlwood Wooded Low Weald Landscape Character Area, as identified in the Surrey Landscape Character Assessment: Mole Valley (April 2015) (SLCA). The SLCA outlines the key characteristics of this area, which are generalised points relevant to an extensive area. Most of those key characteristics appear to be relevant to the appeal site and its surroundings, although I note the appellant's suggestion that the appeal site's near surroundings are largely characterised by scattered farmsteads.
32. I have been provided with photographs⁹ said to demonstrate the prevalence of clusters of buildings and external storage in the surrounding area. These have been referred to as a mix of lawful and unlawful non-agricultural uses, including those falling within the B2 and B8 use classes¹⁰, visible from various public viewpoints. I concur that the appeal site's surroundings are not comprised only of farmland and woodland, but they are characterised to a significant extent by their remoteness and intimacy from more formal urban areas. The presence of buildings and non-agricultural uses in the locality, which may not have the appearance of typical farmsteads, make only a minor contribution to the local landscape character, which is predominantly rural and undeveloped.
33. Views into the appeal site are restricted by tall boundary treatment along Partridge Lane and thick planting along the southern and western boundaries. I note a public footpath passes the appeal site to the north, from where limited views of the proposed roof to Building B would be seen. It is also likely that restricted views of green waste, vehicles, plant and the activities associated with the proposal would be seen from that direction. The retaining bund is seen as a partially planted unnatural mound from that direction, shielding views of the low sloping roof to Building C.
34. The proposed use of the appeal site and the proposed roof to Building B would therefore have limited visual impacts on the local landscape character. Those impacts would, however, emphasise the presence of Building B and non-agricultural/forestry uses in a countryside location predominantly characterised by rural features. The activities associated with the proposed use would likely be more commercial/industrial in nature than any agricultural or forestry uses

⁹ Figures 5 – 8 of the appellant's Appeal Statement dated December 2021

¹⁰ As defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)

- which could be undertaken at the appeal site. The backdrop of Building A and neighbouring buildings and non-agricultural uses at nearby sites would reduce those impacts, but they would not negate the harmful effect those impacts would have on the otherwise pleasant and undeveloped countryside location.
35. The visual impact of the retaining bund on local landscape character is minimal on account of its low height and position alongside thick planting. Further planting is proposed by the appellant, which would help it integrate with the landscape, and could be required by condition. The retaining bund is therefore capable of having no adverse impact on local landscape character and ensures the roof to Building C has no adverse impact in this regard either.
36. The proposed use and the proposed roof to building B would harm local landscape character, contrary to Policies 13 and 14 of the SWLP, Policies ENV4, ENV22 and RUD19 of the MVLP, and Policy CS13 of the Mole Valley Core Strategy (2009) (MVCS). These require, amongst other things, development to respect the character of the landscape and the appearance of the locality.
37. The Council's second reason for refusal refers to Policy CS15 of the MVCS, which relates to Biodiversity and Geological Conservation. The information before me does not suggest that the proposal would be incapable of according with this policy, were planning permission to be granted subject to conditions.

Other Considerations

38. Paragraph 5.3.1.5 of the SWLP states that it is unlikely that the anticipated waste management needs of the county will be met without developing waste management facilities on Green Belt land. This part of the supporting text to Policy 9 goes on to advise that the overarching need for waste management in Surrey combined with a lack of suitable alternative sites outside the Green Belt and the need to locate facilities close to sources of waste are among the reasons why it is considered that very special circumstances may exist for allowing development within the Green Belt, along with the social and environmental benefits associated with sustainable waste management.
39. The Council has referred to the modest contribution the proposal would make to achieving recycling targets, in accordance with Policy 1 of the SWLP. The appellant has claimed that there are presently limited options for waste wood to be recycled in the local area, resulting in contractors disposing of their waste rather than recycling it. This has not been supported by any detailed evidence. I have been advised that the proposal would result in 1,350 tonnes of green waste being imported to the appeal site per year, which would likely reduce green waste being taken to landfill to some extent. It is not clear what level of contribution the proposal would make towards recycling green waste in the county, or towards the replacement of non-renewable fuel sources. I therefore assign only moderate weight to these apparent modest benefits.
40. I have been advised that the appellant has been unable to find any alternative sites for the proposal outside of the Green Belt which do not require them to drive a significant distance from their home and clients. It is claimed that alternative sites a significant distance from the appellant's home and clients would be unviable. Although it has been demonstrated that the appellant carries out arboricultural work for a number of local authorities located within the Green Belt, no evidence has been provided to demonstrate that there are not any more suitable sites located elsewhere, outside or within the Green Belt.

I note the PHS refers to the appellant paying to use other facilities, which suggests other suitable facilities may be available, albeit under different ownership.

41. It has been claimed that the storage of waste wood associated with the proposal would be similar in appearance and nature to that associated with the forestry use the subject of the LDC. I have not been provided with the full details of the proposal which led to the LDC being granted. In the absence of evidence which demonstrates otherwise, it appears likely that the levels of green waste to be processed, and the vehicles, plant and machinery associated with the proposal would exceed those associated with the forestry use of the land the subject of the LDC.
42. The appellant lives next to the appeal site, which reduces the need for them to travel by private motor vehicle to their place of work. The environmental benefit amounting from the appellant's ability to work within a short walking distance of their home would be minimal. That benefit is likely to be negated by the regular need for 'around 6 members of staff' to drive unspecified distances to the appeal site by car. I am also unconvinced that if the proposed use were to be operated from previously developed land it would necessarily result in a loss of employment space, or any material loss of employment opportunities.
43. In conclusion, the proposal would result in modest benefits attracting moderate weight in favour of the proposal. Against those benefits, the proposal would constitute inappropriate development in the Green Belt, harm the openness of the Green Belt, fail to accord with the Council's plan-led approach to waste management development, and harm local landscape character.
44. The level of harm which would be caused to the openness of the Green Belt would be low, but the Framework advises that substantial weight should be assigned to any harm to the Green Belt. The Council's plan-led approach to waste management development set out in the recently adopted SWLP seeks to ensure such development is well located, consistent with the Framework. I therefore assign significant weight to the proposal's failure to accord with that approach. The level of harm which would be caused to local landscape character would be moderate, and I assign moderate weight to that harm.
45. There are no other considerations which would clearly outweigh the harm the proposal would cause to the Green Belt and the other identified harm, so as to amount to the very special circumstances necessary to justify the development. The proposal would therefore conflict with Policy 9 of the SWLP, Policy RUD19 of the MVLP, and the Framework.

Conclusion

46. For the reasons outlined above, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

L Douglas

INSPECTOR