



Appeal Decision

Site visit made on 10 January 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/R3650/W/22/3300790

Land south of Stilemans Estate, Hascombe Road, Godalming GU8 4AB

- 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 Hascombe Land Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00137, dated 19 October 2021, was refused by notice dated 27 May 2022.
 - The development proposed is described as 'proposed development of new stable building, sand school and new access'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is 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, specifically the scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV); and
 - whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The Framework identifies that 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. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to specified exceptions. One such exception, at paragraph 149 b) is the provision of appropriate facilities (in connection with the existing use of land or change of

use) for outdoor sport and 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.

5. The appeal site includes a number of paddocks and parcels of woodland, covering a total of 52 hectares. The land previously formed part of an equestrian holding at the Stilemans Estate stud farm and cross country course which has been used for the grazing, training and exercising of horses for a number of years. The estate has now been split up into separate parts and the proposed development would replace the existing stables and equestrian facilities elsewhere on the estate, for which planning permission has been granted (Ref WA/2020/1155) for their removal and replacement with a new dwelling.
6. The proposal includes a block of 18 loose boxes and ancillary facilities, arranged in a 'U' shaped building around a central covered walkway, a sand school, a new access and driveway from Hascombe Road and gravel parking area to serve the development.
7. The appellant has set out reasons why the proposal would represent appropriate facilities. From the evidence before me I am satisfied that there is a need for the proposed development in connection with the established equestrian use of the land and the scale of the proposal would reflect the needs of the enterprise having regard to the number of horses to be accommodated on the site. Therefore, the proposal would constitute appropriate facilities required in connection with the existing use of the land for outdoor sport and recreation.

Openness of the Green Belt and purposes of including land within the Green Belt

8. The submitted Landscape and Visual Impact Assessment (LVIA) sets out that views of the development from the surrounding landscape and public footpaths is screened by intervening woodland and changes in levels. Furthermore, it suggests that there is little potential for any short-range views of the proposed scheme given the very limited inter-visibility between the site and the identified nearby receptors. The LVIA indicates that there is no potential for any medium or long-range views from other parts of the AONB. Therefore, due to its siting, set back from the highway and screened by hedges and woodland, the proposed development, in the main, would not occupy a visually prominent position.
9. With regards to the effect of the development in relation to the spatial aspect of the openness of the Green Belt, I note the appellant's suggestion that the proposed development has been specifically arranged to create a compact scheme. Nevertheless, the proposed building, together with the associated development, including the enclosed sand school, car parking area and access driveway, would have a substantial footprint. Furthermore, whilst the proposed stables would be single storey with a shallow pitched roof and therefore modest in overall height, as a consequence of their floor area they would be of a significant massing.
10. The appeal site, which is separate from the existing dwelling and equestrian buildings on the northern part of the original estate, is currently used as a paddock. It is surrounded by open countryside, including pockets of woodland and scattered residential development. As such the proposal would not have a

strong spatial relationship with either the existing built development on the former estate or that within the immediate locality.

11. For these reasons, the proposed development, on land which is currently free from development in spatial terms, would fail to preserve the openness of the Green Belt despite the fact that it may not result in significant visual intrusion or be readily visible from the public realm.
12. The appellant has drawn my attention to the Inspector's decisions at Barfold Farm Estate, Petworth Road¹). Whereby applying the concept in the *Fordent Holdings*² judgement, the Inspector found that the construction of new buildings not to be inappropriate on the basis that they did not harm the openness of the Green Belt.
13. Following on from the above decisions, in some cases, circumstances may exist where buildings may be permissible where there is no harm to the openness of the Green Belt, for example not all buildings connected with the proposed use would necessarily harm openness. Nevertheless, I have found that the development proposed here would harm the openness for the reasons set out above and therefore, the exception at 149 b) is not passed.
14. Paragraph 138 of The Framework lists the 5 purposes of including land within the Green Belt. The relevant criteria in this instance being c) to assist in safeguarding the countryside from encroachment. The proposal would introduce development which would be somewhat removed from the existing buildings and would lead to the encroachment of development on land which is currently free from development in the countryside. As such the proposal would therefore conflict with the purposes of including land within the Green Belt.
15. For the reasons given above, I find that the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Therefore, in accordance with paragraph 149 b) of the Framework, the proposal would constitute inappropriate development in the Green Belt. As set out in paragraph 148 of the Framework substantial weight should be given to any harm to the Green Belt. Accordingly, it would conflict with Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (adopted February 2018) (LLP1) seeks to protect the Green Belt and requires proposals for development to be assessed in accordance with the Framework.

Character and appearance

16. The appeal site lies within an area of open countryside within the AONB, a designation of national significance for its landscape and scenic beauty, and the AGLV, a local landscape designation. The LVIA submitted as part of the planning application includes an assessment of landscape character and visual effects of the proposed development.
17. The site is located within the Landscape Type 'Wooded Greensand Hills'. It is part of the Loxhill to Catteshail Wooded Greensand Hills Landscape Character Area, as defined in the Surrey Landscape Character Assessment: Waverley Borough April 2015 (LCA). The appeal site and its surroundings display many of the characteristics identified therein, including areas of woodland, tree belts

¹ APP/R3650/A/14/2220144, APP/R3650/A/14/2220147 and APP/R3650/A/14/2220148

² *Fordent Holdings Ltd v SoSCLG and Cheshire West and Chester City Council* [2013] EWHC 2844 (Admin)

- and small coppices set alongside agricultural land including smaller parcels of grazing land and larger arable fields as well as paddocks. The extensive tree cover is such that the area has a secluded character with a sense of enclosure, which in the main restricts longer distance views. It is a rural landscape with built development comprising dispersed dwellings and traditional farmsteads.
18. The LVIA concludes that the location of the appeal site is such that it is not readily visible to the public and that the proposal would be inconsequential to the visual amenity of both nearby receptors and other visual receptors in the vicinity and wider landscape. This includes public highways, footpaths and residential dwellings, which would not be affected due to lack of inter-visibility between them and the appeal site. I also note the appellant's suggestion that the proposal would not change the character of the local landscape with the key characteristics being retained. The proposal, which includes the retention of trees and hedgerows, as well as landscape enhancement and management measures, would maintain the rural character of the area in that regard.
 19. Notwithstanding this, the guidance set out in the LCA with regards to landscape and land management in the AONB aims to encourage sensitive design and management of horse paddocks and specifically seeks to resist development of equine facilities such as manèges that would affect the rural character of the area.
 20. Despite being set against a backdrop of woodland, the proposal would introduce development, including a building, new access and driveway, areas of hardstanding and enclosed exercise area. In combination, these would result in a development of a significant scale in an otherwise open area of countryside, detached from the existing development on the estate. While there may be no perceptible views of the site from public vantage points, the proposal's visual discordance would be obvious within this open, undeveloped context of surrounding fields and areas of woodland.
 21. As a consequence, the proposed development would lead to a considerable degree of encroachment into a rural area which is characterised by its peaceful, often remote, relatively unsettled rural landscape. As such, the development, with its different components and associated paraphernalia, would be of a scale and magnitude which would be out of character with the surrounding rural landscape. While the building would be of an appropriate design and appearance to reflect the intended use, for the reasons above it would nevertheless harm the landscape character of the area. While it may be the case that the proposal would offer some benefits in terms of landscape and biodiversity and in that regard would have a modest positive effect on the landscape character of the AONB, this would not outweigh the harm I have identified.
 22. I therefore conclude that the proposal would fail to conserve the secluded, largely unsettled landscape and would harm the character and appearance of the area, specifically the scenic beauty of the AONB and the AGLV. In that regard it would fail to accord with LLP1 Policy RE3 which sets out that the protection and enhancement of the character and qualities of the AONB, is a priority, and Policy TD1 which among other things seeks high quality design that responds to the distinctive local character of the area in which it is located.
 23. The proposal would also conflict with retained Policies D1 and D4 of the Waverley Borough Local Plan 2002 (WBLP) which seek to ensure that

development does not result in loss or damage to important environmental assets. It would also conflict with WBLP Policy RD14 which supports commercial equestrian activities where specific criteria are met, including that the proposal would not significantly detract from the character of the rural landscape.

24. The proposed development would also fail to accord with the guidance in the Surrey Hills AONB Management Plan 2020–2025. Specifically, Policy P1 sets out that great weight is to be attached to any adverse impact that a development proposal would have on the amenity, landscape and scenic beauty of the AONB. Moreover, Policy P3, requires development proposals to respect local distinctiveness, including taking opportunities to enhance their setting. The development would also be at odds with paragraph 176 of the Framework which requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's.

Other considerations

25. The proposal is required to replace the existing stables on part of the estate which are to be demolished and a new dwelling erected in their place and would be used in connection with the existing paddocks. Whilst I have had regard to the desire of the appellant to provide replacement stables in connection with the equine use of the site, I am not aware of the full circumstances which have led to planning permission being sought for the demolition of the existing stables. Moreover, given that at my site visit the stables were still in use, from the evidence before me there is no convincing business need for the development that would weigh significantly in favour of the proposal.
26. I acknowledge that the proposal would include ecological enhancement measures, such as the planting of native woodland, hedgerows and species rich grassland, together with the provision of shelters for species including bats and birds. The appellant indicates these measures would serve to both restore the existing landscape character and screen the development. However, the existing site is not particularly degraded or harmful in landscape terms. As such, any benefits with regards to the landscape character, should they go beyond mitigation, have limited weight in considering the appeal proposal given that they would not outweigh the harm that would arise to the AONB. Moreover, given that biodiversity enhancements are an expectation of new development, in accordance with the Framework, this carries only limited weight in favour of the proposal.
27. My attention has been drawn to a number of examples of planning permissions which have been granted for stables in the Green Belt in the borough. Whilst there are some similarities with the issues raised, the proposals vary in scale and differ in terms of site circumstances and contexts to the appeal proposal. Given these differences they are not directly comparable and therefore not determinative to my decision. In any event I have considered this appeal on its own merits in light of the evidence before me.

Other Matters

28. I have had regard to other matters raised including highway safety; the effect on living conditions of additional activity, traffic, noise, pollution and light; access to the adjoining property for maintenance; the security of nearby

properties and ecology. However, given my findings on the main issues, I have not pursued these matters further.

29. I note comments made by the Surrey Hills AONB Planning Adviser and interested parties, regarding the piecemeal nature of the proposed development at Stilemans Estate, including the potential future need for a dwelling on the site. However, this is not a determinative factor in the appeal before me, which I must assess on its own merits.
30. The appeal scheme before me is a resubmission of a preceding application which was withdrawn prior to determination. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would give rise to harm for the reasons I have already outlined.
31. The Council indicate that the appeal site is within the 5km buffer zone of the Wealden Heaths Special Protection Area (SPA). However, I am dismissing the appeal due to the harm of the proposal on the Green Belt and landscape character of the AONB and AGLV. Therefore, there would be no likely significant adverse effect on the SPA as a consequence of my decision. Therefore, there is no need for me to consider this matter further.
32. The Council has brought to my attention that its Climate Change and Sustainability Supplementary Planning Document was adopted in October 2022. Accordingly, the appellant has submitted a completed Climate Change and Sustainability Checklist which is required to demonstrate that measures have been considered to reduce energy consumption and enhance climate resilience. However, this does not affect my findings in relation to the main issues.

Green Belt Balance and Conclusion

33. The proposal would represent inappropriate development in the Green Belt, would reduce openness in this location, and would encroach into the countryside. It would also harm the character and appearance of the AONB and AGLV. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy RE2 of the LLP1, and guidance contained in the Framework relating to the Green Belt.
34. For the reasons given above I conclude that the appeal should be dismissed.

Emma Worley

INSPECTOR