



Appeal Decision

Site visit made on 21 February 2023

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/R3650/W/22/3305105

Land between Abbots Lodge and Hankley House, Tilford Road, Tilford, Farnham, Surrey GU10 2EA

- 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 Major Jonathan Kelmanson against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00517, dated 8 September 2021, was refused by notice dated 30 March 2022.
 - The development proposed is the erection of a detached outbuilding for equipment security solely for the husbandry and maintenance of the site.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the absence of any evidence that the appellant agreed to a change in the site address, I have taken the one used in the application form for the banner heading above.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt;
 - (c) the effect of the proposal on the character and appearance of the area; and
 - (d) 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 proposal.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) advises that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Paragraphs 149 and 150 of the Framework set out

exceptions, where development in the Green Belt might not be considered inappropriate, subject to certain conditions.

5. Policy RE2 of the Waverly Local Plan Part 1: Strategic Policies and Sites 2018 (LPP1) is reasonably consistent with the Framework in regard to protecting the Green Belt against inappropriate development. Any minor textual differences do not materially alter or conflict with the nature or intent of the Framework policy.
6. The appellant has not put forward anything to indicate that the proposal would fall within any of the exceptions set out in Paragraphs 149 or 150. There was a suggestion that the land, which was previously part of the garden to Abbots Lodge, has not changed use just its ownership. However, having considered the evidence before me and in the light of my own observations, I am satisfied that the appeal site cannot reasonably be considered as part of the residential curtilage of Abbots Lodge or any other dwelling.
7. In the absence of any evidence to suggest that any of the exceptions set out in the Framework would be applicable, I must conclude that the development cannot reasonably be considered to be anything other than inappropriate development in the Green Belt.
8. In addition to conflicting with Policy RE2 of the LPP1, the proposal would also be contrary to the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. 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'. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
10. The proposed building would have a gross internal floor area of 40m², which is said to cover approximately 1.5% of the site. It is also suggested that there was previously a building on this part of the site but there was no existing building at the time of my site visit. Regardless of the building's size, the proposal would result in a new building, thereby introducing built form where none currently exists. Consequently, there would be some spatial loss of openness of the Green Belt.
11. There is screening to the site's boundaries and given its position on the site public vantage points of the proposed building would be limited. Overall, there would only be a small visual loss of openness of the Green Belt.
12. In view of the above, I find that although the loss of openness might not be extensive, the development would be in material conflict with the Framework's objectives and harmful to the openness of the Green Belt.

Character and Appearance

13. The site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). In the vicinity of the appeal site

the landscape notably comprises woodland areas interspersed with individual houses and buildings. The appeal site itself is an undeveloped and open piece of land, with some trees and planting to its borders. It is enclosed by fencing on three sides.

14. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, and that development in the AONB should be limited. Policy RE3 of the LPP1 is reasonably consistent with the Framework in seeking to protect the character and qualities of the AONB.
15. Given the site's topography, the ridge height of the proposed building and that it would be positioned away from Tilford Road, it seems likely that the fencing along the site's frontage would screen much, although not all, of the building. Indeed, this existing boundary fencing, together with the vehicular access serving the site have already gone some way to increasing the site's prominence. Despite this and there being other existing development along this part of Tilford Road, the large gap it helps to create between the properties either side of the site contributes positively to the area's spacious character.
16. The rationale for the building is to assist the appellant in connection with the management of the site and in particular his existing beehives, whose number are intended to increase in due course. Notwithstanding that at the time of my site visit the four beehives that I observed were to the east of the watercourse and so appeared to be outside of the appeal site, it is the proposal itself that has to be judged against relevant planning policies. Therefore, in this case the motivation for the building is of limited weight.
17. The overall visual impact of the proposal would be small and localised. However, introducing unjustified new built form into this important gap would erode the rural character and appearance, as well as the landscape qualities of this sensitive area.
18. For the foregoing reasons, I conclude that the proposal would have a detrimental effect on the character and appearance of the area, by failing to conserve the landscape and scenic beauty of the Surrey Hills AONB and the AGLV. It would therefore not accord with Policy RE3 of the LPP1. Amongst other things, this policy requires proposals to respect, and where appropriate enhance, the distinctive character of the landscape in which they are located.
19. 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

20. Other approvals for similar buildings along Tilford Road were referred to in the supporting documentation for the application. However, I do not have the details before me and so cannot be sure that they represent a direct parallel, particularly with regard to Green Belt exceptions. In any case, I have determined the appeal on its own merits.
21. There are a number of matters put forward in support of the appeal, including that: the scheme proposed to retain protected trees on site; the submitted ecological appraisal found no harm; there was no objection from Natural England; the building would be sited away from neighbouring buildings in order

to minimise any effect on the living conditions of neighbours; and the design and materials of the building were not contentious matters in the appeal. However, these are all issues that constitute an absence of harm and so would have a neutral impact in the overall balance.

22. The previous appeal for boundary fencing to the site was considered on its own merits and with regard to a possible fall-back option. I have taken the fencing into account as part of my wider assessment of the site and the proposal. That the Council subsequently approved a new access to the site does not in itself mean that further development is justified and does not in any event absolve me from making an assessment as to the effects in regard to the main issues of this case.
23. I note that belatedly the Environment Agency's objection to the scheme was identified and subsequently forwarded to the appellant, who has had an opportunity to comment. Although there was no direct confirmation from the appellant's drainage consultants, it is understood that they maintain their view that the scheme would be acceptable. Even if I were to conclude that the scheme would not represent a flood risk, the absence of such harm would be a neutral factor.

Other Matters

24. If unauthorised works to other properties in the vicinity of the appeal site have taken place, that would be for the Council to consider. Such matters are beyond the scope of this appeal.

Green Belt and Planning Balance

25. I have found that the proposal would be inappropriate development and therefore by definition harmful to the Green Belt. It would also have an adverse effect on the openness of the Green Belt. The Framework is clear that substantial weight is given to any harm to the Green Belt. On the other side of the balance, the considerations advanced in support of the proposal individually and cumulatively carry limited weight.
26. On that basis the very special circumstances needed to justify the proposal have not been demonstrated. As such the proposal is contrary to the requirements of the Framework and to the development plan which seek to protect the Green Belt.
27. I have also found that the proposal would cause localised harm to the landscape character of the AONB and the AGLV. I afford great weight to this matter as part of the determination of this appeal.
28. The proposal would not accord with the development plan taken as a whole and there are no other material considerations to outweigh this finding.

Conclusion

29. For the reasons given, the appeal should not succeed.

Stewart Glassar

INSPECTOR