



Appeal Decision

Site visit made on 27 March 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 APRIL 2023

Appeal Ref: APP/R3650/W/22/3298044

Brooklands, Upfold Lane, Cranleigh GU6 8PD

- 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 Mr Jerry Haywood against the decision of Waverley Borough Council.
 - The application Ref WA/2021/03163, dated 5 October 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the installation of a one-bedroom glamping pod, decked area, bin store and associated parking within the grounds of Brooklands.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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;
 - the effect it has upon the openness of the Green Belt;
 - the effect of the proposal on protected species and trees, including an ancient woodland; and
 - if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstance (VSC) necessary to justify the development.

Reasons

Whether the proposal constitutes inappropriate development and its effect on openness

3. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (LP) refers directly to the Framework when considering new development within the Green Belt. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt, unless it constitutes one of 7 exceptions.
4. Criterion g) of Paragraph 149, sets out an exception for the partial or complete redevelopment of previously developed land. Previously developed land is defined within the Framework's glossary as land which is or was occupied by a

permanent structure, including the curtilage of the developed land. It is noted there is no evidence that the appeal site contains any previous structures, and this accords with my observations during my site visit. Nevertheless, it is also appreciated that the main parties do not agree as to whether the appeal site would form part of the curtilage of the associated dwelling or not.

5. There is no compelling evidence before me to confirm whether or not the appeal site would constitute curtilage. But, were I to consider the appellant's position, that the appeal site is part of the curtilage and therefore previously developed land, then Criterion g) would require the proposed development to not have a greater impact on the openness of the Green Belt than the existing development.
6. It is appreciated that the proposal would be well screened by the existing trees and surrounding woodland. However, openness has a spatial as well as a visual aspect, which cannot be mitigated against by screening. The proposal would introduce a substantial amount of built form to an area where there is currently none. It would be solid and would have an air of permanency in its appearance, creating a physical mass within a space beyond the built form of the associated dwelling, its existing outbuildings and driveway. Thus, it would encroach into the open space around the existing development and so, spatially, have a greater impact on the openness of the Green Belt than that existing. Therefore, the proposal would not comply with Criterion g).
7. The proposal is also not for agriculture or forestry; nor would it provide appropriate facilities for sport, recreation, cemeteries, burial grounds, or allotments, or provide affordable housing. It would not constitute an extension, alteration, or replacement of an existing building, and its location is within the countryside so could not constitute limited infilling in a village. Therefore, it does not fall into any of the other exceptions set out in paragraph 149 of the Framework.
8. It is appreciated that there is no objection to the impact of the proposal on the character and appearance of the wider area. Nonetheless, this does not alter the fact the proposal would create a new building with additional facilitating structures within the Green Belt.
9. Consequently, as described within paragraph 149 of the Framework, the proposal would constitute inappropriate development, and have a harmful effect on the openness of the Green Belt.

Protected species and trees

10. The appeal site is well vegetated, with several established trees and a dense ground coverage of shrubs and bushes. It is separated from the adjacent ancient woodland, a priority habitat, by wire fencing. However, there is nothing before me confirming that there are protected species on the appeal site itself.
11. Nevertheless, the appeal site's proximity to the ancient woodland, the porous boundary between them, and the density of vegetation, which would likely require some level of clearance as part of the proposal, suggests there is a reasonable likelihood that the site could be used by protected species and existing habitats could be disturbed. There is no technical assessment setting out the likelihood of protected species on the site, the effect on existing habitats, including the ancient woodland, and any relevant mitigation.

Consequently, I am not satisfied the evidence demonstrates that the proposal would not have a harmful effect on protected species and the ancient woodland.

12. Turning specifically to the trees within the appeal site, there is nothing before me stating these trees are protected or form part of the ancient woodland itself, proposed groundworks would be limited to the footing of the decking and service trench, and the appellant has confirmed that no trees would be felled. Therefore, with appropriate conditions, the proposal would retain the trees within the site thus ensuring their continued positive contribution to the local area's distinct character and appearance, in compliance with LP Policy LP1 and saved Policy D4 of the Waverley Borough Local Plan 2002 (LP2002).
13. Nevertheless, the lack of impact on the trees within the site does not overcome the potential harmful effect the proposal could have on protected species and the ancient woodland. Therefore, the proposal would not comply with LP Policy NE2, and LP2002 Policy D1 insofar as they seek new development to provide a positive contribution to biodiversity, maintain and enhance existing woodlands and prevent the loss or damage of assets with ecological value.

Other considerations

14. The appellant has stated elements of the proposal could be built under permitted development including that the proposed glamping pod would comply with the definition of a caravan / non-permanent structure. Although it is not the place of this decision to confirm what would constitute permitted development, the evidence before me does not show how development achieved under such methods would be more harmful to the openness of the Green Belt than that proposed. Therefore, this as a fallback position attracts only limited weight.
15. That the proposal could provide some social and economic benefits to the local area by providing tourist accommodation is noted. Still, these would also only attract limited weight as it has not been satisfactorily shown that there is a need for additional tourist accommodation in the area.
16. The main parties agree that the building is not found to be harmful in relation to quality of design, the living conditions of neighbouring residents, parking, and highway safety. I have also found the proposal would not be harmful to the trees within the site, subject to appropriate conditions. However, a lack of harm is a neutral factor, therefore, does not weigh for or against the proposal.
17. I have considered the Millbridge Court approval (WA/2016/0970) but find the circumstances of that approval, specifically its relationship to an ongoing local business, are not comparable to that which is before me.

Conclusion

18. According to paragraphs 147 and 148 of the Framework inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in VSC. VSC need to clearly outweigh the substantial weight given to any harm to the Green Belt, and any other harm resulting from the proposal.
19. The proposal would be inappropriate development in the Green Belt and would harm openness, as well as protected species and the ancient woodland. Taken

in totality, the other considerations discussed above do not clearly outweigh the substantial weight given to the harm caused and as such do not constitute the VSC necessary to justify the development. The proposed development would be contrary to LP Policies RE2 and NE2, and LP2002 Policy D1, and would conflict with the development plan as a whole. Consequently, the appeal should be dismissed.

RJ Redford

INSPECTOR