



Appeal Decision

Site visit made on 2 May 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 MAY 2023

Appeal Ref: APP/A3655/W/22/3300886

Beech Rise, Lock Lane, Pyrford, Surrey GU22 8UX

- 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 Barry Lewis against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0236, dated 28 February 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described as the replacement of a stable barn with a 1 bed self-build barn.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Woking Borough Council against Mr Barry Lewis. This application is the subject of a separate Decision.

Procedural Matters

3. On the application form the named applicant is Ms T Lewis, with Mr Barry Lewis as the agent. It has been confirmed that this was a mistake at the application stage and Mr Barry Lewis is the original applicant, as reflected on the decision notice and appeal form.
4. For clarity, the proposal is for the erection of a single storey dwelling following demolition of the existing stables, as described on the decision notice and appeal form.
5. In some submission documents the appellant refers to an amended Preliminary Ecological Appraisal and Bat Scoping survey (PEABS) however no further version was submitted at appeal. Therefore, within this decision I have considered the PEABS as submitted with the original application and dated May 2022.

Main Issues

6. 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 the character and appearance of the area;

- the effect of the proposal on biodiversity including protected habitats and species; 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 circumstances necessary to justify the development.

Reasons

7. The appeal site is broadly rectangular and constitutes a large field which includes the stables, a menage and field shelter. It is situated within a bend in Lock Lane and on the opposite side of the appeal site to the road is Pyrford golf club. Both the road and golf club are separated from the site by hedging. On the opposite side of Lock Lane there is a large area of open space.
8. The final side of the appeal site has a post and rail fence which separates it from a large storage building and an access track between it and the golf course. Beyond the access track and storage building is a further hedge and another field with several detached residential properties on the opposite side.
9. With the appeal site's location beyond the enclave of development around the residential properties and storage building, it forms part of the mix of fields and wooded patches which characterise the green buffer between the river Wey and the conurbation of West Byfleet.

Whether the proposal would be inappropriate development in the Green Belt, and openness

10. Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. The proposal does not fall within 6 of these exceptions. However, Paragraph 149 g) allows for the partial or complete redevelopment of previously developed land (PDL), and the main parties agree the appeal site constitutes PDL. Nevertheless Paragraph 149 g) requires that the redevelopment of PDL does not have a greater impact on the openness of the Green Belt than the existing development.
11. Policy CS6 of the Woking Core Strategy (CSP) refers directly to the tests in the Framework when considering inappropriate development in the Green Belt. As does Policy DM13 of the Woking Development Management Policies Development Plan Document (DMP) which provides some amplification of the exceptions within Paragraph 149 of the Framework, although it is silent on the partial or complete redevelopment of PDL in the Green Belt.
12. The proposal would replace the existing stables with a new building in the same location. It would have a similar footprint but would be slightly lower in height thus with a slightly smaller overall volume. It would be similarly orientated and reduce the amount of hardstanding on the site. The proposal would also enclose a section of the appeal site with a fence to provide outdoor space for the new dwelling.
13. Although the proposed building would not be visually larger than the existing stables, the stables currently sit within the field whilst the proposal would section off part of the field to create a garden space. This would reduce the size of the field and would amplify the domesticating effect the proposal would have

on the appeal site. It would, therefore, physically encroach into the otherwise open field and so have a greater impact on the openness of the Green Belt, both visually and spatially, than the existing stables.

14. It is appreciated the proposal would include a store for domestic paraphernalia, thus providing the opportunity to reduce the visual impact of such items being left out, and that the building could be used for inside-outside living due to the large openable windows. However, these design features do not overcome the impact the proposal would have on openness.
15. Accordingly, the proposal would constitute inappropriate development, as described in paragraph 149 of the Framework, as it would fail to preserve the openness of the Green Belt. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a matter which I will return to below.

Character and appearance

16. The style, form, location, and design of the proposed new dwelling would closely relate to the existing stables, with features, such as the slide doors, representative of an agricultural building. The existing screening created by the boundary hedging would ensure views of the proposal would be limited to the access between the golf course and storage building, and long distance from the rear of the residential properties beyond. However, the proposal would require the enclosure of part of the field beyond the existing structures on the site thus reducing the open and rural appearance of the appeal site.
17. The proposed introduction of a residential use into the appeal site would also alter its character. It would introduce a level and type of activity at odds to the tranquil and low intensity of the site's current equestrian use. Consequently, the introduction of a residential use onto the site would be incongruous with the rural character of the surrounding area.
18. It is noted that a new access has already been permitted by appeal (APP/A3655/W/22/3290789) and the proposal is smaller than that previously refused by appeal (AAP/A3655/W/20/3268984). Nevertheless, the access has been approved in relation to the current use of the site, and although a smaller scale to that previously refused this does not alter the fact it would introduce a residential use to the site.
19. Conditions could be used to control landscaping, storage, and permitted development, however they would not mitigate the harm identified.
20. Therefore, the proposal would harm the character and appearance of the area, but due to the scale of that proposed this harm would be moderate. Nonetheless the proposal would fail to comply with CSP Policy CS21 and the Woking Design Supplementary Planning Document insofar as they require new development to make a positive contribution to the character of an area.

Biodiversity

21. The appeal site is within the zone of influence for the Thames Basin Heaths Special Protection Area (SPA), the Papercourt Site of Special Scientific Interest (SSSI), the Oakham and Wisley Commons SSSI and Local Nature Reserve (LNR), and within 500m of an Ancient Woodland. Within the appeal site, the

proposal would directly affect the existing stables and part of the field, which the main parties consider to be improved grassland. It has been indicated that the proposal would not affect the existing beech trees or hedgerows around the boundaries of the site and the existing field shelter and menage would be retained.

22. The SPA qualifies for such protection as it supports populations of internationally rare bird species, which are susceptible to predation and disturbance. The additional dwelling proposed would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure within the SPA. Given the susceptibility and vulnerability of the qualifying features of the SPA to such a use, it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.
23. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. The Council undertook an AA at application stage and has confirmed that a financial contribution towards Strategic Access Management and Monitoring (SAMM) would be appropriate mitigation for any adverse impact on the integrity of the SPA.
24. The appellant has submitted a section 106 agreement which aims to secure the appropriate SAMM contribution. However, it has not been fully executed as the Council have not signed it and therefore it cannot be relied on to secure the contribution. I note the appellant considers that completion of the section 106 agreement could be conditioned. Notwithstanding whether such a condition would be appropriate, the Council deem the drafting of the agreement as ineffective and so there would be no prospect of the Council signing it should it be conditioned.
25. It is noted that the PEABS does not cover the full appeal site concentrating only on the areas with existing structures. Nevertheless, much of the site that would be affected by the proposal is included within that area.
26. The PEABS confirms that the existing stables has a low potential to support bat roosts. However, it recommends additional surveys are undertaken to ensure that bats, as a protected species, would not be affected. The findings of those surveys could affect the proposal in relation to the removal of the stables and therefore it would not be appropriate to condition them.
27. In relation to other species, the PEABS concludes that with appropriate management both before and during construction, the proposal is unlikely to cause harm to reptiles, hedgehogs, or birds. With nothing before me contradicting this finding, I have no reason to disagree.
28. The PEABS does not however consider any potential impact on the Ancient Woodland, the SSSIs, or LNR. Nevertheless, CSP Policy CS7, only requires specific management or mitigation for adverse impacts on these types of protected habitats when a development is within or adjacent to them and when this is not the case it encourages a positive contribution to biodiversity. The appeals site is neither within or adjacent to these habitats and a positive

contribution to biodiversity could be achieved by the series of enhancement features set out in the PEABS.

29. In conclusion, although harm to various protected habitats and species could be mitigated against, it has been found the proposal would fail to secure appropriate mitigation for the impact on the SPA, a protected habitat, and could have a detrimental impact on bats, a protected species. Consequently, it cannot be shown that the proposal, overall, would not have a harmful effect on biodiversity. It would, therefore, fail to comply with CSP Policies CS7 and CS8, and Policy NRM6 of the South East Plan (SEP) as far as they seek to protect habitats and species.

Other considerations

30. It is noted that the Framework seeks to boost the supply of homes and the proposal would provide 1 new dwelling. I also note that the Pyrford Neighbourhood Plan 2016 – 2027 (PNP) identifies that the older demographic in the area showed a preference for smaller properties of which there is a limited supply. However, the PNP was made some time ago and there is nothing before me to show that such a local need still exists nor how the proposed new dwelling would specifically serve that need. Therefore, I can only attribute limited weight to the provision of 1 small new dwelling.
31. The appellant states they cannot currently keep horses on the site due to a history of thefts in the area and that various other security measures would require planning permission. Although I appreciate that crime could be an issue, it has not been demonstrated that planning permission could not be secured for other security measures, nor how the other measures would be more harmful than that proposed. Therefore, as a benefit of the scheme this attracts only very limited weight.
32. It is noted that the appeal site is within proximity of 2 listed buildings, and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I have special regard to the desirability of preserving the setting of a listed building, a heritage asset. However, the Council has found that due to the distances involved and the size of that proposed it would not harm the setting of the listed buildings, and there is nothing before me to conclude otherwise.
33. The Council has also identified a lack of harm in respect of several other issues, including impact on the living conditions of future or neighbouring occupants, trees, parking and accessibility, drainage, contamination, and sustainable construction objectives. However, a lack of harm, by definition, is a neutral factor and so cannot weigh for or against the proposal.
34. That the appellant envisages the new dwelling to be low energy, off-grid, eco carbon negative, and likely to be designed by Nico Rensch under the Wunderhaus concept in line with PassivHaus standards is noted. However, these aspirations are not evident within the scheme, and I am required to deal with the proposal as it is presented to me.

Planning Balance

35. Very special considerations need to clearly outweigh the substantial weight given to any harm to the Green Belt, and any other harm resulting from the proposal.

36. The other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and its harm to openness, and the identified harm to the character and appearance of the area, and biodiversity. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore be contrary to CSP Policies CS6, CS7, CS8, and CS21; DMP Policy DM13; and SEP Policy NRM6, and the Framework.

Other Matters

37. The appellant considers the Council has made some unwarranted assertions relating to the future extension of the proposed building and additional stabling. However, as they do not form part of the proposal, they have not formed part of my considerations. Also, whether the Council visited the site is a matter relating to how the application was dealt with and should be raised directly with the Council.

Conclusion

38. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed

RJ Redford

INSPECTOR