



Appeal Decision

Site visit made on 6 June 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/R3650/W/22/3309167

Land at Reeds, The Reeds Road, Tilford, Surrey, GU10 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr William Mathias of CGJ Mathias & Son (Nurseries) against the decision of Waverley Borough Council.
- The application Ref WA/2021/03034, dated 2 October 2021, was refused by notice dated 5 May 2022.
- The development proposed is an outline application with all matters reserved for the erection of an agricultural managers dwelling (as amplified by ecology report submitted 07/03/2022).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr William Mathias of CGJ Mathias & Son (Nurseries) against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to an outline planning application with all matters reserved. The matters of appearance, access, landscaping, layout, and scale would therefore be for future consideration were the appeal to be allowed. The appellant has however submitted an indicative plan which shows, amongst other things, the intended position of the dwelling and indicative access route which I have taken as purely illustrative.
4. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form, which was formally agreed by the Council. Given the latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal, I rely upon that latter description for the purposes of the heading above.

Main Issues

5. The main issues are:
 - Whether the 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;
 - The effect of the proposal on the openness of the Green Belt;

- The effect of the proposal on the character of the landscape in the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV); and
- 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

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, adopted February 2018 (WLP) states that the Metropolitan Green Belt will be protected against inappropriate development unless very special circumstances exist. In this regard it is broadly consistent with the approach of the Framework.
8. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Criterion a) states that buildings for agriculture and forestry are one of these exceptions. However, an agricultural manager's dwelling, although it would support an agricultural use, is not for agricultural purposes. It is fundamentally a dwelling for residential purposes and so, it does not meet this exception.
9. For these reasons, the proposal would be inappropriate development in the Green Belt, by definition this is harmful and the proposal would conflict with Policy RE2 of the WLP and the objectives of the Framework.

Openness

10. Openness can have both spatial and visual aspects and the proposal would introduce residential development on to a site which is generally open and free from any significant permanent development. Therefore, the introduction of built form, as proposed on the indicative plans, would have an adverse impact on the openness of the Green Belt in spatial terms.
11. In regard to the visual impact of the proposal, the site is located in an undulating location, with the land sloping uphill along Reeds Road to the southwest, while the open fields where the appeal site would be located, slope down and away from Reeds Road towards the nursery lands in the south. Given the scheme is an outline with all matters reserved there are no details in respect to the height of the proposed dwellinghouse, although the indicative plans highlight the footprint and the accessway. Nevertheless, the site is well screened from public vantage points by the well-established trees, hedges and shrubs along the boundaries which are to be retained and enhanced as part of the proposal. Furthermore, from my own observations and the submitted

Landscape and Visual Assessment¹ (LVA), the site would be positioned in a relatively isolated and discrete position, with limited public views from the surrounding areas.

12. The LVA indicates that a Zone of Theoretical Visibility shows that the proposal would be visible from the private field where it is to be located. The LVA further highlights that there are only limited views experienced from Viewpoints 1, 2, 3 and 4 providing a localised and negligible to minor adverse visual impact.
13. Whilst the limited views and screening would result in a negligible visual impact on openness, nevertheless I have found that the proposal would result in an increased quantum of development, and thus harms the spatial dimension of openness leading to an encroachment of the countryside. Overall, I find that the proposal would lead to a significant loss of Green Belt openness and would therefore conflict with the fundamental aim of Green Belt Policy, as set out above. The proposal would therefore conflict with the Framework and WLP Policy RE2.

Impact on AONB and AGLV

14. The appeal site is located on land designated as an AONB and AGLV. Paragraph 176 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB's which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. WLP Policy RE3 applies the same principles for protecting the AGLV as for the AONB, stating it will be retained for its own sake and as a buffer to the AONB.
15. Given that all matters are reserved, the details of landscape and design would be secured at the reserved matters stage, and it is the principle of a dwellinghouse in the existing landscape that I am considering here.
16. The submitted LVA highlights that the Local Landscape Character Area (LLCA) contains a number of positive characteristics including the wooded areas and the undulating and sloping character of the site which provide a discrete, tranquil and isolated location within a highly sensitive rural location. In this regard the LLCA of the appeal site is judged to be medium to high sensitivity.
17. The LVA concludes that the proposal would result in negligible to minor adverse landscape effect and significance at completion on the LLCA. Further highlighting that after planting has been established (at 15 years) there would be no change to the LLCA. Furthermore, there are existing small buildings and access tracks visible in the local landscape so that the proposal would not be incongruous.
18. I have not been provided with any substantive evidence from the Council to counter the findings of the LVA, however from my own observations on site I would concur that there would be minimal visibility of the appeal site from outside the appellant's private land.

¹ Landscape and Visual Appraisal (LVA) produced by Harper Landscape Architecture LLP dated October 2022

19. Importantly, this is an outline application where details of the dwelling are not within the scope of the appeal proposal as all matters are reserved. I cannot therefore determine what effect it would have on the character and appearance of the area or the key landscape characteristics of the AONB and AGLV. From the evidence before me I cannot form a judgement that a dwelling on the appeal site would accord with WLP Policy RE3 or Policies P1, P2 and P3 of the Surrey Hills AONB Management Plan 2020-2025 as these relate to detailed matters which amongst other things, seek high quality design, local distinctiveness, and to ensure the protection of the character of the landscape. Similarly, without details I am not able to conclude on the effect of a dwelling on the landscape and scenic beauty of the AONB and AGLV which WLP Policy RE3 or paragraph 176 of the Framework seek to protect and enhance and where great weight should be given to conserving and enhancing landscape and scenic beauty within AONB's, areas that are given the highest status of protection.

Other considerations

20. Paragraph 79 of the Framework promotes sustainable development in rural areas where it would maintain and enhance the vitality and viability of the rural community, whilst paragraph 80 sets out that isolated homes in the countryside should be avoided unless certain circumstances apply. I am satisfied, given the location of the proposed development and surrounding environment that the proposal would be an isolated home in the countryside and therefore paragraph 80 of the Framework is applicable.
21. Criterion a) of paragraph 80 refers to an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The National Planning Practice Guidance (NPPG)² sets out considerations that may be relevant when applying paragraph 80 a) of the Framework. This could include evidence of necessity where agricultural processes require on-site attention 24-hours a day and where there would be a risk to human health or from crime, or to deal quickly with emergencies that could cause serious loss of crops. Additionally, it could include considerations as to whether the enterprise will remain viable for the foreseeable future; whether provision of an additional dwelling on site is essential for the continued viability of the farming business through the farm succession process; whether the need could be met through improvements to existing accommodation on the site; and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period. However, as the business is well-established, the last criterion would not be applicable in this case.
22. The appellant has submitted an assessment³ by Reading Agricultural Consultants (RAC) in respect to the essential need for a rural worker at the appeal site. From the evidence before me, the appeal site forms part of an extensive sixth generation family run agricultural holding, of approximately 80 ha, specialising in the production of hedging plants, shrubs and trees.
23. There are two distinct areas of the business as highlighted on the Land Use plan with the northern (larger) section providing the container nursery and open ground nurseries. This area also includes an extensive range of

² Paragraph: 010 Reference ID: 67-010-20190722

³ RAC Letter dated 11th June 2021 ref: RAC 9193

polytunnels, glasshouse, packing shed, office provision and two dwellinghouses occupied by the appellants parents and brother. The smaller southern section, (the area including the appeal site) is labelled as arable/future open ground nursery and is an open field mainly devoid of development, other than a small hardstanding and shelter at the entrance to the site. The operations are therefore somewhat dispersed between the sites.

24. The appellant indicates that there is a need for a full-time rural worker to reside on site 24-hours a day, to carry out critical business duties outside of normal working hours, such as irrigation, frost protection, spraying and security. The business currently employs 11 full-time and 3 part-time members of staff and the labour requirement is generally agreed. However, the need to reside on site is a point of dispute between the parties, particularly given that there are already two dwellings located at the northern site.
25. I recognise that the many and varied tasks associated with managing the nurseries would be easier to undertake for someone based at the appeal site. However, they do not, in themselves, indicate to me that a 24-hour presence at this location is essential. I acknowledge that agricultural practices are reliant on the right weather conditions, and that work practices, such as crop spraying, irrigation monitoring, frost protection and security are often required outside normal working hours. Clearly, it would be easier for someone living on the appeal site to be able to get onto the fields quicker to carry out these works. However, to my mind, there would not be a significant difference in time taken between someone living on site and someone living in close proximity, being able to drive to the site. Therefore, whilst more convenient, this does not justify living on the site.
26. With regard to whether the agricultural use will remain viable for the foreseeable future, from the details before me the business has been established for some time and the nursery is one of the largest hedging plant growers and suppliers in the UK. The business sold approximately 260,000 plants in the 2021 financial year and generated a turnover of around £2.4m with a net profit of 33%. The business plan forecasts turnover increasing to over £3m in 2024. On this basis, I am satisfied that the farming enterprise is financially viable and likely to remain so.
27. I am not convinced that the business would become unviable without someone residing at the appeal site. As I have set out above, I have no reason to find that it would be essential for a rural worker to reside in this location on a permanent basis. In the absence of tangible and persuasive evidence as to how viability of the farm would be affected, I cannot conclude that it is essential for the continued viability of the farm that someone physically reside in this location.
28. I have been presented with limited evidence of any significant search for alternative accommodation in the area. I note that the appellant currently rents a property in Tilford, given the limited availability of affordable accommodation coupled with the high cost of housing in the area. I appreciate that build costs may be lower than purchasing an existing property in the area, however I have insufficient evidence to reach a firm conclusion on this matter.
29. I note the appellants parents are planning on retiring, and they intend to continue to reside at their property in the northern site during retirement. There is nothing to require that they should vacate this property or indeed,

extend or sub-divide to create an additional dwelling to accommodate the appellant, which would be unreasonable. It is further acknowledged that the appellants brother and his family reside in the other dwellinghouse at the northern site, and again it would be unreasonable to provide accommodation for two families within this property.

30. Nevertheless, the northern site provides a significantly more developed area than the appeal site, with a built environment consisting of polytunnels, glasshouse and existing dwellinghouses. I have been presented with limited information on whether an additional dwellinghouse could be accommodated at the northern site which from the evidence before me is where the greatest need for a 24-hour presence is required and where two dwellings already serve that need.
31. It is clear to me that the business is an established and viable use with a good prospect of continuing to be so. Whilst I have no doubt that it would be more convenient to live on the appeal site compared to alternative accommodation in Tilford, and it could be important for the maintenance of the crops at key times, I am not convinced that there is an essential need for someone to be resident on site 24-hours a day all year-round. Furthermore, with limited evidence of alternative accommodation having been fully explored, an additional isolated dwelling is not justified in this countryside location and an established essential need for a rural worker to live permanently on the appeal site is unproven.
32. Consequently, the proposal conflicts with the requirements of Paragraph 80 of the NPPF in terms of avoiding the development of isolated homes in the countryside.

Other matters

33. In addition to the matters considered above, I note that there has been significant local interest in respect to the scheme. There are several letters of support which relate to, but not limited to: the continuation of a family business in the area; the benefits to the village community; the increased security and the retention of an important, well-established and viable local business. The Council have considered these matters at the application stage, and, where they form part of the reason for refusal, I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
34. The site is situated within Wealden Heaths Special Protection Area (SPA) 5 Km Buffer Zone, Thames Basin Heath 7 Km SPA Buffer Zone and Wealden Heaths Special Area of Conservation (SAC) 2 Km Buffer Zone which the Council considered and concluded that the proposal would not have a likely significant effect on the integrity of the SPAs and SAC in accordance with WLP Policy NE1. I have no substantive evidence before me on which to disagree with this conclusion and as the appeal is being dismissed for other reasons, I do not consider this matter further.

Planning Balance and Conclusion

35. The proposal would constitute inappropriate development in the terms set out in the Framework and would result in harm to the openness of the Green Belt.

The Framework requires that substantial weight should be given to any harm to the Green Belt. In addition, an essential need for the rural worker to reside at the site has not been demonstrated to justify an additional dwelling on the site. The development is therefore contrary to the above cited policies of both the development plan and the Framework.

36. Given its outline status, I have been unable to find that the proposal would minimise adverse effects on the landscape or would not therefore harm the character and appearance of the landscape or scenic beauty of the AONB and AGLV. Nevertheless, this would be a neutral factor in the overall balance.
37. The scheme would deliver modest economic benefits arising from its construction. It would also deliver the private benefit of the convenience of living on the site for the appellant. These benefits are attributed very little weight and do not outweigh the substantial harm to the Green Belt and other harms which I have identified.
38. It is common ground that the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites (HLS) and therefore the policies most important for determining the application are considered to be out-of-date, commonly referred to as the tilted balance. The appellant cites a court of appeal case⁴ which refers to the circumstances where the balance will always be tilted where the HLS cannot be demonstrated. However, as I have found harm to the Green Belt, in accordance with paragraph 11.d) i. of the Framework including footnote 7 to that paragraph the application of policies which protect the Green Belt provide a clear reason for refusing the development and the tilted balance does not apply. Accordingly, the presumption in favour of sustainable development does not apply.
39. Overall, for the reasons set out above I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. There are no other matters which would warrant a decision other than in accordance with the development plan and the Framework. Therefore, the appeal is dismissed.

Robert Naylor

INSPECTOR

⁴ 2020 Court of Appeal case, Oxtou Farm v Harrogate BC [2020] EWCA Civ 805