



Appeal Decision

Site visit made on 25 July 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/R3650/W/22/3311721

Tilhill House, Squires Hill, Tilford, Surrey GU10 2AD

- 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 Ms Marie Halley against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01925, dated 22 July 2022, was refused by notice dated 24 October 2022.
 - The development proposed is described as a recreation facility for domestic use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted the Council has adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) on 21 March 2023, which forms part of the development plan. The Council has confirmed which policies are now in place and the appellant has had opportunity to comment on them. I will therefore reference the revised policies in my decision.

Main Issues

3. 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; 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

Whether the proposal would be inappropriate development in the Green Belt and its effect on openness

4. Paragraphs 149 and 150 of the Framework state what is not considered inappropriate development in the Green Belt. The proposed development would constitute a new building which does not fall under paragraph 150. Paragraph 149 defines 7 exceptions to inappropriate new buildings in the Green Belt.

5. Paragraph 149 b) of the Framework, sets out when the provision of appropriate facilities for, amongst other things, outdoor sport and outdoor recreation would not be inappropriate. This requires that the openness of the Green Belt is preserved, and the proposal does not conflict with the purposes of land being included within the Green Belt.
6. Policy RE2 of the Waverley Local Plan (Part 1) 2018 (LPP1) refers directly to the Framework, whilst LPP2 Policy DM14, amongst other things, sets out specific factors to take into account when considering the openness of the Green Belt.
7. On the face of it the proposal would provide ancillary facilities for the keeping of horses which would support outdoor sport and outdoor recreation albeit it for private use. It is therefore necessary to consider openness and the purposes of land being included within the Green Belt.
8. The appeal site forms part of a much larger, undulating residential property which includes multiple buildings, landscaped gardens, a tennis court, and an outdoor arena and lunge pen for equestrian purposes. The proposed building would be relatively small in comparison to other buildings on the property. However, it would introduce a building in an area where there is currently none, at one of the highest points in the residential property overlooking the tennis court, arena, and lunge pen.
9. Due to the size of the residential property and its boundary treatments it is unlikely the proposal would be publicly visible. Nonetheless, it would be visible from within the site, and its solid form and permanent nature would make it more visually obvious and dominant than the existing fencing around the tennis court, arena, and lunge pen.
10. Openness also has a spatial as well as visual aspect, which cannot be mitigated against by screening from public view. The erection of a new building at the proposed location, along with its permanency, bulk, and mass, would reduce the gap between the existing tennis court and property boundary. It would constrict the space and represent an encroachment into an otherwise open area. As such, and when compared with the existing situation, the proposal would both visually and spatially harm the openness of the site and by default the Green Belt it is part of.
11. The 5 purposes of the Green Belt are set out within Paragraph 138 of the Framework. It is appreciated the Council has not sought to argue that any of the purposes of the Green Belt are compromised, and due to the size of the proposed development in relation to the overall size of the Green Belt I conclude similarly. However, that does not alter my view that openness is harmed, for the reasons I have given.
12. Consequently, the proposal would constitute inappropriate development within 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.

Other considerations

13. The appellant states there is a need for secure storage in relation to the equestrian uses on site and relies on the Equine Justification Statement (EJS) submitted at appeal. This confirms that the building could be used for the

storage of specific machinery to maintain the arena and lunge pen. However, it does not provide any justification as to the building's proposed location on the opposite side of the tennis court which limits direct access to both the arena and lunge pen and thereby the convenience of storing such items in this location. It is also noted that additional proposed storage uses stated in the EJS (jump paraphernalia) are at odds to those shown on the plans (feed, hay, and tack). Therefore, with a lack of clarity concerning the use and usability of the proposed building, and with regard to the convenience post riding washing facilities would have, these factors attract only limited weight.

14. The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the design, the special qualities of the AONB would not be harmed.
15. The Council has also identified a lack of harm in respect of several other issues, including impact on an area of great landscape value, character and appearance, and the living conditions of neighbouring occupants. However, an absence of harm is a neutral matter that neither weighs for or against the proposal.
16. The Council also considered the proposal would comply with Policy RD13 of the Local Plan 2002. This document has now been superseded by LPP2 and so Policy RD13 is not determinative in my decision.

Conclusion

17. The proposal is inappropriate development in the Green Belt and would harm openness contrary to LPP1 Policy RE2, LPP2 Policy DM14 and the Framework. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations discussed above do not clearly outweigh this harm, so do not constitute the very special circumstances necessary to justify the development. Consequently, the appeal is dismissed.

RJ Redford

INSPECTOR