



Appeal Decision

Site visit made on 25 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/A3655/W/22/3313312

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 Mrs T Lewis against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0632, dated 28 June 2022, was refused by notice dated 1 September 2022.
 - The development proposed is new barn to house agricultural machinery.
-

Decision

1. The appeal is allowed and planning permission is granted for a new barn to house agricultural machinery at Beech Rise, Lock Lane, Pyrford, Surrey GU22 8UX in accordance with the terms of the application, Ref PLAN/2022/0632, dated 28 June 2022, subject to the conditions set out in the attached schedule of conditions.

Preliminary Matters

2. An application for costs was made by Mrs T Lewis against Woking Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2021) (Framework) and any relevant development plan policies.; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether or not inappropriate development in the Green Belt

4. The appeal site is situated in the Green Belt. The fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that any harm to the Green Belt should be given substantial weight.
5. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate unless one of the stated exceptions

apply. The relevant category in this case is (b) - the provision of appropriate new facilities for (amongst other aspects) outdoor sport and recreation. It is subject to a test of the preservation of the openness of the Green Belt and the purpose of including land within it.

6. The Council and appellant agree that the appeal site's lawful use is for equestrian purposes. It has been put to me that the building will house some agricultural equipment and could be used in association with future growing of crops. The Council confirms that the submitted drawings show that the proposed building would be used for storing a mowing deck, Wessex T430D hedge cutter, John Deere 5GN tractor and general tools. Whilst this agricultural machinery could be reasonably be used for the maintenance of the surrounding land, the appellant also confirms that building would be used for secure feed, hay storage and equestrian equipment associated with the equestrian use. Consequently, the evidence before me indicates that the building will be primarily used for the storage of items associated with the equestrian used and it cannot reasonably described as a barn for solely agricultural use.
7. Since horse riding is an outdoor sporting or recreational pursuit, it follows that stable buildings are capable of falling within the exception set out in Framework paragraph 149b. However, their effect on the openness and purposes of the Green Belt has to be considered.
8. The appeal building would be a single storey structure with a hipped roof and would be finished in timber, having a traditional agricultural appearance. It would be located between a stable building and a menage on the site. Very large warehouse style buildings which, are described by the Council as being connected with the maintenance of the nearby golf course, are located close to the proposal in the adjoining site to the south.
9. The appeal building is screened from the road by the existing buildings and by solid gates and front boundary hedges. Additional hedgerows along boundary the provide screening in longer distance views from the south and the east.
10. Whilst preservation of the openness of the Green Belt is something of a binary test, with this exception falling under the construction of new buildings, it can equally be reasonably accepted that appropriate facilities can, and arguably in most cases would, involve the construction of buildings. Whilst the proposal is not insignificant in scale it would be seen in each direction against a background of built development, making the appeal building difficult to discern. Given the existing screening and its relationship with nearby development, the appeal building would have negligible effect on the openness of the Green Belt in visual terms.
11. The provision of a building in equestrian use does not amount to urban sprawl, being a typically rural form of development. There would been no material encroachment into open countryside, given the existing use of the appeal site and its relationship with surrounding development. No issues arise in terms of merging of settlements, the setting of historic towns or promoting urban regeneration. Therefore, there is no conflict with the purposes of the Green Belt as defined in the Framework.
12. Policy DM3 of the Woking Development Management Policies Development Plan Document (2016) (DMP) sets out specific criteria for the consideration of equestrian related development in the Green Belt. In this regard it seems

sufficiently clear that the appeal scheme does not involve the re use of buildings for which the policy in any case suggests are approached 'in the first instance'. Where new buildings or ancillary development are justified, they should be well related to existing buildings and small in scale. In this case, the block is, contextually speaking, small in overall scale especially in comparison to the adjoining warehouse style buildings. The scheme is not a replacement building but, for the reasons I have set out above, its overall size, siting and scale is not harmful to the character and openness of the countryside or Green Belt for the purposes of Policy DM3.

13. I conclude that the appeal building provides appropriate facilities for outdoor sport or recreation. It preserves openness and there is no conflict with the purposes of the Green Belt. Therefore, the development is not inappropriate development in the Green Belt as defined in the Framework.
14. For the reasons identified above, the development accords with Policy CS6 of the Woking Core Strategy (2012) (CS) and Policies DM3 and DM13 of the DMP. These policies, amongst other things, seek to preserve the Green Belt from inappropriate development so that it continues to maintain its openness and serve its key functions. Accordingly, I find no conflict with the relevant part of the Framework which, amongst other things, seeks to prevent inappropriate development from occurring in the Green Belt.

Character and appearance

15. The proposal would have a traditional agricultural appearance and would be finished in timber. Therefore, its appearance would not be at odds to the rural character of the area.
16. Due to the extensive boundary screening views of the proposal would be limited. In views where it would be apparent, the proposal would be seen against a backdrop of existing buildings, including the large scale warehouse style buildings. Consequently, it would not be a prominent addition and the proposal would not have a harmful impact on the rural character and appearance of the area.
17. Whilst the appellant does not propose to remove any existing buildings on the site, as I have found that the proposal is not inappropriate development, this factor does not count against the proposal. Similarly, as I have previously found that the proposal is not inappropriate development in the Green Belt, it is not, by definition, an unjustifiable building within the Green Belt. It would not therefore result in a proliferation of unjustifiable buildings in the Green Belt.
18. For the reasons identified above, the development accords with Policy CS6 and CS21 of the CS, and the Woking Design Supplementary Planning Document (2015). Collectively these policies, amongst other things, seek to preserve the Green Belt from inappropriate development and expect development to protect the character of the area and contribute to and enhance the natural and local environment. Nor do I find conflict with those principles of the Framework that seek good design sympathetic to the local area.

Other Matters

19. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Conditions

20. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
21. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
22. In the interests of the character and appearance of the area, I have imposed the suggested condition requiring details or samples of the materials to be used in the proposal's external elevations. As the proposal does not include hard surfaced areas or boundary walls I have removed reference to these elements.
23. I have imposed the suggested condition related to external lighting in the interests of the natural environmental and conservation of protected species.
24. An interested party observed that, if approved, an application to change the building to a residential use utilising permitted development rights may follow. The Council also suggested conditions to remove future permitted development rights. However, the PPG advises that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Bearing this in mind I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict several classes of permitted development rights to prevent future changes of uses or freedoms to carry out small scale non-domestic alterations. Therefore, I have not imposed the two suggested conditions to this effect. Likewise, I have not imposed the suggested condition requiring the removal of the building in the event that the use of it ceases. This is because such a condition would also not pass the tests of reasonableness and necessity identified within the Framework.

Conclusion

25. The proposal would not be inappropriate development in the Green Belt. For the above reasons, and having had regard to all other matters raised, I conclude that the development accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Unnumbered plan titled 'Proposed barn between existing stables and menage'

Unnumbered plan titled 'Site plan - barn application'

Master Rev A showing proposed floorplans and elevations
- 3) The development hereby permitted shall not be constructed above the damp proof course of the new barn until details or samples and a written specification of the materials to be used in the external elevations, have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.
- 4) External lighting, including floodlighting, shall not be installed until details of the lighting (demonstrating compliance with the recommendations of the Bat Conservation Trusts' "Bats and Lighting in the UK - Bats and The Built Environment Series" guidance) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed and maintained in accordance with the agreed details thereafter.

END OF SCHEDULE

