



Appeal Decision

Site visit made on 12 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/R3650/W/23/3317560

Heath Stud, Woodhill Lane, Shamley Green, Guildford, Surrey GU5 0SP

- 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 Julia Kotecha against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02984, dated 21 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is temporary change of use of land for the storage of two storage containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since issuing its decision, the Council has confirmed that the Waverley Local Plan 2002 (WLP) has been superseded by the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies, adopted March 2023 (LPP2). Therefore, policies D1 and D4 of the WLP referenced in the Council's decision notice are superseded and I have not taken them into account. Additionally, the LPP2 now forms part of the development plan that also includes the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1). The appellant has had the opportunity to comment on this and would therefore not be prejudiced in any way.
3. I have also dealt with another appeal Ref: APP/R3650/W/23/3318259 at this site for residential development. That appeal is the subject of a separate decision.
4. At the time of my visit, I saw that two storage containers were on the appeal site. I also note that the application has been submitted retrospectively and have therefore dealt with the appeal on that basis.

Main Issues

5. The main issues are (i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) the effect of the proposed development on the character and appearance of the area; and (iii) 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 the proposal is inappropriate development in Green Belt

6. The Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the essential characteristics of Green Belts are their openness and their permanence. It also confirms that material changes in the use of land are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Policy RE2 of the LPP1 is consistent with the Framework where it says that proposals will be permitted where they do not conflict with the exceptions listed in national planning policy. Additionally, amongst other things, Policy DM14 of the LPP2 sets out certain factors to assess whether a development preserves the openness of the Green Belt. These include, but are not limited to the scale, mass, height, volume, the degree of activity likely to be generated, the duration and remediability, and the extent of existing development.
7. The Council is concerned that the development does not preserve the openness of the Green Belt. Openness is the absence of development and has spatial and visual elements. The containers are set on blocks and it is conceivable they could be moved. However, even if their setting up and siting does not represent a building operation, they are positioned within part of a wide, open and tranquil field in a rural area that is otherwise largely free from development.
8. At my visit I was able to clearly observe the containers from an adjacent public bridleway where there were breaks in the vegetation. Glimpsed views of them were also available at the site entrance.
9. For these reasons, the spatial and visual effects of the development reduce, rather than preserve openness in the Green Belt. Therefore, the development conflicts with Policy RE2 of the LPP1 and Policy DM14 of the LPP2 the purposes of which I have set out above. Furthermore, it would conflict with the purposes of including land in the Green Belt, including preventing unrestricted sprawl and safeguarding the countryside from encroachment, as set out in the Framework.

Character and appearance

10. The appeal site is on undeveloped land that is characterised by its open and rolling landscape setting. The containers are positioned adjacent to an existing field boundary with vegetation that offers some degree of visual containment. However, although slightly weathered in their appearance, the bulk and blocked form of the containers means that they stand proud in the landscape. Even if their external appearance could be softened by an appropriately worded condition, the eye would still be drawn to their untypical form. Additionally, despite not being prominent from all parts of the wider public right of way network, they would still remain visible from the nearby bridleway. As such, the area's prevailing character and setting is not maintained and the development does not add to its overall quality.
11. The Council has not highlighted any harm in respect of the Area of Outstanding Beauty (AONB) the site lies within. However, for the above reasons the proposal causes harm to the character and appearance of the area. As such, it

conflicts with Policy TD1 of the LPP1 which, amongst other things, requires new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located.

Other considerations

12. The appellant has identified factors which they contend weigh in favour of the development. It is submitted that the containers will have no long lasting effect on the openness of the Green Belt or the character and appearance of the area as they are reversible and are sought for a temporary period. The harm to the openness of the Green Belt and character and appearance of the area would inevitably be less from a development that would last up to 3 years than from one which was permanent. This weighs moderately in favour of the proposal.
13. The appellant claims that the containers are required in relation to ongoing proposals and a long term hope for residential development at the site. However, I have dismissed an appeal at this site for a dwelling. Furthermore, although the appellant says a revised application for a dwelling on the site is being prepared, the timeframe of the submission and possible outcome is unknown. It is conceivable that the preparation of future applications on this site could go on for some considerable time. Therefore, given there is currently no evidence of any planning permission for a residential use of this land, I give this very limited weight in favour of the proposal.
14. Despite the existing vegetation and positioning of the containers towards the southern and lower end of the site, they are some considerable distance from any buildings on the site and their untypical design stands proud in the landscape. Consequently, they harmfully affect the openness of the Green Belt and the character and appearance of the area. This carries no weight in favour of the proposal.
15. The appellant has referred to a nearby planning application for a residential dwelling being extremely prominent and permanent in the context of that site. However, I have been provided with very little information on this matter. In any case, I have determined the appeal on its merits based on my own site observations. I give this matter very limited weight.
16. The proposal constitutes inappropriate development in the Green Belt and harms openness. As such, the Framework requires that the harm by reason of inappropriateness and any other harm resulting from the proposal be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
17. I find that the other considerations in this case cumulatively attract moderate weight in favour of the proposal, which does not outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

18. I note the Parish Council and Surrey Hills AONB advisor have not objected to the containers. However, the lack of objection is not a reason in itself to allow unacceptable development.

19. I have paid regard to the appellant's comments in respect of the delays due to the site constraints, pandemic and planning process. However, these do not affect my findings on the main issues.

Conclusion

20. For the reasons above, I conclude that the proposed development conflicts with the development plan and the Framework. There are no considerations individually or cumulatively that outweigh this conflict. Therefore, the appeal is dismissed.

J Hills

INSPECTOR