



Appeal Decision

Site visit made on 12 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/Y3615/W/23/3320076

Morris & Stevens Nursery, The Street, Compton GU3 1EJ

- 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 Taylor Commercial Repairs against the decision of Guildford Borough Council.
 - The application Ref 20/P/01712, dated 29 September 2020, was refused by notice dated 10 October 2022.
 - The development proposed is described as "retention of the hard surfacing and use for parking/maintenance of vehicles."
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Decision

1. The appeal is allowed and planning permission is granted for hard surfacing and use for parking/maintenance of vehicles at Morris & Stevens Nursery, The Street, Compton GU3 1EJ in accordance with the terms of the application, Ref 20/P/01712, dated 29 September 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: D&M1 Location Plan; and D&M2 Block Plan.

Preliminary Matters

2. At the time of my site visit, I saw that vehicles were parked on the appeal site. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. I have used a different description in the formal decision from that on the application form and banner heading above as these contain words that are not acts of development.

Main Issues

4. The main issues are:
 - (i) whether or not 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

5. Paragraph 147 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 of the Framework confirms, amongst other things, that engineering operations and 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 P2 of the Guilford borough Local Plan: Strategy and Sites 2015-2034 adopted April 2019 (LP) is consistent with the Framework.
6. There is no dispute that the hard surfaced areas within the appeal site do not give rise to harm to the Green Belt in terms of openness. Rather, the Council is concerned that the extended use of the site for the parking of commercial vehicles has a greater impact on the Green Belt than that already permitted and controlled through condition, and thus, does not preserve its openness. In that context, the extended use of the site includes land that is permitted for parking in connection with the vehicle repair business and the proposed change of use of some land to the north.
7. Openness is the absence of development and can have spatial and visual effects. The permitted operations already allow for a significant amount of vehicular activity at this location and the site is well screened. Furthermore, the parking is transient in its nature and the scheme relates to very minor surfacing works. However, it includes a use of a northern part of the site where large vehicles are regularly parked and this land was previously free from such continual use. Furthermore, the hard surfaced land on the southern part of the site, which is part of the permitted vehicle repair site, has parked vehicles on it. As such, even if the development does not introduce any new commercial activity beyond that previously approved, the use of these spaces within the wider planning unit and beyond has a very marginal reduction in the openness of the Green Belt. I must therefore treat this as inappropriate development in the Green Belt.

Character and appearance

8. The appeal site is within the Surrey Hills Area of Outstanding Natural Beauty (AONB) where the Framework attaches great weight to conserving and enhancing landscape beauty. Policy P1 of the LP and 'saved' Policy G1(12) of the Guilford Borough Local Plan Adopted January 2003 (GLP) seek to conserve and enhance the natural beauty of landscapes and the AONB, which is consistent with chapter 15 of the Framework.
9. Whilst the surrounding landscape qualities set out in the Council's Guilford Landscape Character Assessment & Guidance: Final Report 2007 are noted, the appeal site is immediately adjacent to the major route of the A3 and is surrounded by buildings, taller than the vehicles I observed to be parked there. There are passing views of the site and parked vehicles from the A3 to the south, which could conceivably be more pronounced at certain periods when trees are without leaf. However, the permitted use of the site already generates these visual effects. Even though no landscape study was carried out, any additional visual harm to the AONB from wider views are negligible.

10. Consequently, within the context of the planning unit's industrial use, and its close proximity to major roads, the small additional areas for the parking of vehicles have a negligible effect on the AONB, which thus conserves it. As such, the development has an acceptable effect on the character and appearance of the area and does not conflict with Policy P1 of the LP or Policy G1(12) of the GLP. There is also no conflict with chapter 15 of the Framework.

Other considerations

11. A number of other considerations have been put forward. Whether lawful or not, it is claimed that the hardstanding area to the rear serves as an access to the water reservoir to the west of the site and this needs to be maintained. This has some limited benefits in terms of the functionality of adjoining uses though there is no substantive evidence that the reservoir could not continue be accessed if the appeal were to be dismissed. It can therefore be given only neutral weight.
12. It is suggested that there is potential to extend the existing building which it is claimed would be more harmful than the proposed development. Furthermore, it is asserted that such a development would not conflict with Green Belt policy, provided extensions were not materially large. However, there is no evidence that any planning permission exists for extensions to the existing building. Furthermore, I have been provided with no details of this alternative scheme and cannot therefore be sure that it would be a realistic or probable alternative. In any case, even if a fallback were to exist, any absence of harm achieved by avoiding a fallback would not weigh in favour of the proposal.
13. The appellant suggests there is policy support for the development and this is not disputed by the Council. In this regard, there is no dispute that the business contributes to local employment through its modest operation, increased number of employees and support for other businesses. In that context, there is no conflict with P1 of the LP. As such, the policy support for the development carries moderate weight in favour of the proposal.
14. The specific operational needs and viability of the business are put forward. There is no substantive evidence to demonstrate the existing business would not be viable without the proposed development. However, there is no dispute that since the business was first established, its needs have changed from mainly a mobile service to one that is predominantly based on repairing and maintaining vehicles on site. The reason for this comes as a direct result of legislative changes. The appellant's submission identifies that this has meant that brake testing cannot be carried out at client sites as it requires heavy equipment set within the ground. They add that with limited internal space prioritised for other lengthy maintenance of vehicles and regular brake testing, the drive through facility is located outside but adjacent to the existing building.
15. Furthermore, it is asserted that the area of land on the northern part of the appeal site is required to provide parking and access to the rear building bays. Although my observations only represent a snapshot in time, recognising that smaller vehicles may be able to access to the rear of the building more easily, I noted that access to the rear of the building was limited and that larger vehicles would be very likely to require the use of this additional land on the northern part of the appeal site for parking, turning and accessing the bays. For these reasons, the evidence shows that a greater emphasis of on-site

maintenance as a result of legislative change has led to a requirement for an alteration to the existing business to provide outdoor maintenance and parking; and that additional access/parking arrangements are likely to be necessary.

16. Additionally, although there may be alternative similar businesses in the locality, the proposed development is of a small scale and directly linked with the existing permitted use for the repair and maintenance of vehicles. It is therefore proportionate to the wider business operation and representative of the minimum scale necessary to achieve the benefits linked to the proposal's on-site operations. Whilst it may be possible that alternative premises could be found for parking large vehicles, this would be likely to have a disruptive effect on the logistical operation of this business. Notwithstanding the Council's position that this matter can only be given limited weight, for the above reasons I give the operational needs of the business a significant amount of weight in favour of the proposal.

The Green Belt Balance

17. Although the proposal has a very marginal reduction in the openness of the Green Belt, it nevertheless causes harm to it. The Framework says that when considering any planning application, substantial weight is given to any harm to the Green Belt. Against this harm, which is the totality of the harm to the Green Belt, I must look at the combined weight of other considerations.
18. I have concluded that there is a negligible effect on the character and appearance of the AONB, though this is a neutral factor which does not weigh for or against the proposal.
19. I have found that the policy support for rural businesses weighs moderately in favour. The appropriately scaled and specific operational needs of the business led by legislative changes to the maintenance of vehicles and the site's access and parking requirements do however provide a very clear reason to support the proposal. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. As such, the development accords with policies P1 and P2 of the LP, Policy G1(12) of the GLP and the Framework.

Conditions

20. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

Conclusion

21. For the above reasons, the development does not conflict with policies of the development plan or the Framework. Having had regard to all matters raised, I conclude that the appeal should be allowed.

J Hills

INSPECTOR