



Appeal Decision

Site visit made on 14 December 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 JANUARY 2024

Appeal Ref: APP/D3640/W/23/3317129

Chequers (Leonard Daborn) Ltd, Station Road, Chobham, Surrey, GU24 8AL

- 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 Chequers (Leonard Daborn) Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 22/1042/FFU, dated 10 October 2022, was refused by notice dated 25 January 2023.
 - The development proposed is the siting of a portacabin for ancillary office use for a temporary period expiring 31 October 2024, erection of a 2.5m eco-fence, and creation of new area of hard standing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have modified the description of the development proposed from that set out in the application forms at the request of the main parties. I am satisfied that this change will not cause injustice to any other party.
3. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issues in this appeal, particularly on Green Belt policy, but find that these are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issues

4. The main issues are:
 - Whether inappropriate development in the Green Belt and the effect on its openness;
 - Whether the hardstanding would be likely to contribute to flood risk.
 - If 'inappropriate development' whether the harm caused is outweighed by other matters to result in very special circumstances

Reasons

Background

5. The appeal site comprises commercial garage/showroom premises which are situated in the village of Chobham. The village is 'washed over' by the Green Belt and the relevant part of the appeal site lies outside of the settlement area. The proposal involves the siting of a portacabin for use by garage staff. The portacabin had been placed on the site to allow for social distancing during the Covid pandemic but it had been removed by the time of the site visit. Nevertheless, it remains part of the proposal albeit that it is only needed for a temporary period.

Whether inappropriate development

6. The Framework indicates in paragraph 154 (previously 149) that the construction of new buildings in the Green Belt is inappropriate unless a proposal falls within the specified exceptions. Paragraph 155 (150) advises that other forms of development may not be inappropriate provided they preserve the openness of the Green Belt and do not conflict with its purpose.
7. The portacabin proposed appears to be a moveable structure and therefore a use of land rather than operational development. However, the location proposed appears to be outside of the established part of the garage area so that a change of use is involved. Moreover, the portacabin is shown to be about 15m long and about 4m wide therefore it would be similar in size and scale to a single storey building.
8. It is established that the effect on the openness of the Green Belt can have both spatial and visual aspects. The site for the portacabin would be well to the rear of the garage away from Station Road and it would not be particularly visible from the public realm. However, the structure would be sited away from the main built-up part of the village which has a linear form. Therefore, in spatial terms it would be isolated from other built development and I do not regard it as an 'extension' to existing buildings having regard to the legal judgement in the case of *Warwick*¹. Given the size and bulk of the portacabin I find that its presence would harm the openness of the Green Belt to a material degree.
9. The main submission put forward for the provision of the portacabin is to help accommodate the 15 full time staff employed on site. However, as the portacabin has been removed but the garage and showroom are still operating I cannot put much weight on this need for it as an employment facility to help support economic growth as set out in paragraph 85 (previously paragraph 81) of the Framework.
10. Overall, on this issue I find that placing the portacabin on the land in the position shown would result in inappropriate development in the Green Belt and cause harm to the openness. Substantial weight has to be given to this harm. The arguments put forward on the need for the portacabin on economic grounds do not outweigh this harm and so very special circumstances have not been demonstrated.

¹ WARWICK DISTRICT COUNCIL V SECRETARY OF STATE FOR
LEVELLING UP, HOUSING AND COMMUNITIES [2022] EWHC 2145 (ADMIN)

Flood risk

11. The area of additional hardstanding proposed is shown on the submitted plan. I noted at the site visit that it is surfaced with rolled tarmac and this material did not appear to be porous as there was a large puddle on part of the hardstanding after light rain. I also noticed a surface water gully running through the centre of the hardstanding. There is no detailed evidence presented on how the hard surfaced area is further drained but it could be expected that the present arrangement results in surface water run off being discharged quickly to a watercourse. Depending on its hydrology this may contribute to local flooding, and also require some facilities to safeguard the watercourse from contamination risks from the garage and parking use.
12. I note that the proposal now contains a Flood Risk Assessment (FRA) prepared by Water Environmental. This concludes that the site is at a low risk of flooding from ground water and surcharging sewers and that as the rate of run-off was unchanged it was not necessary to introduce SUDS measures.
13. These conclusions are not accepted by the Council's Drainage Engineer who considers that the FRA underestimates the record of flooding which has taken place locally since 1968 and challenges the rate of run-off as well as the lack of need for interceptors to avoid contamination.
14. The appellant's appeal statement contains various aerial photographs that show the site over a period and the last picture was taken in 2013. In this latter photograph the area where the current application proposes the new hardstanding appears to have some green vegetation on the land as well as the parking of vehicles. I am therefore cautious in accepting that the land had a similar permeable state previously compared to the present tarmac surfacing. In addition, the introduction of interceptors into a drainage system for a commercial storage use involving vehicles would appear to be a normal precautionary requirement to prevent the pollution of a watercourse. The fact that the hardstanding has already been installed does not remove this requirement.
15. I conclude on this issue that it has not been demonstrated that the extent of hardstanding proposed can be drained in a manner that would not contribute to local surface water flooding or the contamination of a watercourse. As the application stands there remains a conflict with the requirements of Local Plan Policy DM10 in terms of managing a reduction in the volume and rate of surface water run-off.

Fence

16. The Council does not take issue with the erection of the 2.5m high 'eco'-fence and I have considered whether this part of the appeal can be dealt with as a separate matter. However, there is limited information put forward on the siting, form and materials of the fence for me to judge this and see if these match the one 'as built'. I will therefore not consider the erection of the fence separately.

Planning balance

17. On the main issues I have found that the siting of the portacabin would be inappropriate development in the Green Belt that would also harm its openness. This harm is not outweighed by the stated need for the

accommodation even for a temporary period and so very special circumstances have not been demonstrated. This part of the proposal therefore conflicts with the policy contained in the Framework.

18. I have also found that the proposed hardstanding has not been shown to be properly drained or managed so that it does not contribute to local surface water flooding or the contamination of a watercourse. This aspect conflicts with the relevant policy of the development plan.

19. These findings have to be balanced with other considerations but none of those raised outweigh the harm and conflict with local and national policies. The appeal should therefore not be allowed.

Conclusion

20. For the reasons given above the appeal should be dismissed.

David Murray

INSPECTOR