



Appeal Decision

Site visit made on 17 January 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/Y3615/W/23/3328239

Plot F, Land East of Wanborough Woods, Westwood Lane, Wanborough, Guildford, Surrey, GU3 2JN.

- 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 Mr and Mrs Mukalazi against the decision of Guildford Borough Council.
 - The application Ref 22/P/01326, dated 29 July 2022, was refused by notice dated 23 February 2023.
 - The development proposed is the erection of an agricultural storage barn and chicken house together with the retention of the existing boundary fencing and gates (part retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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 but find that the changes 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

3. The main issues are:
 - Whether the fencing constitutes inappropriate development in the Green Belt and the effect on its openness;
 - The effect of the development on the landscape character of the local part of the Surrey Hills Area of Great Landscape Value (AGLV); and
 - If inappropriate development, whether the harm caused by this and any other harm is clearly outweighed by other considerations.

Reasons

Background

4. The appeal site comprises a rectangular shaped field of about 1 hectare in extent which lies in open countryside to the west of Guildford. The land also lies within the Metropolitan Green Belt and the Surrey Hills Area of Great Landscape Value (AGLV).

5. The planning history of the site is relevant to the appeal. I note that an appeal against a refusal of permission for equestrian use and the erection of stables was dismissed in 2019¹ as the inspector concluded that the development constituted inappropriate development in the Green Belt which harmed its openness and was also detrimental to the landscape value of the area.
6. The current application when submitted was retrospective and there is an enforcement notice in place which has taken effect under reference ENF/18/00220 which requires, in summary, the removal of all buildings and works brought onto the land to facilitate an unauthorised equestrian use including mobile field shelters. The appellant says that he is required by court action to remove the mobile field shelters/stable buildings and paving slabs erected by others. There were no buildings on the land at the time of my visit.
7. I also note that the land is subject to an Article 4 Direction which removes 'permitted development rights'² for the erection of walls, fences and other means of enclosure together with rights for temporary uses on the land. This means that the erection of fences and enclosures on the appeal site requires express planning permission.
8. The Council issued a Certificate of Lawfulness for Existing Use or Development (CLEUD) in February 2023 under 22/P/01052 concerning the use of the appeal site for agriculture.

Whether inappropriate development and effect on openness

9. The Framework indicates that the erection of a new building in the Green Belt should be regarded as inappropriate unless it falls within one of the listed exceptions set out in paragraph 154 (previously 149). Under (a) buildings needed for agricultural and forestry purposes are not to be regarded as inappropriate development and when a proposal does fall within this exception there is no additional test of the effect on openness to be applied.
10. It is clear that the appellant is trying to develop the parcel of land for agricultural purposes and such use has been recognised as lawful on this site. From the evidence submitted for the CLEUD it appears to me that the appellant's intentions have been genuine and he and his family have developed a small holding producing eggs and vegetables before complying with the enforcement notice and court order in respect of the buildings previously erected by others.
11. Although the erection of an agricultural building is not inappropriate development in the Green Belt, the Council submits that the erection of the fencing around the land is inappropriate as fence work it is not listed within the exceptions specified in this paragraph 154. The term 'building' normally includes a structure or erection and therefore the erection of a fence is an engineering operation. As the appellant's agent points out, engineering operations are listed in paragraph 155 of the Framework (150) as being 'not inappropriate' provided they preserve openness and do not conflict with the purposes of including land within it.

¹ APP/Y3615/W/18/3201529

² As set out in in Class A of Part 2, and Class B Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 1985 as amended

12. In this case, details of the boundary fencing are not included on the submitted plans but the appellant's agent says that the fencing is about one metre high and this is consistent with the fencing I saw at the site visit. This fencing, comprising a galvanised wire mesh with timber posts every five metres or so, is very small in scale, mostly see-through and has a limited harmful effect on the openness of the Green Belt in visual and spatial terms.
13. In forming this judgement, I have borne in mind the conclusions of the inspector dealing with the 2019 appeal case mentioned above, but that involved a different context where the fencing and buildings were erected pursuant to equestrian use which were subject to the test of openness of the Green Belt.
14. Overall on this issue I find that while the proposed agricultural buildings are not inappropriate development in the Green Belt the proposed fencing would be because of the harm to openness albeit on a limited basis. This would be contrary to the guidance in the Framework as well as Local Plan Policy P2 which has linked provisions.

Effect on the landscape

15. The Council refers to the site forming part of the Wanborough Rolling Hilly Clayland landscape area which is generally a mixture of arable farmland and a network of hedges and woodland. The general form of this landscape allows some views of the Hogs Back within the Surrey Hills National Landscape (NL) (previously known as Area of Outstanding Natural Beauty).
16. The appeal site is one of a number of parcels of land that have been subdivided within a much larger field enclosed by woodland to the north and a hedgerow belt to the south. At my visit I noted that a number of the other parcels contain caravans, vehicles, sheds, surplus building materials and the like together with piles of junk and tipping. The subdivision of the land is the Council's justification for the Article 4 Direction.
17. The appeal site itself lies about 300m to the south of the edge of the NL, however the topography of the landscape and intervening woodland and trees means that there is little intervisibility between the NL and the area where the buildings are proposed. I am satisfied that the proposal would not harm the setting of the NL. Nevertheless, the local landscape around the appeal site still forms part of the Surrey Hills AGLV and this is a valued landscape as referred to in paragraph 180(a) of the Framework (174).
18. While the proposed buildings are small in scale and have appropriate external materials, given their remote siting away from woodland and other natural features or lawful development, they would be conspicuous at the centre of the overall field. This impact would be accentuated by the enclosure of the site by fencing. The buildings would not appear well assimilated in the landscape and would not be screened by indigenous landscaping. Such visual impact would be at odds with the intrinsic character and beauty of the countryside and this valued landscape which should be conserved in accordance with paragraph 180(b) of the Framework (174(b)).
19. Overall on this issue I find that the siting of the proposed buildings and fencing which subdivides the area would materially harm the open character and rural appearance of the local landscape and not maintain or enhance it. This would

be contrary to the provisions of the Framework and the general provision of Local Plan Policy D1 concerned with ensuring that new development responds well to distinct local landscape character. There would also be conflict with saved Policy RE13 of the Guildford Local Plan 2003 which sets out in part (2) that to be acceptable new agricultural buildings should be located with particular care to minimise their effect on the landscape and are not sited in a prominent or exposed location.

Planning and Green Belt balance

20. On the main issues I have found that while the proposed agricultural buildings would not be inappropriate development in the Green Belt, the boundary fencing would be as it would cause harm to the openness of the Green Belt. Although this visual and spatial harm would be limited it nevertheless has to be given substantial weight. The proposed buildings and fencing would also be sited in a remote and isolated position in this sensitive and valued landscape and this would harm the character and appearance of this area of open countryside. For the reasons set out above the proposal would conflict with the relevant parts of the development plan and national guidance.
21. To be balanced with this are other considerations. I recognise that there is support in the Framework for the development of the rural economy and agricultural plays an important role in that. There is also support for the growth and expansion of all types of rural businesses but particularly those that are land based.
22. However, this policy support is general in nature and has to be balanced with the need to protect the Green Belt and areas of countryside which are valued landscapes as well as the specific harm that I have identified. I conclude that the proposal does not accord with the provisions of the Framework when this is read as a whole.
23. Overall I find that the other considerations raised do not outweigh the harm to the Green Belt caused by inappropriate development and the harm to the landscape therefore very special circumstances do not arise in this case.
24. In terms of the development plan the other considerations put forward do not outweigh the conflict that has been identified and therefore the appeal should not be allowed.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR