



Appeal Decision

Site visit made on 26 February 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/Z3635/W/23/3327945

Land to rear of 37-51 Hithermoor Road, Stanwell Moor, Staines upon Thames, TW19 6AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Chloe Beach against the decision of Spelthorne Borough Council.
 - The application Ref is 22/01638/OUT.
 - The development proposed is demolition of existing glasshouses, polytunnels and existing structures and the erection of a new single storey office building and panel making sheds. Provision of new hardstanding to accommodate external storage racks, staff and visitor parking, and access route. Provision of hard and soft landscaping to include the creation of a nature park.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters except access reserved for future determination. Detailed plans were however submitted with the application, and I have taken these into account in my assessment below, whilst recognising scope for change within the context of the reserved matters.
3. The application was partly refused on the basis that insufficient evidence had been provided to demonstrate the scheme's effects in relation to noise and archaeology. Following the submission of further information with the appeal the Council has withdrawn its objections.
4. I am also dealing with another appeal by the same appellant made in relation to a separate site, reference APP/Z3635/W/23/3327951 (the related appeal). Insofar as it is relevant to my assessment below, the appellant's fencing business is currently located at the site subject of the related appeal.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate in the Green Belt;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area; and

- if the development would be inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

6. The site is located within the Metropolitan Green Belt. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 (the Local Plan) seeks to restrict development within the Green Belt subject to a range of exceptions. These are less broad than those set out within paragraphs 154 and 155 of the National Planning Policy Framework (the Framework). I shall take the latter into account within my assessment below.
7. The exception set out within paragraph 154(g)(bullet 1) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The western half of the site was previously in use as a small nursery, as continues to be evidenced by a number of derelict and overgrown greenhouses, and the eastern half appears to have been a field. The past relationship between the 2 parts of the site is unclear. A permanent change of use has not been previously authorised, and applications for this were dismissed at appeal in 2020 (the 2020 appeal). It therefore appears that the lawful use of the site is as agricultural land.
9. The appellant states that sales undertaken from the nursery mean that its past use should be reconsidered. In this regard it is common for small nurseries to sell plants that they have grown, and for such sales to be considered incidental. I have not been presented with any clear evidence that the former nursery operated any differently.
10. A range of shipping containers, sheds, and decrepit portacabins stand on site. There are large piles of what appears to be tipped waste, and numerous stacks of building and other materials. The site has been subdivided by fencing, and a combination of hard standing and wood chippings have been laid across eastern half of the site. A range of caravans, vehicles and machinery of different type were additionally scattered across the site at the time of my visit. The greenhouses are largely inaccessible. Exactly how and in what context the rest of the site is currently being used remains unclear.
11. Insofar as some of the above features have been introduced to the site since the nursery closed, the appellant claims that time elapsed should render them lawful. Air photos demonstrate that the site has been subject of change over an extended period, and some of the containers and portacabins appear to have also been present in 2020. However, it lies beyond the scope of this appeal to establish lawfulness, and the evidence before me remains insufficient to establish permanence or use. It does not otherwise indicate that the broader site should be considered as anything other than agricultural land. As the latter falls outside the definition of previously developed land, the appeal proposal

cannot benefit from the exception set out within paragraph 154(g)(bullet 1) of the Framework.

12. Nor can it benefit from the exception set out within paragraph 154(g)(bullet 2) of the Framework, for much the same reason. Bullet 2 is in any case irrelevant given that the appeal scheme would not involve the provision of affordable housing, even if the related appeal would.
13. It remains open to the appellant to separately seek a formal determination of lawfulness from the Council.
14. The appellant additionally claims that the exception set out in paragraph 154(e) of the Framework is applicable, which relates to limited infilling in villages. However, the site is bounded by residential development on its west side only. Though a recycling facility occupies land to the south and east, it is distinctly separated from the built-up area of Stanwell Moor. A yard to the north of the site is itself only very loosely related to development on the road frontage further to the north. Other land is open space. Indeed, aside from part of the access, the site is not spatially contained within the established built-up area of Stanwell Moor. As the development would not therefore be 'infill', the appeal proposal does not benefit from the exception set out in paragraph 154(e) of the Framework.
15. Having regard to the provisions of the Framework, the development would be inappropriate in the Green Belt, and would in this way conflict with saved Policy GB1. Inappropriate development is by definition harmful.

Openness

16. Despite resurfacing, subdivision, tipping and the presence of stacked materials, the majority of the site remains open. Within this context the derelict greenhouses occupy a large footprint. However, as these and other structures relating to the former nursery are buildings for agriculture, they are form of development which is not inappropriate within the Green Belt. Consequently, their effects on the openness of the Green Belt are implicitly acceptable. This leaves a relatively small area of space currently occupied by containers, portacabins and sheds whose lawfulness remains uncertain.
17. Both parties have taken space occupied by structures related to the former nursery into account in assessing the appeal scheme's effect on the openness of the Green Belt. I note that the Inspector in the 2020 appeal took a similar approach, albeit querying the precision of the figures given the condition of the greenhouses. The figures remain unreliable. However, it remains the case that given differences in acceptability, the effects on openness of a development which is not inappropriate are not directly comparable to those of a development which is inappropriate. I shall therefore consider the effects of the proposed development in their own right.
18. Based on the indicative plan roughly half the site would be used for stacking materials. These stacks would occupy space which is currently open. I observed such stacks at the site subject of the related appeal, where a combination of both the stacks and supporting racking occupied a considerable amount of space. Whilst layout and height remain to be fixed within the context of the reserved matters, and the volumes of stacked materials might be expected to fluctuate over time, the proposal would ultimately involve relocation of the

business. The existing operation thus provides a reasonable guide to the significant amount of space likely to be required and used. In addition to this, sheds, an office and parking would be provided on site.

19. Even were I to take account of the containers, sheds and portacabins introduced to the site since the nursery closed, the development would cover a larger area and be likely to occupy a greater volume of space.
20. The visual erosion of the openness of the site by buildings, parking and stacked materials would be apparent to anyone accessing the site, including customers.
21. Given the above, the development would spatially diminish the openness of the Green Belt, and this would be perceived visually. I therefore conclude that the development would cause significant harm to the openness of the Green Belt, further conflicting with saved Policy GB1.

Character and appearance

22. As outlined above, the site currently comprises an unattractive mix of elements, and has been partly derelict for many years. Given a high level of visual containment, external perception of the condition of the site is presumably limited. Nonetheless, the site does not complement the residential setting to the west, nor the small amount of surviving open land to the north.
23. The site's character has undergone significant change since it was in use as a nursery, and so too has its setting, particularly given establishment of the adjacent recycling facility. Based on the Inspector's assessment in the 2020 appeal, some change has also occurred since then. But even if setting aside changes to the site whose lawfulness is uncertain, and despite the fact that the site lies outside the built-up area of Stanwell Moor, the site lacks a rural character or the appearance of 'countryside'. I have been presented with no indication that anything would be likely to change if the appeal was dismissed.
24. Notwithstanding the identified effect on openness, the development as presented would see the site placed in better order. Provision of the nature park would provide an improved relationship with open land to the north, and housing to the west. The use of the remainder of the site would not be at odds with that of some surrounding land. That and the above being so, the development would have an acceptable effect.
25. For the reasons set out above I conclude that the development would not harm the character and appearance of the area. It would therefore comply with Policy EN1 of the Local Plan which amongst other things seeks to secure development that respects and makes a positive contribution to the character of the area in which they are situated.

Other Considerations

(a) Purposes

26. The appellant argues that the land does not perform well when assessed against the 5 purposes of including land within the Green Belt. This is a consideration set out within saved Policy GB1. It is however also taken into account, either explicitly or implicitly, in the classification of development as inappropriate or not inappropriate within the exceptions set out within the Framework. I have already addressed this matter above.

27. As also set out within the Framework, once established, there is no requirement for Green Belt boundaries to be reviewed. Where exceptional circumstances are fully evidenced and justified, proposals for changes should be made only through the plan-making process. It is beyond the scope of this appeal to determine whether the site's inclusion within the Green Belt is valid.
28. The fundamental aim of Green Belt policy remains to prevent urban sprawl by keeping land permanently open. Given the identified loss of openness the development would conflict with this aim. I cannot therefore attach any weight to the appellant's argument.

(b) Business and economy

29. The appellant's use of the site subject of the related appeal is largely unauthorised, and the Council has taken enforcement action. Relocation with the benefit of planning permission would place the business on a sounder footing. Any benefits that it contributes to the broader economy would thus be sustained. In this regard there appears to have been little change in the appellant's circumstances since the 2020 appeal.
30. Insofar as the appellant states that alternative options are limited, the figures presented show negligible change in the local availability of employment land since 2020. The appeal site is nearby, in the same ownership, and undoubtedly convenient. To what extent the appellant has spent the time since 2020 searching for alternative sites is indeed unclear. The economic evidence with which I have been presented is otherwise largely based on a range of assumptions and lacking in specific detail.
31. There nonetheless remains a need to resolve the above matters. Here I am mindful of the fact that the Framework states that significant weight should be placed on the need to support economic growth and productivity. I additionally recognise that the appeal site has supported employment in the past and could be beneficially returned to some productive use. This is therefore a consideration to which I attach significant weight.

(c) Public open space

32. The scheme has been presented as providing a publicly accessible nature park. But though this could be publicly beneficial, no means by which public use of the nature park would be appropriately secured has been set before me. I cannot therefore attach any weight to this consideration.

(d) Character and appearance

33. My findings above indicate the acceptability of the development in relation to the character and appearance of the surrounding area. However, they also establish the limited extent to which the site's current condition is perceptible from outside. Consequently, it is unlikely that any relative improvement in its condition would be broadly perceived. I therefore attach moderate weight to this consideration.

(e) Biodiversity

34. It is proposed to deliver an 86.44% net gain in biodiversity, well in excess of policy requirements. This would be chiefly achieved through the provision of the nature park. The level of any actual net gain would however remain to be

confirmed in clearance of the reserved matters. This is therefore a consideration to which I attach limited weight.

(f) Affordable housing

35. The appellant states that allowing relocation of the business would enable the site subject of the related appeal to be developed for affordable housing. However, I have been provided with no means by which the delivery of affordable housing would be securely linked to relocation. There is therefore no certainty that the delivery of affordable housing would in fact occur if the business relocated. The related appeal otherwise stands to be assessed on its own merits. I cannot therefore attach any weight to this consideration.

Planning Balance and Conclusion

36. The development would be inappropriate in the Green Belt, causing significant harm to its openness. I attach substantial weight to the overall harm that would be caused to the Green Belt.
37. The other considerations advanced in favour of the development collectively attract significant weight in its favour. These other considerations do not however clearly outweigh harm by reason of inappropriateness, and any other harm, or therefore demonstrate the existence of the very special circumstances necessary to justify approval.
38. The appeal scheme conflicts with the development plan, and there are no considerations which alter or outweigh this finding. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR