



Appeal Decision

Site visit made on 20 May 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 JUNE 2024

Appeal Ref: APP/Y3615/W/23/3334533

Grove Fruit Farm, Epsom Road, West Horsley, Surrey KT24 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Hewitt against the decision of Guildford Borough Council.
 - The application Ref is 23/P/00306.
 - The development proposed is the change of use of land from agricultural to a recreational use for glamping including the positioning of two glamping pods and associated washroom buildings with access from Epsom Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part of the proposal, one glamping pod and washroom, has been carried out and this part of the site is in use. Car parking shown in the plans also already exists. Vehicular access from Epsom Road and a track is historic development.
3. In December 2023 the Government published a revised National Planning Policy Framework (NPPF), including updated paragraph or footnote numbers.

Background and Main Issues

4. The site is in the Green Belt, in countryside near the Surrey Hills National Landscape¹ and in an Area of Great Landscape Value. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, including its effect on openness, having regard to local and national planning policy;
 - its effect on the Surrey Hills National Landscape and the Area of Great Landscape Value; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

5. The development plan is the Guildford Borough Local Plan Strategy and Sites April 2019 (LPSS), the Guildford Borough Local Plan Development Management Policies March 2023 (LPDMP) and the West Horsley Neighbourhood Plan December 2018 (NP). The definitions in LPSS Policy P2(2) are not relevant in

¹ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty

this case. LPSS Policy P2 otherwise applies national Green Belt policy (including material changes in the use of land by virtue of P(3)) consistent with objectives in NPPF paragraphs 152 to 155 to protect openness of the Green Belt, which is an essential characteristic of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Whether inappropriate development

6. The existing pod is a steel frame geodesic dome about 4m tall and 6m in diameter with a silver/grey opaque fabric covering and transparent plastic window panel and skylights. The single internal space includes floorboards and is furnished with fixtures and fittings including a double bed and kitchen area with appliances, heating and lighting. A detached washroom (shower, toilet and hand washbasin) has galvanised sheet steel elevations and a flat roof. These are connected by a timber deck walkway, which also links to associated facilities including an outdoor fire pit with seating area and a jacuzzi hot tub with burner. An outdoor table with chairs and what was likely a covered BBQ unit were also present. This part of the site is part of a wild grass field with mown pathways. The proposed pod and washroom would essentially be the same but in a different part of the site.
7. There is no evidence that the existing pod and washroom were placed on the site or without suitable foundations, or that the proposed pod or washroom would be any different in these regards. While these structures could be dismantled and removed from the site then brought back and reassembled, there is no evidence that this is actually what has happened, is now intended or that it would be 'easy' to do. It would plainly involve a lot of work and disruption to remove the pods or washrooms, as well as the associated facilities, including transport to and from the site. Accordingly, this suggestion is little more than speculation or assertion.
8. In the absence of any evidence to the contrary, at least the pods and washrooms need to be erected on the site with a commensurate innate degree of permanence, as well as in the use of the land, even if unoccupied between guests or (despite no suggestion) for certain periods of the year. Therefore, at least each pod and washroom is a building and this development involves a material change in the use of land. By definition the construction of new buildings is inappropriate development in the Green Belt, unless within a relevant exception in LPSS Policy P2 and NPPF paragraph 154. Furthermore, a material change in the use of land is not inappropriate development in the Green Belt provided it is within a relevant exception in LPSS Policy P2 and NPPF paragraph 155.
9. None of the proposal is required for an outdoor sport. But there is no apparent reason why this short stay accommodation for leisure or relaxation purposes is not an appropriate facility for this form of outdoor recreation; whether to enjoy the rural tranquillity of the immediate environs of the site or to experience the wider area, including for tourism. Even if operated as a holiday business year round, LPSS Policy P2 and the NPPF do not distinguish between development for permanent or temporary buildings or uses in the Green Belt in this respect. That said, there is already development on the site where there was none, and there would be further development where there is none, but change is permissible in the Green Belt and not in itself a determining factor.

10. The shape, colour and size of the existing pod has an unusual and unexpected visual and spatial presence. Nevertheless, in my view, innovative contemporary design is not unacceptable per se in the Green Belt. In this case the pod nestles tight into a corner of the field against a backdrop of taller, dense field boundary conifer planting that flank it in rows on two sides. The much smaller and conventional shape and materials of the washroom is largely unseen behind the pod, partly inset into this planting.
11. The rest of the facilities are arranged in front of the pod but over a small proportion of the site. They are not extensive in size or layout or unduly intrusive above ground level, including from distance because of the taller surrounding uncut grass. The other boundaries of the rest of the field are well-established tall, dense hedgerow or tree belts. This strong means of enclosure gives a profound sense of containment to this part of the site with a discrete and limited immediate setting to the pod. The pod is suitable for two people so activity is inherently limited in scope and low key in nature, including cars and traffic to and from the parking area.
12. Consequently, the change to this part of the Green Belt due to the existing development on this part of the site has no adverse impact on the openness of the Green Belt. Openness would therefore be preserved and this development is not encroachment in the countryside.
13. Though not far away, the proposed development would be in a different field on the other, outer side of one of the rows of conifer planting. The pod and washroom would be more centrally sited against this backdrop, not in a corner, and further away from it, so protrude into this field next to an open boundary on the west side (a post and wire fence) facing a similar boundary to the north. With the other facilities, this pod and washroom would take up more of this smaller field, so a larger proportion of this part of the site. Comparing the proposed block and floor plans shows that the firepit, seating area and some of the decking, if not also the hot tub and burner, would be located beyond the red line of the site so impinge into another adjoining field².
14. As a result, this development would be significantly less enclosed and contained, so have notably greater apparent visual and spatial intrusion. This would be accentuated by siting on higher ground in relation to some lower lying surrounding land, giving it a substantially more open aspect in relation to the expanse of fields in a large arc to the west through to the north with clear separation from any of the commercial, residential or rural buildings in this part of the Green Belt. Even the smaller associated facilities would be more intrusive because of this topography, as well as that the grass beyond this part of the site is cut or grazed much shorter as pony paddocks. It can, therefore, be clearly distinguished from the existing development in these respects.
15. Consequently, the change to this part of the Green Belt due to the proposed development on this part of the site would have an adverse impact on the openness of the Green Belt, so openness would not be preserved and it would be encroachment in the countryside. The appellant's indicative landscaping scheme (with details that could be approved by a condition) could eventually establish more robust boundaries to this part of the site. However, this would not alleviate this incursion on this part of the Green Belt or alter the underlying innate impact on the Green Belt which would still be present.

² Drawing numbers 22225 P01 Rev A and 22225 P100 Rev A

16. Taking account of all the above, I find that the existing development meets the exceptions at NPPF paragraphs 154 b) and 155 e). This part of the proposal is, therefore, not inappropriate development in the Green Belt and by definition not harmful to the Green Belt. Nor is it in conflict with the relevant (or any) purpose of including land in the Green Belt, in this case set out in NPPF paragraph 143 c). However, the proposed development would not preserve the openness of the Green Belt and conflict with this same purpose of including land within it, so this part of the proposal fails to meet either of these exceptions. It would be inappropriate development in the Green Belt and by definition harmful to the Green Belt. Accordingly, the existing development complies with LPSS Policy P2 but the proposed development does not.

Surrey Hills National Landscape (SHNL) and Area of Great Landscape Value (AGLV)

17. The SHNL is an area with the highest status of protection in relation to landscape and scenic beauty. This part includes a patchwork of woodland and pockets of fields in a broadly flat, though in places gently rolling countryside.
18. The site is not in the SHNL and there is a large undeveloped gap between the closest edge of it to the site, with intervening dense boundary hedgerows or wide tree belts. The appellant's photographs from public viewpoints in the SHNL are uncontested by the Council. These show no view of the site or the existing pod. The Council has not referred to any specific views from, or across, the SHNL, not even private views. There is therefore no apparent substance to the Council's, or interested parties', generalised assertions that the existing pod 'can be seen' from the SHNL or that the proposed pod would be 'clearly visible' from the SHNL. On this basis, none of the development in this appeal would have any material, or any, direct or indirect visual or spatial interaction with countryside in the SHNL.
19. The site is in the AGLV, which at this point is a buffer beyond the SHNL in a wide swathe of countryside along the southern edge of Epsom Road. This designated valued landscape exhibits some features similar to the SHNL, but in the main this part of it has a more developed character and appearance, especially in-depth behind parts of the road frontage. This includes the buildings north of the site and those to the west where some wrap around the site to the south, beyond a belt of trees. The appellant's photographs from public viewpoints in the AGLV are also uncontested by the Council. No specific views have been suggested by the Council so there is no substance to its, or interested parties, assertion that the existing pod can be seen from the AGLV (other than by people using it).
20. However, as the photographs also show, the part of the site for the proposed development can be seen from a short section of the pavements either side of Epsom Road, in the vicinity of the access to the commercial buildings. Albeit localised and fairly distant, this is nonetheless a largely uninterrupted vista over intervening lower land which then rises towards this part of the site. That the pod and washroom would jut out in front of the conifer planting, with an open aspect facing towards the road, would be evident. Though experienced from the environs of buildings in the foreground either side, and the road corridor, the proposed development would be too far back to form part of this immediate context. Instead, it would result in built form in this direction where the landscape, not buildings, currently prevails. This view is from outside the AGLV but next to the boundary and across this part of it.

21. The appellant submitted a Light Impact Assessment (LIA) with the appeal. The Council did not comment on the LIA and has provided no objective evidence to sustain its claim that use of both Pods would result in light pollution, especially in dark winter months, nor has any interested party.
22. A blackout material lines the inside of the existing pod and can be used at night over the window panel. Subject to it also being used for the skylights and no change to the intensity of internal illumination, permanent impacts from the existing pod cause negligible change, including to human receptors (eg the living conditions of existing occupiers of the nearby dwellings), ecological receptors (eg bats) and the dark night sky; with neutral or no significant residual effects. These mitigation measures could be secured by a condition, including details of the lighting strategy outlined in the LIA. It is intended to implement the same measures for the proposed pod which, broadly speaking, would result in the same or similar outcomes in these regards.
23. That is not, though, the same as that the proposed development would have no light signature in the countryside. There are artificial light sources in this part of it at the existing buildings or properties, including as shown in the LIA photographs. There is no evidence that these can be observed together with internal lighting in the existing pod. Nor is there any suggestion of fixed external lighting on that part of the site and none is proposed for either pod. The possibility of such lighting being established at the site could be controlled by a condition.
24. However, it is at least possible that to use the associated facilities in hours of darkness guests could use outdoor lanterns, or similar, or leave the pod window panel uncovered to benefit from cast internal artificial light. A condition to prevent this would be unreasonable and unenforceable, including that it would unduly detract from the use of these facilities. At the existing pod, such illumination would face away from these other light sources. But at the proposed pod it would face in the other direction, including towards these light sources and Epsom Road. Even if this did not result in light spill beyond the site, it could therefore be observed as an additional light source on this part of the site. This would increase the presence of light pollution in this particular direction and pocket of countryside where there is presently little or none.
25. The appellant's indicative landscape scheme is mainly intended to hide the proposed development from public or private view. However, this would take many years to achieve, so meantime not alleviate the adverse effect of this development on the character and appearance of the countryside. It would also establish a small field where there is no planted field boundary at present, out of kilter with the established pattern of such features in this part of the AGLV. New landscaping should in any event seek to enhance new development, not screen that which would be fundamentally unacceptable to begin with.
26. Considering all the above, I find that while the previously undeveloped condition of part of the site occupied by the existing development would make a small contribution to protecting countryside near the SHNL and in the AGLV, this development does not have an adverse effect on the landscape and scenic beauty of the SHNL, so conserves these features of the SHNL overall and maintains its setting. Nor does it have an unacceptable effect on the character or appearance of the AGLV. However, albeit in a small way the proposed development would not be sensitively located or designed to avoid or minimise

adverse impacts on the SHNL, in this case by eroding its countryside setting which in this way would undermine the integrity of the SHNL. It would also not protect the AGLV or recognise the intrinsic character and beauty of the countryside.

27. Accordingly, the existing development is not in conflict with LPSS Policy P1, LPDMP Policy D12 and NP Policy WH15 but the proposed development and this part of the proposal does conflict with these policies. They include that development in the AGLV should protect the setting of the SHNL and not harm the distinctive character of the AGLV itself, including with regard to adverse impact of obtrusive light.

Other considerations

28. Alleged compliance with LPSS Policy P2 and NPPF paragraphs 154 or 155 is pertinent to the first main issue above, not a very special circumstance.
29. Subject to Green Belt and other relevant development plan policies, the principle of the proposal is supported by LPSS Policies E5 and E6 for growth and expansion of business uses in rural areas, including tourism and leisure. These policies are consistent with objectives of the NPPF to support the rural economy with all types of businesses, including rural tourism and leisure, and for outdoor recreation in Green Belts. Though important, two pods would make a small contribution in these respects so these considerations have modest weight in support of the proposal.
30. While the last lawful use of the site was as, or part of, a fruit farm, it is a 'former' or 'previous' use. Albeit that this use was not viable, there is no objective evidence that the proposal supports or diversifies an existing agricultural business. There is no apparent reason why the proposal is necessary to achieve, or would result in, enhancement of the site beyond its natural state as countryside. These considerations do not, therefore, add weight to the proposal.
31. There is no objective evidence that the nature or scale of the proposal would materially affect the living conditions of occupiers of existing dwellings. The Council has other powers to control statutory nuisance. Nor would it adversely affect any trees or ecology on the site. It would be energy efficient and subject to conditions have sufficient car parking and cause no unacceptable increase in traffic generation or materially affect use or safety of the access. The Council did not object to the proposal for any of these reasons. The absence of harm in these respects is a neutral factor in my decision.

Green Belt Balance

32. The proposed development is inappropriate development in the Green Belt, contrary to local and national policy to protect the Green Belt. This harm to the Green Belt has substantial weight against the proposal. It would also result in harm to countryside in the setting of the SHNL and to the character and appearance of countryside in the AGLV, each of which has significant weight against the proposal. Accordingly, the other considerations outlined above would not individually or collectively clearly outweigh the harm to the Green Belt due to inappropriateness and this other harm. Consequently, very special circumstances to justify the proposal do not exist.

Other Matters

33. The site is in a 5km-7km zone from a boundary of the Thames Basin Heaths Special Protection Area (SPA). This European site is protected due to habitat and species important for nature conservation. However, as I intend to dismiss the appeal for other reasons, even if the proposal did not adversely affect the integrity of the SPA there is no need for me to consider this matter any further. This is because it would not affect my decision or therefore alter the outcome of the appeal.

Conclusion

34. The proposed development, so the proposal overall as pursued in this appeal, conflicts with the development plan. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR