



Appeal Decision

Site visit made on 11 June 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/Q3630/W/23/3324295

Padd Farm, Hurst Lane, Egham TW20 8QJ

- 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 D Dwyer (PHD Access Limited) against the decision of Runnymede Borough Council.
 - The application Ref is RU.21/1167.
 - The development proposed is the erection of 2 new buildings, the retention of 1 x residential dwelling and the refurbishment of 2 existing buildings to be used as offices, a training centre and fabrication bays as part of the applicant's corporate headquarters following the demolition of all remaining buildings on site. Refurbishment and decontamination of existing site and creation of open grassed area with an area of landscaped open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development proposed has been taken from the Council's decision notice as it provides a more accurate description of the development outlined within the submitted documents.
3. The Council indicate that the development is part retrospective and I saw during my site visit that the appeal site was being used for commercial purposes with vehicular movements, employees on site and extensive outdoor storage. Furthermore, some of the existing buildings outlined within the site plan had been demolished. However, the development proposed had not been commenced. Therefore, I will consider the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

5. The appeal site, located in the Green Belt, is occupied by a number of buildings located on the northern part of the site. These were previously in agricultural use and now appear to be used for industrial/commercial purposes. There are also two residential dwellings with associated outbuildings. Two entrance gates from Hurst Lane provide access to this northern part of the site. There is a significant amount of hardstanding surrounding these buildings which is currently used for vehicle parking and outdoor storage. There is also a separate area of hardstanding to the east of the main cluster of buildings, used for similar purposes, which the appellant indicates does not form part of the lawful hardstanding on the site. The southern part of the site, separated from the north by an earth bund, is a large area of agricultural grassland which is currently open and unused.
6. The proposed development includes the demolition of some existing buildings on the appeal site, the retention of one residential dwelling, the refurbishment of two existing buildings and the erection of two new buildings. The buildings and hardstanding within the northern part of the site are to be used for commercial purposes and the southern part of the site will be remediated and remain as natural open space, including a recreation area open to staff and visitors.
7. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Under the first section of paragraph 154 (g), these exceptions include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continued use which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the appeal site is previously developed land and the proposal would therefore fall under this exception.
8. Policy EE19 of the Runnymede 2030 Local Plan (the LP) 2020, which the Council cite conflict with, states that proposed for changes of use of land in the green belt may not be inappropriate development per se but the change of use should have no greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use.
9. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
10. The appellant has indicated that the proposed development would result in over a 30% reduction in the footprint of built form on the appeal site with the volume of the proposed buildings approximately the same as existing. There would also be a 25m² reduction in the amount of hardstanding on the site. As such, the proposed development would not have a spatial impact on the openness of the Green Belt.
11. However, the two new buildings on the appeal site would be considerably greater in height and mass than the buildings which they would replace. Whilst the large scale of these buildings may be necessary for the proposed use, their bulky appearance, due to the use of a flat roof and the industrial design, would have a significantly greater impact on the visual openness of the Green Belt than the collection of individually smaller agricultural buildings which they

would replace. Furthermore, although there would be an overall reduction in the level of hardstanding on the appeal site, this would extend further to the east of the site than the existing lawful area of hardstanding. The use of this hardstanding for the significant levels of outdoor storage proposed, including operational equipment, machinery, pallets and commercial vehicles, would also have a greater impact on the openness of the Green Belt than the previous agricultural use of the appeal site. This would also have a considerable visual impact on the openness of the Green Belt.

12. Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings.
13. For this reason, the Council have excluded the existing buildings on the appeal site which have an agricultural use in their assessment of the proposed development. The appellant contends that the site has a mixed use, of agricultural and industrial, and therefore it has been established that the appeal site is previously developed land. Nevertheless, even if I were to conclude that the appeal site constitutes previously developed land, due to the harm to openness it would not fall under the exception in paragraph 154 (g) of the Framework and would not comply with Policy EE19 of the LP as outlined previously.
14. The development would therefore be inappropriate development within the Green Belt. This is harmful to the Green Belt which, in accordance with paragraph 153 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

15. The appellant has indicated that the proposed development would retain the commercial use of the site and create employment opportunities for over 50 employees including an apprenticeship scheme for 10 candidates each year. Other economic benefits from the proposed development include employment during the construction period, the payment of community infrastructure levy and business rates and the direct and indirect expenditure from employees and visitors in the local area. It is noted that Paragraph 85 of the Framework states that significant weight should be placed on the need to support economic growth and productivity. The appellant has outlined a deficit in the Council's industrial floorspace and the economic and employment benefits outlined above are clear. However, no information has been provided to demonstrate that alternative sites outside of the green belt have been considered and I see no reason why such benefits could not be achieved in an alternative location in the borough. Therefore, I can only afford these employment and economic benefits limited weight.
16. The appellant states that the proposed development will aid the company's research and development activities to produce solar panel integrated equipment for itself and others to use on construction sites. They also detail the development of structural frames for electric car parking stacking systems using low carbon production methods. Whilst such innovations would support the growth of electric car use and carbon emission reductions, there are no

guarantees that these projects will come to fruition or evidence highlighting that the appeal site is paramount to their development. Therefore, these sustainability and energy efficiency benefits are given limited weight.

17. The proposed development includes the remediation of contamination and restoration works, which the appellant claims represents substantial environmental benefits. The site is known to have been a former landfill site and potentially significant sources of contamination have been identified which could pollute the site and surrounding areas. However, a detailed ground investigation has not been carried out and the scope of works for remediation are unknown. Furthermore, whilst it may be difficult to enforce decontamination works outside of the planning process, I see no evidence to suggest that these works could not be undertaken alongside a development that does not harm the openness of the Green Belt. Nevertheless, due to the likelihood of significant sources of contamination, the remediation and restoration benefits to the appeal site are given significant weight in favour of the appeal proposal.
18. The southern part of the site would remain as undeveloped open space with a section to be open to staff and the public for recreational use, with additional planting between this and the northern commercial section. The southern part of the site does not appear to be open to the public, being previously used as agricultural land and therefore this access would benefit local residents who wish to use the site for recreation. A management strategy has been submitted outlining the layout of the site and how this area would be managed. However, there is limited information regarding the specific landscaping details. Along with the landscaping details, the continued management of the land and its use as public open space would also need to be secured via a condition or planning obligation. No details of how this would be done have been submitted as part of the appeal. Nevertheless, the provision of this open space for recreational purposes is given moderate weight in favour of the appeal proposal.
19. The appellant has stated that the provision of an area of natural green space, as detailed above, would provide opportunities for significant ecological enhancement. A statement submitted by the appellant calculates that the proposed development would achieve an overall biodiversity net gain of 10.98% for area habitats, 13.19% for linear habitats and 12.39% for riverine habitats through various habitat creations and enhancements. No details have been provided as to where these habitats would be located on the appeal site, how they would be implemented and maintained and how this would be secured. Therefore, the biodiversity benefits are given moderate weight in favour of the appeal proposal.
20. Part of the appeal site is located within flood zone 2 where there would be a reduction of built form and hardstanding and improved surface water drainage. The flood risk assessment indicates that the proposal would therefore provide a betterment in terms of surface water run off from the site. Nevertheless, the proposal would still likely introduce additional staff and activity to the part of the appeal site categorised as flood zone 2, particularly within and around the refurbished buildings H and I. Therefore, the benefits to flood risk are only given moderate weight in favour of the appeal proposal.
21. Finally, the appellants submit that the proposed development would improve the spatial character of the appeal site by re-using existing hardstanding and

removing multiple buildings. Additional landscaping between the appeal site and the road would also be implemented to provide additional screening for local residents along with the removal of buildings and hardstanding closest to the road. Furthermore, the western gate, closest to the neighbouring properties, is to be closed off to commercial traffic. These features, to improve the character and appearance of the site and reduce the impact on the living conditions of the occupiers of the neighbouring dwellings, would be beneficial. However, they would largely be implemented to reduce the impact of the use of the site for commercial purposes. Therefore, these benefits are largely neutral and would be afforded limited weight.

Green Belt Balance

22. The proposed development would be inappropriate development in the Green Belt in that it would result in new buildings within the Green Belt which do not fall under any of the listed exceptions. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. Whilst they are cumulatively afforded significant weight, I find that the other considerations in this case do not clearly outweigh the substantial harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the development conflicts with Policy EE19 of the LP which seeks to protect the Green Belt, along with paragraphs 152, 153 and 154 of the Framework.

Other Matters

24. The extensive history of the appeal site and the status of a second planning application¹, for similar works to the proposed development, are noted. However, these factors have no bearing on my consideration of this appeal and have not been determinative in my decision.
25. A Habitats Regulation Assessment (HRA) carried out by the appellant indicates the following European Sites within 10km of the proposed development: South-West London Waterbodies Special Protection Area (SPA) and Ramsar Site, the Windsor Forest and Great Park Special Area of Conservation (SAC), the Thursley, Ash, Pirbright and Chobham SAC and the Thames Basin Heaths SPA. This HRA identifies a number of potential impact pathways from the appeal proposal to each of these European Sites. However, the Council state that given the scale and nature of the development and the distance to the sites, it would not have a negative impact.
26. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall

¹ RU.23/0510

conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

27. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR