



Appeal Decision

Site visit made on 13 September 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/D3640/W/24/3340747

Plot 3, Land West of Bullhousen Farm off Shaftsbury Road, Bisley, Woking, Surrey GU24 9EW

- 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 Ewanm Vosloo against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0672/FFU.
 - The development proposed is described as 'The construction of welfare facilities set inside an existing steel framed barn including toilets, shower room, office, kitchenette and rest room. The construction of an external patio, vehicle access and parking area - all for the welfare of the staff team who will work on the farm. The installation of solar panels on the barn roof, generating electrical power for the facilities. Installation of an underground sewage treatment plant to treat foul/waste.'
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Decision

1. The appeal is allowed and planning permission is granted for works described in the banner heading above at Plot 3 Land West of Bullhousen Farm off Shaftsbury Road, Bisley, Woking, Surrey GU24 9EW, in accordance with the terms of the application, Ref 23/0672/FFU, subject to the conditions set out in the schedule below.

Preliminary Matters

2. The description of development used above is taken from the planning application form. While its wording is extensive, it is nonetheless the description of development for which the appellant applied and there is not evidence before me to suggest that a change to the wording was otherwise agreed.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, this decision refers to the version of the Framework published in December 2023, unless it is stated otherwise.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and;
- Effects on the character and appearance of the area.

Reasons

Whether Inappropriate

5. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, but lists exceptions in paragraph 154. Paragraph 155 lists other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
7. One such exception to inappropriate development set out in paragraph 154 of the Framework is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. The proposed alterations to the barn would not increase its size. Even if the solar panels were to have a slight projection above the roof slopes, they would not amount to disproportionate additions. As such, the works to the barn would conform to this exception and would not be inappropriate development. Accordingly, these parts of the proposal should not be regarded as either harmful to the openness of the Green Belt or to the purposes of including land within it¹.
8. Works are also proposed beyond the building itself, including laying of a parking area with associated access, and a paved patio area. In its committee report the Council referred to these as engineering operations and there is no suggestion that they should be considered otherwise. The underground sewer treatment plant could also be considered as such. Paragraph 155 of the Framework includes engineering operations in one of the other forms of development which are not inappropriate in the Green Belt, provided that it preserves the Green Belt's openness and does not conflict with the purposes of including land within it.
9. The immediate area comprises parcels of open land bound by hedgerows and tree belts, which contribute strongly to the spatial and visual aspects of the Green Belt's openness. The existing barn sits at the southern side of an open area of land used for growing trees, which can be appreciated from the nearby public footpath. The barn is bound by dense hedgerows to the south east and north, which limit visibility from those directions. I observed during my site visit that there is existing paraphernalia surrounding the barn including parked vehicles, building materials, a small poly tunnel and external seating. As a consequence there is a lesser sense of openness in this part of the site.

¹ Lee Valley Regional Park Authority v Epping Forest District Council [2015] EWHC 1471 (Admin) and Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev1) [2016] EWCA Civ 404

10. The sewage plant is shown to be underground, and would not impact the Green Belt's openness. The patio area, car parking area and associated access would be laid at the ground level, and the physical works themselves would preserve the openness of the Green Belt. However, they would facilitate vehicle parking and placing of external seating and paraphernalia as may be required by workers, which could have effects on openness.
11. Nonetheless, as above, this part of the site is already used for parking of vehicles and paraphernalia in connection with the use of the land and the barn. Given the proposal would not alter the use of the land, I see no reason why the proposal would necessarily intensify the use of the outdoor seating or parking areas beyond the existing. Overall, given the existing circumstances the proposed external works would preserve the openness of the Green Belt and would not conflict with the Green Belt's purposes. Those works would consequently not be inappropriate development.
12. In conclusion on this main issue, the proposal would not be inappropriate development in the Green Belt, and would not conflict with the objectives of the Framework in this respect. In respect of the Green Belt issue, I do not find conflict with policies DM1 or DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (the CS and DMPD) which refer to the rural economy and design principles.
13. As a consequence of this conclusion, it is not necessary to consider whether other considerations exist so as to amount to very special circumstances required to justify the proposal, as set out in paragraph 153 of the Framework.

Character and Appearance

14. The appeal site is in a rural location to the west of Bisley. As described above, the openness of the fields, and their dissection by verdant belts of trees and hedgerows contribute strongly to the distinctively rural character of the area. This character is particularly appreciated from the public footpath adjacent to the site. There are clusters of agricultural style buildings peppered across the area, including those around Bullhousen Farm to the east, and further along the track to the northwest. The existing barn on the appeal site has a functional and typically agricultural appearance, comprising plain metal clad elevations and a simple pitched roof form.
15. The proposal would introduce more domestic paraphernalia to the site, particularly the new windows and doors and paved patio area. While these elements would be somewhat at odds with the character of the building and its rural setting, they would be set to its northern edge, away from the public footpath and enclosed by dense hedgerows which would severely limit their visibility from the surrounding area. Some visibility of the new first floor windows may occur from the public footpath further to the east, however, given their scale they alone would not cause visual harm. More light may be immitted from the building in dark hours as a result of the new windows, however, the effects are unlikely to be significant given the scale of the existing roof lights and the location of the new windows. In very localised views, the proposal would constitute an enhancement to the character of the area through consolidating the existing paraphernalia in this part of the site.
16. While the coverage of the southern roof slope by solar panels would be substantial, these would not appear at odds with the functional appearance of

the building. The parking area and access would also integrate with the character of the area, and are not uncharacteristic features in an agricultural setting.

17. In conclusion on this main issue, for the reasons given, the proposal would not cause harm to the character or appearance of the area. The proposal would comply with policies DM1 and DM9 of the CS and DMPD which require, among other things, that development is appropriate to its location and the character of the environment.

Other Matters

18. The Council and third parties have raised concerns for the use of the building and whether the alterations would be ancillary to the existing land use. I am required to assess the proposal which is before me, for which the description of development is clear that the works would provide welfare facilities for use by staff of the farm. The appellant has explained within the evidence that the use of the site is for the growing and harvesting of Christmas trees for sale elsewhere, and has detailed the levels of staffing required, which increases in the later months of the year. I have no strong reason to doubt the appellant's assertions that the proposal would serve this purpose and be ancillary to the existing use of the site. It is not therefore necessary to consider this matter further. Neither am I aware of any development plan policy or planning reason which would require me to consider whether there is a need for the proposed facilities. Whether or not another local Christmas tree farm provides comparable welfare facilities, and the efficiency of the proposed solar panels, would not amount to reasons to refuse planning permission given the proposal has been found to comply with the development plan.
19. I have had regard to the provisions of the General Permitted Development Order and the conditions of the prior approval under which I understand the existing building was constructed. As above, and based on the description of development before me, the proposal would not necessarily cause a breach of those conditions. If any future issues were to arise relating to the use of the site or a potential breach of planning control, these would be matters for the Council to investigate accordingly.
20. Concerns are raised for the impacts of the development on the nearby public footpath, although the Council accepts this did not form a reason for refusal. There are clearly existing highway safety concerns here as reported by third parties. However, even if the formalising of the welfare and office facilities did result in some additional traffic movements, there is not evidence to support that the proposal would unacceptably exacerbate existing conditions or create unacceptable effects on the public footpath or the local highway. I note the objection of the Highways Authority was withdrawn following the submission of further details of the site's operations and I have no strong reason to reach a different view. Issues relating to the right of access over the track are a matter for the relevant parties, and do not amount to a reason to withhold planning permission.
21. Bullhausen Farmhouse is a grade II listed building a short distance from the appeal site and the surrounding rural character and agricultural uses form a part of its setting. For the reasons given above, the proposal would not detract from those attributes and its setting would be preserved. There is not evidence

to support that the proposal would cause damage to the building as a result of passing vehicles.

22. The appeal site lies within the buffer zone of the Thames Heaths Special Protection Area (SPA). However, given the nature of the proposal, providing ancillary welfare facilities to an established use, and based on the evidence before me, it would not give rise to likely significant effects on the qualifying features of the SPA.
23. I have had regard to the other issues raised by third parties, which include, but are not limited to, arrangements for waste, damage to trees adjacent to the track, and protected species including bats. These matters are addressed within the Council's committee report and I have no strong reason to reach a different view on those matters based on the information before me. Issues relating to previous activities on the site, and the use of pesticides, are not matters which fall to be considered as part of this appeal. While there were some inaccuracies among the application documents, I am satisfied that the information provided has been adequate for the determination of the appeal.

Conditions

24. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
25. In the interests of visual amenity, final details of the solar panels would be necessary prior to their installation. To ensure biodiversity enhancements are provided in accordance with the development plan policy, they should also be secured by condition.
26. As new planting is not proposed, and as the adjacent hedgerow is shown to be outside the scope of the appeal site, it is not necessary to condition soft landscaping details. The submitted plans adequately annotate the surface for the parking area and access and further details of hard landscaping are not required. Given the scale of the wastewater treatment plant, and the annotations on the approved plans, further details are similarly not necessary. As there is adequate space within the building and its environs for cycle parking, a condition requiring further details would also not meet the test of necessity. Given the scale of the proposed development, and in the absence of further evidence on this matter, I do not find a Construction Environmental Management Plan or tree protection measures would be necessary to make the development acceptable.
27. Two further conditions have been suggested, preventing a retail use and restricting the number of employees. However, as above, the considerations of this appeal are limited to the development for which the appellant has applied. Such planning conditions restricting the existing use would not meet the tests of reasonableness or necessity for this proposal.

Conclusion

28. For the reasons given, the proposal would comply with the development plan and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan, 2670.P.2002 Rev 0, 2670.P.2003 Rev 0, 2670.P.1001 Rev 0, 2670.P.1002 Rev 0, 2670.P.1004 Rev 0, 2670.P.10000 Rev 0, 2670.P.10001 Rev 0.
- 3) Prior to the first installation of any solar panels, details of their appearance, including a section to show their projection from the roofslope, shall be submitted to, and approved in writing by the local planning authority. The solar panels shall be installed and maintained only in accordance with the approved details.
- 4) Within 6 months of the first use of the facilities hereby approved, biodiversity enhancements shall be installed to the site in accordance with details which have first been submitted to, and approved in writing by, the local planning authority.

End of Schedule