



Appeal Decisions

Site visit made on 9 October 2024

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2024

Appeal A Ref: APP/M3645/C/23/3314281

Land at Barnfield, War Coppice Road, Caterham CR3 6AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs T Tickner (Stak Scaffolding Ltd) against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice, numbered ENF/2022/253A, was issued on 25 November 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the area shaded in blue on the attached plan from agricultural land, to use for the parking, storage and distribution of vehicles, trailers, vehicle parts, containers, racks, chairs and other non-agricultural materials and portable toilets (sui generis).
 - The requirements of the notice are: (i) Cease the use of the land shaded blue on the attached plan for the parking, storage and distribution of vehicles, trailers, vehicle parts, containers, racks, chairs and other non-agricultural materials and portable toilets; and (ii) Permanently remove from the land all parked and stored vehicles, trailers, vehicle parts, containers, racks, chairs and other non agricultural materials, and portable toilets.
 - The period for compliance with the requirements is 6 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/M3645/C/23/3314282

Land at Barnfield, War Coppice Road, Caterham CR3 6AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs T Tickner (Stak Scaffolding Ltd) against an enforcement notice issued by Tandridge District Council.
 - The enforcement notice, numbered ENF/2022/253B, was issued on 25 November 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a hard surface in the approximate area shaded blue on the attached plan.
 - The requirements of the notice are: (i) Excavate all hardstanding material in the area shaded blue on the attached plan to a depth where all pre-existing earth prior to the formation of the hardstanding is exposed; (ii) On completion of step (i) above, regrade the land to match the profile of the adjoining land to the north, east and south and reseed the land with a native species grass mix; and (iii) Remove the material arising from compliance with 5(i) above to an authorised place of disposal.
 - The period for compliance with the requirements is 7 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decisions in Relation to Appeal A and Appeal B

1. The appeals are dismissed and the enforcement notices are upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The two appeals before me are inextricably linked, with one relating to an enforcement notice alleging a material change of use and the other alleging the formation of a hardstanding upon which the use is taking place. Consequently, I shall deal with both in this single decision letter.

The Appeals on Ground (a)

3. The appeal site is located within the Surrey Green Belt where development is strictly controlled, in line with policy DP10 of the Tandridge Local Plan (2014) (the Local Plan) and the policies of the National Planning Policy Framework (the Framework). Both identify that development within the Green Belt should be considered as inappropriate unless it falls within a closed list of exceptions, as currently defined at paragraphs 154 and 155 of the Framework. Moreover, inappropriate development should not be approved within the Green Belt except in very special circumstances.
4. In this case, the appellant accepts that the development in both appeals amounts to inappropriate development. I see no reason to take a different view. The material change of use and the extent of the stored items have had an effect on the openness of the Green Belt, as acknowledged by the appellant, notwithstanding that the degree of impact is disputed. The engineering operations involved in the formation of the hardstanding which has also resulted in encroachment of development into the countryside, contrary to one of the key aims of Green Belt policy.
5. In view of the above, the main issues in the determination of the appeals are:
 - i) The extent to which the development has effected the openness of the Green Belt;
 - ii) The effect of the development on the character and appearance of the area; and
 - iii) Whether the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other material considerations such as to amount to the very special circumstances needed to justify a grant of planning permission.

Openness

6. The appellant has set out relevant caselaw with regard to how the impact on openness should be assessed. It is clear that openness has both a visual and spatial function and that the nature of a use and surrounding uses can be of relevance. Prior to the development taking place, the land was used as a paddock with the associated pasture contributing to the openness of the Green Belt. Whilst the operations of Stak Scaffolding are noticeable, the lawful use in that respect is set further back along the access track and would not diminish the contribution that the open paddock adjacent to the lane had in respect of openness.

7. The contrast between that undeveloped paddock and the current development is substantial. The shipping containers, portaloos, marquee, lorry backs, cars, trailers, fuel tank and other stored items have a significant combined bulk and volume. In a physical sense all of those items take up space that was previously free from development. Visually, the development is readily seen from public vantage points. From the roadside the stored items read as a continuation of the scaffolding business at the rear, bringing the sense of development closer to public vantage points.
8. By any measure, the physical and visual impact has had a significant impact on the openness of the Green Belt. Clearly, the most significant effect is the stored material which is a result of the material change of use in respect of Appeal A. Nonetheless, the hardstanding itself would have a visual effect on openness when compared to the former paddock, even if viewed in isolation. The reality is that it also facilitates the extent of stored items and it is difficult to disaggregate the combined impact.
9. Thus, the combined effect has been a significant reduction in the openness of the Green Belt, contrary to one of the key purposes of the Green Belt. There has also been clear encroachment into the countryside.

Character and Appearance of the Area

10. The appeal site sits within undulating terrain in a rural setting, closely adjacent to War Coppice Lane which is a narrow, tree-lined, country road. The wooded areas, open fields and natural contours, which provide occasional long-distance views, gives the area a distinctive and attractive quality. It forms part of an Area of Great Landscape Value, as defined by the Local Plan. The appeal site is partially enclosed by boundary treatments and planting but, nonetheless, remains clearly visible in the local context from the entrance to the site.
11. The existing lawful use by Stak Scaffolding is set further back from the road which helps to reduce its prominence, to an extent, when compared to the location of the appeal site. Photographs showing the site prior to the unauthorised development depict a grass paddock that harmonised with the surrounding rural area. The same cannot be said of the present use which contains an array of stored items including vehicles, portaloos, a small marquee, trailers, various spare parts and numerous other sundry items, spread across the area. The combined bulk and height is substantial and little attempt appears to have been made to store items neatly, resulting in an air of general untidiness.
12. To put things mildly, the development is a blot on the landscape that has resulted in significant visual and landscape harm. Given that the access to the site needs to be maintained it would not be possible to screen the development to any satisfactory extent and the effects could not be mitigated by a condition to provide additional planting. It is somewhat artificial to disaggregate the effect of the stored items from that of the hardstanding. Clearly the former has the most harmful effect but that operation could not exist to the extent it does without the hardstanding. In any event, even if the stored items were removed, the hardstanding would have an urbanising effect that would remain harmful.
13. For all of those reasons the development in both appeals causes harm to the character and appearance of the area, contrary to the aims of policies DP7 of

the Local Plan and policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008) (the CS). Among other things, these policies require development to be of a high standard of design that respects and contributes to the distinctive character, appearance and amenity of the area.

Other Material Considerations

14. The operational need of the appellant's business and beneficial impact on the rural economy are matters that weigh in favour of the development. Nonetheless, the weight that I afford those matters is limited by a number of factors. Firstly, little information has been provided by way of any financial information or details of the number of employees directly involved in the running of the business, nor is there any indication that those jobs would be lost in the absence of the development at the appeal site.
15. It is common for growing businesses to seek to expand but such expansion also needs to take account of the constraints of the area. No information has been put forward to indicate that any other options or alternatives were considered before the business decided to expand onto the adjacent paddock. I accept the general assertion that previously developed sites can be difficult to secure in rural areas due to high demand and sales prices for alternative uses but there is no indication that other sites were actually sought. Thus, I cannot rule out that alternative, less harmful, accommodation could be found elsewhere.
16. Whilst the Framework provides support for the rural economy and policy CS22 of the CS recognises that the Council will encourage the use of existing employment sites in the rural area, the weight I attach in respect of those matters is moderate at best in view of the matters highlighted above.

Whether Very Special Circumstances Exist

17. In line with paragraph 153 of the Framework, very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I am required to give substantial weight to any harm to the Green Belt which, in this case, arises from the inappropriate nature of the development, the harm to openness and the encroachment into the countryside. I also attach significant weight to the harm to the character and appearance of the area on account of the extremely unsympathetic visual and landscape effects.
18. Given the moderate weight I have attached to the economic and operational benefits it is plain that the harm is not outweighed in this case and the very special circumstances needed to justify the grant of planning permission do not exist.
19. If I were minded to refuse to grant permission on a permanent basis the appellant has requested that permission be granted for a 3 year period to allow the company to adapt to 'recent economic challenges' relating to the Covid pandemic and inflationary pressures. Both of those matters have been well-documented and I have no reason to doubt that they have had an effect on the appellant's business. However, little supporting evidence is before me in that respect and the same considerations apply. In the absence of any information to indicate the extent of any impact, financially or in terms of the numbers of

employees affected, or any information regarding the search for alternative premises, I give no more than moderate weight to those matters.

20. Even though the duration of harm would be limited to 3 years I am still required to give substantial weight to any harm to the Green Belt. Even if I were to reduce the weight to landscape and visual harm on account of the shorter period the benefits would still not outweigh the harm to amount to very special circumstances. On the contrary, the harm would still significantly outweigh the benefits.

Conclusion on Ground (a)

21. The development is contrary to the relevant policies of the development plan, taken as a whole, and amounts to inappropriate development within the Green Belt. The other material considerations advanced do not indicate that there are very special circumstances to justify development in the Green Belt or to justify a decision other than in accordance with the development plan, either on a permanent or temporary basis. Those conclusions apply to both appeals. Therefore the ground (a) appeals fail and I shall refuse to grant planning permission in respect of each.

The Appeals on Ground (g)

22. The appellant has requested an extension of the period of compliance from 6 months to 9 months in respect of Appeal A and from 7 months to 10 months for Appeal B. Clearly, a longer period would give the company more time to comply and adapt but equally I must weigh that against the public interest in ensuring compliance with the notice to remediate the obvious harm caused by the development.
23. Little evidence has been presented that it would not be practicable to undertake the work in the timescales set out in the enforcement notice and, on balance, I find that the period strikes a reasonable balance. Consequently, the appeals on ground (g) fail and I shall uphold the enforcement notice in respect of the period of compliance.

Chris Preston

INSPECTOR