
Appeal Decision

Site visit made on 29 October 2024

by David Murray BA (Hons) DMS MRTPI

An Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/D3640/W/24/3341164

Langshot Equestrian Centre, Gracious Pond Road, Chobham, WOKING, GU24 8HJ

- 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 Cloud Temporary Structures Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0277/FFU.
 - The development proposed is the temporary change of use of existing building (former indoor equestrian school) to storage or distribution (Class B8) for a period of up to 2 years.
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Decision

1. The appeal is allowed and planning permission is granted for a limited period of two years for the change of use of existing building (former indoor equestrian school) to storage or distribution (Class B8) at Langshot Equestrian Centre, WOKING, GU24 8HJ in accordance with the terms of the application, Ref 23/0277/FFU, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area including the 'amenity' of the Green Belt and the effect on its openness;
 - The accessibility of the site;
 - The effect on the living conditions of nearby residential properties; and
 - The effect on users of public footpaths 54 and 97.

Reasons

Background

3. The appeal site comprises a large shed/barn, previously used for commercial equestrian purposes, and an open hard-surfaced area to the front of it, which lie off a track passing through woodland. The area forms part of the countryside to the north-east of Chobham and lies in the Green Belt. It is proposed to use the building for storage and distribution purposes for the

storage of film sets and props and the application seeks a two year permission.

4. A Technical Note prepared by the appellant's consultants on highway matters indicated that the use involved long term storage and infrequent access. In terms of traffic generation 2 HGV movements per month were envisaged along with 8 trips per week by car and small van. I have no reason to doubt this assessment.
5. At my site visit I noted that the use had commenced and the large shed contained large bulky items which appeared to be canvas/plastic tents and marquees with metal frames which were dismantled. There was also some metal structures stored outside but this appeared to have been as a result of a surface water flood within the building.

Policy context

6. The development plan includes the Council's Core Strategy and Development Management Policies Document (2012), now referred to as CS.

Effect on character and appearance and openness of the Green Belt

7. CS policy DM1, along with other aspects, supports the re-use of buildings for economic purposes provided a proposal meets a number of criteria. The relevant ones for this appeal are (ii) and (iii). I am satisfied that the existing building is appropriate in this rural location as it stems from a previous equestrian use. It is of permanent construction and is capable of re-use without major alterations. Part (ii) of the policy is therefore satisfied.
8. In terms of criterion (iii) the scale of use for economic purposes is relatively low key and I am satisfied that this would not conflict with wider countryside or Green Belt objectives. The proposal seeks to use the existing building for storage purpose and not use the area of hardstanding for external storage. This can be conditioned. Moreover, I noted some existing fence screening around the hardstanding at the visit and this would help screen the presence of vehicles parked around the building or whilst loading/unloading lorries.
9. I considered the effect on the Green Belt from around the site itself and from public footpath 97 which, locally, runs through the woodland to the east of the application site. From this footpath views of the site and the hardstanding were very limited even at this time of year when some of the trees had dropped their leaves. From the entrance to the site vehicles on the hardstanding would be seen against the back-drop of the large existing building and would not appear unduly intrusive or imposing in the rural landscape. In visual terms the 'amenity' and openness of the Green Belt would remain.
10. The Council does not refer to any other Green Belt policy in the development plan but I have had regard to the relevant parts of the National Planning Policy Framework (the Framework). This indicates in paragraph 155 of the December 2023 version that the reuse of buildings in the Green Belt is not 'inappropriate development' provided that the building is of permanent and substantial construction and that the development preserves the openness of the Green Belt and does not conflict with its purpose.

11. In this case the existing building meets the test of its permanence and construction and the storage use contained within the building would also preserve the openness of the Green Belt. I am therefore satisfied that the proposal meets the criteria set out so as not to be 'inappropriate development'.
12. Overall on this issue I find that the proposal does not conflict with the provisions of the relevant CS and policies and national policy and the amenity and openness of the Green Belt would be preserved.

Accessibility of the site

13. CS policy CP11 on 'Movement' indicates that the Council will seek to consider development which reduces the need to travel and encourages sustainable modes of transport as well as directing new development towards previously developed land.
14. The site is clearly in a remote location away from other modes of transport with access from Gracious Pond Road which appears to be a B category road with no lighting or pavements, and from there the access is via an unmetalled track for some 115m length which also forms part of the route of a public footpath. Therefore, in sustainable accessibility terms the location of the site is poor.
15. However, to be balanced with this is that the previous equestrian use of the building has to be regarded as 'previously developed land' as set out in the glossary to the Framework. Moreover, the scale of traffic generation to/from the site is said to be very low key and on this basis the Highway Authority do not raise objection to the proposal. It would be unusual for a low-key storage use to be sited in a highly developed area or that such storage of bulky items could involve other forms of more sustainable transport.
16. I note that the Council says that the appellant has not demonstrated a lack of alternative sites in more sustainable locations but neither the CS policies referred to above or the Framework appear to require such an assessment. Alternatively, the Framework recognises in paragraph 109 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
17. On balance I find that the re-use of this previously developed site and building should not be considered inappropriate despite its poor accessibility in sustainability terms. On this basis the proposal does not conflict with CS Policies CP1 and CP11.

Effect on living conditions.

18. Although there are scattered houses along Gracious Pond Road it appeared to me at the site visit that the nearest houses to the appeal site are Langshot Stud to the west of the overall complex and Albury Farm to the south. These are the main properties identified in the officer report. Langshot Stud is sited away from the appeal building and the hardstanding in front of it and it is too far away for the occupiers of that property to suffer a material disturbance from vehicle movements.
19. Albury Farm lies near the entrance to the site where the access road joins other tracks leading from the highway. This proximity could result in noise

disturbance from passing vehicles and headlights shining down the access road into the property. However I also have to consider the frequency of traffic that the use would generate and the forecast put forward suggests very limited and occasional use. At the site visit there also appeared to be other traffic associated with commercial uses to the west of Albury Farm.

20. On the basis of the evidence put to me I find that it has not been demonstrated that the occupiers of the residential properties in the vicinity of the site would suffer from a material degree of noise and disturbance which would have an adverse effect on their living conditions. As such there is no conflict with CS DM9 regarding Design Principles.

Effect on public footpath users

21. As mentioned in paragraph 14 above, the alignment of footpath 54 also follows the access to the site for a short distance. I saw at my site visit there was good visibility along the track in both directions. Also, because it was a short distance from the junction with Gracious Pond Road and coupled with its unmetalled nature, the vehicles I saw tended to drive slowly along the track. Walkers would therefore be likely to be seen by other users and would be able to step onto the woodland verge if necessary. Given the low traffic generation predicted with the use, this scale of operation would not be likely to harm the safety or rural experience of footpath users. There is no conflict with CS Policy CP11.

Other matters

22. I have also taken account of the many letters of representation submitted to the Council at application stage rather than on this appeal. The objections expressed have been considered in the main issues set out above or do not contain sufficient justification for them to be a determining factor.

Planning and Green Belt balance

23. On the main issues I have found that the use of the existing building for storage purposes would not amount to 'inappropriate development' in the Green Belt and would preserve its openness and the amenity of this area of countryside. While the accessibility of the site is generally poor, the use of the building as previously developed land is not inappropriate given the very low level of traffic movement said to be associated with it. The proposed use and the level of activity has not been shown to have a material harmful effect on the living conditions of the occupiers of properties near the site nor would this low level of vehicle movement harm the safety or pleasure of footpath users.
24. Overall I have found that the proposal accords with the relevant provisions of the development plan and national policy in the Framework
25. This has to be balanced with other considerations but none put forward outweigh the conclusions I have reached on the deciding factors. Permission should therefore be granted for a limited period of two years.

Conditions

26. The Council recommends five conditions be imposed which I will consider under the same numbering. Conditions No.1 and 2 are necessary to define the permission and that period specified is what has been applied for. I have

also placed great weight on the appellant's assessment of traffic generation and it is necessary to limit the permission to this use so as to restrict a different use which may involve a more intensive use of the site with a greater impact on its surroundings, residential properties and footpath users. I will therefore impose the limitation in condition No.3. In order to protect residential amenity it is also reasonable and necessary to impose condition No. 4 to ensure that vehicle movement does not take place at unsocial hours. Finally, Condition No.5 on restricting outside storage is necessary to ensure that the use does not have a harmful effect on the openness of the Green Belt or the general amenity of the area.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

1. The permission hereby granted shall be limited to the period expiring two years from the date of this permission; on or before which date the use hereby permitted shall cease and all materials associated with the storage use removed.
2. The use approved shall only be undertaken in accordance with the following approved plans and drawings: 23-j4252-02 Rev A and 23-j425-02 unless the prior written approval has been obtained from the Local Planning Authority.
3. The premises shall only be used for the storage of film sets, props and related items and for no other purposes in Class B8 of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any other Class in any Statutory Instrument revoking and re-enacting the Order.
4. No loading, unloading and deliveries shall be carried out on Sundays or public holidays. These operations are only permitted during the hours of 8am to 6pm on weekdays and 8am to 1pm on Saturdays. For the avoidance of doubt public holidays include :New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.
5. No storage of goods, plant, equipment or materials associated with the use shall take place within the curtilage of the site other than within the existing barn building as shown on the approved site layout plan drawing No.23-j4252-01 Rev A.