



Appeal Decision

Site visit made on 27 November 2024

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/M3645/W/24/3341398

**Greensand Haven, Land off Tilburstow Hill Road, Godstone, Surrey
RH9 8LY**

- 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 Jane Hilson against the decision of Tandridge District Council.
 - The application Ref is TA/2022/1443.
 - The development proposed is the change of use from paddock and grazing to Greensand Haven Secure Dog Activity, Walking and Training Fields (F2(c) use class). Works comprise the erection of replacement 1.2M high timber post and galvanized mesh wire fence with a new gate to separate the meadow walk and activity walk in the secure dog walking, and activity field A. Removing electric fences to form secure dog walking field B and provision of two mobile field shelters to fields A & B.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to significantly affect the matters raised. It has not therefore been necessary to seek parties' views, however any references to the Framework in this decision are to the revised version.

Main Issues

3. The main issues are the effect of the proposal on: parking provision and highway safety; and ecology.

Reasons

Parking provision; highway safety

4. The appeal site is an area of fields to the west of Tilburstow Hill Road, with a current lawful use of paddock and grazing land. However, as much of the site is no longer required for equine use, planning permission is sought for a change of use of the site to allow for dog walking, agility, and training spaces, including additional modest, associated structures.
5. The proposal does not include the provision of on-site car parking in connection with the change of use. Rather, it is suggested that future visitors would utilise the Tilburstow Hill public car park, off Rabies Heath Road. A public right of way connects this car park to the appeal site, which I observed to be a steep, unmade, downhill path.

6. I acknowledge that the appellant, along with their friends and family, use the appeal site for exercising their dogs, and that the site has been in use for dog agility and training sessions for one day a week during the summer months of the past two years. I further note that, as there is no new access to the highway proposed, the highways authority concluded no impact on the public highway. However, it remains that, as a permanent facility open to the public, the proposal has the potential to result in additional activity at, and trips to and from, the site. Given the rural location, it is likely that many of these trips would be undertaken by vehicle, resulting in additional parking needs.
7. The appellant asserts that such parking could be accommodated at the Tilburstow Hill car park, which is stated to have capacity for 22 cars and is suggested to rarely have more than one or two parked cars. While I observed this to be the case during my visit, this represents only a snapshot in time. In addition, while passing reference is made to booking fixed slots for dog walking, limited information is provided on this.
8. Overall, there is nothing substantive before me, such as a transport assessment or parking survey, demonstrating the current parking levels at this car park or any realistic, likely increase associated with the proposal. In addition, as Tilburstow Hill car park is a public car park over which the appellant has no control, its availability in connection with the proposal cannot be guaranteed. Furthermore, the maintenance and availability of the public right of way from the car park to the appeal site can also not be guaranteed.
9. Taking the above observations together, I cannot be satisfied on the information before me that the proposal would be served by adequate parking. As such, even noting the appellant's course information discouraging parking elsewhere, there remains potential for an overspill of parked cars, either within the public car park or on-street in the immediate vicinity. Due to the lack of other car parking in the immediate area, an overspill of parked vehicles would likely take place on nearby highway verges such as along Rabies Heath Road. Given the largely narrow nature of such surrounding roads, this would result in an increased risk of collision and significant highway safety issues.
10. For the reasons given, I cannot be certain that the proposal would not result in significant adverse harm with regard to parking provision and highway safety. As such, it would fail to comply with Policy CSP12 of the Tandridge District Core Strategy 2008 (the CS0, and Policies DP5 and DP7 of the Tandridge Local Plan Part 2 Detailed Policies 2014 (the LP) insofar as they seek to ensure development has regard to parking standards, does not create hazards to traffic and road users, and does not result in additional on-street parking where this could cause significant congestion or harm to highway safety.

Ecology

11. The appeal site does not have any specific ecological designation. However, it lies adjacent to ancient and semi-natural woodland which the Council notes to be a habitat of principle importance. Surrey Wildlife Trust has recommended that a full ecological assessment of the proposal is carried out.
12. I note that the proposal would not introduce a new type of use to the appeal site, given the dog walking, training, and agility that currently takes place. However, it would result in a permanent facility, that would increase the presence and regularity of such uses at the site. In addition, it would introduce

associated structures and the placing of equipment relating to the proposed uses. Given these changes resulting from the proposal, it remains that there is potential for the proposal to impact on ecology and protected species.

13. No ecological assessment has been submitted with the appeal, such that I cannot be certain that no such impacts would arise. It is essential that the presence or otherwise of protected species, and the extent to which they may be affected by development is established before planning permission is granted, such that it would not be suitable for this matter to be addressed by way of a planning condition.
14. For the reasons given, I cannot be certain that the proposal would not result in significant adverse harm to ecology and protected species. As such, it would fail to comply with Policy CSP17 of the CS and Policy DP19 of the LP, insofar as they seek to ensure that development protects biodiversity and demonstrates that protected species will not be harmed.

Other Matters

15. The appellant points out that the Council did not make a decision on the planning application within the relevant timeframe. However, this does not impact my assessment of the planning merits of the scheme.
16. The proposal would deliver growth and expansion of a rural business, providing a service to the local community. It will also retain the openness of the appeal site, utilising existing facilities in an area primarily used for hiking and dog walking. While these benefits are acknowledged, these would not outweigh the harm identified above.

Conclusion

17. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR