



Appeal Decision

Site visit made on 3 December 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/Y3615/W/24/3342755

Tollgate Farm, Guildford Road, Effingham, Surrey KT24 5QL

- 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 Ketley on behalf of Surrey Forestry Limited against the decision of Guildford Borough Council.
 - The application Ref is 23/P/02028.
 - The development proposed is for the erection of a forestry barn and hardstanding.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a forestry barn and hardstanding at Tollgate Farm, Guildford Road, Effingham, Surrey KT24 5QL in accordance with the terms of the application, Ref 23/P/02028, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes including those to the Green Belt section, however whilst the proposal is located in the Green Belt, the changes are not material to the scheme before me, thus further comments were not sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.

Main Issues

3. 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 the effect on openness;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the living conditions of residents of the neighbouring properties with regard to noise; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy P2 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (GSS) adopted April 2019 is consistent with the Framework in providing that inappropriate development will not be permitted unless very special circumstances can be justified or where they would meet the specific exceptions as contained in the Framework.
5. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. In this particular case the most relevant exception is set out at paragraph 154, criterion a) buildings for agriculture and forestry.
6. At the time of my visit the appeal site consisted of various sporadic buildings behind a large, gated access, located at the end of an access road leading to an open sided barn at the northern end of the site. The area appears similar to a storage compound with two significant piles of wood chippings and a large area of storage for timber logs, timber baulks, forestry plant and various large pieces of machinery.
7. The term forestry is not defined within the Framework nor the GSS. This is therefore a matter of planning judgement based on fact and degree. The dictionary definition of forestry is "*the science or practice of planting, managing and caring for forests*". From the information before me the appellant operates a range of forestry management services which involve the clearing, planting and maintenance of woodlands across Surrey, Sussex, Hampshire and Kent. The site employs six employees and processes around 600-800 tonnes of wood per annum.
8. In terms of on site "processes" the appellant advises that the proposed barn will be used for the storage of forestry plant and machinery and the temporary storage of timber to keep it dry, before transportation elsewhere. The appellant further advises that operations, comprising chipping and splitting will happen off site. As such, it would appear that the proposed barn would be used for the dry storage of already processed timber.
9. Both parties draw my attention to an appeal decision¹, in Tonbridge and Malling relating to a similar forestry operation. Here the Inspector dismissed the scheme finding that the operations taking place at the site would amount to a follow up activity taking place after the actual forestry operations. From the limited information before me, this scheme differed from the current proposal in that further processing took place on site. The Inspector noted that timber was brought to the site where it would be cut into baulks, and outer parts, including the bark, of the timber were removed, unlike here. It is acknowledged that the Inspector considered the drying of the timber a process, however the storage of timber material would be akin to a builder storing equipment and materials at a compound for other construction operations, and thus would not amount to processing, in my view.
10. The appellant refers to an allowed appeal² also in Guildford Borough for a forestry use. Here the Inspector found that there were no restrictions relating

¹ PINS Ref: APP/H2265/W/18/3218714

² PINS Ref: APP/Y3615/W/21/3268599

to the size or location of the building for this exception not to be inappropriate development. The Inspector also found that that proposal would be in accordance with the exception for forestry use, despite the appellant offering other services such as the storage of a mobile sawmill, forestry plant and as a drying barn for timber. The Inspector also found the "*key consideration is the use of the proposed building in relation to the lawful forestry use of the site, not the breadth of services offered by the appellant*". This draws similarities with the scheme before me.

11. Whilst the business operated by the appellants may include other functions such as tree surgery, sawmilling, timber production, site clearance and woodland management, I find that a considerable element falls within the dictionary definition of forestry above and based on the submitted evidence, I am satisfied that the building would be used for forestry purposes.
12. Consequently, the proposed building is an exception under paragraph 154.a) and is not inappropriate development in the Green Belt, thus according with GSS Policy P2 and the Framework. Furthermore, the building should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land within it, and because of my findings, it is also not necessary to consider whether very special circumstances exist.
13. The scheme also includes the provision of a hardstanding to the front of the proposed building, providing an area for access and servicing arrangements to take place in connection with the use of the barn. This would constitute an engineering operation and thus would require consideration as an exception set out under criterion h) of paragraph 154 of the Framework. Only where the engineering operation would preserve openness and not conflict with the purposes of including land within the Green Belt would this constitute as an exception.
14. The hardstanding is relatively small scale, providing an operational apron to the front of the forestry barn, as such in this particular case, I do not find that it would conflict with any of the five purposes of the Green Belt. In regard to the preservation of openness, the use of the hardstanding would have a transient nature and given its location amongst an existing storage compound there would be negligible harm in spatial terms. In visual terms the whole site is located within a well screened private area, with the hardstanding occupying a discrete location likely to be visible in limited glimpsed views only, from any public vantage points. As such, its visual impact on the openness of the Green Belt would be limited and the hardstanding, at the very least, would preserve openness, and constitute an exception under paragraph 154.h).

Character and appearance

15. Tollgate Farm is located in a mainly rural and verdant area. The site is accessed via a large gate, with the boundary consisting of well-established trees, hedges and shrubs, providing an effective green screen of the appeal site, and the other buildings owned by the appellant, from external views. Consequently, the appeal site is not readily visible from surrounding public vantage points, including Guildford Road and Calvert Road.
16. The proposal is located at the northern end of the site within an area which includes agricultural land, storage areas and various agricultural and residential buildings situated in a dispersed pattern within the landscape. The

appeal site has a general agricultural appearance resulting from the surrounding farmland and agricultural buildings. As detailed in the submitted plans, the footprint of the proposed barn is approximately 36m x 15m, and with a ridge height of 8.3m it would be a sizable structure. Nevertheless, for the forestry operations proposed, the size requirements and scale of the barn would not be uncommon or unusual in such a location.

17. From the submitted information, the positioning of the proposed barn is located adjoining a line of large trees which provide a good screen and background setting for the scheme. Despite its overall size, the height of the proposed barn is comparable to the height of the adjacent trees, and this coupled with minor changes in ground level provides a relatively discrete and secluded location commensurate within an agricultural setting.
18. Given the aforementioned boundary treatment, the solar panels mounted on the roof would not be readily visible from public vantage points, and as such would have a limited impact on the character and appearance of the surrounding area. Whilst the elevations of the proposed barn highlight the utilitarian nature of the materials, given the overall functionality of the proposal and the area in general, these materials would be reflective of an agricultural use.
19. On this basis I am satisfied that the appeal scheme will not harm the character and appearance of the area, having a neutral effect. As such, I am satisfied that the proposal represents a development that responds to the local character of the area in which it is set and is not contrary to GSS policies D1 and D4, which amongst other matters collectively seek good design.

Living conditions – Noise

20. GSS Policy D11 requires development for noise generating uses to clearly identify any likely adverse noise impacts arising from the proposed development on existing nearby noise sensitive receptors (NSR). Where there is the potential for Observed Adverse Effect Levels (OAEL) of noise, a Noise Impact Assessment (NIA) is required. The NIA should identify all potential OAELs emanating from the development, and provide prevention, avoidance and/or mitigation measures to manage those noise impacts effectively. The supporting text of the policy also provides acceptable levels of ambient noise for dwellings, with the criterion for maximum ambient noise levels applied to external amenity areas as 50 dB.
21. The appellants have submitted a NIA³ which highlights that the background noise levels at the nearest NSR during the daytime are generally low, at below 50 dB. The NIA further indicated that audio activity above this level was generally triggered by non-site related sources such as helicopters and birds. The NIA thus concluded the operation of the site would have a negligible impact on the nearest NSR. GSS policy D11 states where an NIA finds OAEL are negligible, that planning consent may be granted without any need for noise conditions.
22. From the details before me, the appellant contends the majority of processing occurs off site, thus limiting impacts of noise. However, the NIA did assess the noise levels during the operation of the forwarder (loading vehicle) whilst

³ Noise Impact Assessment produced by Chris Woods Acoustics Ref: 220_01R-0-3_CWA

handling woodchip. This provided a noise level of 68 dB which is in excess of the 50 dB requirement, although I would acknowledge that this may only be for short periods of time during loading and unloading of materials.

23. It was evident from my site visit there were several other large machines, which potentially could be operated on site and may have an impact on the living conditions of neighbours with regard to noise. There was limited detail contained in the NIA in respect to these other forms of machinery which may be operated on site on an intermittent basis. Thus, I share the Council's concerns in respect to the vague and ambiguous information supplied on the daily operations occurring at the site.
24. Nevertheless, both parties have agreed that suitable conditions could be attached in the interests of protecting neighbouring residential amenity from noise and other disturbance. As such, subject to conditions, the proposal would accord with GSS policies D5 and D11 which collectively seek to protect the living environment of existing residential properties in respect to amongst other things, noise.

Other Matters

25. I have taken into account all of the other matters and concerns raised in the submissions by interested parties, which include but are not limited to, impact on traffic, the living conditions of neighbours, lighting and a potential unauthorised use.
26. Surrey County Council as Highway Authority have raised no objections to the development in respect to highway safety matters, subject to the provision of suitable conditions. Consequently, I am satisfied that the scheme will not result in additional traffic issues or would result in harmful impacts on highway safety.
27. In respect to issues raised on the living conditions of local residents in the surrounding properties, I have no reason to disagree with the Council, that the proposal would not cause harm to the living conditions of existing residents regarding loss of light, loss of privacy or overbearing impact. With regard to impacts resulting from noise, I have addressed these above and subject to suitable conditions the scheme would not harm living conditions.
28. Matters raised in respect to whether any potential unauthorised works have occurred at the site, are not before me. In any event, any potentially unauthorised works would be an enforcement matter for the Council and does not provide a reason to alter my judgement.
29. Overall, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these other matters. Some of the issues raised can also be controlled through conditions and by other regulations. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

30. The Council has provided conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims.

31. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans and the materials specified. This is in the interest of certainty.
32. In view of the essential nature of the noise mitigation measures necessary to protect the living conditions of existing neighbours and make the development as a whole acceptable in planning terms, it is necessary to agree full details of a revised noise assessment, hours of operation and ensure specific details for the use of the proposed building. This is necessary to be submitted prior to commencement.
33. A condition securing on site ecological enhancement is necessary in order to ensure the development protects and improves biodiversity features of the site. To ensure that the proposal does not adversely impact on protected species it is necessary to impose a condition to control external lighting, which is also necessary to protect neighbouring amenity.
34. I have imposed conditions to ensure that there are suitable access routes, appropriate vehicle and bicycle parking, and a suitable car parking layout is maintained in the interests of highway safety and the living conditions of existing residents. I have also added that electric charging points are delivered to enable the use of electric vehicles to further achieve sustainability objectives.

Conclusion

35. For the reasons given above the appeal should be allowed.

Robert Naylor

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 0432-(A2) fp0432.1, 0432-(A2) fp0432.2 and 12666/2100 Rev P1.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no 0432-(A2) fp0432.2
- 4) Prior to the commencement of development hereby permitted a revised detailed noise assessment report with a scheme for protecting the existing neighbouring noise sensitive premises from noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the development hereby approved and maintained in perpetuity. The noise assessment report shall include but not limited to:
 - An assessment of the noise from the proposed activity on site, including all forms of machinery and their locations, transport, delivery, servicing and associated activities;
 - The details of sound insulation of the building fabric and sound reduction performance, which must be adequate to control the predicted noise;
 - Any additional noise control measures as may be considered necessary.
- 5) Use of the development hereby permitted shall only take place between the following hours:
 - 0700 -1630 Mondays - Fridays
- 6) The development hereby permitted shall only be used for the storage of timber, forestry plant and machinery, and other associated equipment. No timber processing or forestry plant and machinery maintenance/test-running shall be carried out on land within the application site located outside of the forestry barn hereby approved.
- 7) The development hereby permitted shall not be first used until a minimum of four bird nest boxes and four bat boxes have been installed on mature trees in accordance with the recommended ecological enhancement details within Table 2 of The Ecology Co-Op Ecological Appraisal dated 12th June 2023.
- 8) No external lighting shall be installed on the site or affixed to the development hereby permitted unless the Local Planning Authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. The approved scheme shall be implemented prior to first use of the development and maintained as approved.
- 9) The development hereby permitted shall not be used until the proposed vehicular access to Guildford Road has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.

12666/2100 Rev P1, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

- 10) The development hereby permitted shall not be used until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked, for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading, and turning areas shall be retained and maintained for their designated purposes.
- 11) The development hereby permitted shall not be used until a scheme to be submitted and approved in writing by the Local Planning Authority detailing 50% of parking spaces in association with the site are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). The remaining spaces shall be provided with cabling for the future provision of charging points. The approved scheme shall be implemented, retained and maintained as approved.
- 12) The development hereby permitted shall not be used until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained as approved.

END OF CONDITIONS