



Appeal Decision

Site visit made on 20 January 2025

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/R3650/W/24/3344425

Hoggs Wood, Rudgwick, Surrey RH12 3BE

Grid Reference Easting: 505867, Grid Reference Northing: 134101

- 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 David Gentry against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00046.
 - The development proposed is installation of solar panels; siting of 2 storage containers; construction of an access track and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development is taken from the decision notice, which is more concise than the description on the application form. However, I have had full regard to the description on the application form in my consideration of the appeal.
3. The application was submitted retrospectively, with the application form stating that the work was completed on 1 December 2022. On my site visit, I observed there was a crushed stone access track and hardstanding area on the site, along with one storage container, and a wooden frame to support solar panels. There was also a caravan present, which is shown on the submitted plans but does not form part of the appeal scheme. The evidence indicates that some elements of the development have been removed since the planning application was determined, to address the Council's concerns. However, the submitted plans and description of the development have not been formally amended. I have therefore determined the appeal based on the development shown on the submitted plans, and for which planning permission is sought.
4. The National Planning Policy Framework (the Framework) was revised in December 2024. Because the changes do not materially affect the main issues in this case, no prejudice is caused in me deciding the appeal without reverting to the parties for further comment.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area; and,
 - the effect of the development on biodiversity.

Reasons

Character and appearance

6. The appeal site comprises a wooded area and a grass clearing with gated access from the A281 road. It lies immediately adjacent to a school, which contains numerous buildings and playing fields. However, the wider area has a distinctly rural character, comprised mainly of fields interspersed with trees and hedgerows, and pockets of woodland. The Framework is clear that planning decisions should contribute to and enhance the natural and local environment, including by recognising the intrinsic character and beauty of the countryside.
7. It is acknowledged that some form of access track could be necessary to enable agriculture and forestry activities to be undertaken without carrying mud onto the road. Indeed, the evidence indicates that a track has historically been provided through part of the site for this purpose. However, the submitted plans are not of a sufficient scale and they lack the necessary detail to clearly show the intended width and length of the track, and the extent of the hardstanding area. Therefore, I cannot be certain that the development for which planning permission is sought is of an appropriate scale for its intended purpose, and that it does not encroach unnecessarily onto undeveloped land in this countryside location.
8. Whilst there could be a requirement for buildings on the site to keep workers and equipment safe and protected from adverse weather, the two shipping containers would occupy a disproportionately large area of the site owing to the combined effect of their width, depth and height. Moreover, the bright colour and metallic nature of the shipping containers shown in the submitted photographs is at odds with the more muted natural tones that are prevalent in the woodland and fields that define the surroundings, and there is no evidence before me to suggest they reflect the character of typical agricultural and forestry buildings in the area. The containers would therefore be incongruent features within this rural landscape setting.
9. Whilst the trees on the site provide some visual screening for the containers, particularly from the main road, there is intervisibility between the site and the adjacent school grounds due to the gappy nature of the boundary vegetation. Owing to the combined effect of its siting, size, materiality, and colour, the shipping container on the site is conspicuous in those views, and thus it detracts from the scenic beauty of the woodland surroundings. This harm would be exacerbated should the second shipping container be installed at the site. Consequently, the proposal fails to contribute to and enhance the natural and local environment as is required by the Framework.
10. The Council has not raised any concerns about the effect of the solar panels on the character and appearance of the area in its reasons for refusing the development. Given their low profile, I have no reason to take a different view.
11. Overall, I conclude that, in the form shown on the submitted plans, the development fails to safeguard the character and appearance of the area. It would therefore be contrary to Policy RE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LP), which expects the intrinsic character and beauty of the countryside to be recognised and safeguarded in accordance with the Framework.

Biodiversity

12. The Preliminary Ecological Appraisal (PEA) identifies that the site contains a mix of habitats including priority habitat, ancient and semi-natural woodland, grassland, and a pond. It therefore provides suitable habitat that is likely to support a range of species, including protected species. Given my statutory duty under the Natural Environment and Rural Communities Act 2006 (as amended) I must have regard to the purpose of conserving biodiversity in deciding this appeal.
13. The PEA concludes that the development is unlikely to have caused significant residual effects to habitats or protected species. However, it is clear from the PEA that this conclusion relies partly on the development being sited on land that had previously been cleared of vegetation or was already formed as track or grassland. I have not been provided with plans or other evidence to show the condition and layout of the site prior to the appeal development being commenced, and this information is not included within the PEA. Therefore, I cannot be certain as to the timing, extent, and nature of any site clearance and other works that were undertaken prior to the development commencing, and there is a high degree of uncertainty as to the ecological baseline upon which the PEA was based.
14. Furthermore, whilst it is clearly the appellant's intention to restore the woodland and to deliver biodiversity enhancements across the site, the access track and shipping containers are shown to be sited within, and very close to, ancient woodland. Notwithstanding the modest scale of the proposal, its proximity to the woodland means it could clearly have caused or exacerbated compaction within the root protection areas of trees to the detriment of tree health. Indeed, the PEA itself recommends that the shipping containers are relocated to avoid impacts to the woodland. It follows that, in the absence of a tree survey or other authoritative arboricultural evidence to the contrary, the trees could unintentionally be harmed. The development therefore conflicts with the Framework, which states that development resulting in the loss or deterioration of ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
15. I have had regard to the mitigation, compensation and enhancement measures set out in the PEA, Management Plan, and Biodiversity Enhancement Plan submitted with the appeal. However, without a detailed understanding of the baseline ecological value of the site, and the effects that have and could occur to biodiversity as a result of the development, I cannot form a judgement on the effectiveness of the proposed measures. Therefore, these measures cannot be relied upon to overcome the harm that would be caused to biodiversity.
16. Overall, on the basis of the information before me, and notwithstanding the intentions of the appellant to the contrary, I can only conclude that the development has failed to conserve biodiversity. Consequently, there is conflict with Policy NE1 of the LP, which seeks to conserve and enhance biodiversity and which resists development that effects ancient woodland and priority habitats, unless it is necessary for on site management measures, or it is demonstrated there would be no impact to the integrity of the nature conservation interest.

Other Matters

17. The evidence refers to potential alterations to the scheme, including options that the appellant considers may fall within permitted development rights. Whilst I

acknowledge the frustrations expressed by the appellant as to the time and cost that has been incurred to date, it is clearly open to the appellant to seek further professional advice on any such schemes, and to pursue them with the Council. However, the planning merits of any potential alterations to the development fall outside the scope of this appeal.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catcheside

INSPECTOR