



Appeal Decision

Hearing held on 23 April 2025

Site visit made on 23 April 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/M3645/W/24/3358206

Surrey Pet Crematorium & Cemetery, Byers Lane, South Godstone RH9 8JL

- 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 Pet Cremation Services (PCS) against the decision of Tandridge District Council.
 - The application Ref is TA/2024/3.
 - The development proposed is replacement of reception/office building incorporating extended crematory and replacement flues. Erection of replacement waste storage/transfer building onto extended hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of reception/office building incorporating extended crematory and replacement flues. Erection of replacement waste storage/transfer building onto extended hardstanding at Surrey Pet Crematorium & Cemetery, Byers Lane, South Godstone, RH9 8JL in accordance with the terms of the application, Ref TA/2024/3, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Pet Cremation Services (PCS) against Tandridge District Council. This is subject to a separate decision.

Main Issue

3. The main issue is whether the appeal proposal represents inappropriate development in the Green Belt having regard to national and local planning policies.

Reasons

Inappropriate development

4. The appeal site is an existing pet crematorium and cemetery located within the Green Belt which has been operational since the 1990's. The proposal includes two key elements. The first is the redevelopment of the range of existing buildings within the existing built up area of the site, which currently provide the various services and facilities needed to operate the established use. The second element proposed is a new clinical waste and storage building to the southeast, outside of but adjacent to the existing built up area of the site, which would provide a dedicated internal space for clinical waste transfer and veterinary supplies storage.

5. Both parties agree that the first element of the proposal would comply with paragraph 154 g) of the National Planning Policy Framework (the Framework) and therefore would not be inappropriate development within the Green Belt. I concur with the main parties on this assessment. However, the Council contend that the second element would be inappropriate development in the Green Belt.
6. Paragraph 155 of the Framework states that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, there is a demonstrable unmet need for the type of development proposed, the development would be in a sustainable location and where applicable the development would meet the Golden Rules requirements set out in the Framework. Neither party contend that the Golden Rules requirements are relevant to this case.
7. The Framework defines grey belt land as land in the Green Belt comprising of previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b) or d) in paragraph 143. Whether the area of land where the clinical waste and storage building is proposed is previously developed land or not, it can fall within the definition of grey belt, given it allows for 'any other land', provided that it does not strongly contribute to the three identified purposes set out in the Framework.
8. There is no dispute between the parties, that the area of land where the proposed clinical waste and storage building would be sited, does not strongly contribute to the purposes of the Green Belt, in terms of checking the unrestricted sprawl of large built-up areas, the prevention of neighbouring towns from merging into one another or the preservation of the setting and special character of historic towns. Based on the evidence before me, I can find no reason to take a different view.
9. With regard to the two other purposes of the Green Belt, the effect in terms of encroachment into the countryside would be limited, given the size of the proposed building and the relationship it would have both spatially and visually with the existing operation. There would be no effect in respect of urban regeneration, given the appeal site is removed from any urban area. As a result, I do not consider that the proposal would fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. Therefore criteria a) of paragraph 155 would be met.
10. The definition of grey belt set out in the Framework excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. The Council initially raised that the appeal site may be at risk of surface water flooding which could be considered as a reason for refusal. Nevertheless, the Statement of Common Ground confirms that it was agreed between the parties that flood risk and drainage issues do not form part of the Council's reason for refusal and that the appeal scheme is acceptable in terms of these issues subject to a condition. I therefore find that there are no strong reasons for refusing or restricting development due to the application of policies relating to the areas or assets in footnote 7.

11. Criterion b) of paragraph 155 requires that there is demonstrable unmet need for the type of development proposed. I am told that the next closest pet crematorium is located 43km to the northwest of the appeal site which is a significant distance away. The Council do not dispute this point, or the importance of the service provided by the appellant currently. It was also confirmed at the hearing that the County Council as the local waste authority has raised no objections to the proposal. The alternative facilities that provide a similar service provision are therefore removed from the appeal site and would not meet the need currently being met or planned for in the future by the appeal site.
12. The operational need for the redevelopment of the site was discussed at the hearing. It is clear that the use of the site is currently restricted in terms of the ability to operate effectively and efficiently and this is in part due to the ad hoc way in which the site has developed over the years with the use of several small buildings, some of which are no longer fit for purpose and due to the change in approach moving from mass cremations to individual cremations so that pet owners can receive their own pets ashes. I accept that these considerations are linked to the operational requirements of the business, to improve on the facilities, and to ensure that the business can respond to changing client needs and demands.
13. Nevertheless, it has been identified that the operational requirements need to be addressed, given that current demand for the services offered by the business means that the storage of anatomical and clinical waste is not in accordance with the requirements of the permit granted by the Environment Agency. Waste bins are required to be stored within secure buildings under the permitting regime, and this is not always possible due to the limited storage space for waste currently within the existing site. A number of storage containers are currently used as overflow internal space for this purpose, but I accept that this is not ideal in the longer term.
14. It was confirmed at the hearing that the appellant currently serves a significant number of veterinary practices from a wide geographical area across the southeast. Five vans operated by the appellant collect both deceased pets and clinical waste from this established client base and bring it back to the appeal site where it has to be stored until it is either transferred to another waste facility (in the case of the clinical waste) or it is cremated on site. The proposals would enable this service provision to continue in a more effective way whilst ensuring that permitting regulations are adhered to.
15. I therefore find that it has been demonstrated, in the specific circumstances of this case, that the proposal would meet a demonstrable unmet need, in terms of enabling the continued operation of a niche service that covers a wide geographical area, in accordance with the requirements of a permitting regime, whilst also responding to increasing demands for individual pet cremations and the ancillary uses that are needed to support that use.
16. Criterion c) of paragraph 155 states that development in the Green Belt should also not be regarded as inappropriate where the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account. Criterion a) under paragraph 115 of the

Framework states that it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

17. I accept that the appeal site is within a rural location. I noted that there were bus stops on the A22 at the junction with Byers Lane and on Church Road to the southwest but that these are some distance from the appeal site. I am also told that there are some Public Rights of Way in the local area, one of which passes to the south of the appeal site. However, the more remote position is not unusual for the development type, given the need for a more tranquil location for crematorium uses. The proposed vision for the site relates to an existing business and seeks to redevelop and upgrade that established use in order to ensure its continuity in accordance with an existing permit.
18. The locational requirements of crematoriums differ to that of other types of development, with a need to provide distance from sensitive receptors. The proposed clinical waste and storage building is the starting point in terms of where anatomical waste is received and stored until it is processed through the crematorium. Therefore, to my mind, the co-location of these two uses is necessary. In this case it would not be reasonable to expect the two uses to be split across different sites, due to the more rural location of the existing crematorium. It is also accepted by the Council that due to the significant area covered by Green Belt within the district, it is likely that any expansion of such a facility or a new facility of the same development type would be located within the Green Belt. This point is also identified in paragraph 5.3.1.5 of the Surrey Waste Local Plan Part 1 – Policies December 2020.
19. The majority of vehicular movements that relate to the appeal site are staff accessing the site and operational movements through the vans that collect the anatomical and clinical waste from the vets. This is an existing situation and would not be likely to change significantly as a result of the proposal. There may be some vehicular movements from pet owners visiting the cemetery area, or in the limited cases where members of the public go to the appellant direct rather than through a vet. However, in those circumstances I do not find it likely that people would want to access the site by public transport, given the sensitivity around the type of use and why they would be visiting.
20. Therefore, whilst I accept that there would be more limited accessibility by public transport, given the specific nature of the use, the fact it is an established use which is already operational and the vision for the site set out by the appellant, I find that in the specific circumstances of this case, the development would be in a sustainable location for the type of development proposed, in accordance with the requirements of paragraph 155.
21. In conclusion, I find that the proposed development would not be inappropriate development in the Green Belt and it would accord with paragraph 155 of the Framework. As a result, the development would also comply with Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 Adopted Version July 2014 which states that planning permission for any inappropriate development which is by definition, harmful to the Green Belt, will normally be refused.

Other Matters

22. The Council contend that it may be possible for the proposed clinical waste and storage building to be contained within the existing built up area, which would be preferable, given the siting within the Green Belt. However, having reviewed the evidence and visited the site, it is clear that the current built up area is significantly constrained, particularly when factoring in the need for vehicular access, turning and parking along with the general operational movements within the site to manage the delivery of anatomical and clinical waste and the wider operations, bearing in mind the sensitive nature of the services provided.
23. I note the representation received from the Surrey Wildlife Trust suggesting that survey work is undertaken. Based on the evidence before me, I agree with the Council that biodiversity and ecological matters can be adequately dealt with by planning conditions.

Conditions

24. A number of conditions have been suggested by the Council in the event of the appeal being allowed, including one relating to surface water drainage which was referenced at the hearing. I have assessed and, where necessary, amended and reordered the conditions in line with the advice provided in the Planning Practice Guidance (PPG). As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty.
25. A condition requiring surface water drainage details prior to commencement and the implementation of the approved scheme prior to occupation are necessary in the interests of ensuring proper drainage at the site.
26. Conditions requiring a Habitat Management and Monitoring Plan prior to commencement and that landscaping and ecological enhancements are carried out in accordance with submitted details are required in the interests of biodiversity. I have imposed a condition requiring a parking scheme in the interests of highway safety. Conditions relating to the finish of the replacement building, the new waste storage/transfer building and the flue are necessary in the interests of the character and appearance of the area. A condition is imposed restricting the use of the waste storage/transfer building for the storage of articles associated with the pet crematorium and cemetery use only, to reflect the development proposed and in the interests of certainty.

Conclusion

27. For the reasons given above and having had regard to the development plan as a whole, the appeal should be allowed.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1822/23/P/01E, 1822/23/P/02, 1822/23/P/03, 1822/23/P/05C, 1822/23/P/06C and 001 (June 2024).
3. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of equivalent to the pre-development Greenfield run-off including multifunctional sustainable drainage systems.
 - Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The drainage scheme shall be implemented in accordance with the approved details and shall be completed prior to first use of the waste storage/transfer building hereby permitted, and thereafter retained and maintained in accordance with the scheme for the life of the development.

4. Prior to the commencement of development, a full Habitat Management and Monitoring Plan (HMMP) shall be submitted to the Local Planning Authority for its written approval. The HMMP will contain details of the management techniques and monitoring of the site to ensure that the ecological benefits

associated with the approved development are appropriately delivered. The development shall be implemented in accordance with the approved HMMP.

5. The development hereby permitted shall be carried out in accordance with the landscaping and ecological enhancement measures detailed within the Landscape Plan prepared by Felstone Consulting dated December 2024 and the Biodiversity Net Gain Design Stage Report prepared by aLyne Ecology dated 11th December 2024, unless superseded by updated documents.
6. The additional areas/buildings hereby approved shall not be first occupied unless and until space has been laid out for vehicular parking in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
7. The external materials to be used on the replacement reception/office building with extended crematory shall match in type, colour, and texture to those of the on-site cremator building which is to be retained.
8. The external materials to be used on the waste storage/transfer building shall match in type, colour, and texture to those of the on-site cremator building which is to be retained.
9. The flue hereby approved shall be finished in matt black, to match the existing flue atop the retained crematory.
10. The waste storage/transfer building hereby approved shall be used only for the storage of articles associated with the pet crematorium and cemetery.

APPEARANCES

FOR THE APPELLANT:

Joel Jessup Heatons

Alexander Job Heatons

FOR THE LOCAL PLANNING AUTHORITY:

Paul Batchelor Planning Development Manager