



Appeal Decision

Site visit made on 9 May 2025

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 MAY 2025

Appeal Ref: APP/L3625/W/24/3356410

**Land Adjacent to Margery Lodge, Margery Lane, Lower Kingswood, Surrey
KT20 7BT**

- 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 Marek Kulwicki against the decision of Reigate and Banstead Borough Council.
- The application Ref is 24/00877/RET.
- The development proposed is described as: retrospective consideration for continued use of secure onsite storage (shipping container) with proposed new barn style cladding structure over.

Decision

1. The appeal is allowed and planning permission is granted for secure onsite storage (shipping container) with proposed new barn style cladding structure over on Land Adjacent to Margery Lodge, Margery Lane, Lower Kingswood, Surrey KT20 7BT in accordance with the application Ref: 24/00877/RET subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application form did not describe the proposal but gave details of the site's location as: 'small agricultural plot of land adjacent to Margery Lodge, fronting Margery Lane'. For the sake of clarity, I have used the description of the development that was set out in the Council's decision notice in the above banner heading. For clarity I have removed reference to "*retrospective consideration for continued use of*" within the description in my formal decision.
3. The container is being used for storage of equipment consistent with agricultural/forestry use of the site. However, no cladding has been applied. I have determined the appeal based on the submitted plans and what I saw on site.
4. All Areas of Outstanding Natural Beauty (AONBs) have been renamed as National Landscapes. I therefore refer to the Surrey Hills AONB as the Surrey Hills National Landscape (SHNL) in this decision letter, unless specifically quoting from other documents. The government published a revised National Planning Policy Framework (the 2024 Framework) on 12 December 2024. I am satisfied that none of the changes was material to the assessment of the proposal and have determined the appeal accordingly referring to the paragraph numbers in the 2024 Framework.
5. The appeal site lies in the Metropolitan Green Belt. Although the Council refused an earlier application for continued use of the shipping container, ref: 23/00621/RET, it was satisfied that the proposed use complied with the definition

of agriculture/forestry. It would therefore meet the exception set out in paragraph 154 a) of the 2024 Framework. The officer's report on the current scheme raised some concerns about the extent of the agricultural use. Nevertheless, the Council maintained its view that the proposal complied with the definition and would not be inappropriate development. I see no reason to come to a different view and am satisfied that the proposal would not conflict with national policy to protect the Green Belt.

Main Issue

6. The main issue is therefore whether the container with the proposed cladding would preserve or enhance the landscape and scenic beauty of the Surrey Hills National Landscape (SHNL).

Reasons

7. The SHNL is an area which has been designated for its landscape and scenic beauty. The Levelling-Up and Regeneration Act 2023 (the 2023 Act) requires that a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area when exercising functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty. In addition, paragraph 189 of the 2024 Framework requires me to give great weight to conserving and enhancing the landscape and scenic beauty of a National Landscape.
8. The appeal site is a small, undeveloped piece of land that was formally part of a paddock associated with Margery Lodge which is located immediately to the south of the site. The site contains several substantial mature trees which overshadow the area to a significant degree. It is entirely enclosed by panel fencing. The fence along the roadside and along parts of the eastern and western sides, is a prominent feature when travelling along Margery Lane. The combination of the fence and an absence of public footpaths in the vicinity means that visibility into the site is highly restricted. Only the topmost part of the shipping container, which is covered by green coloured camouflage netting, can be seen from Margery Lane.
9. The proposal seeks permission to retain the shipping container and to clad it with a close board timber finish. It is also proposed to introduce a small pitched roof which would be covered in plain tiles or a tile effect material. This would increase the overall height of the structure. Its roof would be visible above the boundary fence. However, the proposed cladding would be in keeping with the rural character of the area, ensuring that the structure's size and appearance would not appear incongruous in this location. As it is sited well back from the road, it would not appear unduly conspicuous or out of place in the context of the surrounding rural area, especially given its purpose to support a small-scale agricultural enterprise. There would therefore be no adverse effects on the wider landscape of the SHNL.
10. The size of the site and the presence of the trees is likely to limit its capacity as a growing area. However, I have no reason to doubt the appellant's intention to use the area to grow a variety of non-timber forest plants such as currents, blackberries, mushrooms and edible roots. The produce would be for personal use and not part of a commercial enterprise. The proposed use is therefore going to be more akin to a large allotment than an area requiring large scale equipment to facilitate production. At the time of my site visit there was one small raised bed being used for crops. The shipping container is currently being used to house

mowers, chain saws, garden tools and other equipment which would be necessary to fully cultivate the site. The container also had metal shelving which would be suitable for storing agricultural supplies and fertilizers. There was nothing within it to suggest that the container could be used for other commercial purposes.

11. As the site is not occupied, I accept that there is a need to store equipment and materials securely to successfully grow and tend crops. Whilst the fence reduces the visibility of the site and gives some security it does not provide an adequate means of protecting equipment and tools from the weather. The existing timber shed on the site could be used for some agricultural storage but would not provide as appropriate a means of securing valuable equipment as the shipping container. I am therefore satisfied that the need for secure storage has been justified.
12. The proposal for a clad shipping container is a small-scale structure when compared with the much larger utilitarian barns which have been erected in a nearby field. Whilst these were permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) they have a much greater visual impact on the SHNL than would arise from the clad shipping container.
13. I therefore conclude that the proposal would not be harmful to the character and appearance of the SHNL, which would be conserved. Consequently, the scheme would comply with Policy NHE1 of the Reigate & Banstead Local Plan: Development Management Plan 2019, which states that proposals must conserve and enhance the landscape and scenic beauty of the AONB, and that great weight will be attached to the impact that development proposals would have on the AONB. Neither would there be any conflict with the requirement of the 2023 Act to further the purposes of conserving and enhancing the protected landscape.

Conditions

14. The Council provided a list of suggested conditions in the event that the appeal was allowed. I have considered these having regard to paragraph 57 of the 2024 Framework, amending them to ensure that they meet the tests of clarity, precision and enforceability. This is especially important given that the shipping container does not benefit from planning permission.
15. From the description of the development set out above and from what I saw on site, the shipping container is already being used to provide secure storage for equipment. There is therefore no need for a condition setting out the standard time limit. Conditions specifying the plans and requiring the materials for the cladding to be as specified in the application form are necessary in the interests of certainty and the appearance of the development. A condition restricting the use of the container to the storage of equipment associated with the use of the site for growing non-timber forest plants is necessary to protect the Green Belt and SHNL from inappropriate uses.
16. However, the Council previously refused planning permission for the retention of the container due to its incongruous appearance. It is therefore necessary for the cladding associated with this application to be added within a specific time period to make the current proposal acceptable. I have therefore imposed a condition requiring this to be done within 8 months of this decision. If the cladding is not completed within this timeframe, the condition requires the shipping container to be removed from the site.

Conclusion

17. For the reasons given above the proposal would accord with the development plan. I therefore conclude that the appeal should be allowed.

S M Holden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan:	2023-014/01
Block Plan:	2023-014/02
Combined Plan:	2023-014/13
2. The materials to be used to clad the storage container hereby permitted shall be those specified within the application form. No variation of these materials is permitted without the prior written agreement of the local planning authority.
3. The storage container hereby approved shall be used solely for the storage of equipment associated with the use of the site for small scale agriculture and the growing of non-timber forest plants (NTFPs).
4. Unless the cladding of the storage container hereby approved is completed within 8 months of this decision, the use of the container for storage shall cease and the container brought onto the land for the purposes of the agricultural use shall be removed. Upon completion of the approved cladding specified in condition 2 of this permission that cladding shall thereafter be retained throughout the lifetime of the use. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of Schedule of Conditions