



Appeal Decision

Site visit made on 23 April 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 JUNE 2025

Appeal Ref: APP/Y3615/W/25/3359386

Ramblers, Farley Heath, Albury, Surrey GU5 9ER

- 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 John Fraser against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01091.
 - The development proposed is erection of a shelter and change of use of land from garden to mixed use to allow the stationing of a shepherd's hut for short term visitor accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development within the banner heading above from the decision notice, rather than the application form. I have deleted the reference to "part retrospective", as this is not a form of development. I note that this description is otherwise included within the appellant's statement of case, and that it accurately describes the appeal proposal.
3. During my site visit, I found that both the shepherd's hut and shelter building were in situ as indicated on the submitted plans. I have therefore determined the appeal as being retrospective in nature, notwithstanding the amended description.
4. The officer report refers to works undertaken to the access track, potentially crossing common land, without clear evidence of prior authorisation. This access track is however outside of the application site red and blue lines, and the description of development does not include any development on this track. Such works therefore do not form part of my considerations under this appeal.

Main Issues

5. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies, including the effect on the openness and purposes of the Green Bel; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the appeal scheme.

Reasons

Inappropriate development

6. The appeal site is within the Metropolitan Green Belt as designated on the Policies Map of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (LPSS) (adopted 2019). It is also outside of a settlement and within a rural setting, set back from August Lane at some distance from the nearest dwelling.
7. The National Planning Policy Framework (the Framework) outlines that the construction of new buildings, other than in connection with a number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy P2 of the LPSS states that the Metropolitan Green Belt will continue to be protected against inappropriate development in accordance with Framework. Inappropriate development will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

Facilities for outdoor recreation

9. LPSS Policy P2 also sets out, amongst other things, that the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the Framework. One such Framework exception put forward by the appellant is criterion b) within Paragraph 154: the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor recreation (amongst other uses); as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
10. The Borough's Green Belt Supplementary Planning Document (GBSPD) (2023) lists some possible examples of such appropriate facilities, which does not include short term visitor accommodation. The GBSPD does not give a definition of "recreation", outdoor or otherwise, nor does the development plan or the Framework. In the absence of such, I note that the Cambridge English Dictionary defines "recreation" as: "(a way of) enjoying yourself when you are not working".
11. Both the shepherd's hut and shelter building face two fields that contained a horse box and two horses at the time of my site visit. Whilst this immediate outlook no doubt gives users of the appeal scheme a sense of rural tranquillity, the fields are delineated by wire and post and rail fencing, and a wooden gate. The appellant states that the use of the appeal scheme as short term visitor accommodation is limited to the fenced-in area outlined red on the location plan, and therefore does not include the abovementioned fields beyond.
12. The enclosed land surrounding the shepherd's hut and shelter building is of fairly limited size and covered by gravel and flat wooden stepping boards leading to the shepherd's hut. I also noted during my inspection a hot tub or jacuzzi facility sited upon tiles between the decking and the shepherd's hut. I have no doubt that the appeal site provides attractive short term visitor accommodation, as a form of

recreation in itself for those who are not working at the time of visit. However, to my mind it cannot be described as the provision of facilities for outdoor recreation.

13. My attention has been drawn to two planning approvals¹ granted by the Local Planning Authority (LPA) elsewhere in the Borough within the last several years, and a more recently dismissed appeal also in the Borough². All these proposals however relate to camping or glamping sites, with the approved schemes limited to a maximum number of days within certain months of the year. The plans provided for each of these examples also indicate that each site has significantly greater open space than the appeal scheme, which suggests that these examples provide a genuine outdoor recreation function as campsite/glamping uses. I therefore do not consider these examples as direct comparisons to the current scheme.
14. In the particular circumstances of the appeal proposal site, as a matter of fact and degree the site and the development it serves cannot be reasonably described as the provision of appropriate facilities for *outdoor* recreation [my emphasis]. Whilst users of the short-term visitor accommodation may also experience the wider area, including for tourism, my conclusion is and remains that the appeal scheme is not a type of use or development that benefits from the criterion b) exception within Framework Paragraph 154.

Previously developed land (PDL)

15. Another Framework exception put to me is criterion g) within Paragraph 154: limited infilling or the partial or complete redevelopment of PDL (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
16. Annex 2 to the Framework defines PDL as: “Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. This PDL definition explicitly excludes land that is or was last occupied by agricultural or forestry buildings, amongst other things.
17. The appellant states that the appeal proposal site forms part of the residential garden of Ramblers and has existed as such, fenced off from the adjoining fields, for in excess of 24 years. Limited evidence of such a use is before me and the LPA suggests that the lawful use of the proposal site is agricultural. However, the lawful use of the appeal site is not a matter that can be determined under this section 78 appeal. It is open to the appellant to apply to the LPA for a separate formal determination on this matter under sections 191/192 of the Act³, regardless of the outcome of this appeal.
18. That being said, I must have certainty that the existing development within the site (aside from the shepherd’s hut and shelter) is lawful for it to be considered as PDL, in order to determine whether exception g) within Framework Paragraph 154 applies to the appeal scheme. However, there is no evidence before me to

¹ LPA refs: 21/P/02513 (Ripley Lane, West Horsley); and 22/P/00189 (Puttenham Road, Seale).

² Ref: APP/Y3615/W/23/3334533 (Epsom Road, West Horsley)

³ Town and Country Planning Act 1990 (As Amended)

demonstrate that the gravel hardstanding surrounding the shepherd's hut and shelter is lawful. There is insufficient evidence for me to be certain that the appeal proposal site has been lawfully developed to benefit from this Framework exception as PDL.

Change of use and the effect on openness

19. LPS Policy P2 also states that certain other forms of development are also considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, as listed in the Framework. One such other form development is listed under Framework paragraph 154 h) v.: material changes in the use of land (such as changes of use for outdoor sport or recreation, amongst other things).
20. This exception is also cited by the appellant as being applicable to the appeal scheme, who interprets this exception as not comprising a closed list and thus can include a commercial use, as put by the LPA. Either way, it remains that openness is an essential characteristic of the Green Belt, as set out in the Framework.
21. The Supreme Court⁴ has held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
22. It is argued that the shepherd's hut is not operational development, due to it being a small, moveable structure on wheels and not fixed to the ground. At the time of my site visit, the shepherd's hut was raised from the ground, with a stepped access from ground level including a handrail, and its underside was enclosed by wicker-style wooden material. This gave an appearance of permanence. Even if I were to conclude that the shepherd's hut amounts to a use and not operational development, it nonetheless has a clear visual presence, and there is limited space within the fenced site for it to be moved.
23. The shelter building also subject of the appeal scheme is of wooden construction, with a canopy design that is open on two sides with some wooden decking extending beyond its roof. It too has a clear visual presence, despite its open canopy design.
24. Despite being set amongst a backdrop of trees, which significantly restrict wider views along August Lane, the shepherd's hut and shelter nonetheless result in a greater impact, in visual and spatial terms, on the openness of the Green Belt than the existing situation. Whilst this impact is limited, a reduction to Green Belt openness nonetheless occurs. The appeal scheme therefore does not preserve openness and thus does not benefit from the criterion 154 h) v. exception within Framework Paragraph 154. Accordingly, the appeal scheme, insofar as it relates to this exception, is inappropriate development in the Green Belt.
25. The appeal site also contains two wooden shed buildings sited alongside the shepherd's hut and shelter, towards the main dwelling of Ramblers. The appellant is willing to remove the narrower shed⁵, if necessary, as it is contended that the

⁴ *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council* (Appellant) [2020] UKSC 3

⁵ As indicated on the submitted block plan (drawing no. RRP/PAD1.1)

appeal scheme would have no greater impact on the openness of the Green Belt than this existing development.

26. Whilst the shed put forward for removal has a greater footprint than the shelter forming part of the appeal scheme, it is of noticeably lower height than both the shelter and the shepherd's hut. Removal of this shed would therefore not mitigate the harm to openness arising from the overall appeal scheme.
27. The Framework also lists five Green Belt purposes, including to assist in safeguarding the countryside from encroachment. Although the appeal development is not sited within a field, it nonetheless involves the provision of new structures in a rural location that was otherwise free of structures, to facilitate overnight accommodation. This amounts to an urban form of development that encroaches in to the countryside.

Conclusion – whether the appeal scheme is inappropriate development

28. For the above reasons, I have found that the appeal scheme amounts to inappropriate development in the Green Belt when having regard to the relevant policies within the development plan and the Framework.
29. Whilst the harm to openness is minor, this nonetheless remains contrary to the Framework which states that an essential characteristic of Green Belts is their openness, and that substantial weight should be given to any harm to the Green Belt. Moreover, the proposal would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
30. Controlling the number of huts stationed on the site by means of a planning condition would not mitigate this Green Belt harm in which I have identified. Neither would a change of use of the hut and shelter to purposes ancillary to the main dwelling of Ramblers, which may require a further application for planning permission in any event.

Other Considerations

31. The site is within the Surrey Hills National Landscape (NL) and an Area of Great Landscape Value (AGLV). The appeal scheme allows visitors the opportunity to enjoy the area, which accords with the one of the aims set out in the Surrey Hills Management Plan 2020-2025. This contributes positively to the local economy through spend in shops, restaurants, pubs, cafes and use of local facilities, services and visitor attractions. Given the small scale of the short-term visitor accommodation subject of this appeal, I afford limited weight to this benefit.
32. LPSS Policy E6 supports a high-quality visitor experience and its supporting text at paragraph 4.4.77 recognises that tourism is an important sector to the rural economy and has great potential for further growth. Supporting paragraph 4.4.57 to LPSS Policy E5 also advises that rural enterprise through the planning process will be encouraged. The operative wording of both these policies however requires such development to be achieved in a sustainable way, and in accordance with Green Belt policy. As I have found the appeal scheme to be contrary to Green Belt policy, it does not benefit from support under LPSS Policies E5 and E6.

Other Matters

33. The officer report indicates that the LPA identified a level of harm to the NL and AGLV in its determination of the application subject of this appeal. I also note the statutory duty⁶ to seek to further the statutory purposes of Protected Landscapes (including NLs), and that the officer report states that the appeal scheme does not actively conserve or enhance the designated landscape. The LPA concluded in its determination that due to mitigating factors, the identified level of harm did not warrant a reason for refusal in itself, and it has not further substantiated the reasons in which harm occurs in this respect. As I am dismissing the appeal for other reasons, I need not consider this matter any further.

Green Belt Balance

34. For the above reasons, the appeal scheme is inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt. Moreover, it causes a minor loss of openness to the Green Belt. The Framework requires substantial weight to be attached to any harm to the Green Belt. There is sufficient conflict with Policy P2 of the LPSS arising from this harm that amounts to conflict with the development plan as a whole.
35. Both LPSS Policy P2 and the Framework set out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Collectively, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development in Green Belt policy terms do not exist. Nor are the other considerations material, so as to justify a decision other than in accordance with the development plan.

Conclusion

36. 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. For these reasons, the appeal is dismissed.

R Cahalane

INSPECTOR

⁶ Section 245 of the Levelling-up and Regeneration Act 2023