



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: 25th June 2025

Appeal Ref: APP/R3650/W/25/3359502

Honeygreen Barn, Smithbrook, Cranleigh, Surrey GU6 8LH

- 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 Neil Andrews against the decision of Waverley Borough Council.
- The application Ref is WA/2024/01052.
- The development proposed was described as: "Proposed fence relocation and associated change of use".

Decision

1. The appeal is allowed and planning permission is granted for construction and relocation of fencing and pedestrian gate access including change of use of land to residential land of Honeygreen Barn at Honeygreen Barn, Smithbrook, Cranleigh, Surrey GU6 8LH in accordance with the terms of the application, Ref WA/2024/01052, and the plans submitted with it, subject to the following 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 the following approved plans: Proposed block plan (Drawing No. 02 Rev A); Proposed partial site plan (Drawing No. 06); Proposed west elevation (Drawing No. 07); Proposed north elevation (Drawing No. 08).

Background and Main Issues

2. I have taken the description of development in my above decision from the decision notice rather than the application form, as this explicitly describes the nature of the proposed change of use. I have determined the appeal accordingly.
3. The third reason for refusal cites conflict with "the aims and principles of sustainable development" as set out in Policy SP1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1) 2018 and the National Planning Policy Framework (the Framework), due to insufficient evidence provided in respect of the land ownership of the proposal site. The appeal submission includes a title deeds plan of the appeal site, including the land subject of the proposed change of use and fence relocation. Based on the submitted evidence, I have no reason to dispute that the appellant does not own the appeal site in its entirety. On this basis, the third reason for refusal has been overcome.
4. The appeal site is within the Metropolitan Green Belt outside of a settlement. The Framework now includes reference to "grey belt" land, which is defined as land in the Green Belt comprising 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 Framework paragraph 143.

5. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusing or restricting development. Areas referred to in footnote 7 include National Landscapes (NLs), and the appeal site is within the Surrey Hills NL. In this respect, the main parties are in dispute as to whether the appeal site comprises grey belt land for the purposes of the Framework.
6. Having regard to the above, the main issues are:
 - whether the appeal site is grey belt land with particular reference to:
 - a) whether its location within the Surrey Hills National Landscape (NL) provides a strong reason for refusing or restricting the proposed development; and
 - b) purposes (a), (b), and (d) in paragraph 143 of the Framework;
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect of the proposed development on the openness and purposes of the Green Belt; 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 proposal.

Reasons

Whether the appeal site is grey belt land

Location within the Surrey Hills National Landscape (NL)

7. The appeal proposal site comprises a long narrow strip of open land adjacent the detached dwelling of Honeygreen Barn. This dwelling has vehicular access off Horsham Road (A281) and is enclosed by a long section of timber closeboard fencing along its western boundary with an unmade public footpath. The fencing is not entirely continuous, separated towards its northern end by a single storey brick outshot of Honeygreen Barn that is adjacent to the footpath route. Towards its southern end, it also turns at a short right angle towards the footpath, and then continues south again to line up with a neighbouring fenced boundary.
8. Land along the opposite side of the footpath is heavily treed. The site is within a rural area, with some other dwellings and buildings in the vicinity. As set out in the LPP1 Policies Map, the site is within the Surrey Hills NL and also an Area of Great Landscape Value (AGLV).
9. The site is within the Greensand Hills and Wooded Weald: Hascombe landscape character area (LCA), as set out within the Surrey Hills Management Plan 2020-2025. Its identified characteristic features include well wooded ridges, dense hedgerows, network of lanes and isolated large homes. I found the public footpath network and treed landscape surrounding the site to be reflective of these characteristics.

10. The area of land to be enclosed by the proposed fence has a long frontage with the public footpath. It is however narrow and appears as an engineered earth bund sloping up towards Honeygreen Barn and its existing fenced enclosure. Other closeboard fencing of similar height to this existing enclosure also exists immediately south of the appeal site, along a much longer section of footpath frontage than the appeal site. The proposal site therefore reads as a non-natural form adjacent to existing solid fencing, and therefore does not positively contribute to the key LCA characteristics as listed above.
11. I accept that the proposed fence would be of considerable length and would have a discernible physical presence in terms of its height and solid form. The appeal site and its immediate setting behind its footpath frontage however already has an engineered appearance along with the existing closeboard fencing, and other domestic development also in the immediate vicinity.
12. The proposed fence would have a similar elevational height as the existing fence that it would replace. It would be sited closer to the public footpath and would have a fully continuous frontage forward of the Honeygreen Barn outshot. Tempering this impact, the fence would sit slightly lower on account of the declining land levels towards the footpath edge. It would therefore not lead to a materially greater impact on the pleasant aspect of the footpath that is enjoyed by its users.
13. Whilst the proposed relocated boundary enclosure would facilitate a further expansion of domestic land, it would remain near to Honeygreen Barn. The narrow strip of land to be enclosed does not amount to an excessive expansion away from the main curtilage of Honeygreen Barn. This expansion would be discreet insofar as it would not be readily discernible in views from adjacent properties.
14. Given the nature of the proposed development, it cannot be said to form an enhancement to the landscape. Statute¹ requires me to seek to further the statutory purposes of Protected Landscapes, including NLs. As set out above, the proposal would not harm the character and appearance of the surrounding area with the Surrey Hills NL. Therefore, in the absence of any identified harm, the proposal's location within the NL does not provide a strong reason for refusing or restricting the proposed development.
15. I therefore conclude that the scheme complies with Policies TD1 and RE3 of the LPP1, and Policies DM1 and DM4 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) 2023. These policies require, amongst other things, development to respect and not cause harm to areas of landscape value, to respect and protect the character and qualities of the Surrey Hills NL and the AGLV, and to be of high quality design that responds to local context by taking account of scale, degree of enclosure and local topography.

Green Belt purposes

16. In order to conclude whether the proposal site comprises grey belt land, I must also assess whether it strongly contributes to any of Green Belt purposes a), b), or d) as set out in paragraph 143 of the Framework. I have had regard to the submitted evidence and my site visit observations, and have also drawn upon the Planning

¹ Section 245 of the Levelling-up and Regeneration Act 2023

Practice Guidance (PPG)² which provides advice on how to determine whether land constitutes grey belt in decision making.

17. Purpose a) is to check the unrestricted sprawl of large built-up areas. The long narrow strip of land comprising the proposal site is enclosed to the east and south by closeboard fencing and Honeygreen Barn. The long western frontage with the public footpath will continue to restrict and contain development, and the narrow northern boundary is enclosed by wire fencing. The infill nature of the site would also avoid an incongruous pattern of development such as an extended “finger” of development into the Green Belt. The site therefore does not strongly contribute to Green Belt purpose a).
18. Purpose b) is to prevent neighbouring towns merging into one another. Due to its size and positioning, the proposal site does not form a substantial part of a gap between towns. Similarly, its enclosure would not result in loss of visual separation of towns. The site therefore does not strongly contribute to Green Belt purpose b).
19. Purpose d) is to preserve the setting and special character of historic towns. Based on the evidence before me and what I have seen on site, the site does not form part of the setting of a historic town and has no visual, physical, or experiential relationship to historic aspects of a historic town. The site therefore makes no contribution to the setting and special character of a historic town.

Conclusion - whether the appeal site is grey belt land

20. The location of the appeal site within the Surrey Hills NL does not provide a strong reason for refusing or restricting the proposed development. The site also does not strongly contribute to Green Belt purposes a), b), or d) in paragraph 143 of the Framework. For the purposes of the Framework, the appeal site therefore comprises grey belt land.

Inappropriate development

21. Another Framework exception advanced by the appellant is criterion g) within Paragraph 154: limited infilling or the partial or complete redevelopment of previously developed land (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.
22. 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 in built-up areas such as residential gardens, amongst other things.
23. The proposal site does not currently comprise garden land and it also does not contain any development referred to in the above Framework Annex 2 definition. It therefore does not comprise PDL, meaning that the proposal does not benefit from the Framework’s paragraph 154 g) exception.

² Paragraph: 005 Reference ID: 64-005-20250225

24. Turning to the grey belt land requirements for the proposal, Framework Paragraph 155 states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all the following apply:
- a. 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;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.
25. The LPP1 policies map shows an extensive expanse of undeveloped Green Belt land beyond the west of the proposal site. The proposal site is small by comparison and contained on its other sides by dwellings and garden areas. This remaining countryside would therefore be safeguarded from encroachment, thus avoiding conflict with the other Green Belt purposes as listed in paragraph 143 of the Framework. The development would therefore not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
- *Demonstrable unmet need*
26. The appellant has put forward a case that seeks to demonstrate an unmet need for the proposal. This is based on issues concerning security and privacy. To my mind, this amounts to a private need relating to the specific appeal dwelling. In the specific circumstances of this appeal, this cannot reasonably be described as a demonstrable unmet need, in the terms of the Framework. The proposal therefore fails to meet exception b. under Framework paragraph 155. The security and privacy issues raised are addressed further below under “Other considerations”.
- *Location*
27. The proposal site is within a rural area. However, in comparison to the size of Honeygreen Barn and its garden and curtilage areas, the proposal would not amount to a material intensification of the existing residential use. It would therefore not conflict with the aims of Framework paragraphs 110 and 115, which seek to focus development on sustainable locations to manage patterns of growth in terms of providing a choice of transport modes.
- *Golden rules*
28. As the proposal does not comprise major development³, the Framework’s “Golden Rules” are not applicable. Paragraph 155 d. of the Framework is therefore not applicable to the development.
- *Conclusion - whether the proposal is inappropriate development*
29. Policy RE2 of the LPP1 states that the Green Belt will continue to be protected against inappropriate development in accordance with the Framework. Certain

³ For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

forms of development are considered to be appropriate in the Green Belt. Proposals will be permitted where they do not conflict with the exceptions listed in national planning policy. As I have found the proposal to conflict with exception b. under Framework paragraph 155, it is inappropriate development of grey belt land in the Green Belt. It therefore conflicts with LPP1 Policy RE2 as set out above.

Effect on openness and purposes of the Green Belt

30. In light of the above, I must also consider the effect of the proposal on the openness of the Green Belt. The Framework states that openness is an essential characteristic of the Green Belt. 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.
31. By virtue of enclosing a parcel of land that is currently open, the proposal would reduce the openness of the Green Belt in spatial terms. As already set out in the first Main Issue above, the proposed fence would sit slightly lower than the existing fence on account of the declining land levels towards the footpath edge. Despite providing a more continuous frontage, the reduced fence height from the public footpath land levels would to my mind not lead to a materially greater impact on the openness of the Green Belt in visual impact terms.
32. It remains however that the proposal would have greater impact on openness in spatial terms than the existing situation. Whilst the impact would be minor on account of the infill nature of the land and the limited projection beyond the existing fence line, this is nonetheless contrary to the Framework where it states that an essential characteristic of Green Belts is their openness. Moreover, the proposal would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Other considerations

33. The proposed fencing would improve the security of Honeygreen Barn by separating its blank brick outshot elevation from the public footpath route. Although no specific evidence of anti-social behaviour is before me, I have no reason to doubt that the existing situation nonetheless gives occupiers the perception of risk of anti-social behaviour, such as graffiti. Additional enclosure away from this wall would also give the perception of some increased privacy when occupying the room served by this wall. The above issues therefore form matters in which I can attach considerable weight to.

Other Matters

34. The second reason for refusal cites conflict with Policy DM14 of LPP2. This policy however refers to extensions, alterations, replacement buildings and limited infilling within villages in the Green Belt. None of these development types apply to the appeal proposal. I have therefore found no conflict with LPP2 Policy DM14.

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

Green Belt Balance

35. The proposal would reduce the openness of the Green Belt in spatial terms by enclosing a parcel of land that is currently open. I have found this degree of harm to openness to be minor in spatial terms, and that the proposal would not lead to a materially greater impact on openness in visual impact terms. I have also found that the proposal site comprises grey belt land, and that the scheme meets exceptions a. and c. listed under Framework Paragraph 155 for such land. However, I have concluded that no demonstrable unmet need exists for the proposal, and thus it fails to meet exception b. to Paragraph 155.
36. For the above reason, the proposal would be inappropriate development in the Green Belt. In turn, this conflict with Framework Green Belt policy also renders the scheme contrary to Policy RE2 of the LPP1. The Framework requires substantial weight to be attached to any harm to the Green Belt. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found no other harm arising from the scheme, including to the NL and AGLV.
37. In the particular circumstances of this appeal, I have found that the other considerations clearly outweigh the Green Belt harm that would occur, on account of the grey belt status of the proposal site and the minor degree of harm to openness in which I have identified. Looking at the case as a whole, very special circumstances exist which justify the development.

Conditions

38. The Council has suggested an approved plans condition in the event that the appeal is allowed, which I agree is necessary in the interests of planning certainty. For the same reason, I also consider that a further condition specifying the time limit for the development is necessary. I have however removed the existing plans from the approved plans list, for clarity.

Conclusion

39. For the above reasons, the appeal is allowed.

R Cahalane

INSPECTOR