



Appeal Decisions

Site visit made on 4 September 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal A Ref: APP/D3640/W/25/3362051

Land at Lucas Green Nurseries, Lucas Green Road, West End, Woking GU24 9LY

- 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 Mrs Karen Haizelden of Lasch against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0245/FFU.
 - The development proposed is change of use of land, for dog walking and play sessions.
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Appeal B Ref: APP/D3640/W/25/3362055

Land at Lucas Green Nurseries, Lucas Green Road, West End, Woking GU24 9LY

- 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 Mrs Karen Haizelden of Lasch against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/0246/FFU.
 - The development proposed is change of use of land and buildings S and T to dog training activities in association with dog training business and ancillary office and storage use.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Background and Preliminary Matters

3. This decision relates to two appeals against the refusal of planning permission for two applications which were submitted to, and determined by the Council, concurrently. They relate to different parts of the wider Lucas Green Nurseries site but with the same access from Lucas Green Road. The appellant reports that there has been a change in the companies using the sites since the applications were submitted.
4. Appeal A relates to land at the southern side of Lucas Green Nurseries, annotated on the plans as Trinity Field. I observed during my site visit that fencing and gates had been erected on the site and the land was in use for exercising dogs.
5. Appeal B relates to land at the northern side of Lucas Green Nurseries close to Lucas Green Road and known as Virginia Field. I observed during my site visit that fencing and gates had been erected on this site and the two buildings included on the red line plan were no longer in the positions shown. In respect of Appeal B, the description of development in the banner heading above is taken from the Council's decision notice and the appeal form, since this describes the entirety of the proposal.

Main Issues

6. The main issues to both Appeal A and Appeal B are:
- Whether the proposal is inappropriate development in the Green Belt, including the effects of the proposals on the openness of the Green Belt and its purposes;
 - Effects on highway safety, and;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

7. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions it lists applies. Paragraph 154b) states that an exception to inappropriate development includes 'the provision of appropriate facilities including buildings, for outdoor sport, outdoor recreation...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'
8. In respect of both Appeal A and Appeal B, both main parties agree that the provisions of paragraph 154b) are the most relevant to the proposals and I have no strong reason to reach a different view. Whether either appeal scheme falls under this exception to inappropriate development therefore requires an assessment of effects on openness and the Green Belt purposes.
9. Openness of the Green Belt has a spatial aspect as well as a visual aspect. The appeal sites are in a rural location, beyond the edge of West End to the northeast. The openness of the wider area is established by the dispersed pattern of development together with areas of woodland and open grassland. Lucas Green Nurseries is set back from the road and comprises a cluster of low level buildings and areas of hard surfaces serving a number of commercial uses. The scale of the buildings and the spaces around them nonetheless contribute to feelings of openness around the site. The appellant states the fields in question were previously used for growing plants in connection with the nursery use. As such, they would have contributed positively to the openness of the Green Belt.
10. The fencing which has been erected on both fields is set in from the landscaped boundaries and provide subdivision and enclosure of the central parts of those fields. While the fencing on both sites comprises wire mesh which allows visibility through, together with the tall, regularly positioned fence posts and gates, it inevitably reduces the spatial aspect of the Green Belt's openness. Although intermittent, activity on the sites from dogs and staff together with paraphernalia associated with the use, would also reduce the appreciation of openness on the sites. This is apparent at Trinity Field (Appeal A) where play equipment for dogs, a timber animal shelter, solid wooden gates and vans associated with the use were evident. Both proposals would therefore cause a moderate reduction in the spatial aspect of the Green Belt's openness.

11. In terms of the visual effects, both fields are heavily enclosed by mature trees and shrubs, which limit visibility from the surrounding area. Trinity Field (Appeal A) is enclosed in part by existing buildings and an embankment to the south, which together heavily limit visibility from outside the site itself. The effect of Appeal A on the visual aspect of the Green Belt's openness is therefore very limited.
12. Virginia Field (of Appeal B) is enclosed to the north by a tall laurel hedge, which severely limits visibility from the road. The field is visible from the first floor windows of the neighbouring property, which overlook the site, and the reduction in openness would be visible in those private views. Although new planting is proposed, it is not apparent based on the information before me that this would be effective in screening views from the first floor windows. Accordingly Appeal B would have a moderate effect on the visual aspect of the Green Belt's openness.
13. For the reasons given, even though the level of harm to openness is at the lower end of the scale, neither proposal can be described as preserving the openness of the Green Belt. Accordingly, neither Appeal A nor Appeal B would conform to the exception to inappropriate development at paragraph 154b) of the Framework. They would also conflict with the Green Belt purpose to safeguard the countryside from encroachment. In conclusion on this main issue, both Appeal A and Appeal B constitute inappropriate development in the Green Belt.

Highway Safety

14. The Council's concerns relate to the parking for vans associated with the uses. The appellant has provided a Transport Statement which states the wider site to benefit from 31 formal car parking spaces shared across the current uses on the site, as well as informal areas around the buildings which could equate to 185 further spaces. It does not demonstrate how those spaces are allocated between the various uses, or where the relevant turning areas and larger vehicles are accommodated.
15. Despite this, I observed during my site visit that there are significant areas of hard surfacing around the wider site and there appeared to be ample space for parking of vehicles both within the designated parking areas and to the eastern side of the site. Even if there were to be more vehicles associated with the development when accounting for differences between operators, subject to relevant conditions it is likely that this could be accommodated safely on the site without causing prejudice to the safety of its users or the highway. Those other parking areas are within the blue line boundary of the appeal sites, suggesting they are areas owned by the appellant and could be subject to a condition requiring further details if necessary.
16. While there is some uncertainty surrounding trip generation from both appeals, based on the information before me as a whole, I am not convinced that it would be so significant as to cause harm to the safety or function of the highway, nor amount to a severe residual cumulative impact. In reaching this view I have had regard to the earlier appeal decision for the site¹, for which the nature of highways effects was very different.
17. Both Appeal A and Appeal B would be acceptable in terms of their effects on parking and on highway safety. They would comply with Policy DM11 of the

¹ APP/D3640/W/21/3277880

CSDMP² which resists development which would adversely impact the safe and efficient flow of traffic and requires safe and well designed access.

Other Considerations

18. The proposal has been found to be inappropriate development in the Green Belt and harmful to openness. While I have found that harm to be at the lower end of the scale, the Framework nonetheless requires that substantial weight is given to any harm to the Green Belt, including harm to its openness.
19. As above, the Framework states that inappropriate development should not be approved except in very special circumstances. It states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriate, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The appellant states that fencing up to 2m high could be installed on either site without requiring planning permission and I understand the Council have issued a lawful development certificate to this effect. I therefore have no reason to doubt that could occur and that the effects of that development would be similar to the fencing included in the appeal schemes.
21. As acknowledged by the appellant, case law has established there should be a 'real prospect' of that fallback being implemented³. In this case, the fencing is necessitated by the need to contain dogs safely. Therefore, while fencing could exist without planning permission, it is not apparent that the fencing would be carried out or maintained without the change of use of the land. As such, and in the absence of evidence to the contrary, there is not a real prospect of the fencing otherwise being maintained if planning permission were refused. I therefore give limited weight to this fallback scheme.
22. Even if additional weight were given to the fallback scheme, the proposed changes of use would give rise to other effects which would further reduce the Green Belt's openness as set out above. In that situation, the appeal schemes would present worse effects than the fallback position, and the fallback would not provide a justification for the effects of the appeal schemes.
23. The proposed developments would serve small businesses which would be capable of providing valued services to pet owners in the area. There would also be some economic benefits arising from employment and expenditure by those businesses. These economic benefits weigh in favour of both developments and the Framework includes that planning decisions should enable the sustainable growth of all business types in rural areas. Having regard to the information before me and the scale of the developments, the economic benefits of the proposals attract moderate weight. Where the proposals have been found to be acceptable in other respects, for example in terms of highways and parking, these are neutral matters rather than weighing in favour of the development.
24. Overall, while acknowledging there would be some benefits of the appeal schemes, these do not amount to considerations of sufficient weight which would *clearly* outweigh the harm to the Green Belt, as set out in the Framework. As a

² The Surrey Heath Core Strategy and Development Management Policies Document 2012

³ Mansell v Tonbridge and Malling BC & others [2017]

consequence, the very special circumstances necessary to justify the developments do not exist.

25. Given this finding, both appeals would conflict with Policy DM1 part iii) of the CSDMP which requires that proposals for diversification or economic purpose do not conflict with wider Green Belt objectives.

Other Matters

26. The site is within the 400m buffer zone of the Thames Basin Special Protection Area, which is a designated habitats site. Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeals are being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Conclusion

27. For the reasons given, Appeal A and Appeal B would conflict with the development plan as a whole and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. Both Appeal A and Appeal B are therefore dismissed.

C Shearing

INSPECTOR