



Appeal Decision

Site visit made on 27 August 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 OCTOBER 2025

Appeal Ref: APP/K3605/D/25/3368600

Weylands House, Molesey Road, Walton-on-Thames KT12 3PN

- 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 C Pidgley against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2616.
 - The development is for “retrospective planning application for the erection of a front boundary wall, part metal fencing with a max height of 2.5m in addition to resurfacing of the existing access route and the introduction of an alternative route”.
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Decision

1. The appeal is dismissed.

Appeal Procedure & Preliminary Matter

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. The description on the application form differs to the decision notice. I am however, satisfied that it accurately describes the scheme and the main parties would not be prejudiced by my use thereof.

Main Issues

3. The main issues are a) whether the scheme is inappropriate development in the Green Belt; its effect on b) the openness of the Green Belt; c) the character and appearance of the area; d) ecology; and e) if the scheme is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances required to justify it.

Reasons for the Recommendation

Inappropriate Development & Openness

4. Policy DM18 of the Elmbridge Local Plan Development Management Plan 2015 (LP) focusses on development of existing buildings within the Green Belt and is broadly consistent with the approach of the National Planning Policy Framework (the Framework) in its requirements of how buildings are to be extended, altered or replaced. The main parties are in agreement that for the purposes of the Framework and the LP, the scheme is a building.
5. Paragraph 154 (d) explains that the replacement of a building in the Green Belt might not be inappropriate development therein, provided that it is in the same use and is not materially larger than the one it replaces. The scheme is a replacement

for the previous boundary treatment and gate with some changes and additions. It sits forward of the previous scheme; however, I am satisfied that it would still be classed as a replacement even in a new siting. There is nothing compelling to suggest, within reason, that a replacement has to be in the same place. The height and width, along with the positioning, appears to be much more visually imposing than the previous. Moreover, it appears wider and taller with a harsher presence due to the timber infill panels. It has a much greater substance and thus is materially larger than the previous iteration of the boundary treatment. The scheme would therefore would not fall under the exception 154 (d).

6. Policy DM18 goes further in its objectives of the replacement of a building in such that support will be given to proposals that do not have a materially greater impact on openness. Openness is an essential characteristic of the Green Belt. Such has a visual and spatial aspect. The latter can be taken to mean the absence of built form. The scheme does not substantially increase land take. It does, however, increase the height of the piers, walls and gates which has had an unavoidable reducing effect on the openness of the Green Belt in both the spatial and visual sense being additional and highly visible built form where there was previously none.
7. The Framework is clear in its aims that if the development does not meet any of the exceptions listed then it would be classed as inappropriate development. Whilst the appellant advises that the Green Belt was never intended to prevent routine maintenance or modest enhancements, if they do not fall within the exceptions, they have to be regarded as inappropriate development. Therefore, even a minor departure from the Framework's Green Belt exceptions would not warrant the scheme to be allowed.
8. Consequently, the development is inappropriate development in the Green Belt. It is harmful by definition thereto and conflict with both Policy DM18 and the Framework which, amongst other things, seek to protect the Green Belt from inappropriate development. Moreover, the development would conflict with the purposes of the Green Belt, in its openness and permanence.

Character and Appearance

9. The appeal site is a detached property sited within a large plot on its own fronting a busy through road. Typical boundary treatments in this location consist of either hedgerows with associated trees or modest timber fencing. These features in combination contribute to a pleasant rurality and verdant consistency which have a positive impact on the area.
10. A boundary treatment of the height, length and forward positioning that's subject of the appeal presents as overly harsh, unnatural and out of place. It's design, finish and use of materials appears alien and overtly urban within a prevailing rural context, unacceptably reducing its visual qualities. I am aware that a wall and gates existed previously, but they were much smaller, further into the plot and in amongst green cover. They thus had a much more recessive presence in the street. They are not mutually comparable, the appellant's intentions aside.
11. I am unaware of the planning status of the other examples of similar development in the other locations provided. Nor the finer details such as the circumstances which prevailed at the time or matters taken into account. In addition, they are smaller in both their land take and height and therefore not sufficiently comparable

to the appeal scheme. I also observed a taller fence made up of vertical timber and mesh sections immediately adjacent the appeal scheme, but this does not appear to form part thereof and I am unsure if it requires or has express planning permission. With this and the above in mind, I am not persuaded to find the development acceptable on this main issue.

12. With this and the above in mind, the scheme would result in unacceptable harm to the character and appearance of the areas which would resultantly conflict with Policies CS3 and CS17 of the Core Strategy 2011 (CS), DM2 of the LP, the Design and Character Supplementary Planning Document 2012 and the Framework.

Ecology

13. The Council have requested additional ecology information to ensure that biodiversity of the site is not adversely affected. Whilst they had substantive concerns for it to translate to a reason for refusal, this has not been sufficiently evidenced. Moreover, the appellant has not provided any additional information on the basis the development is relatively minor.
14. As a singular dwelling in a large plot with limited development around it, there is a possibility that there were habitats or species affected by the development. Moreover, based on the evidence there has been a significant clearing of trees. However, it is important to recognise that the works have already been completed and therefore any surveys that would take place now would reflect the existing situation. There is no way of knowing what has been removed in the past. It is possible that something may have been affected but, in the absence of compelling data, it would be difficult to resist the scheme in terms of its impact on biodiversity. Doing so would be akin to locking the door after the horse has bolted.
15. I am therefore satisfied that the development does not conflict with Policy CS15 of the CS, Policy DM21 of the LP and the Framework, which together seek to ensure that development proposals do not result in harm to the biodiversity of the area.

Other Consideration

16. The appellant has advised that the works exceed the permitted development limits in terms of height but are close to the requirements and therefore does not give rise to material harm. Whilst I appreciate that a smaller scheme could be permitted development, no further evidence or investigation has been given to this claim. Moreover, it is not what the appeal scheme is asking for. I can therefore only give limited weight to this matter.

Conclusion and Recommendation

17. The proposal is inappropriate development in the Green Belt. It also reduces its openness which is worthy of substantial weight. There is harm the character and appearance of the area. Whilst the scheme would not find harm to biodiversity, this matter is neutral. For the reasons I have explained, this and the other considerations are not sufficient to clearly outweigh the harms I have found. Such that the very special circumstances necessary to justify the proposal do not exist.
18. For the reasons given above the appeal scheme would not comply with the development plan and I have been given no compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR