



Appeal Decision

Site visit made on 3 September 2025

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 NOVEMBER 2025

Appeal Ref: APP/D3640/W/25/3363491

Little Trotters, Bagshot Road, Chobham, Woking, Surrey, GU24 8BZ

- 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 Ms Z Kenworthy against the decision of Surrey Heath Borough Council.
- The application Ref is 24/0074/FFU.
- The development proposed is change of use of land from agricultural use to mixed use agricultural and equestrian (Class F2(c)) including the retention of 6 agricultural structures and two shipping containers (which are used for storage of agricultural items, tractor, tack, tools and animal food) and erection of 2 structures, a gazebo and horse box in association with the equestrian use of the land (Class F2(c)).

Decision

1. The appeal is allowed and planning permission is granted for a change of use of land from agricultural use to mixed use agricultural and equestrian (Class F2(c)) including the retention of 6 agricultural structures and two shipping containers (which are used for storage of agricultural items, tractor, tack, tools and animal food) and erection of 2 structures, a gazebo and horse box in association with the equestrian use of the land (Class F2(c)), subject to the conditions included in the schedule.

Preliminary Matters

2. References in this decision to the National Planning Policy Framework (the Framework) relate to that adopted after the Council's decision.
3. The Development Plan comprises the Surrey Heath Core Strategy and Development Management Policies Document 2012.
4. The proposed use appears to have commenced, and all the structures/buildings included in the appeal scheme are on site. Whilst there is some confusion between the parties over the identification of structure A and whether it is immune from enforcement action the appellant's comments have not been challenged by the Council. Accordingly, on the basis of the evidence before me I accept that this is immune from enforcement action.
5. Following the Council's decision the Highway Authority revised its comments and removed its objection. The Council have confirmed that they do not intend to defend its second reason for refusal.
6. Finally, although the appeal scheme is fully operational this decision is made on the basis of the evidence submitted which reflects the scheme's intended operation.

Main Issues

7. The appeal scheme raises the following issues:

- Whether or not the scheme is inappropriate development and the effect of the proposal on the openness and the purposes of including land in the Green Belt,
- The effect of the scheme on highway safety, and
- Whether or not the appeal scheme would lead to surface water flooding in the local area.

Reasons

Whether the appeal scheme represent inappropriate development

8. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is the prevention of urban sprawl by keeping land permanently open and its essential characteristics are openness and permanence. Paragraph 153 of the Framework requires that substantial weight is given to any harm to the Green Belt. Although there is no definition of 'openness' within the Framework, the Guidance¹, refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. Whilst only a suggested framework for consideration it is useful for the issues involved in this appeal.
9. The Council's Policies DM1 and DM3 of the Surrey Heath Core Strategy and Development Management Policies Document are broadly consistent with the Framework in seeking to resist inappropriate development in the Green Belt. Policy DM1 supports farm diversification and the re use of buildings subject to a range of criteria which include scale, use and cumulative impact.
10. The appeal site lies on the edge of Chobham and comprises several paddocks with an area of around 3.5ha located in the Metropolitan Green Belt. Housing lies on its eastern edge, with a fire station located to the south. Beyond its western and northern boundaries lie fields.
11. The paddocks include 14 small buildings including two shipping containers and small wooden buildings and structures located on the southern and eastern edges of the site. For the purposes of identification these are identified with letters A to O inclusive.
12. On 18 December 2024 the Council issued a split decision for a Certificate of Existing Lawful Use certifying that eight of twelve structures/buildings were lawful but that buildings/structures A and H were unlawful.
13. This appeal relates to a proposed change of use from agriculture to mixed agricultural /equestrian use and specifically for the retention of buildings/structures A, B, C, E, F and H. Each of these are required for the purposes of the equestrian use although it is accepted that building A is immune from enforcement action and H, a container is used for agriculture.

¹ Planning Practice Guidance 001 reference ID:64-001-020190722

14. Buildings B, C, E and F are required for the recreational use of the site.
15. Paragraph 143 of the Framework identifies that there are five purposes to the Green Belt. These are the prevention of the unrestricted sprawl of built-up areas, prevention of neighbouring towns merging, safeguarding the countryside from encroachment, preservation of the setting of historic towns and assisting regeneration by encouraging the recycling of derelict land. I recognise that the site contributes to Purpose 143c) in safeguarding the countryside from encroachment.
16. Inappropriate development is harmful to the Green Belt but Paragraph 154a) includes an exception for agricultural buildings. Case law² has defined that this exception means that they do not impact on openness. Whilst Paragraph 154b) of the Framework includes as another exception buildings used for appropriate facilities for outdoor sport and recreation this is caveated with reference to a requirement, they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
17. Of the six buildings for which planning permission is sought only B,C E and F are subject to the test of openness. Each is single storey and they have a total footprint of no more than 30sq.m. and with a volume of 148cu.m. They are each limited in scale and are located close to the edge of the whole site. Their visibility is limited being restricted to those by the site entrance given that hedges largely screen the whole site. Whilst they have a spatial and volumetric impact this is limited. Even accounting for the cumulative impacts arising from the location of the lawful structures the impacts of the proposed buildings/structures would not adversely impact on the openness of the site. The proposed structures fall within Paragraph 154a) and b) of the Framework as they preserve the openness of the Green Belt.
18. The additional activity arising from the proposed mixed use involving pony parties would be more than what would arise from just an agricultural use. Given the terms of the appeal and the seasonal nature of this use in the course of a year it would not be excessive for the site to the extent that openness would be prejudiced. The appeal scheme would for the most part of the year appear as agricultural use given the numbers of goats and donkeys. The proposed use would not undermine Paragraph 143c) of the Framework.
19. For these reasons, I conclude that the appeal scheme would not conflict with policies DM1 and DM3.

Highway Safety

20. The appeal site lies on the edge of Chobham town centre and does not include an area for off street parking. Policy DM11 requires that all development should meet the needs and accessibility of all highway users including cyclists and pedestrians.
21. No parking survey or trip generation evidence has been submitted with the appeal which draws on national comparators. Instead, the appellant has submitted their own Transport Statement which identifies that the 'pony days' would occur on one or two days a week (10.00-15.00 hrs) and there would be no more than 30 people on site for the entire day.
22. The appellant identifies that their intention is to continue to rely on the existing town centre car park, comprising just under 100 spaces located around 300 metres from

² Lee Valley Regional Park Authority, R (on the application of)v Epping Forest District Council& Anor (Rev 1) 2016EWCA Civ 404

the site. Parents/carers would take advantage of the free parking available in the car park (up to 45 minutes) to take their children on foot to the activities at the appeal site. There would clearly be overlap between the times that one group finish before the next would commence and there could be up to 30 cars seeking parking at the beginning and end of each session.

23. The Transport Statement includes a summary of the applicant's parking survey of the town centre car park, which identifies that it is regularly underused to the extent that demand from the proposed use at the appeal site could be accommodated. The few casual staff required either live locally or use bikes and make no demand on parking in the locality.
24. I understand that this assessment is based on the current use of the site which involves around 240 parties a year which each include 10-15 children at any time and that these parties take place during summer weekends and occasionally during school holidays. It was on this basis that the County as Highway Authority withdrew its objection to the appeal scheme. Having reviewed this evidence, I am satisfied that the proposed use would not adversely impact on highway safety.
25. For the above reasons, I conclude that the appeal scheme does not conflict with policy DM11.

Flood Risk

26. The appeal site lies in Flood Zone 3 (FZ3) which is the highest category of flood risk and derives from the location of the Mill Bourne River on the site's northern boundary. Paragraph 181 of the Framework requires that site specific flood risk assessments (FRA) are required for all development in FZ3. Policy DM10 requires that the impact of development should have a neutral impact on flood risk.
27. The FRA does not account for structures A and H but rightly discounts the E because it is a horse box on wheels. The total footprint of the remaining structures is 41sm. Given their limited floor area and that several are open sided means their potential impact on flood water displacement would be limited.
28. It is acknowledged that the site experienced three flood events in August 2024 which are assessed as 1:1000 year events; this confirms the site's location as assessed by the Council's Strategic Flood Risk Assessment. The Environment Agency identifies that the appeal scheme falls within a flood risk vulnerability category that is inappropriate for the flood zone within which it is located as defined by the Annex to the Framework and the PPG, but has removed its original objection.
29. Given the limited extent of proposed development, it is considered that the imposition of suitably worded conditions regarding flood evacuation and as suggested by the EA would address any outstanding concerns from the Council.
30. For the above reasons, I conclude that the appeal scheme does not conflict with policy DM10

Other Matters

31. The site has a boundary to the Chobham Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or

enhancing the character or appearance of that area. Policy DM17 seeks to protect the settings of Conservation Areas amongst other aspects.

32. The CA comprises a range of building types which date from the sixteenth century. Its character is defined by these buildings which incorporate distinctive features of render, pantiles and exposed timber framing. These buildings located on the main roads which converge on the centre are often juxtaposed creating interesting spaces with distinctive tree belts.
33. Given the scale of the appeal scheme the rural character of the site would be largely preserved and given its location beyond the boundaries of the CA no harm would result to the CA.

Conclusions

34. The appeal scheme is consistent with the Framework in enabling the diversification of a rural business. It would not lead to adverse impacts on the openness of the Green Belt and given the exigencies of the appeal scheme demand for parking would not lead to highway safety being compromised. Planning conditions provide the necessary safeguards given the site's location in the flood plain.

Conditions

35. Given that the scheme has already commenced without the benefit of planning permission time limits for the submission of details to address the conditions are effective from the date of this decision.
36. I have imposed two conditions relating to flood risk. In the drafting of these I have had regard to comments of both parties and the EA. The appellant's suggested revised wording is designed to address pre booked events. However, this does not adequately account for the fact that whatever the date of this decision there will always be some pre booked events included in their suggested 'window' of 28 days. The wording of this condition reflects the imperative of children's safety for a use which has already commenced. If the Council requires a plan to be submitted the condition's wording would allow for that. The EA's suggested condition and that of the Council regarding surface water flood risk are both necessary to ensure that displacement of flood water does not occur.
37. The appellant has stated that they cannot accept conditions 1 and 3 as originally drafted by the Council. However, these are broadly consistent with the essential thrust of the Transport Statement on which parties were consulted. The conditions are consistent with the site's operation and the protection of the living conditions of neighbouring properties. Whilst I have made some amendment to these, they are necessary.
38. Condition 2 is required to encourage a choice of transport mode for users and employees of the site and Condition 5 to ensure that the use is consistent with Green Belt purposes as defined by Paragraph 143 of the Framework.

S Wilkinson,

INSPECTOR

Schedule of Conditions

1. The development hereby approved shall only operate between the hours of 09.00 and 15.00hrs Monday to Saturday and between 09.00 and 13.00hrs on Sundays and Public Holidays. For the avoidance of doubt Public Holidays as required by this condition include all bank holidays apart from Christmas Day, Boxing Day and New Years Day.
2. The development hereby approved shall not operate for trading unless and until details of secure sheltered cycle facilities have been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for cycles to be parked and thereafter maintained for the lifetime of the development.
3. The total number of pony parties shall not exceed two on any given day and the number of children in attendance at each party shall not exceed 15.
4. The development hereby permitted shall not operate until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS hierarchy and be compliant with the Framework and the Planning Practice Guidance.
5. Buildings labelled B, C, E and F on plan drawing, 'Proposed Outbuildings' shall only be used for purposes ancillary to either the agricultural or outdoor recreational use hereby permitted and not for any other purpose including any purpose within Use Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to any of these Classes in any statutory instrument revoke revoking and re-enacting that Order.
6. The development hereby permitted shall not operate until a flood evacuation plan is submitted to and approved in writing by the local planning authority. The plan should include the range of measures referred to in the submitted Flood Risk Assessment (aegeaea, dated 3 April 2025) 'Evacuation, Triggers and Measures' together with other matters demonstrating how the safe evacuation of the site's users can be satisfactorily achieved. The measures should be implemented within 3 month of approval.
7. The buildings shall remain floodable for the lifetime of the development.

