



Appeal Decisions

Site visit made on 12 November 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 DECEMBER 2025

Appeal A Ref: APP/R3650/W/25/3370179

Westland Farm, Lords Hill Common, Shamley Green, GUILDFORD, GU5 0TL

- 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 Elysian Animal Assisted Therapy and Learning Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/01987.
 - The development proposed is the erection of a log cabin as a classroom and use of garage to provide an accessible toilet and medical room.
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Appeal B Ref: APP/R3650/W/25/3370182

Westland Farm, Lords Hill Common, Shamley Green, GUILDFORD, GU5 0TL

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 - The appeal is made by Elysian Animal Assisted Therapy and Learning Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00614.
 - The development proposed is an extension to existing riding arena and erection of a viewing barn with associated works.
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Decisions

Appeal A Ref: APP/R3650/W/25/3370179

1. The appeal is allowed and planning permission is granted for the erection of a log cabin as a classroom and use of garage to provide an accessible toilet and medical room at Westland Farm, Lords Hill Common, GUILDFORD, GU5 0TL in accordance with the terms of the application, Ref WA/2022/01987, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Appeal B Ref: APP/R3650/W/25/3370182

2. The appeal is allowed and planning permission is granted for an extension to existing riding arena and erection of a viewing barn with associated works at Westland Farm, Lords Hill Common, GUILDFORD, GU5 0TL in accordance with the terms of the application, WA/2024/00614, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Applications for costs

3. Application for costs have been submitted by the appellant against the Council. These are the subject of separate decisions.

Main Issues

4. In both appeals, the main issues that arises with these separate proposals are:
 - Whether the development constitutes inappropriate development in the Green Belt and the effect on its openness;
 - In appeal B the effect on protected species particularly bats;
 - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

Background

5. The appellant school is a provider of alternative education for children and young persons with special educational needs based around animal care including farm animals and horses. The whole landholding amounts to about 55 ha (109 acres) with various existing agricultural and equestrian buildings, a riding arena and extensive fields many of which are laid out with equestrian jumps.
6. The overall site lies towards the western end of a narrow cul-de-sac lane (and public footpath) which also serves a sewage treatment works adjacent to the western side of the school premises and scattered individual residential properties to the east, including Westland Farm Cottage. The complex lies in the Metropolitan Green Belt and an Area of Great Landscape Value (AGLV) but not the Surrey Hills National Landscape as mentioned incorrectly in the officer report when the applications were considered by the Council.
7. The actual appeal site in appeal A is tightly drawn around the log cabin/classroom and the timber garage. The log cabin measures about 10m by 6m and would have a low-pitched roof clad in metal sheeting coloured dark brown. The garage is about the size of a domestic double garage.
8. It is apparent from the planning history that planning permission was granted for the change of use of the garage and the erection of the log cabin in February 2020 but the permission was limited to 3 years and expired at the end of January 2023.
9. The actual appeal site for appeal B includes the existing and proposed riding arenas together with the siting of the proposed viewing building which would have an open/ glazed elevation to the front and a raised platform area inside. The building would be about 14m long and about 4.3m high with a mono-pitch roof.
10. In terms of the overall use of the site the planning history indicates that planning permission was granted in 2016 for a mixed use comprising private and commercial equestrian use, formation of a 'sand' school and associated works.
11. The Council appears to accept that the educational and equestrian uses are intertwined and private and commercial equestrian uses were integral to the 2016 application. However, the Council is concerned that the activities on site now are primarily educational rather than equestrian, as indicated in the proposal for a new classroom. Further, there also appeared to be additional

buildings particularly around the site of the garage to be converted. The Council considered that the activity at the school had increased significantly since the 2016 permission was granted.

12. For these reasons the Council requested the submission of a master plan/ updated business plan for the school so that it could consider the current proposals within the whole complex and to see if 'very special circumstances' arose for the development in the Green Belt. The Council advises that such updated information on the scale of the use and the buildings that had been erected was not forthcoming.

Policy Context

13. The development plan includes the Waverley Borough Council Local Plan Parts 1 and 2. The appellant questions whether the limited policies for education provision means that there is a lack of relevant policies in the plan which results in the application of paragraph 11 of the Framework. However, Policy RE2 in respect of the Green Belt is still relevant, even though it refers back to the Framework. Moreover, it is not unusual for a development plan not to have specific policies in place to deal with every type of possible development that may arise. I am therefore satisfied that the development plan should have full effect in these cases.

Whether inappropriate development in the Green Belt

14. Paragraph 153 of the Framework indicates that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 says that development is inappropriate unless one of the specified exceptions applies as in a) to g). Moreover, part h) lists other forms of development which are not inappropriate provided that they preserve openness and do not conflict with the purpose of including land within it. Finally, paragraph 155 sets out criteria for considering development on 'grey belt' land.
15. Local Plan Policy RE2 relates to development in the Green Belt and refers back to the provisions of the Framework in respect of inappropriate development as well as making alterations to the land within the Green Belt boundary.
16. The components of both applications will be considered below under these parts of the Framework:

Appeal A

Garage to office and medical room

17. The garage building is longstanding, and it is constructed of permanent materials. I am satisfied that it is small in scale and located within the main complex of buildings. The continued presence would preserve the openness of the Green Belt and will not harm it in either visual or spatial terms. Neither will it conflict with any of the purposes set out in paragraph 143 of the Framework. This part of the proposal meets the exception put forward in part h) iv).

Log cabin

18. In relation to this building, although this was previously permitted for a temporary period and is demountable, it is formed in substantial timber with a tile-effect roof and it is clearly constructed in permanent materials.
19. The appellant submits that the proposal should be considered under the provisions of paragraph 155 regarding 'grey belt'. This is defined in the Glossary to the Framework as comprising previously developed land (PDL), or other land, that does not strongly contribute to any of the purposes in (a) (b) or (d) in paragraph 143 but excludes areas or assets to which Footnote 7 applies. The areas of particular importance listed in Footnote 7 does not include AGLVs.
20. Taking the existing complex as a whole, I have doubt that the siting of the log cabin can be considered as PDL as it appears that there was no other building or explicit use on this particular part of the land prior to the previous temporary permission.
21. However the term 'grey belt' includes PDL 'and/or any other land' which does not strongly contribute to any purpose in parts a), b) or d) of para 143. This would include the site of the log cabin. Under a) the site does not fulfil a roll of checking unrestricted sprawl of large built-up areas. The local area is rural and generally existing development is dispersed; b) It is not needed to prevent neighbouring towns merging. Under d) the local area does not perform a function of preserving the setting and special character of historic towns. Therefore, the site of the log cabin is in 'grey belt' land.
22. Moving on to the criteria set out in paragraph 155, I am satisfied that the small-scale nature of the proposed building would not fundamentally undermine the purposes of the remaining Green Belt land across the area. There is clearly an unmet need for the facility, including the evidence set out in the Ofsted Report (Oct 2023); and the proposal would be in a reasonably sustainable location with particular reference to paragraphs 110 and 115 of the Framework, bearing in mind the nature of the local rural area and the lack of any highway objection to the proposal. Finally under d) the development is not of the scale or type of major housing development where the 'golden rules' set out in paragraphs 156 and 157 apply.
23. Overall, I am satisfied that the erection of the log cabin is not inappropriate development as it meets the exception terms of paragraph 155 of the Framework.

Appeal B

Extension to riding area

24. The riding area extension falls within the scope of part b) of paragraph 154 as it will be used in conjunction with the main arena for outdoor sport and recreation. The arena is a flat surface of loose material with a low post and rail fence around it and I am satisfied that it would preserve the openness of the Green Belt in both visual and spatial terms. The existing arena has some limited lighting on a few poles but none are shown on the current proposal.

Viewing barn

25. This is proposed to be sited at the end of the extended riding arena. The building is relatively modest and its design and function is well related to the principal

recreational use. Taking into account the complex as a whole including the extensive fields around the buildings, I am satisfied that the viewing barn is an appropriate facility ancillary to the principal lawful use. The scale and location of the building would preserve the openness of the Green Belt and this development would not be in conflict with any of the purposes of including the land within it.

26. The proposals put forward within Appeal B are therefore not 'inappropriate development' as they satisfy the relevant parts of paragraph 154 of the Framework.

Effect on protected species. (Appeal B)

27. The Council's objection on this ground relates to the potential loss of trees and other vegetation on the site of the proposed arena extension and the effect of this on any bat roost. An aerial photograph submitted by the Council is said to show the previous state of the land and there appears to be some trees on the land now put forward for the arena as well as an area of ground vegetation.
28. I also note that the submitted site plan indicates in outline that three trees which were previously on the land, need to be felled, together with an area described as 'ground foliage'. At the visit I noted that the area of the proposed arena extension was grassed with little vegetation.
29. The appellant says that a Preliminary Ecology Appraisal (PEA) undertaken by aLynne Ecology concluded that there would be no adverse impacts on protected species. Further because of the Council's concern about the lack of tree survey and protection plans an Arboricultural Impact Appraisal was carried out. In essence this found that a mature tree (at the side of the site) would be protected during the course of development but that a group of self-seeded Ash trees were either dead or diseased with 'dieback' and needed to be removed. The appellant says there is no record of the Council and its ecological advisors having assessed this before the decision was made on the application.
30. On the basis of the specialist evidence in the initial PEA, the Arboricultural Impacts Assessment and Preliminary Roost Assessment, together with my observations on site, I am satisfied that the area in which the extension to the riding arena and the viewing barn are proposed will not result in the loss of trees or other vegetation which are a potential roosting feature for bats. The proposal does not conflict with the provisions of Policies NE 1, DM1 or DM11 of the Local Plan.

Other Matters

31. In addition to the points discussed above other objections are put forward on behalf of a nearby neighbour. There is concern about the proposal greatly increasing the vehicular use of the lane which would harm the amenity of the property and the occupier's living conditions. However, I note that there is no highway objection to the proposal. Moreover, there is permission for the mixed agricultural, equestrian, and for a sand school use of the site.
32. On the evidence put to me and my observations at the visit I am satisfied that the modest classroom proposed on a permanent basis and other minor buildings

and arena extension would not give rise to a substantial increase in the use of the lane or the effect on residential amenity.

33. I am also satisfied that the proposals will not have a harmful effect on the wider landscape character of the AGLV. This landscape will be conserved, and the proposals do not conflict with Local Plan Policy RE3.
34. The concerns expressed are therefore not determinative issues. Other matters raised, such as compliance with an occupancy restriction, are beyond the scope of these appeals.

Planning balance

35. On the main issues in both appeals I have found that the proposed different elements in the schemes fall within the various exceptions set out in paragraphs 154 and 155 of the Framework and meet the inherent tests of the effect on openness which apply to some aspects. As such the proposals are not 'inappropriate development' in the Green Belt and the issue of whether there are very special circumstances does not arise in these cases. The proposals would also accord with related Local Plan Policy RE2.
36. Have also had regard to section 8 of the Framework about promoting healthy and safe communities and have placed great weight on the need to develop school facilities in accordance with paragraph 100.
37. In relation to the second issue in Appeal B, the proposal here will not have an adverse impact on protected species and there is no conflict with the relevant policies mentioned above.
38. Overall, I find that the proposals accord with the Framework when this is read as a whole. Moreover, the accord with the development plan is not outweighed by any other consideration. This indicates that the appeals should be allowed.

Conditions

39. In Appeal A the Council recommends two conditions. The first specifies the plans that are approved. Other than the clause to maintain the development thereafter, the condition is reasonable and necessary, and I will impose it but in a form that better meets the national guidance.
40. The Council also recommends a condition requiring the submission of a comprehensive Management Plan within three months of the appeal date, but this is unnecessary at the moment as I have found that the development is acceptable on its individual planning merits. Neither is such a requirement reasonable in relation to the modest form of the current proposals, and it is more related to potential future development. I will therefore not impose this condition.
41. In Appeal B the Council requests 6 conditions. Conditions No,1 and 2 are the same as those above and my comments above also apply here. The Council also seeks a condition (No.3) requiring wildlife mitigation, further survey and an improvement scheme. However, this is unnecessary in the light of the specialist evidence on ecology submitted on behalf of the appellant.

42. Condition No.4 regarding tree protection is not necessary as the Arboricultural Impact Assessment indicates that the off-site trees are beyond the influence of the development.
43. Finally, in order to maintain the appearance of the area Condition No. 5 regarding external and surface materials is appropriate and necessary. Condition No. 6 regarding the disposal of surface water drainage from the proposed building is also necessary to avoid pollution and flooding. I will impose these conditions along with statutory condition on the commencement of the development.

Conclusion

44. For the reasons given above both appeals should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/R3650/W/25/3370179

1. The development hereby permitted shall be carried out in accordance with drawing no's: 1989-SI-01; 1989-SI-02; 1989-PR-01; and 1989-PR-02.

Appeal B Ref: APP/R3650/W/25/3370182

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 drawing No's:
2395 (SK) 00 rev. A Amended Location Plan;
2395 (SK) 001 Proposed Site Plan;
2395 (SK) 01 Proposed Viewing Barn Floor Plan;
2395 (SK) 002 Proposed North & East Site Elevations;
2395 (SK) 003 Proposed South & West Site Elevations ;
2395 (SK) 03 Proposed Viewing Barn Elevations & Section A-A;
3. Prior to any construction works taking place, details of external materials for the building and the riding arena surface shall be submitted to and approved by the Local Planning Authority. The details shall include sustainability criteria for the arena surfacing material, and the development shall then be carried out and maintained in accordance with the approved details.
4. Prior to the riding arena and viewing barn being brought into use, surface water drainage shall have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The drainage design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

End