



Appeal Decisions

Site visit made on 22 October 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal A Ref: APP/Y3615/C/25/3363708

Appeal B Ref: APP/Y3615/C/25/3363709

Land to the North of Oakland Lodge, Wisley Lane, Wisley, Woking GU23 6QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Ms J Matthews and appeal B is made by Mr John Matthews against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 11 March 2025.
- The breach of planning control as alleged in the notice is without planning permission operational development comprising the erection of close-boarded fencing and gates in excess of 1 metre above ground level adjacent to a highway used for vehicular traffic, marked with black lines on Plan B and shown in the attached images.
- The requirements of the notice are to:
 - i) Remove the fence, gate and posts approximately marked with a black line on the attached "Plan B" and shown in the images attached to the notice; and
 - ii) Remove all debris and materials resulting from compliance with step i)
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeals are dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Appeal C Ref: APP/Y3615/W/25/3363707

Oakland Lodge, Wisley Lane, Woking, Surrey GU23 6QA

- 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 J Matthews against the decision of Guildford Borough Council.
- The application Ref is 24/P/01510.
- The development proposed is the erection of fencing and gates for a commercial tree surgery yard.

Summary Decision: the appeal is dismissed.

Preliminary Matters

1. The enforcement notice subject of appeals A and B relates to two sections of fencing identified on Plan B that was attached to the notice. That includes a longer section of fencing to either side of the current access to the site and sliding gates over that access. It also includes a smaller section of fencing at a previous access to the site.
2. The application for planning permission subject of appeal C related to the section of fencing and gates around the current access. It did not include the fencing around the previous access. The appellant has sought to include that fencing within appeal C. However, advice contained within the Procedural Guide: Planning Appeals – England at 16.1 states that the appeal process should not be used to evolve a scheme and there are no provisions for amendments to be submitted. It is

clear that what I consider must be essentially the same scheme that was considered by the local planning authority. In the context of this development, that additional fence would make a substantial difference in the application and has not been subject of consultation. On that basis, I have not taken the additional section of fencing into account in coming to my decision.

3. The fence and gates are located within the Grade II* Registered Park and Garden at the Royal Horticultural Society's (RHS) Gardens, Wisley. The appellant suggests that they have sought the boundary of the Registered Park and Garden be amended to exclude Oakland Lodge. As I have no information on the result of that, I am unable to take it into account.

Appeal C

Main Issues

4. The appellant accepts that the fencing and gates are inappropriate development having regard to the National Planning Policy Framework (the Framework). Consequently, it is also contrary to Policy P2 of the Guildford Borough Local Plan (LP): Strategy and Sites (SS) that reflects the Framework. Taking that into account, the main issues are:
 - The effect on the openness of the Green Belt;
 - The effect of the fencing and gates on the character and appearance of the surrounding area;
 - The effect on the significance of the Grade II* Registered Park and Garden at the RHS Gardens, Wisley; 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

Openness

5. The development comprises close boarded fencing and gates that separates the tree surgery yard at the end of the garden to Oakland Lodge from the road. It is a solid fence, albeit over a relatively short distance. In visual terms, it is in a prominent position on the roadside and opposite a car park on Wisley Common but is dominated by the mature trees in and around the site. Nevertheless, the fencing and gates have a significant effect on the visual openness of the Green Belt along Wisley Lane.
6. In spatial terms, the fencing and gates have little depth along a short section of Wisley Lane. As such, its spatial effect is limited.
7. For these reasons, I conclude that the fencing and gates harm the openness of the Green Belt.

Character and appearance

8. Wisley Lane comprises a rural lane with the woodland of Wisley Common to one side and the mature landscaping of the RHS Gardens to much of the other. There are limited fenced boundaries with most fences allowing views through. This results in a rural wooded character to the road.

9. The close boarded fence and gates contrast with that character. Although there is a hedge of mature trees behind and over them, the fence and gates are prominent in views from the road. The fence and gates are separated from the vehicular carriageway by a grass verge and footpath which allows limited space for any planting to restrict views of the fence and gates. Given the prominence of the fence and gates due to proximity to the road and opposite the car park on Wisley Common and from which they are visible, they appear incongruous in this location.
10. For these reasons, I conclude that the fence and gates harm the character and appearance of the area. As such, they conflict with Policy D1 of the CS: SS, D4 of the LP: Development Management Policies (DMP) and Policy LNPEN 1 of the Lovelace Neighbourhood Plan (NP) that seek high quality design, including respecting the existing landscape character of the area.

Registered Park and Garden

11. The gardens at Wisley comprise experimental wild gardens laid out between 1878 and 1902 and acquired by the Royal Horticultural Society in 1903, with further enlargement and development since then. The gardens comprise a collection of different areas reflecting the terrain and soil conditions, including formal and walled gardens. They are enclosed by post and wire fences, including to Wisley Lane and neighbouring properties. That fence allows views through and into the gardens, such that it has an open relationship to the surroundings. The significance of the gardens is derived from their historic development and national importance as the show gardens for the RHS.
12. Although within the boundary of the designation, Oakland Lodge and its associated land is located outside the RHS Gardens and the surrounding post and wire fence. It is adjacent to an access route into the gardens and the gardens extend to the rear and alongside the road adjacent to Oakland Lodge.
13. The solid fencing and gates at Oakland Lodge encloses the property without allowing views through to the land behind. This differs from the open fence around the RHS Gardens. It means that the fence appears incongruous within the long boundary of the designated gardens with Wisley Lane.
14. For these reasons, I conclude that the fencing and gates harm the character and appearance of the RHS Gardens. This has resulted in harm to the significance of the gardens as a heritage asset. That harm is low on the scale of less than substantial harm.
15. The Framework advises at Paragraph 212 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 214 of the Framework, the harm to the Registered Park and Garden is nevertheless a matter of considerable importance in this case.
16. Paragraph 215 of the Framework establishes that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits in this case derive from the contribution of the fencing and gates to security of the area,

the tree surgery business that contributes toward the rural economy and contribution toward highway safety. However, those benefits are minimal and cannot outweigh the identified harm to the Registered Park and Garden.

17. As a result, the fencing and gates conflict with Policies D3 of the LP: SS, Policy D22 of the LP: DMP and the Framework that seek to conserve and enhance the historic environment with development of the highest design quality and seeking development that causes no unacceptable harm to the significance of Registered Parks and Gardens as heritage assets.

Other considerations

18. I understand Policy E5 of the LP: SS supports the rural economy and rural businesses such as the tree surgery business at Oakland Lodge. The fencing and gates enclose the yard for the business that provides space for storage of equipment and machinery. The yard is at threat of burglary and theft. My attention has been drawn to attempted and successful break-ins to sites operated by the business. Since installation of the fences and gates I understand that no further thefts or break-ins have occurred. Clearly, they contribute significantly to the security of the yard and, in turn, the yard contributes toward the rural economy.
19. The Framework indicates that buildings for forestry are not inappropriate within the Green Belt. Whilst the yard may support a business providing services to the forestry industry, this does not provide additional weight to the contribution the use makes to the rural economy.
20. The previous access was located adjacent to that leading to the residential access to Oakland Lodge and other properties. There is limited evidence that resulted in harm to highway safety or accidents around that access. The proposal indicates two accesses to enable vehicles to enter and exit through different routes. As a result, it would reduce the need for commercial vehicles to wait on the road or reverse onto the highway. I accept that there would be benefits to highway safety arising from the proposed layout, but these would be limited.
21. My attention has been drawn to the lawfulness of the previous fencing but I have limited evidence as to when it was erected to be certain about lawfulness. Part of that fence may have been retained with the close boarded fence attached to what remains. However, most of the original fence appears to have been replaced such that it is no longer in place. I need to deal with the appeal on that basis.
22. The previous fencing comprised green metal palisade fencing with black plastic backing. Its height appears to have been similar to that of the current fencing. The photographs supplied show vegetation growing through and over the fence and the colour appears to have blended better into the background. Whilst that would have had an effect on the character and appearance of the area, it was less prominent than the fencing that replaced it. Consequently, it would have had less effect on both the character and appearance of the area and the significance of RHS Gardens as a heritage asset. Its more open appearance had less effect on the openness of the Green Belt.
23. I note that the fencing could be stained to a darker colour, which may reduce its prominence to some extent. However, I consider that would not wholly overcome the effects of the fence that I have found.

24. Close boarded fencing has been used elsewhere in the locality. My attention has been particularly drawn to that at Stone Pine that is part of the RHS Wisley site and has a similar style fence on the boundary, fronting the highway. However, that is located close to other development in Wisley such that the surrounding character and appearance materially differs from that around Oakland Lodge.

Green Belt balance

25. The fencing and gates comprise inappropriate development in the Green Belt that harms its openness. The Framework requires that substantial weight should be given to any harm to the Green Belt, including harm to its openness. In addition, the fencing and gates harm the character and appearance of the area and the significance of the RHS Gardens as a heritage asset. They replace the previous boundary treatment but, even if stained to a darker colour, would not outweigh the harm I have found.
26. The fencing and gates contribute to the security of the yard for the tree surgery business and, therefore, the rural economy. The proposed in and out access arrangement would have some positive benefit to highway safety. These matters carry modest weight in favour of the development.
27. Taking all the above into account, the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations, either individually or cumulatively, sufficient to demonstrate very special circumstances. Therefore, the proposed development is contrary to Policy P2 of the LP: SS and the Framework that seek to protect the Green Belt from inappropriate development.

Conclusion

28. I have found the fencing and gates conflict with Policies P2, D1 and D3 of the LP: SS, Policies D4 and D22 of the LP: DMP and Policy LNPEN 1 of the NP and, notwithstanding support of Policy E5 of the LP: SS, this results in conflict with the development plan as a whole. No material considerations have been identified that would outweigh that conflict.
29. On the basis of the above considerations, I conclude that the appeal should be dismissed.

Appeals A and B on Ground (f)

30. An appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the requirements seek removal of the fence, gate and posts marked on the plan and in the images attached to the notice, and remove resulting debris and materials. Therefore, the purpose of the notice requirements is to remedy the breach of planning control.
31. The appellant indicates that the previous fences on the site were simply altered and replaced. They indicate that any remaining green metal fencing and black plastic backing should not be required to be removed. Nevertheless, it is not clear what parts of the previous fences remain and allowing part of the fences to remain would not remedy the breach of planning control.

32. I note that the requirements of the notice refer to removal of the fences, gate and posts marked on the plan and shown in images. The plan identifies fencing along parts of the site boundary and images identify the close boarded fence to be removed.
33. Taking all of the above into account, I conclude that the requirements of the notice do not exceed what is necessary in order to remedy the breach of planning control. As such, the appeal fails on ground (f).

Appeals A and B on Ground (g)

34. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. The appellant indicates a period of 12 months would be reasonable.
35. The appellant suggests that fencing of the yard is required for security purposes. I accept the nature of the machinery and equipment to be stored in the tree surgery yard means that it needs to be secure. If the fence needs to be removed, they indicate the yard would need to be relocated to a more secure location. It is not clear why that would be the only solution to the removal of this fence, or whether an alternative form of fence has been investigated. Nevertheless, the period of 2 months is short and a longer period may enable an alternative solution be found. On that basis, I will extend the period of compliance to 4 months.
36. For these reasons, I conclude that the appeal under ground (g) should succeed.

Formal Decisions

Appeals A and B

37. It is directed that the enforcement notice is varied by the deletion of 2 months and the substitution of 4 months as the time for compliance. Subject to the variation, the appeals are dismissed and the enforcement notice is upheld.

Appeal C

38. The appeal is dismissed.

AJ Steen

INSPECTOR