



Appeal Decision

Site visit made on 7 January 2026

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/Q3630/W/25/3374993

Land adjacent to The Royal Standard, Stroude Road, Virginia Water, Surrey GU25 4BU

- 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 Parshotam Sohi (Malkishan Limited) against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/1107.
 - The development is described as “the rebuilding of an existing single storey barn with additional floor space for mixed use as storage, ancillary office space and a private gym”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been completed. Section 73A of the 1990 Act allows for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing. I have removed ‘retrospective’ from the description of development above as it is not an act of development.
3. Notwithstanding that the description of development on the planning application form identified the building as a barn, it is common ground between the main parties, and my site visit confirmed, that the building is used for storage together with office space and a gym for private use. I have therefore determined the appeal on this basis, as described above.
4. There is disagreement between the main parties as to the use of the former building. It is not for me, within the ambit of this appeal, to make a finding as to the previous lawful use. However, I have considered this matter in my decision only insofar as it is material to my assessment of the proposed development.
5. The appeal was accompanied by an amended plan showing a modified access arrangement. The Procedural Guide: Planning appeals – England advises that schemes at appeal should be essentially the same as those considered by the Council and interested parties at the application stage. By reference to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney (2017) EWHC 2823 (Admin)*, the amended plan does not involve a substantial or fundamental change to the scheme (the substantive test), but I cannot be certain that interested parties who raised highway safety concerns at application stage were aware, when notified of the appeal, that an amended access arrangement had been proposed (the procedural test). As a consequence, there would be

procedural unfairness to interested parties, and I have therefore determined the appeal on the basis of the original plans.

6. The Council withdrew its reason for refusal relating to biodiversity net gain (BNG), on the basis that BNG does not apply to retrospective planning applications made under s73 of the Act. In accordance with the advice contained in Planning Practice Guidance (PPG), I see no reason to take a contrary view, and have therefore dealt with the appeal on this basis.

Main Issues

7. In light of the above, the main issues in this appeal are:

- the effect of the development on highway safety;
- whether the appeal site is grey belt land and whether the development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and development plan policies; and
- the effect of the development on the character and appearance of the area.

Reasons

Highway safety

8. The appeal site has an existing gated access onto Stroude Road. By virtue of its limited setback from the road and tall vegetation on the site frontage, the access has substandard visibility in both directions. By enlarging the building, the development has created the potential for additional traffic to use the access, and whilst I have not been provided with estimated traffic movements, additional usage of a substandard access has implications for the safety of users of the highway.
9. The appellant has offered to remove vegetation at the front of the site to create visibility splays of 43m by 2.4m in both directions, and to set any gates back by 6m. In such a scenario, drivers exiting the site would have adequate visibility in both directions, commensurate with the speed limit of 30mph, whilst vehicles entering the site would not be forced to wait in the road while gates are unlocked, which could otherwise create danger for drivers already on the road.
10. However, the required visibility splays would cross land within the boundary of the adjacent property, the former Royal Standard public house. Whilst the appellant has stated that they own this property, it is not within either the red or blue lines on the submitted plans. The visibility splay would need to be kept clear, and so a change in the ownership of either property would raise doubts as to whether this is achievable, and consequently there is lack of certainty that a condition requiring the provision of visibility splays would be enforceable. In the event that visibility splays were not kept clear in future, drivers exiting the site in the direction of the former Royal Standard would not have an adequate view of oncoming traffic, with a resultant danger to highway users.
11. Improved visibility splays have the potential to make an existing substandard access safe, but for the above reason I can attach only limited weight to this benefit. Similarly, I attach only limited weight to the benefits to pedestrians of the

proposed footway at the front of the site, which relies on some land within the boundary of the former Royal Standard.

12. I conclude that the development would have an unacceptable effect on highway safety, contrary to Policy SD4 of the RLP, which requires development to maintain or enhance the efficient and safe operation of the highway network. Because there would be an unacceptable impact on highway safety, the development would conflict with paragraph 116 of the Framework.

Whether inappropriate development

Grey belt

13. The site is in the Green Belt. Paragraph 155 of the Framework advises that commercial development in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and comply with the criteria specified in that paragraph.
14. Grey belt is defined in the Glossary to the Framework, which states that land that does not contribute strongly to purposes (a), (b) or (d) of paragraph 143 of the Framework is grey belt land. As the site is closely related to the built-up area and separated from open countryside by Stroude Road, it makes a very limited contribution to checking the unrestricted sprawl of large built-up areas (purpose a). The nearest towns of Egham and Chertsey are separated from the appeal site and from each other by a substantial belt of countryside, meaning that the site does not contribute meaningfully to preventing neighbouring towns merging into one another (purpose b). For the same reason, the site makes no appreciable contribution to preserving the setting and special character of the nearest historic towns (purpose d).
15. I find therefore that the appeal site does not contribute strongly to Green Belt purposes (a), (b) and (d) as set out in paragraph 143 of the Framework. This conclusion is reinforced by the Council's Green Belt Review from 2017, which recognised that the sub-area within which the appeal site is located has an urban character and is surrounded by development, and as such was considered not to contribute strongly to any of the Green Belt purposes.
16. The site does not include any of the areas or assets listed in footnote 7 of the Framework. I conclude that the appeal site is grey belt land as defined in the Glossary to the Framework. Commercial development should not therefore be regarded as inappropriate, provided the criteria contained in paragraph 155 are met, which I address below.
17. The appeal site is small in scale in relation to the size of the Green Belt in Runnymede Borough and abuts the built-up area. Consequently, I do not consider that developing the site as proposed would fundamentally undermine the purposes, taken together, of the remaining Green Belt land across the area of the plan. Therefore, the proposal meets the first criterion of paragraph 155.
18. The appellant considers that the site has been used for storage for many years in connection with their property business, and that there is a lack of alternative sites to meet the need for small storage sites in the area. However, I have not been presented with empirical evidence of a need for storage facilities within the Borough, and nor has the appellant indicated a need for a larger building to support

their business. I conclude therefore that there is not a demonstrable unmet need for the type of development proposed, and consequently that the second criterion of paragraph 155 is not satisfied.

19. The site is located on the edge of Virginia Water and is therefore able to offer a choice of transport modes, in accordance with paragraphs 110 and 115 of the Framework. The proposal meets the third criterion of paragraph 155. The fourth criterion is not applicable as the development does not involve the provision of housing.
20. Consequently, the development is inappropriate development in accordance with paragraph 155 of the Framework. I therefore turn to paragraph 154 of the Framework, which advises that development in the Green Belt is inappropriate unless one of the listed exceptions applies.

Partial redevelopment of previously developed land

21. Criterion (g) of paragraph 154 of the Framework allows for the partial redevelopment of previously developed land (PDL). Although there is no planning history for the building, there is no dispute between the main parties that the site has contained a building for a number of years. However, the parties disagree about whether the site was PDL. The Council considers that the former building had an agricultural use. However, notwithstanding their description of the former building as a barn, the appellant has stated that it was used for storage purposes in connection with their business from 2000 onwards.
22. In support of the storage use of the former building, the appellant has supplied a solicitor's letter indicating that there is a restrictive covenant on the land which limits its use to the storage of materials and goods, and as a builders' yard. The appellant has further stated that they pay non-domestic rates on the site for "storage and premises".
23. The Council considers that there is no evidence to suggest a commercial use of the site, but equally I have not been supplied with any evidence of a former agricultural use. As the building occupies a small site which is separated from the countryside by Stroude Road, and until recently was accessed via the adjacent former Royal Standard public house, it does not obviously lend itself to agricultural use.
24. From the evidence before me, therefore, I find that the site constituted PDL as defined in the Glossary to the Framework. By replacing the former building with a larger building, irrespective of whether it was redundant or not at the time it was replaced, the development constitutes the partial redevelopment of PDL.
25. Paragraph 154(g) of the Framework requires the partial redevelopment of PDL not to cause substantial harm to the openness of the Green Belt. The PPG advises that openness is capable of having both spatial and visual aspects, and that the duration of the development and the degree of activity likely to be generated are relevant factors. Spatially, the floor space of the building is 63% greater than the previous building, and whilst its height has remained unchanged its volume has increased, resulting in a wider and deeper building when seen from Stroude Road. Were the vegetation which currently screens the site to be removed, views of the site would be opened up. The development has therefore resulted in a loss of openness of the Green Belt.

26. However, the site is closely related to the built-up area, and previously contained a building. Whilst the building is permanent, there is no evidence that it would give rise to a harmful level of traffic or other activity which could impact on Green Belt openness. The fact that the building has doors and windows rather than its previous more functional design, and is served by a driveway and pathway, do not impact on openness. Boundary treatment and outside storage are capable of being controlled by condition.
27. I therefore find that there would not be substantial harm to Green Belt openness. Consequently, the development satisfies paragraph 154(g) of the Framework, and is not inappropriate development in the Green Belt, having regard to the policies in the Framework.

Overall

28. Policy EE17 of the Runnymede 2030 Local Plan July 2020 (RLP) states that the partial redevelopment of PDL is not inappropriate development provided there would be no greater impact on the openness of the Green Belt, and lists a number of considerations to be taken into account in reaching such a judgement.
29. The requirement to have no greater impact on openness is not consistent with paragraph 154(g) of the Framework, which requires there not to be substantial harm to openness. Although I have found that the development results in some loss of openness, contrary to Policy EE17, the loss of openness would not be substantial and so would accord with the Framework. I therefore afford limited weight to the conflict with Policy EE17.
30. I therefore conclude that the development would accord with the policies in the Framework and, notwithstanding the conflict with Policy EE17 of the RLP, would not be inappropriate development in the Green Belt.

Character and appearance

31. As has been established, the site is closely related to the built-up area and previously contained a building. The Council has highlighted that the building is larger than its predecessor and has a more commercial appearance, and pointed to the change in levels which has occurred at the rear of the site where the building has been cut into the bank, along with ad hoc fencing and outside storage.
32. Whilst the building is larger than its predecessor and contains more openings, it retains a traditional pitched-roof form and timber-clad walls, and therefore blends appropriately into its surroundings. The site retains its largely open aspect despite the other changes which have occurred, and additional landscaping would be capable of enhancing its appearance.
33. I therefore conclude that the development would not harm the character and appearance of the area. It would therefore accord with Policy EE1 of the RLP, which requires high quality and inclusive design which responds to the local context while making efficient use of land. The development would also accord with paragraphs 135 and 139 of the Framework, which require developments to be well designed and sympathetic to local character.

Other Matters

34. My attention has been drawn to the fact that the appellant has been an elected Member of Runnymede Borough Council, and interested parties have queried the impartiality of the planning process. However, such matters have had no bearing on my determination of the appeal.

Planning Balance and Conclusion

35. I have found that, although the development would not be inappropriate development in the Green Belt and would not harm the character and appearance of the area, it would have an unacceptable effect on highway safety. For the reasons given above, I have attached only limited weight to the potential highway safety benefits of the development.
36. The building is more energy efficient than its predecessor, and the development has the capability to enhance landscaping and biodiversity, both of which weigh moderately in favour of the proposal.
37. The fact that the previous building was in poor condition and needed to be rebuilt and asbestos removed, is neutral in the planning balance. Likewise, protecting neighbouring amenities is a neutral factor.
38. On balance, the benefits are insufficient to outweigh the harm I have identified. The proposal would therefore conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR