



Appeal Decision

Hearing held on 21 January 2026

Site visit made on 21 January 2026

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/D3640/W/25/3370563

ATV Go Karts, Blackstroud Lane East, Lightwater, Surrey GU18 5XR

- 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 & Mrs P Hood against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/1026/FFU.
 - The development proposed is the demolition of the 3 existing buildings (Sui Generis), with the erection of two replacement buildings to be used as a flexible Class B8/E use.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the 3 existing buildings (Sui Generis), with the erection of two replacement buildings to be used as a flexible Class B8/E use at ATV Go Karts, Blackstroud Lane East, Lightwater, Surrey GU18 5XR in accordance with the terms of the application, Ref 24/1026/FFU, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies,
 - 2) whether the location of the site outside an established settlement area and/or Core Employment Area would be suitable having regard to the employment generating characteristics of the proposal and whether this is a sustainable location, and
 - 3) the effect of the proposed development on the character and appearance of the area.

Reasons

Effect on the Green Belt

3. The appeal site is located within the Green Belt wherein the Framework sets out, at paragraph 142, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt unless one of certain exceptions apply.

4. Paragraph 154 g) explains that one such exception is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
5. This proposal would comprise the replacement of three existing buildings with two buildings with a flexible B8/E use (under the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO). Other additional works would also be encapsulated within this proposal including the formation and laying out of a parking area together with additional landscaping.
6. The parties are in agreement that the site is previously developed land (having regard to the definition given in Annex 2 of the Framework). The appellant has nominated that the change in built form over the existing situation would represent a 22% increase in floor area and 47% increase in volume. These figures are not disputed by the Council.
7. A previous proposal on this site¹ for the demolition of three existing buildings for three replacement buildings was considered unacceptable by an Inspector in 2023 (the 2023 decision) due to the effect on the Green Belt, resulting in moderate harm. By comparison to this previous proposal, the number of proposed buildings has been reduced and revisions to the 2024 version of the Framework in the intervening period have changed the requirements of paragraph 154 g) (previously 149 g), as was applicable at the time of the 2023 decision). In summary this alters the requirements from “not [having] a greater impact on the openness of the Green Belt than the existing development” to “not [causing] substantial harm to the openness of the Green Belt.”
8. In terms of the effects of the development on openness; in a spatial dimension, the increase in overall floorspace is minimal. The increase in volume is slightly more substantial, but I do attach weight to the number of buildings being reduced by one and resulting in a consolidation of built form and a lesser spread of development. This reduces the visual impacts of the proposed development on openness.
9. I therefore weigh these factors together; that the development proposed here is of a lesser scale than that previously put forward, that the requirements of the more up-to-date Framework are less onerous, and that the Inspector’s conclusions in relation to the 2023 decision only found moderate harm to a larger scheme. On this basis I conclude that the proposed development would not cause substantial harm to the Green Belt or have an adverse effect on its openness.
10. I have also been mindful of the other harms raised by the Council, including the effect of the more formalised parking area. However, parts of the site are already laid out and available for parking vehicles, albeit in a less formal manner. Moreover, the previous go-kart use would likely have featured more parking when in operation during peak periods. Bearing in mind that the new parking area would be quite modest and could be landscaped to soften its effects, I am unable to conclude that this would have a significant effect on the openness of the Green Belt.
11. I have considered whether the use of the site had been abandoned as a result of the wider site being separated from much of the land previously occupied by the

¹ Council Ref 21/1180/FFU, Inspectorate Ref APP/D3640/W/22/3312237

go-kart track. Even if I were to accept that the use was abandoned, the buildings on the site would remain and would continue to have an effect on openness in a visual dimension. This would be in addition to the adverse effects on the character, appearance and general amenity of the area through the perpetuation of buildings in a somewhat derelict state.

12. Therefore, for the reasons set out above, I conclude that the proposed development would accord with paragraph 154 g) of the Framework and would not be inappropriate development in the Green Belt.
13. Other arguments in favour of the proposal in relation to Green Belt issues were put forward by the appellant. These included reliance on fallback position(s) as a consequence of implemented or part implemented planning permissions and theoretical scenarios put forward under other parts of paragraph 154. However, as I have found this proposal to be acceptable under paragraph 154 g), there is no need for me to explore these matters any further.

Suitability and location of site

14. The Council maintained the objection to the suitability and location of the site in defending the first reason for refusal. However, it did concede that, being mindful of the findings of the 2023 decision, were the proposal to be found acceptable in the Green Belt, this reason for refusal would fall away.
15. I have concluded that the proposal is not inappropriate development in the Green Belt. It represents the redevelopment of previously developed land, and this redevelopment would continue in an employment generating use. This is in accordance with the general approach to such forms of development set out in policies CP8 and DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012 (SHCSDMP). Moreover, the site is in a relatively sustainable location for a rural context. Whilst it does suffer from a lack of pedestrian connectivity and street lighting, it remains very close to Lightwater which provides general day-to-day services and facilities and public transport.
16. Therefore, the site would continue in an employment use and benefits from a reasonably sustainable location for a rural setting; I conclude that the proposal would accord with the Framework and policies CP1, CP2, CP8 and DM1 of the SHCSDMP. This is insofar as the scale and use does not conflict with wider countryside and Green Belt objectives.

Character and appearance

17. Whilst the site is set within a largely rural context comprising a mix of open grassland and tracts of woodland, the area is interspersed with a number of detached homes along Blackstroud Lane East and a sewage treatment plant. The character of the area is also influenced by the A322 dual carriageway to the west and this also serves as a dividing line between the context of the site and the more urbanised character of Lightwater to the opposing side of this main road.
18. The proposal would result in a small increase in the amount of built form, albeit a reduction in the number of buildings. It would also introduce a slightly more formalised layout including the parking area.
19. The existing site does not have a particularly adverse effect on the existing character of the area. It is a low key and discrete feature and does not appear

jarring in its context. The proposal would offer an opportunity to improve its current condition and bring it back into use. The changes to the site are modest and there would be a limited and localised effect to the overall character and appearance of the area as a consequence of it. The site would remain largely open with the number of buildings and their spread across the site being reduced. The proposal would also secure opportunities for landscaping.

20. Therefore, I conclude that the proposal would not be detrimental to the character and appearance of the area and would thus comply with policy DM9 of the SHCSDMP in that it would respect and enhance the local character.

Other Matters

21. There was discussion at the hearing regarding a prospective tenant of the premises and the use class status of this proposed use. There were elements of the proposed use² which had characteristics that shared some commonality with uses listed under Class E of the UCO. However, the Council expressed the opinion that the combination of functions and nature of the proposed use, as described, rendered it a Sui Generis Use. I have considered the appeal on the basis of the uses applied for, and it would be for any future tenant to satisfy themselves that any business operating from the site could do so within the constraints of those use classes.

Conditions

22. The Statement of Common Ground (SOCG) listed conditions to be imposed in the event the appeal were to be allowed and these were discussed at the hearing. This included discussion on a disputed suggested condition relating to cycle parking. I have imposed all the agreed conditions with edits and modifications and have also imposed a modified version of the disputed condition. I have imposed one additional condition relating to hours of use. These are all explored in more detail below. This is having regard to paragraphs 56 and 57 of the Framework and Planning Practice Guidance (PPG).
23. Conditions 3 to 6 (inclusive), 9 and 10 are pre-commencement conditions and these were agreed, in principle, by the appellant at the hearing having regard to s100ZA of the Town and Country Planning Act 1990 (as amended) (the Act) and Town and Country Planning (Pre-commencement Conditions) Regulations 2018. As I have altered these conditions since the hearing, the appellant's views were also sought on the modifications.
24. Condition 1 is a general time limit condition and is imposed having regard to the provisions of the Act. Condition 2 secures the development to be built in accordance with the approved plans for certainty.
25. Condition 3 requires the submission of materials to be used for the external construction of the development and their use as such. I have adjusted this condition to make clear the triggers for submission of details.
26. I have imposed an amended version of condition 4 relating to landscaping. This is in order to make it clear that landscaping is required for the proposed development. Certain detailed requirements, particularly relating to landscaping around the parking area, were expressed as desirable by the Council. The

² As described in the Supporting Statement for Site Suitability dated 29 March 2025

condition, as imposed, allows the Council the opportunity to negotiate and refine these elements as the case may be.

27. Condition 5 relates to the retention and protection of trees on, and adjacent to, the site in the interests of the character and appearance of the area. Again, I have adjusted the triggers for the provision of details so as to make the time frames clear.
28. Condition 6 pertains to vehicle parking which I have also adjusted to make the triggers for submission of details clear. The reason for this condition is in the interests of the safety and convenience of users of the highway and the development. Condition 7 requires electric vehicle charging points to be provided to promote sustainable forms of transport.
29. I have imposed a requirement for secure bicycle parking provision in condition 8 as a modification of the disputed condition. This is with the expectation that this need only be confined to Sheffield stand(s), bicycle hoop(s) or the like so as to provide secure bicycle parking. As no advice has been provided on the number of spaces that would be required for the development, this can be agreed between the parties having regard to any applicable guidance provided by the Council or Highway Authority. I have not found it necessary for these to have a charging point given the scale of the development, proximity to a built-up area and the nature of the use for Class E or B8 being unlikely to generate a significant demand as visitors would be most likely to be short term and/or require bulk transportation, inconducive to the use of an e-bike.
30. Condition 9 is imposed in the interests of the amenity of the area during construction of the development.
31. Condition 10 is a modified version of the suggested condition and requires the submission of details of any external lighting if it is so required for the purposes of safety or security. This includes any timed or motion sensitive functions. This is in order to balance the needs of the safety and security of the premises with the interests of the character of the area.
32. Condition 11 is imposed here as a precautionary condition in the event that unexpected ground contamination is found. This is being mindful of the former use of the site and potential harm to the environment and human health.
33. Condition 12 is a Use Class restriction that confines uses to those falling within Classes B8 or E to the UCO for certainty and in the interest of the character and appearance of the area and to preserve the openness of the Green Belt. Likewise, condition 13, pertaining to open storage, is for the same reasons.
34. Finally, an additional condition restricting the hours of use of the premises is necessary in the interest of the character and appearance of the area and to preserve the openness of the Green Belt. This was discussed at the hearing and the parties were in agreement with the hours as I have set out in the schedule below.

Conclusion

35. The proposed development would not be inappropriate development in the Green Belt, would not be in an unsuitable location and would not have a harmful effect on the character and appearance of the area. The proposal therefore complies with

the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The proposed development shall be built in accordance with the following approved plans 0102-P-103 Rev E, 0102-P-100 Rev C and 0102-P-105 Rev F.
- 3) No development shall commence until samples or details of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.
- 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indication of all hard surfaces, walls, fences, access features, the existing trees, and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development. The approved details shall be carried out as approved and implemented prior to first occupation of the development. Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.
- 5) No development shall commence (including clearance and demolition) until tree protection details have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 (2012) and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by the project Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.
- 6) No development shall commence until a car parking layout plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 7) The development hereby permitted shall not be occupied unless and until at least 2 of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to first use or occupation and thereafter retained.

- 8) The development hereby permitted shall not be occupied unless and until space has been laid out within the site for secure bicycle parking in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to first use or occupation and thereafter retained.
- 9) No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall contain the following details:
- a) Hours of construction
 - b) Details of dust suppression and emission control
 - c) Details of noise mitigation and control
 - d) Lighting impact mitigation
 - e) Details of construction waste management
 - f) Complaints procedure
 - g) Procedure of implementing the Environmental Management Plan

The development shall then proceed only in accordance with the approved details.

- 10) No development shall commence until details of any external lighting (if required), including hours of operation and/or timed or motion sensitive detectors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.
- 11) If unexpected contamination is encountered or suspected during development work, on each occasion development work shall cease in the affected area, other than for actions to make the area safe and prevent further contamination or pollution occurring. Unexpected contamination shall be reported to Environmental Health of Surrey Heath Borough Council as soon as possible if there are significant risks to people or the environment.

Should unexpected contamination be encountered, further Site Investigation shall be undertaken. Where remediation is necessary a Remediation Scheme to address the unexpected contamination shall be submitted to and approved in writing by Local Planning Authority.

Should unexpected contamination be encountered Prior to Occupation of the development, a Verification Report confirming the full implementation of the approved remediation scheme shall be submitted to Local Planning Authority for approval. The development shall then proceed only in accordance with the approved details.

- 12) The units shall be used for uses falling within Class B8 or Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) only, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that said Order.
- 13) No open storage of materials, goods, plant, equipment, or waste shall take place on any part of the site.

- 14) The use(s) hereby permitted shall only take place between the following hours:
08:00 – 20:00 Mondays - Saturdays
08:00 – 16:00 Sundays and on Bank or Public holidays.

End of Schedule

Appearances

For the Appellant:

Mrs Katie Walker BA(hons) MSc MRTPI, Associate Director, ET Planning

Mr & Mrs P Hood

For the Local Planning Authority:

Ms Melissa Turney MSc, Senior Planning Officer, Surrey Heath Borough Council

Mr Navil Rahman MA Team Leader, Surrey Heath Borough Council