
Appeal Decision

Site visit made on 19 January 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2026

Appeal Ref: APP/Z3635/W/25/3375737

Former Fordbridge Service Station, Kingston Road, Ashford TW15 3SE

- 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 A Kazim against the decision of Spelthorne Borough Council.
 - The application reference is 25/00295/FUL.
 - The development proposed is construction of building for the storage of cars with ancillary workshop in association with car sales.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site would be grey belt land with particular reference to whether flooding provides a strong reason for refusing the proposed development;
 - 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;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the development.

Reasons

3. The appeal site is located on the southern side of Kingston Road in Ashford, adjacent to a fire station. The site is within the Metropolitan Green Belt. It is currently occupied by parked cars and various buildings.
4. Part of the site benefits from a Certificate of Lawfulness for the use of land for car sales for a period in excess of 10 years.¹ However, the part of the site within which the appeal building would be located is not covered by the Certificate.

¹ 25/00296/CLD

5. The proposal would be located on land within the appellant's ownership but outside the original site boundary, established by planning applications in 2008, 2009 and 2010. The site boundary for this appeal has extended the original site boundary by approximately 2-3 metres to the west into open land. This is robustly evidenced by aerial photography provided by the Council. The appellant contends that the proposed building would still be located within the original site but the evidence confirms that not to be the case. The new building would be hard up against the extended western site boundary.

Flood risk

6. It is common ground between the parties that the appeal site is located within Flood Zone 2 which is defined as land having between a 1% and 0.1% annual probability of river flooding. The proposed development is classed as 'Less Vulnerable' by the Framework which is deemed appropriate within Flood Zone 2.
7. The Framework sets out the principle that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. It sets out the requirement for a sequential test in areas known to be at risk now or in the future from any form of flooding, with the aim of steering new development to areas with the lowest risk of flooding from any source.
8. Paragraph 175 of the Framework explains that the only exceptions to the requirement for a sequential test are situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any sources, now and in the future.
9. Additionally, paragraph 176 of the Framework states that applications for some minor development and changes of use should not be subject to the sequential test. Footnote 62 of the Framework lists development that should not be subject to the sequential test which includes householder development, small non-residential extensions of up to 250m² and changes of use except for changes of use to a caravan, camping or chalet site or to a mobile home park.
10. The proposal would not be householder development and exceeds the size threshold for small non-residential extensions. Whilst a case has been put forward for the proposal to be considered as ancillary development to an established business and to be considered akin to a change of use or householder application, I do not share this interpretation. The proposal would involve the erection of a commercial building which does not fall within any of the exceptions. It would therefore require a sequential test to be submitted and this has not been provided.
11. The carrying out of a sequential assessment would, out of necessity, involve the consideration of alternative sites that are in locations with a lower probability of flooding. This exercise has not been carried out. The appellant may have a preference to locate the development on the site for practical reasons, and because they happen to own the land, but this does not obviate the need to comply with the requirements of national policy.
12. In conclusion, I have not been provided with any substantive evidence to demonstrate that the proposal could not be located in areas at lower risk of flooding. The proposal would therefore be contrary to Policy LO1 of the Spelthorne

Core Strategy and Policies Development Plan Document (2009) (SCS) which seeks to reduce flood risk and its adverse effects on people and property.

Whether the proposal would be grey belt land

13. Paragraph 155 of the Framework states that the development of commercial development in the Green Belt should also not be regarded as inappropriate where all the following apply:
- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.
14. Annex 1 to the Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a) to check the unrestricted sprawl of large built up areas, (b) to prevent towns merging into one another or (d) to preserve the setting and special character of historic towns in paragraph 143 of the Framework. Crucially, the definition also excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Areas at risk of flooding are included in footnote 7.
15. Given my findings above on flood risk, the site does not meet the definition of grey belt. As such, the proposal cannot be considered under the exception at paragraph 155 of the Framework.

Whether the proposal would be inappropriate development within the Green Belt

16. The Framework states that the government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
17. Substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances' which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm from the proposal is clearly outweighed by other considerations.
18. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 states that development will not be permitted which would conflict with the purposes of the Green Belt and maintain its openness, except for a number of uses set out in the policy. It is common ground that as this policy pre-dates the Framework, and is not wholly consistent with it, the proposal should be assessed primarily against the Framework.

19. Under paragraph 154 of the Framework, development in the Green Belt is inappropriate unless it falls within one of the stated exceptions. The appellant has cited exception g):- limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
20. The proposal would be located on the part of the wider site which is not covered by the Certificate of Lawfulness. The Council has no records of the lawful expansion of the site onto this area and I have not been provided with any evidence of the site's lawful expansion by the appellant.
21. Consequently, I am not satisfied that the site should be classed as previously developed land in its entirety. Given that some of the land for the proposed development is not previously developed, it does not benefit from the exception in paragraph 154(g).
22. The appellant contends that the proposal would not cause substantial harm to the openness of the Green Belt. However, given that I have found the part of the site not to be previously developed, the extent of harm to openness is not determinative in deciding whether the development would be inappropriate. The effect on openness is nevertheless a relevant material consideration; paragraph 142 of the Framework explains that openness is an essential characteristic of the Green Belt.

The effect of the proposal on the openness of the Green Belt

23. The Planning Practice Guidance sets out factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to visual and spatial aspects, duration and degree of activity.
24. The application proposes a building that would be some 5 metres in height at the ridge, 24 metres in width, and 10.8 metres in depth. It would also incorporate a footprint of 260m². Notwithstanding some structures and vehicles are already on this part of the site, which appear to be situated largely outside of the boundary of previous planning applications at the site, the land is open. Given, the scale, height and dimensions of the building, the proposal would cause significant harm to the openness of the Green Belt by introducing a large building where there was previously no built form. The harm to openness adds to the harm to the Green Belt arising from inappropriateness.
25. I conclude on this issue that, the proposal would be contrary to Policy GB1 of the SBLP insofar as it seeks to maintain the openness of the Green Belt.

Other Considerations

26. The appellant argues that the proposal would support the growth of an existing business in a sustainable location which is supported by the Framework. Whilst I accept that the proposal would have economic benefits, these have not been quantified and therefore I attach only modest weight to this benefit. I acknowledge there would be no harm to highway safety, the character or appearance of the area or living conditions of neighbours, however these are all neutral factors in my consideration.

Green Belt Balance and Conclusion

27. Drawing matters together, the proposal would constitute inappropriate development in the Green Belt and it would harm the openness of the Green Belt. The Framework requires that any harm to the Green Belt be attached substantial weight. In this case, there is also conflict with the development plan and the Framework on flood risk. Notwithstanding the economic benefits put forward, the totality of the harm is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated. The development is therefore contrary to national Green Belt policy set out in the Framework and to policy GB1 of the SBLP which seeks to protect the Green Belt.
28. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR