



Appeal Decision

Site visit made on 16 March 2026

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2026

Appeal Ref: APP/R3650/W/25/3376643

Barn Hill, Shere Road, Ewhurst, Cranleigh, Surrey GU6 7PJ

- 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 Ben Nicholson against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/00996.
 - The development proposed is for the demolition/removal of existing No 4 buildings to be replaced by forestry building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to a barn type development¹ adjacent to the appeal site that was previously permitted by the Council which included a condition for the removal of a four outbuildings on the appeal site that has yet to be discharged. Nevertheless, at the site inspection, while I noted that there was a single container type store on the site, other outbuildings shown on the submitted drawings appear to have been removed. However, this is a matter for the main parties and has not formed part of my consideration in the determination of this appeal. I have proceeded accordingly, assessing the proposal before me on its own planning merits.

Main Issues

3. The main issues in this appeal are:
 - whether the development represents inappropriate development in the Green Belt (the Green Belt) and if inappropriate development; the effect of the development on the openness of the Green Belt; and, whether any 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,
 - the effect of the proposal on the character and appearance of the area, including the Surrey Hills National Landscape (NL) and the surrounding Area of Great Landscape Value (AGLV); and,
 - whether the proposed development would secure Biodiversity Net Gain (BNG).

¹ WA/2019/1208

Reasons

Green Belt

4. 'Barn Hill' is located in the Green Belt, NL and AGLV. The appeal site can be accessed via a track from Pitch Hill/Shere Road and is surrounded by trees and hedges. The host garden space adjacent to the dwelling of 'Barn Hill' looks onto the surrounding landscape which is typified by rolling agricultural type fields with loose knit built form and scattered woodland. To the rear of the appeal site, the dwelling known as 'Ozone' can be seen. The proposal is for a forestry building on the appeal site.
5. I have had regard to the five purposes of the Green Belt, set out under Paragraph 143 of the National Planning Policy Framework (the Framework). As such, I am mindful that unless special circumstances apply, development in the Green Belt should be considered inappropriate development, subject to the exceptions given in Paragraph 154 and the criteria listed in Paragraph 155 of the Framework.
6. The appellant relies on Paragraph 154(a) of the Framework in support of his case, which lists certain forms of development that are not regarded to be inappropriate, including buildings for agriculture and forestry. In addition, the Framework does not set out any limiting criteria relating to size or any other matters for this type of scheme in the Green Belt.
7. As such, the Council has brought to my attention schemes² of some vintage in support of its case, contending that while the appellant has a forestry related business that includes tree services and surgery, it does not offer forestry activities such as silviculture, woodland cultivation or tree harvesting. Furthermore, that the appeal site is not part of a managed forest, woodland holding or associated with forestry enterprises, such as timber processing areas, drying racks, stacks and tree planting. It is argued that a separate planning application for the storage of commercial equipment would normally be required.
8. To the contrary, the appellant states that the structure would be use for the purposes of secure, weather-proof storage for plant and specialist machinery related to the management of woodland, including the increased need for firefighting in a time of climate change. Moreover, whether other services related to the business are provided elsewhere or not, the appellant argues that under Green Belt policy use of the site and the intended purpose of the building should be considered as related to lawful forestry operations, such as emergency felling, mulching and wildlife response.
9. Indeed, while the Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 6, Classes A and B - 'Agricultural and Forestry') requires that buildings and other works must be reasonably necessary for the purposes of agriculture within that unit, this relates solely to the consideration of whether a proposal would be permitted development and should not be applied when considering the merits of a scheme in the Green Belt. Therefore, in noting a similar scheme³ to the proposed development submitted in evidence, a proposal should generally be determined as applied for, unless there is evidence that indicates that a scheme would not be for the purposes of forestry or agriculture.

² APP/H1840/C/17/3177567 and APP/W4705/W/23/3335113

³ APP/Y3615/W/21/3268599

10. In this case, in addition to plant and machinery, there was evidence of storage containers and log piles within the confines of the appeal site that were associated with the appellant's business, that is sited next to his main and principal dwelling.
11. As such, while I acknowledge that the business carries out forestry related activities elsewhere, I see no reason to dispute the appellant's contention that the structure would be a fundamental part of efficient and necessary forestry operations work within the Surrey Hills NL. Other industrial type units, even if available, are likely to be found at some relative distance and therefore, would not be a practical alternative.
12. I conclude therefore, that the proposal would not be inappropriate development in the Green Belt. Accordingly, there is no need to consider if there are very special circumstances necessary to justify the proposal or the effect of the proposal on the openness of the Green Belt.
13. It follows then, that the proposed development would meet the exception set out in Paragraph 154(a) of the Framework and meet the aims of Policy RE2 of the Waverley Local Plan Part 1 (2018) (WLP1) which say, amongst other things, that development in the Green Belt will be protected against inappropriate development.

NL and AGLV

14. Nevertheless, the development would be located within the NL and the AGLV, which is typified in this specific location by wide fields and open pasture type land with limited built form. Therefore, for planning purposes the proposal is located in the countryside. As such, the development should conserve and enhance the landscape and scenic beauty of the NL as set out in Paragraph 187 and 189 of the Framework, to which I give great weight. This would include considerations of scale and the requirement to limit development within the NL.
15. Given the extent and layout of the host site, I do not concur with the Council that the one-storey structure would lack meaningful separation or be overbearing when compared with the scale and visual dominance of the substantial neighbouring dwelling in this location. Moreover, the agricultural-type proposal would be set within woodland trees and be constructed in natural type materials that would weather over time. However, while the proposal would be less likely to draw the eye than the sizeable neighbouring building to the rear, the fact remains that the proposal would be set forward from the dwelling of 'Ozone'.
16. Consequently, even if the remaining container were to be removed to facilitate the development, notwithstanding that it would be on the lower section of the raised appeal site, the proposed development would be of some height and mass that would be highly prominent in the mid and long-range views to the front of the site, particularly for walkers and horse riders traversing the countryside beyond. I conclude therefore, that the bulky structure would harm the scenic beauty of the NL and AGLV.
17. Accordingly, the proposal would harm the character and appearance of the area and is therefore, contrary to Policies TD1 and RE3 of the WLP1, Policy DM4 of the Local Plan Part 2 (2023) (WLP2), and the Framework when read as a whole, which are clear that development should respond effectively to its surroundings.

BNG

18. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Unless an exemption applies, planning permission is deemed to have been granted subject to the condition that the biodiversity objective of delivering at least a 10% increase in biodiversity value is met. That value is measured against the pre-development biodiversity value of the site. In this case, the Council found the appellant's initial BNG metric less than ideal in respect of a nearby pond with the potential for Great Crested Newts, Ancient Woodland, errors within a baseline habitat assessment and the absence of surveys, a mitigation and method statement and a Construction Environmental Management Plan.
19. In response the appellant submitted an updated submission in the form of a biodiversity rebuttal letter that addressed some of these matters. Nevertheless, the Council still have outstanding concerns related to the robustness of the BNG metric and in respect of its duty under the Conservation of Habitats and Species Regulations 2017. Taking a precautionary approach, the Council did not discharge that duty as it considered the information available was inadequate to achieve compliance with BNG.
20. Compliance involves the discharge of the Biodiversity Gain Condition (BNC). The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development would meet the biodiversity gain objective as set out above, and the development may not commence until the BGP is approved. The Planning Practice Guidance (PPG) states that although the statutory BNG requirement has been principally designed as a post-permission matter it is generally inappropriate to refuse an application on the grounds that the biodiversity gain objective will not be met. Therefore, it is necessary to consider if a BNC is capable of being discharged.
21. From the evidence before me, and the appellant's efforts to rectify the matter, I am satisfied this matter would be resolved by the main parties through the imposition, agreement and resultant discharge of an appropriate condition in respect of BNG.
22. As such, the proposal would accord with the Council's duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Environment Act 2021 and Policy NE1 of the WLP1, which require that the Council will seek to conserve and enhance biodiversity.

Other Matters

23. I acknowledge the public benefits of a responsive and well-equipped forest wildfire service, as supported by the South of England Region Wildfire Group, and that the appellant is a well-regarded member of the local community; some of which submitted letters of encouragement for the rural-type scheme. However, even in combination, these matters do not outweigh the substantial harm I have found.

Conclusion

24. For the reasons given above, the appeal is dismissed.

J E Jolly

INSPECTOR