



Appeal Decision

Site visit made on 1 April 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2026

Appeal Ref: APP/Y3615/C/24/3351997

Land at 1 Manor Farm Barns, Wanborough Hill, Wanborough, Guildford GU3 2JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Janice Ann Smith against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 20 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of the land from agriculture to the use of the land for residential amenity purposes.
 - The requirements of the notice are to:
 - i. Cease the use of Land hatched in black on the attached plan for residential amenity garden;
 - ii. Remove from the Land any and all buildings, structures, chattels and paraphernalia associated with the unauthorised use of the Land as residential amenity garden;
 - iii. Demolish the fence marked with crosses on the attached plan;
 - iv. Remove from the Land any and all material and debris resulting from compliance with the previous steps.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by:
 - Deletion of the plan attached to the notice and its replacement with the plan attached at the end of this decision entitled “Notice Plan as Varied by the Inspector”; and
 - Deletion of the words “marked with crosses” at paragraph (iii) within section 5 of the notice (What you are required to do) and their replacement with “marked with the blue arrows”.
2. Subject to the variations, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on ground (a)

Main Issues

3. The main issues are:-
 - Whether the development would be inappropriate development in the Green Belt including the effect upon openness and the purposes of the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;

- The effect of the development on the character and appearance of the area;
- The effect of the use as domestic garden on biodiversity; and
- Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Green Belt

4. The notice relates to the material change of use of land adjoining an approved residential use within what had previously been a barn. Planning permission for the residential use had been for 3 dwellings and on the western side of the building. The terms of that permission allowed for a narrow strip of land outside the building which could be used for associated domestic use. The development addressed by the allegation has extended the area of land now used as a domestic garden a substantial distance further out from the back of and for the full width of the dwelling.
5. There appears from some of the aerial images submitted to have been triangular area of land adjoining the barn that could be differentiated from the wider field before the residential use took place (in the images from 2003, 2004, 2005 and 2009). It is not clear precisely what that had involved at that time. The apparent textual difference in the surface of the field could be due to the way it has been ploughed and harvested. It possibly included some fencing. The images from 2018 show a different arrangement which apparently indicates the land directly adjoining the building being part of the field to the north. I do not have any expert evidence or historic ground level photographs to help interpret the various images and have had to reach my own views.
6. The planning permission for the use of the barn also permitted a small fenced-off area for the parking of vehicles. I saw that when I visited. The extended garden which is partly enclosed by a solid fence and partly with a post, rail and wire fence supplemented by planting, extends substantially beyond the approved area. The garden also appears to have been levelled off and at the rearmost boundary is lower than the field beyond it.
7. The enclosure of the garden includes both the fencing as well as the growing hedge which has and will continue, if those plants become more established, to provide more enclosure of the land. Previously it had at least partly been within an open field. Even if the smaller triangular area that had been associated with the barn previously had been fenced off, and that is not clearly demonstrated, this garden is larger than that area and is used domestically rather than in connection with the previous agricultural use. The enclosure of it emphasises the change from agricultural field to domestic garden.
8. Whilst the garden area was clear of any domestic items at the time of my site visit and a planning condition could be used to take away permitted development rights for domestic buildings, such conditions could not be used to unreasonably control other normal domestic activities. Play equipment, garden furniture and similar accoutrements could contribute to a visual incursion of domestic activities and items into what had previously been a field. Whilst such items are not permanent and do not constitute operational development, larger objects for example benches, gardening paraphernalia or children's climbing-frames and trampolines do tend, in my experience, to be left in position. They are difficult to store

elsewhere. It would be an unreasonable interference with the normal use of a garden to try and prevent these things being used. If this area were approved as a garden, those sorts of moveable objects may be present and would also contribute to visual impacts and an obvious loss of space within the field.

9. The Framework confirms that “development” in the Green Belt is inappropriate although there are exceptions. That includes appropriate facilities (in connection with the existing use of land or a change of use) as well as material changes in the use of land (such as changes of use for outdoor sport or recreation and others). However, both of these exceptions are on the basis that the openness of the Green Belt is preserved.
10. The material change of use of the land has in this case involved additional enclosure of the land as I have described above which has included physical structures along with additional planting around its perimeter, causing visual impacts and a substantial loss of openness. The use would also involve potential temporary, moveable items that would also affect openness. This would be a conspicuous change which causes an incursion into the undeveloped setting of the settlement. That distinguishes this case from one of the appeal cases that the appellant relies upon (Ref APP/A1910/W/22/3304045) where the inspector referred to the extended garden being between existing residential properties benefiting from a high degree of enclosure which was not perceived as part of the agricultural land beyond. Similar to that other case, some increase in garden space has been approved for another dwelling in the former barn, on the other side of the appeal site in a more built-up setting within the settlement. The reference to a further appeal case (Ref APP/Y3615/W/20/3256540) also in Wanborough, related to development of fencing around agricultural land. By definition at that time it was not considered by the inspector to be inappropriate development in the Green Belt and its effect on openness did not need to be assessed. Whether or not reference by that Inspector to a “recent barn conversion” refers to the present site is of little weight in my own judgement which I have made on what is before me and what I saw on their own merits.
11. In relation to this main issue, the development is inappropriate development in the Green Belt which has a harmful effect upon its openness, causing encroachment. This does not comply with Policy P2 of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034 (LP) which apart from some exceptions only considers development in the Green Belt is not inappropriate where it preserves openness. It also states that buildings are inappropriate unless they fall within the exceptions in the Framework and the fencing in this case does not do so. Furthermore, the development goes against one of the 5 purposes of the Green Belt set out in the Framework, that being to assist in safeguarding the countryside from encroachment.

Character and appearance

12. The appeal site is located along an informal, narrow lane which leads out of the settlement towards open fields. The dwelling, a former agricultural building, is the last building at this part of the settlement and along this lane, before the gently rolling fields open out to frame the settlement and neighbouring roads. This is within what the April 2015 Surrey Landscape Character Assessment (SLCA) describes as the Wanborough Wooded Rolling Clayland. This is gently undulating open farmland consistent with the key characteristics of the area as described in

the SLCA. This is also within an Area of Great Landscape Value (AGLV) as defined within the LP.

13. Previously, as I describe above, the most recent aerial images taken prior to the conversion of the building show that there had been the field directly adjoining the building. The planning permission creating this and other dwellings within the former agricultural building had shown a restricted area for the residential use which is consistent with the Council's current approach to restrict the degree of incursion of residential activity into the adjoining fields. The adjoining property to the north has some form of enclosure that appears to be falling down in parts, around a rougher area of grass beyond a robust hedge at the back of that dwelling. That also goes beyond the original application site boundary.
14. The enclosure of the land albeit with fencing which in itself may be similar to traditional fencing in the area, defines the edge of the extended domestic area as well as the neatly maintained lawn which appears to have been levelled off. Overall, this appears substantially more refined and manicured in contrast to the rustic, rolling fields beyond. The planted hedging as it becomes more established, will emphasise the contrast between the domestic garden and the previous open fields in a way that bears little relationship to how fencing is functionally needed for agricultural purposes. Consequently, this significantly contrasts with the informality of the wider farmland. This is clearly noticeable from the adjoining lane, from the farmland itself and which would be in view from neighbouring dwellings.
15. In relation to this main issue, this has had a harmful effect on the character and appearance of the area. This does not comply with LP Policies D1 and P1 as the development does not achieve high quality design responding to the landscape character or distinctive character of the AGLV. The development does not therefore respond positively to the landscape character, nor therefore complying with Policy D4 of the Guildford Borough Local Plan: Development Management Policies, adopted March 2023 (LPDMP). Additionally, the development does not comply with saved policy RE14 of the Guildford Borough Local Plan 2003 because that states that permission would not normally be granted for extensions of residential curtilages into the countryside. The justified reasoning for that is due to the sub-urbanising effects which have occurred in this case.

Biodiversity

16. The material change of use of the land within the appeal site has resulted in a far more manicured area of grass than it had been previously. Its use related to the residential occupation of the dwelling is very different from the previous use for agriculture. It was part of a field and at times at least, according to a common-sense interpretation of the aerial images, had partly been a roughly surfaced grass area. Furthermore, the land appears to have been dug-down and levelled.
17. As mentioned above, removal of householder permitted development rights by way of a planning condition could not unreasonably attempt to prevent the continued use of the garden for normal domestic activities. Such activities can reduce ecological habitat value and that is reflected in the Defra Biodiversity Metric, as referred to by the Council where residential gardens are considered to have low ecological value. Planting of hedges may offset this to some degree. However, the submissions do not include any expert evidence about the degree of

change in these matters or whether any mitigation can offset any harm that may have been caused due to the change from agricultural use.

18. LP Policy ID4 requires the maintenance and conservation of biodiversity, particularly within and adjacent to Biodiversity Opportunity Areas (BOA). The Council states that the site is within a BOA and that is not disputed by the appellant. There is no evidence from either main party about what the impacts have been but the need to at least conserve and therefore cause no harm to the interests that the policy is aimed to protect means that it is reasonable to require the submission of evidence by an applicant for planning permission or in this case, the appellant. Whilst any harm may have been caused already and possibly before the appellant's ownership, these matters are about land use, not ownership. Conversely, compliance with the notice and the reversion of the land may enable some recovery of the biodiversity of the site.
19. In relation to this main issue, it has not been shown that the use would have a satisfactory effect on biodiversity. LP Policy ID4 is not complied with for reasons set out above. Furthermore, this would not comply with LPDMP Policies P6 and P7 which seek to preserve ecological features.

Other considerations, the balance and very special circumstances

20. The site is at the edge of the village with open countryside next to a track where there have been security concerns and reports of anti-social behaviour. The appellant refers to cars racing through the fields and access by those not entitled to use the surrounding land. I saw the security camera on a post and an electrical cabinet near the gate which adjoins the appeal site. Fencing around the back of the dwelling will help secure the property but it seems unlikely that the larger garden area contributes to making the site safer even if the retention of some of the fencing alongside the track would do so. I return to that under ground (f). There is no evidence that if the domestic use of the land is ceased that there would be a functional need for the same fencing for agricultural purposes.
21. Following compliance with the notice, the area of garden for the occupants of the dwelling would include a narrow strip of land immediately to the rear of the property, as was approved when the planning permission for the development was granted. This would be a significantly reduced amount of space available for children to play and for the occupants generally to enjoy the open surroundings of the barn as well as the attractive rural setting. However, this reduction of external living space would not significantly harm the living conditions at the property. The house would still have an open rural setting and would be a pleasant place to live.
22. The occupants of the property were not aware of the unlawful status of the garden area when they purchased the property. The sales particulars alone however should not be relied upon. I have no reason to suspect that the planning records were not available to the appellant before purchasing with a normal degree of diligence through the conveyancing process.
23. The development would be unacceptable with respects to each of the main issues. The proposal is inappropriate in the Green Belt and it would fail to meet 1 of the purposes of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the

development fails to comply with the development plan overall as well as the Framework. I give substantial weight against the proposal to these factors.

24. The other considerations in support of the development being approved taken individually and together, do not have sufficient weight to clearly outweigh the Green Belt and other harm that I have identified. As such, the very special circumstances necessary to justify the development do not exist.

Conclusion on ground (a)

25. For the above reasons, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should fail and consequently, the deemed planning application shall be refused.

The Appeal on Ground (f)

26. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The Council confirms that the notice was issued in order to remedy the breach of planning control. That is therefore the purpose as set-out in s173(4)(a) of the Act is to remedy the breach by discontinuing any use of the land and by restoring the land to its condition before the breach took place.
27. The enclosure of much of the garden area seems on the balance of probabilities to have been part and parcel of the material change of use, as alleged. Where that is the case, the removal of the fence does not exceed the overall purpose of the notice. However, the fencing alongside the site, separating it from the track and extending almost as far as the gate into the farmland, has the appearance of a simple field boundary similar, but not the same as, the fence on the opposite side of the track. It is less clear whether that this part of the enclosure of the land has been part and parcel of the material change of use of the land or whether it was part of the security improvements along the track to prevent unauthorised access to the fields. On balance, given that this would continue to serve a function of securing the site as I have considered above, under ground (a), retaining the fence on that side would be not undermine the purpose of the notice.
28. I will therefore vary the notice to allow for that part of the fencing to remain as requested by the appellant. I have drafted a replacement plan along similar lines to that suggested by the appellant to achieve the alternative requirement.
29. To that extent, the appeal on ground (f) succeeds.

Conclusion

30. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

Andy Harwood

INSPECTOR

