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## Appeal Decision

Site visit made on 8 January 2019

**by AJ Steen BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2019

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**Appeal Ref: APP/Q3630/W/18/3206959**

**Belbourne Nurseries, Hurst Lane, Egham TW20 8QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gemco Properties Ltd against the decision of Runnymede Borough Council.
  - The application Ref RU.18/0108, dated 10 January 2018, was refused by notice dated 20 June 2018.
  - The development proposed is the erection of up to 14 dwellings with associated residential curtilages, parking and turning areas and amendments to existing access and provision of new footway along Hurst Lane.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on that basis, treating the site layout plans, floorplans and elevations as illustrative. The access, appearance, layout, scale and landscaping (the reserved matters) are reserved for consideration at a later stage.
3. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
4. I note that the draft Runnymede Local Plan has been submitted for examination but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the Framework. Consequently, I am only able to give it limited weight in my decision.
5. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted that would provide contributions toward affordable housing and financial contributions toward education provision.

### Application for costs

6. An application for costs was made by Gemco Properties Ltd against Runnymede Borough Council. This application is the subject of a separate Decision.

## **Main Issues**

7. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- The effect of the proposal on the provision of storage and distribution premises;
- Whether there are other considerations weighing in favour of the proposal; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate development*

8. Belbourne Nurseries comprises a yard used for storage and distribution purposes under Use Class B8 of the Town and Country Planning (Use Classes) Order 1987. In the centre of the yard is a single storey building that provides storage and office space. The remainder of the yard is used for parking and maintenance of the HGVs operated by the occupier, along with some containers and outside storage. Adjacent to the area used under class B8 is a former plant nursery site of hardstanding with two substantial glass houses. The plant nursery is outside the appeal site area, although I understand that it is within the same ownership.
9. The Framework states that new buildings within the Green Belt should be considered inappropriate with a number of exceptions. This includes the partial or complete redevelopment of previously developed sites whether redundant or in continuing use. However, such development should not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development; or should not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. The Framework confirms that previously developed land includes land which is occupied by a permanent structure, including the curtilage of the developed land, but excludes land that is or has been occupied by agricultural or forestry buildings. Policy GB1 of the Runnymede Borough Local Plan sets out a presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.
10. It is proposed that the existing hardstanding and glass houses would be removed from the adjacent nursery. The last lawful use of the nursery was for horticultural purposes, which is an agricultural use so it would not comprise previously developed land as defined by the Framework. As a result, it would not count toward the exception to inappropriate development relating to the redevelopment of previously developed land.

11. In addition, the glass houses and surrounding hardstanding are outside the appeal site area. It has been suggested that a condition could require their removal prior to development commencing, although it is not clear whether such a condition could be sufficiently precise. Planning Practice Guidance<sup>1</sup> suggests that such pre-commencement conditions may not be enforceable. No alternative mechanism to ensure removal of the buildings and hardstanding has been suggested. Consequently, I have put little weight on their removal.
12. There is a single storey building in the centre of the appeal site surrounded by hardstanding on which are located containers, parked HGVs and outside storage. A Certificate of Lawfulness of Existing Use or Development limits the number of HGV movements, so restricts the use of the land. As a result, the appeal site comprises previously developed land. Hardstanding is at ground level, so has a limited effect on the openness of the Green Belt. However, the bulk of the containers, parked HGVs and outside storage located on it have a significant effect on openness, albeit are all transient equipment.
13. These would all be removed from the site to be replaced by 14 houses and access roads spread across the site. The illustrative drawings indicate that the proposed dwellings would be two storey. I note suggestions of a condition limiting the height of the dwellings, although it is not clear whether that would mean the footprint of the dwellings would be larger to take account of the loss of the first floor. Nevertheless, the proposed development would result in a significant amount of buildings spread around the site. Although the gardens of dwellings would provide a small buffer to the edges of the site replacing the hardstanding, this development would have a more permanent and substantial appearance than the existing development. Consequently, it would result in a greater harm to the openness of the Green Belt than the existing development, including a greater visual effect, and would result in built development encroaching further into the countryside. I consider that harm to be substantial.
14. The Unilateral Undertaking provides for 15% of the proposed dwellings (rounded up) to be affordable. As a result, the proposal would contribute toward meeting an identified affordable housing need within the area. Nevertheless, the substantial harm to the openness of the Green Belt would mean that the proposal would not benefit from the exception to inappropriate development as set out in the Framework.
15. For these reasons, I conclude that the proposed development would comprise the redevelopment of a previously developed site. However, it would cause substantial harm to the openness of the Green Belt. As a result, I conclude that the proposed development would be inappropriate development in the Green Belt, contrary to Policy GB1 of the LP and the Framework.

*Provision of storage and distribution premises*

16. My attention has been drawn to a demand for storage and distribution premises within the borough. Redevelopment of the appeal site would result in the loss of accommodation for storage and distribution uses, adding to the demand in the borough and to the pressure to find additional sites. I note that a separate application was submitted for buildings in B1 use on the adjacent

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<sup>1</sup> Reference ID: 21a-007-20180615

nurseries site, but has also been refused. My attention has not been drawn to any policies that seek to protect storage and distribution uses.

17. As a result, I conclude that the loss of the appeal site for storage and distribution use would count against the proposed development. However, given the lack of a policy to protect this use, it would be an adverse effect of modest weight.

*Other considerations*

18. The Council have confirmed that there is not a five year supply of deliverable housing sites within the borough. The proposed development would contribute 14 dwellings to housing land supply in the area, of which 15% would be affordable. This is beyond the 10% that is required by the Framework. Where there is not a five year supply of deliverable housing sites, paragraph 11 of the Framework states that development plan policies that are most important for determining the application are out-of-date. As a result, it states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. These areas of particular importance include the Green Belt.
19. In addition to contributing toward the supply of housing land, the proposed development would create jobs during construction of the proposed development and future occupants would support local services and facilities. The proposed development would be accessible via a variety of means of transport, including being within walking distance of a range of services and facilities.
20. This site has been identified by the Council as being in a Landscape Problem Area. The existing development on the site, including outside storage and parking of HGVs, results in an unattractive appearance to the site that harms the intrinsic character and beauty of the landscape. The proposed replacement with dwellings, surrounded by gardens, would improve the contribution of the site to the character and beauty of the landscape.
21. Between the appeal site and Hurst Lane are residential properties. The living conditions of occupants of those properties would be affected by the activities on the appeal site. Access would remain to the adjacent glasshouses closest to the boundary with those properties. Nevertheless, there would be benefits to living conditions of those neighbours from the redevelopment of this site.
22. My attention has been drawn to the New Homes Bonus and Council Tax income, but how it should be taken into account and its connection to the development is not clear. In these circumstances, Planning Practice Guidance<sup>2</sup> states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.
23. The Unilateral Undertaking provides for financial contributions toward education provision to meet the needs of the development. These contributions would be no more than is necessary to meet needs arising from the development. They are therefore a neutral factor in the overall planning balance.

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<sup>2</sup> Reference ID: 21b-011-20140612

## Conclusion

24. I have found that the redevelopment of the existing storage and distribution use at Belbourne Nurseries to provide 14 dwellings with associated residential curtilages, parking, turning areas and amendments to the existing access and provision of new footway along Hurst Lane would cause substantial harm to the openness of the Green Belt. As a result, it would not fall within the exceptions to inappropriate development as defined in the Framework. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, I have concluded that the proposal would result in the loss of a storage and distribution premises. The development is, therefore, contrary to Policy GB1 of the LP and the Framework and the harm to the Green Belt would provide a clear reason for refusing the development proposed.
25. The proposal would add 14 dwellings to the supply of housing in an area where there is not a five year supply of deliverable housing sites, and would contribute toward the provision of affordable housing. Future occupants would support local services and facilities. It would result in benefits to the character and appearance of the Landscape Problem Area and to the living conditions of neighbouring occupiers. These factors can contribute considerable weight in the planning process.
26. Taking all these factors into account, I conclude that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed, either individually or cumulatively, by other considerations sufficient to demonstrate very special circumstances. As such, the proposed development is contrary to Policy GB1 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
27. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR