



Appeal Decision

Site visit made on 26 February 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/Z3635/W/23/3327951

Gleneagles Farm, Gleneagles Close, Stanwell TW19 7PD

- 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 Mrs Chloe Beach against the decision of Spelthorne Borough Council.
 - The application Ref is 22/01637/OUT.
 - The development proposed is demolition of all existing buildings [including telephone mast] to enable the redevelopment of the site to erect up to 21 dwellings (Use Class C3), ranging from 2 to 3 storeys, including open space, garden areas, a play area, up to 28 car parking spaces including disabled parking, cycle parking, with vehicular access from Gleneagles Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters except access reserved for future consideration. Though detailed indicative plans have nonetheless been supplied, the layout shown may not be fully achievable. This is because part of the site is in a separate ownership. I have therefore attached only moderate weight to these plans in my assessment of the scheme.
3. Insofar as it is relevant to my assessment below, I am also dealing with another appeal by the same appellant made in relation to a separate site, reference APP/Z3635/W/23/3327945 (the related appeal).

Main Issues

4. The main issues are:
 - whether the development would be inappropriate in the Green Belt;
 - the effect of the development on the openness of the Green Belt; and
 - if the development would be inappropriate, whether harm by reason of inappropriateness is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Background

5. The site originated as agricultural land within which a fencing business was established at some point without planning permission. An enforcement notice

followed in 2017 requiring cessation of the use and restoration of the site. This was varied at appeal in 2018 insofar the decision granted planning permission (the 2018 permission) for the change of use of a small part of the site. Activities relating to the fencing business however continue to occur outside the permitted area, and additionally appear to extend onto land towards the west. At the time of my visit the site comprised a paddock, which contained at least one pig, and a yard and structures relating to the fencing business.

6. Two of the conditions attached to the 2018 permission provided for the use to cease, and for all equipment and materials brought onto the land for the purposes of the use to be removed, in the event of non-compliance. It is unclear whether these conditions were complied with. However, as the Council has described the use as lawful to the extent that it relates to the approved area, I shall proceed on that basis.
7. The Council appears to have made little progress in addressing the unauthorised use of the site since 2018. The reasons for this, and the Council's future intentions are unclear. Despite this uncertainty, for the purposes of this appeal I shall attach very little weight to the effects of the existing use of the site where this is unauthorised.

Inappropriate development

8. The site is located within the Metropolitan Green Belt. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 (the Local Plan) seeks to restrict development within the Green Belt subject to a range of exceptions. These are less broad than those set out within paragraphs 154 and 155 of the National Planning Policy Framework (the Framework). I shall take the latter into account in my assessment below.
9. The exception set out within paragraph 154(g)(bullet 2) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land where this would not cause substantial harm to the openness of the Green Belt, and would contribute to meeting an identified affordable housing need. As only a relatively small part of the site has undergone a formal change of use from agricultural land, only that part can be considered as previously developed. The remainder remains agricultural land, notwithstanding the way in which most of it is currently used. As most of the appeal site is not previously developed land, the appeal proposal cannot benefit from the exception set out within paragraph 154(g).
10. The appellant additionally claims that the exception set out in paragraph 154(e) of the Framework is applicable, which relates to limited infilling in villages. However, the site is bounded by residential development on only its south and east sides, and aside from parts of the access, it is not spatially contained within the established built-up area of Stanwell. The development would not therefore be 'infill', or benefit from this exception.
11. Having regard to the provisions of the Framework, the development would be inappropriate in the Green Belt, and would in this way conflict with saved Policy GB1. Inappropriate development is by definition harmful.

Openness

12. The small part of the site to which the 2018 permission relates contains a single storey structure, together with stacked materials. At the time of my visit

the height of the latter appeared to exceed the 2-metre restriction imposed by the 2018 permission. Consequently, they appeared to occupy a greater amount of space than would otherwise be the case.

13. The paddock and circulation spaces are open. In the absence of structures, containers, stacked materials, and parking related to unauthorised use of the broader site, it too would be open. This and the above therefore provide the baseline for my assessment.
14. The proposed development would see built form spread across a larger proportion of the site than previously permitted. Insofar as the indicative plans detail development up to 3-storeys arranged in linear blocks, the overall height and massing of built form would be significantly increased. So too would its overall volume and footprint. Further space would be taken by play equipment and parking. It is unlikely that the effects would fundamentally differ in relation to any alternative design which might be developed at reserved matters stage.
15. Given the above, the development would spatially diminish the openness of the Green Belt, and this would be perceived visually from surrounding land, and upon accessing the site itself.
16. I therefore conclude that the development would cause significant harm to the openness of the Green Belt, further conflicting with saved Policy GB1.

Other Considerations

(a) *Purposes*

17. The appellant argues that the land does not perform well when assessed against the 5 purposes of including land within the Green Belt. This is a consideration set out within saved Policy GB1. It is however also taken into account, either explicitly or implicitly, in the classification of development as inappropriate or not inappropriate within the exceptions set out within the Framework. I have already addressed this matter above.
18. As also set out within the Framework, once established, there is no requirement for Green Belt boundaries to be reviewed. Where exceptional circumstances are fully evidenced and justified, proposals for changes should be made only through the plan-making process. It is beyond the scope of this appeal to determine whether the **site's inclusion within the Green Belt is valid**.
19. The fundamental aim of Green Belt policy remains to prevent urban sprawl by keeping land permanently open. The development would conflict with this aim. **I cannot therefore attach any weight to the appellant's argument.**

(b) *Housing provision*

20. The development would provide up to 21 dwellings, 100% of which would be affordable. The latter would be secured by a submitted Section 106 agreement (S106). According to the Housing Delivery Test, there has been significant under delivery of housing locally over the past three years. The Council otherwise acknowledges that its demonstrable supply of deliverable housing sites stands at 3.52 years. This is a sizeable shortfall.
21. Assuming that the provision of 100% affordable housing was viable, and the development was **itself 'deliverable'**, it would help to both very modestly reduce the above shortfall and to meet a local need. I have however been provided

with no evidence which clearly demonstrates either viability or likely deliverability.

22. Whilst there is therefore some uncertainty, it crucially remains the case that the development would fail to meet the exceptions specifically relating to affordable housing provision within the Green Belt set out in paragraph 154(f) and (g) of the Framework. That being so I can attach no more than limited weight to the social and economic benefits of the **scheme's provision of housing** as a consideration to weigh against Green Belt harm.

(c) Character, appearance and amenity

23. The development has been promoted as a means of improving the character and appearance of the area, and the amenity of local residents. The site is indeed unattractive, and its use may well cause some degree of disturbance. But though a well-designed housing scheme might perform better, it is apparent that the unauthorised use of the majority of the site is partly to blame. As again outlined above, an alternative means of resolution already exists, as was confirmed at appeal in 2018. I therefore attach little weight to claimed improvements to character, appearance and amenity as considerations in favour of the scheme.

(d) Public open space

24. The indicative plans show a large area of open space containing a play area which the appellant states would be accessible to the broader public. Whilst this could be publicly beneficial, no means by which public use of the open space would be appropriately secured has been set before me. I cannot therefore attach any weight to this consideration.

(e) Business and economy

25. The scheme has been presented as necessary to finance relocation of the business to the site subject of the related appeal. Relocation with the benefit of planning permission would place the business on a sounder footing, and any benefits that it contributes to the broader economy would thus be sustained. However, whilst I am mindful of the fact that the Framework states that significant weight should be placed on the need to support economic growth and productivity, detailed financial evidence such as specific costings is lacking. The evidence which has been provided is indeed generalised and based on a broad range of assumptions. Whilst the related appeal ultimately stands to be assessed on its own merits, in the absence of clear evidence I can attach little weight to the claimed need to develop the site in order to fund relocation.

Planning Balance and Conclusion

26. The development would be inappropriate in the Green Belt, causing significant harm to its openness. I attach substantial weight to the overall harm that would be caused to the Green Belt.
27. The other considerations advanced in favour of the development at best attract limited weight. These other considerations do not therefore clearly outweigh harm by reason of inappropriateness, or therefore demonstrate the existence of the very special circumstances necessary to justify approval.

28. The appeal scheme conflicts with the development plan, and there are no considerations which alter or outweigh this finding. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR

Richborough