

2017/0427

Reg Date 07/06/2017

Chobham

LOCATION: CHOBHAM ADVENTURE FARM, BAGSHOT ROAD,
CHOBHAM, WOKING, GU24 8BY

PROPOSAL: Provision of outdoor play equipment. (Additional Plans recv'd 31/08/2017.) (Additional Information - Rec'd 01/11/2017 & 02/11/2017.) (Additional plan recv'd 25/5/18), (Amended plans & additional info rec'd 14/08/18).

TYPE: Full Planning Application

APPLICANT: Mr Chapman

OFFICER: Duncan Carty

UPDATE

- (i) The application was reported to the Planning Applications Committee meeting on 26 June 2018, where it was resolved by Members that this application was deferred to allow the assessment and neighbour notification of amended drawings and additional details. The original committee report is provided at the end of this update.
- (ii) As indicated in Paragraph 7.4 of the original committee report below, the existing large play frame and the slide (as originally proposed) was inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. In the original report, it was considered that very special circumstances to outweigh the harm resulting from the proposal had not been demonstrated.
- (iii) The very special circumstances which supported the original farm park development (SU/14/0325) included the animal and education benefits of the proposal. Concern was raised in the original report below that these benefits of the approved development had not been provided and that without their provision, the farm park concept would not have been delivered and in its place a more urban play park which would not be acceptable in this rural and Green Belt location. A copy of this original report for SU/14/0325 is appended to this report.
- (iv) In relation to the details submitted since the previous committee meeting, these include:
 - a letter providing further explanation concerning the educational benefits of the proposal and the re-balancing of the animal/education facilities with the outdoor/indoor play facilities;
 - a revised site layout plan which includes the provision of animal paddocks at the side and rear of the animal building; and
 - a revised drawing to provide a reduction in the height of the astro-slide to 3 metres.

Educational benefits

- (v) The education benefits now include:
 - the dedicated eating/party rooms on the mezzanine within the reception building will be used as classrooms within the week for school visits;
 - the animal barn will have a classroom at the mezzanine level;

- liaison has begun with local schools concerning school visits and a School's Educational Liaison Officer is to be appointed to oversee the use of the facility by schools to include Key Stages 1 and 2 educational development;
 - a display area to be provided to demonstrate agricultural activities; and
 - confirmation that the animals are expected to be provided in early 2019.
- (vi) The applicant has confirmed difficulties in providing residential accommodation for the livestock manager close to the site which had been delayed the delivery of this part of the originally approved development/use. However, the applicant has more recently confirmed the appointment of the livestock manager who is due to start in early October 2018; with initial tasks to include the sourcing of animals. This is a material change which indicates a move towards providing a farm park as envisaged when the farm park development was originally approved.

Revised site layout

- (vii) The revised site layout indicates that:
- the animal paddocks have been moved closer to the animal building with better segregation between the animal and play area to meet the Code of Practice "*Preventing or Controlling Ill Health from Animal Contact at Visitor Attractions 2015*" for farm parks such as the use of double fencing;
 - the animal area has now been increased to 36% of the available area (compared with 24% for the original proposal) which is the baseline position on the approved landscape plan and which is comparable with the largest proportion of animal based provision at the farm parks referred to in the original report below (34% animal provision at Godstone Farm); and
 - the back of house area will remain with limited access to the public but could be made available for walkabout visits.
- (viii) The revised layout re-balances the areas provided for animal/education with the remainder of the site. This is a significant change which results in the provision of a facility more akin to a farm park rather than a play centre which would be more expected to be found in a settlement location.

Revisions to astro-slide and outdoor play more generally

- (ix) The revisions to the astro-slide provision and indoor/outdoor play more generally, that:
- outdoor play is an integral part and one of the primary components of any farm park and a farm park typically includes animals, indoor play and outdoor play. There are a large number of farm parks many of which (including Chobham Adventure Farm) are members of the National Farm Attraction Network. The approved landscape plan indicates area of outdoor play with animal areas to the west part of the site. It is now proposed to move the paddock area to the south part of the site (as per the advice set out in Paragraph (iv) above;
 - it is understood that the originally proposed 2 metre high fence on top of the 5 metre slide has been considered to be too high and unneighbourly;
 - the slide is proposed to be reduced to 3 metres in height with a railing above; and

- the landscaping including natural screening ranging from 12 to 16 metres in height along with the reduced height would reduce the impact on the neighbour concerned.
- (x) The reduced height of the slide, from 5 to 3 metres, would reduce the impact of the proposal on the openness of the Green Belt and also overcomes the adverse impact on the neighbour.

Conclusion

- (xi) A further site visit was undertaken on 27 September 2018. The construction of the animal building had progressed since earlier visits i.e. the mezzanine floor (providing the viewing area/classroom facility) and stair access had been provided and the pig pen within the animal building was under construction. The outdoor paddock area had been cleared and levelled awaiting landscaping and the installation of pens. Further pens were still to be provided within the animal building. The applicant had confirmed the appointment of the animal manager who was due to start in early October 2018; with initial tasks to include the sourcing of animals. The animal building and paddocks are now expected to be fully open in early 2019.
- (xii) It is therefore considered that the re-balancing of the animal/educational benefits with the indoor/outdoor play areas as well as more clarification as to how this will be achieved provides further very special circumstances to support this application. It is considered that the original reason 1, as set out at the end of the original report below, is now overcome through the amendments and additional details provided as set out above.
- (xiii) The proposed reduction in height of the slide also overcomes the adverse impact on the neighbour, with it proposed to be located about 8 metres from the rear boundary of this property. It is considered that the original reason 2, as set out at the end of the original report below, is now overcome through this amendment.
- (xiv) Since the publication of the original officer report below, the National Planning Policy Framework has been amended. However, and in relation to the current proposal, Green Belt policy has not been materially amended. It is therefore considered that the proposal is acceptable in its amended form and the application is recommended for approval.

RECOMMENDATION

GRANT, subject to the following conditions:-

1. The proposed development shall be built in accordance with the following approved plans: Q045/03 Rev B and Astro slide elevation received on 21 June 2018, 2714 BSP, 090101-SD, 09021-PR, 09021-PR, 090123 WR, 0901250-ST, CAPCO-Chobham-01-E001 Rev 01, 2714 BSP, 2714-T-008-1, 2714-T-001.3 Rev B, 050104-RD, 090122-CR and CAPCO-Chobham-01-P005 Rev 01 received on 8 May 2017 and CAPCO-Chobham-01-E003 Rev 00, CAPCO-Chobham-01-E004 Rev 00, Bouncy pillow Elevation, AS-F-SAIL-001 Issue D and AS-F-SAIL-002 Issue D received on 31 August 2017, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

2. The slide shall not be provided until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

Reason: To preserve and enhance the visual amenities of the locality and to protect residential amenities in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

3. Prior to first use details of the fencing and pen layout for the outdoor paddock area, as shown on Drawing No. Q045/03 Rev B, shall be submitted to and approved by the Local Planning Authority, which shall then be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: In the interest of visual amenity and the openness of the Green Belt and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

ORIGINAL COMMITTEE REPORT PRESENTED TO THE PLANNING APPLICATIONS COMMITTEE ON 26 JUNE 2018

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Tedder because of concerns that the proposal is unneighbourly and provides play equipment on an area allocated for animal provision.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This part retrospective application relates to Chobham Adventure Farm which is currently an indoor and outdoor children activity centre comprising play frames and slides. The site previously formed part of a horticultural nursery. The site lies on the south side of Bagshot Road, west of the settlement of Chobham and located in the Green Belt. This part retrospective application relates to the retention of outdoor play equipment and provision of further equipment on the site.

- 1.2 There is no objection to the proposal in respect of local character and highway safety. However, the proposed equipment would be harmful to the Green Belt and residential amenity with there being no very special circumstances to outweigh the identified harm. As such, the application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The 0.28 hectare site falls within the Green Belt. The site lies to south and south west of residential properties, Prestons and Strawcock Field, respectively, with open land to the rear. The south boundary of the site is relatively open and the north and west boundaries are defined by hedging and trees.
- 2.2 The application site currently has a reception building which is open to the public with the space predominantly containing children's play equipment together with a café and first floor space for children's parties. There is also a seated outdoor patio area on the western end of the building. The land to the west of this building, the subject of this application, is used for outdoor play and contains a series of frames and slides. In addition, there is currently a further building under construction, located at the south western end of the site which is intended to be used as an animal building. However, currently there are no animals on the site and there have been no animals on the site since the business first opened to the public late 2016.
- 2.3 The site previously formed part of a former nursery site, known as The Horticultural Nursery. The site is accessed from the south side of Bagshot Road from a historical access which served the nursery. The parking for the use is provided by an extensive area of unauthorised hardstanding located adjacent to the access. There is also unauthorised signage by the entrance and an unauthorised car wash facility adjacent to the car park (refused application SU/17/0735).

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/14/0325 - Erection of two replacement buildings to provide new reception and animal buildings ancillary to a wider use of the site as a farm park. This application was approved in July 2014.
- 3.2 Whilst this approval represented inappropriate development in the Green Belt it was approved under very special circumstances (VSC). The reasoning included the need to provide the reception building now (for commercial viability reasons); employment, tourism and economic benefits; support from the local business community; educational benefits; and the comparative size of the development (when compared to all other structures which have previously been on the site); of which, it was considered that the employment, tourism and economic benefits and educational benefits had most weight to outweigh the identified harm. In the light of the VSC a series of restrictive conditions were imposed on this consent including condition 9 which restricted the use to be principally as a farm park and with a café, childrens' play area and party rooms ancillary to this.

Appended to this report is the officer's report for 14/0325 which sets out the VSC reasoning in full and a copy of the approved layout plan. This layout plan shows the authorised car parking area for 20 cars and intended use for the outdoor areas.

- 3.3 SU/14/1033 - A minor material amendment (MMA) to planning permission SU/14/0325 to allow alterations to the siting of the reception and animal buildings. Approved in January 2015.
- 3.4 This MMA allowed the reposition of the previously approved buildings five metres further to the west (i.e. overlapping with the siting as approved under SU/14/0325). Similar conditions to limit the activity and use imposed on permission SU/14/0325 were re-imposed for this permission. This approved development, however, has been partly implemented and not wholly in accordance with the approved plans. Whilst the reception building has been provided, the animal building was under construction at the time of the last officer site visit (in February 2018) and the applicant has confirmed that this building is expected to be open to the public by the end of July 2018. The approved floor plans for the reception building indicated the part use of the ground floor for educational benefits from agricultural themes. However, this has not been provided and the indoor play frame has been extended into this area, at variance to the approved plans.
- 3.5 Conditions 2 (materials), 3 (landscaping), 4 (ecological management plan), 7 (SuDS) and 12 (Company Management Plan) were pre-start conditions whereby these details had to be approved before commencement of development and use. Conditions 2, 3, 4 and 7 were discharged on 2nd September 2015. It would appear that details were never submitted for condition 12. However, 14/1033 did not carry forward condition 12. In relation to condition 3 and the landscaping plan, cross section drawings for the artificial bund were still required. Again, these details were never received. The 14/0325 approved layout plan indicated a series of animal paddocks in front of the animal barn but this was subsequently reduced by this landscaping plan. The landscaping plan also permitted the outdoor seating area adjacent to the reception building.
- The landscaping plan approved by condition 3 is also appended to this report.*
- 3.6 The application site forms a part of a wider site for which the following planning history, which had a different applicant, is relevant:
- SU/17/0735 – Siting of store, container store and hardstanding for car washing facility (retrospective). Refused in April 2018.

4.0 THE PROPOSAL

- 4.1 This part retrospective proposal relates to the provision of outdoor play equipment. This equipment includes:
- An outdoor play frame (up to 5.7 metres high) including two zip wires and multi-level platforms (partly covered);
 - Small play area equipment (including platforms, play house, parallel ropes, balancing beams and stilts, up to 3 metres in height);
 - Bouncy pillows (trampolines) up to 0.2 metres in height;
 - Sand pit and play frame up to 3 metres in height;
 - Astroturf tube slide (5 metres high; with a 2 metre fence to act as screening to the north boundary)
 - Outdoor seating area (with sail roofing fabric on posts up to 3.35 metres high over);

- Animal viewing area (reduced from approved scheme); and
- Landscaping.

The astroturf slide is the only element of the current proposal that has not been provided. The proposal also includes some land raising/lowering works to fit with the provided equipment.

- 4.2 The applicant has been given opportunities during the processing of this application to provide further justification and to amend the scheme. Further information relating to this is provided in section 7 of this report.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Chobham Parish Council | An objection is raised on the grounds of overdevelopment of the site; and impacts on drainage, residential amenity and highway safety. Concern is raised about reduction in the size of the animal paddocks and lack of educational benefits (as proposed for the approved development) and compliance with conditions imposed on the approved development. |
| 5.3 | Environmental Health | No objections. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, five representations of objection raising the following objections:
- Approved use by farm and domestic animals for education/leisure would be a quieter use of land [See paragraph 7.5].
 - Retrospective nature of the proposal [*Officer comment: This would not be a reason to refuse this application*].
 - Overdevelopment, and intensification of use, of the site [See paragraphs 7.3 - 7.7]
 - Unneighbourly [*Officer comment: If minded to approve limitations on hours of operation would be imposed*].
 - Impact from noise [See paragraph 7.5]
 - Loss of privacy [See paragraph 7.5]
 - Main attraction as a play facility and not a farm park [See paragraph 7.3]
 - Traffic impacts [See paragraph 7.6]

- Comparisons with other farm park are in more rural locations and have less residential impacts [*Officer comment: The comparison of the application site with other farm parks can be helpful in assessing the current proposal to a degree; but it is noted that these farm parks are very different proposals and have different surroundings*]
- Unneighbourly arrangement [*See paragraph 7.5*]
- Lack of a noise report [*Officer report: This has been subsequently provided and addressed in the report below*]
- Impact on openness of the Green Belt [*See paragraphs 7.4 and 7.7*]
- Inappropriate development in the Green Belt [*See paragraphs 7.4 and 7.7*]
- Inadequate parking facilities to cater for expected number of visitors (particularly during holiday peaks) [*See paragraph 7.6*]
- Authorised increase in the size of the car park [*Officer comment: As indicated in Paragraph 4.3 above, the extended car park is unauthorised*]
- Right of way sought by applicant over Brook Lane [*Officer comment: There is no proposal, as a part of this application, for such an access to be provided. However, the ownership or control over land would not be a material planning consideration*]
- Loss of privacy from slide [*See paragraph 7.5*]
- Impact of noise on welfare of animals [*Officer comment: This would be a matter for the animal protection agencies*]
- True noise readings (at holiday peak) have not been taken [*Officer comment: In dependant readings were taken by Environmental Health during the summer holiday and they have been able to estimate the peak noise levels*]
- Monitoring of the maximum number of visitors to the park (condition compliance) [*Officer comment: This matter is being addressed separate from this application*]

6.2 At the time of preparation of this report, 43 representation, and one petition with 225 signatures, in support making the following comments:

- It will bring added custom to the area and provide job opportunities
- Excellent customer for the business concerned
- Greater support of local jobs
- Enhancing the local economy
- The site had remained derelict for many years
- Wider benefit to the community by attracting visitors to Chobham village and high street
- It will become an all year round destination from this play area provision
- Much needed offering for children

- Supporting local family business rather than multi-nationals
- Allows children to play in a safe and friendly area

7.0 PLANNING CONSIDERATION

7.1 The application is considered against Policies CP1, CP11, CP12, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP); and the National Planning Policy Framework (NPPF). Advice within the national Planning Practice Guidance is also relevant.

7.2 Planning approval 14/0325 (as amended by 14/1033) is a material consideration. It is therefore first necessary to review this site background in order to understand the rationale for originally permitting development within the Green Belt, and to consider whether this part retrospective application is operating within the original intent of this consent. If it is not then it is further necessary to consider what harm it causes and whether there is a justifiable reasoning to grant it. Therefore the main issues to be addressed are as follows:

- Site background;
- Impact on the Green Belt;
- Impact on residential amenity;
- Impact on highway safety; and,
- Consideration of very special circumstances.

7.3 Site background

7.3.1 Approval 14/0325 was presented by the applicant as a small scale farm park and whilst being inappropriate and harmful development in the Green Belt was allowed on very special circumstances with main weight afforded to the employment, tourism and economic benefits and educational benefits (as detailed in section 3 above). Paragraph 7.5.12 of the officer's report stated the following:

'...robust planning conditions need to be added to ensure that the use of the site remains principally as a farm park, most akin to its rural location. Officers remain concerned if the use of the premises was actually more of a children's play centre, which could otherwise be located in any urban location, and so it is necessary to control the floor areas of the buildings to ensure this does not occur. The future intensification of the site is also a concern and so conditions are required to control the visitor numbers and to ensure that the buildings are not sub-divided to be used by separate businesses.'

7.3.2 A series of conditions were subsequently imposed including condition 9 which states the following:

9. *The proposed development shall be used principally as a farm park and for no other purpose and no expansion of the floorspace provided on drawing nos. 322/06 and 322/09 hereby approved for the ancillary cafe, childrens' play area and childrens' party rooms shall be undertaken without the prior planning permission. None of these elements shall be provided as separate businesses to the predominant farm park use of the site. [Officer underlining]*

Reason: To prevent an overdevelopment of the site to the detriment of the residential amenities of the area and to ensure that the development does not prejudice policies for the preservation of the Green Belt and in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Approved layout drawing no. 322/09 for the reception building, referred to by condition 9 above, annotated a sizeable agricultural display area which was intended as an educational area for children. This has never been provided. Moreover, without any animals on the site (i.e. the primary farm park use), in the officer's opinion, the current on site use is in effect operating without planning permission and in breach of condition 9. The use is operating as a children's play centre, precisely the type of use that concerned officers and one which the Planning Authority sought to avoid.

7.3.3 Whilst the applicant intends for the animal farm building to be in use by July 2018 the extent of the outdoor space used by animals has still been significantly reduced from the 2014 permission, which included an extensive paddock area. The landscape plan, pursuant to condition 3 of permission SU/14/1033, included some limited small outdoor play provision including a small play area, trampolines and sand pit areas as well as an outdoor seating area and landscaping. Although this landscape plan reduced the use of the outdoor space as space for the animals/petting farm from originally envisaged, nevertheless, it did still provide outdoor animal pens. Hence, together with the animal barn, there remained an acceptable balance between the outdoor play and animal/education areas. This landscape plan effectively set the baseline as to the limit of acceptable outdoor play use.

7.3.4 However, the extensive play equipment installed and proposed as part of this submission is within an area that was expected to provide an outdoor petting farm. The area of land intended for the outdoor petting farm element has been much reduced and has not been provided to date. It should also be noted that the applicant has been provided several opportunities during the course of this application to redress the balance, for example, by providing the education space within the main reception building and by deletion of the astroturf slide. The assessment that follows in paragraph 7.4 – 7.7 below needs to be considered against this context.

7.4 Impact on the Green Belt

7.4.1 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt; with a number of exceptions. These exceptions include provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In the High Court decision *R (Save Woolley Action Group Ltd.) v Bath and North East Somerset Council* [2012] EWHC 2162 (Admin), which followed earlier similar rulings, gave a wider definition of a building to include "any structure or erection". In the officer's opinion the definition of a "building" in this context can include the proposed play equipment. In the event that this opinion is incorrect then this proposal must be inappropriate development which, by definition, is harmful to the Green Belt.

- 7.4.2 As already explained, whilst allowed on VSC the originally approved development and use were considered to be inappropriate development and caused significant harm to openness due to the substantial increase in size of the buildings over the size of the buildings that previously stood on this site. The approved development represented a 15.7% increase in floorspace and 107% increase in volume.
- 7.4.3 This proposal now further spreads development on the site having an urbanising effect on the land. The play equipment for the smaller play areas and the cushions (trampolines) are much smaller in scale (being no greater than 3 metres in height and limited in width/depth and mass) and it is considered that these elements of the proposal would not, individually or cumulatively, have an adverse impact on openness. Moreover, this equipment is located in the areas indicated for such use on the approved landscape plan (see paragraph 7.3.3 above). In addition the sails over the seating area form a part of a light structure with views underneath and have a limited impact on openness.
- 7.4.4 However, in the officer's opinion it is the much larger play frame (up to 5.75 metres in height and much greater in width/depth and mass) added to the west and the proposed slide (up to 7 metres in height and a length of 30 metres), that has an adverse impact on openness.
- 7.4.5 The farm park site is set back from the highway with some screening to the north boundary and the influence of the existing buildings reducing the impact from the public domain. However, the size of these additional structures has a significant impact on openness. In the Court of Appeal decision for *Turner v Secretary of State for Communities & Local Government EWCA Civ 466 [2016]*, the openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion, such as from the public domain, does not in itself mean that there is no impact on openness.
- 7.4.6 It is therefore considered that the proposal would be inappropriate development in the Green Belt and be harmful to its openness. It is therefore necessary to consider whether any very special circumstances exist but before doing this it is necessary to consider whether any other harm arises from the impacts on residential amenity and the highway.

7.5 Impact on residential amenity

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.
- 7.5.2 The proposal has been supported by a noise report. The Senior Environmental Health Officer has indicated that the report demonstrates that the outdoor play facility operates to a rating level of about 2 decibels above the approved scheme from the nearest residential property and that this increase in noise within the gardens of adjoining properties does not exceed the relevant external amenity noise level that would have been expected as a result of its use and that the addition of the astro-slide would not increase the noise levels to an unsatisfactory level. Such a rated level of noise is an indication that the facility has a limited impact on neighbouring properties and no objections are raised on these grounds. In addition, the hours of operation are controlled by Condition 5 of planning permission SU/14/1033 for the site to be open to the public between 10:00 and 19:00 hours only.

- 7.5.3 The existing structures are set some distance from any residential boundary and, noting their size and the level of vegetation at such boundaries, have a limited impact on residential amenity. However, the proposed astroturf slide, which would be positioned within 8 metres of the site boundary with the rear garden of Prestons, at a height of 5 metres, with screening which would be required to a height of about 2 metres above (i.e. 7 metres above ground level) would have an unneighbourly and over-dominant impact upon the residential amenities of the occupier of this dwelling including their enjoyment of the rear garden. Whilst some soft landscaping is provided to this boundary, there are gaps in this location and, even if provided (e.g. by condition), cannot be secured in perpetuity.
- 7.5.4 As such, the proposal is considered unacceptable on these grounds, failing to comply with Policy DM9 of the CSDMP.

7.6 Impact on highway safety

- 7.6.1 The proposal supports a facility which has resulted in traffic generation near to the site accessing the shared access point onto Bagshot Road. The County Highway Authority has, however, raised no objections to the proposal indicating that it would not have a material impact on the safety and operation of the adjoining public highway. As such, and with no evidence to the contrary no objections are raised on highway safety grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF. Aside from highway safety the existing car park is unauthorised and this is further considered in paragraph 7.7.1 below.

7.7 Very Special Circumstances

- 7.7.1 Paragraphs 87 and 88 of the NPPF indicates:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except on very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Section 7.4 this report has indicated the harm to the Green Belt by reason of inappropriateness and the impact upon openness. Other harm from the impact of the astro-slide upon residential amenities is identified in section 7.5.

- 7.7.2 During the course of this submission the applicant has provided the following summarised arguments to justify the proposal:
- (i) The existing use could be best described as a "farm park in the process of phased implementation," which is typical of most farm parks in the country. It was always the intention to provide indoor and outdoor animal areas as well as indoor and outdoor play areas. The layout of the site has necessitated that the development be implemented in the order that it has but the end result will be a farm park. The animal building started construction in February 2018 and is expected to be completed by July 2018, and the website shows that this is a key element of this attraction;
 - (ii) There is no clear definition of a farm park but there are a number of farm attractions nationally which have a mix of animals, farm-based educational interpretation/activities, indoor play, outdoor play and catering;

- (iii) The provision of outdoor play equipment would be considered to be essential to the operation of the main use of the site as a farm park and is an integral part of the proposal;
- (iv) The farm park represents a split between 76% play and 24% animal provision which compares favourably with other farm parks (ranging between 34% animal provision at Godstone Farm with 13% at Hobblers Heath);
- (v) The play areas have been designed to a high quality with natural materials used to complement the built form of the farm park and use and soften the appearance of the play equipment;
- (vi) The play equipment would be appropriate facilities for outdoor sport and recreation (with this view supported by an appeal decision at Hobblers Heath (APP/F5540/W/16/3160453) in Hounslow; and
- (vii) A letter from the soft play company who installed the indoor play facility indicating the educational benefits of the soft play facility including through play of the animal matching shapes panel, red tractor, vegetable patch, animal; rockers, sheep pen ball trap, cow-print slide and duck print quackers.

- 7.7.3 In respect of point (i), in the officer's opinion the provision of an animal building, in itself, would not fully address the imbalance between play and animal/education accommodation. As already explained, the loss of the outdoor animal pens/runs has not been adequately addressed by the applicant and this accommodation has not been shown on the landscape drawings provided for this application. Neither has the applicant shown a willingness to redress the balance as part of this submission. Concern has been raised to the balance between the farm park and outdoor play elements and it is considered that the additional larger outdoor play equipment tips the balance away from its approved use and one of the principal benefits which formed an important very special circumstance which supported the originally approved development.
- 7.7.4 For points (ii) – (iv) it is accepted that some play equipment is a normal part of a farm park provision and the Planning Authority has always accepted this. The application site has different characteristics and is in a different location with very different planning histories from other national farm park sites. Hobblers Heath, for example, related to redevelopment of a golf course and the sites are not directly comparable. Each site and proposal therefore has to be considered on its own planning merits. Officer concerns remain that the amount of play equipment under this application remains more akin to a play centre in a settlement location than a farm park. The definition of a 'farm park' assumes that animals would be the principal attraction and take up the larger proportion of the site; and, the approval, including condition 9, stipulated that play equipment should only be ancillary.
- 7.7.5 Turning to point (v) the quality of the outdoor equipment is not disputed but the visual quality of the attraction should be an expectation, in any event, and so this cannot be said to be a VSC to outweigh Green Belt harm.
- 7.7.6 For point (vi) there are also appeal examples whereby inspectors have considered outdoor equipment such as this to be harmful to the Green Belt. Again each proposal has to be considered on its own merits and there no weight is given to this argument.

- 7.7.7 Finally, for point (vii) the applicant has provided insufficient justification to support this. These arguments are considered to be weak and do not explain why such a facility could not be provided elsewhere, outside of the Green Belt. No explanation or details have been given, or the area of space to commit to this.
- 7.7.8 Officers support local businesses but this support should not be at the expense of the Green Belt or residential amenity. This support for local businesses is the reasons why officers went back to the applicant on several occasions. Regrettably, these negotiations have not resolved the situation to the satisfaction of officers.
- 7.7.9 Either individually or cumulatively, in the officer's opinion the arguments above do not outweigh the identified harm to represent VSC.

7.8 Other matters

- 7.8.1 The proposed use was approved with 20 parking spaces within the site. The applicant has provided a much greater parking area predominantly on land outside of the farm park site on land which has a lawful nursery use. The applicant has estimated this accommodation can cater for 400 people and indicated that this is the lawful use of this land. This is disputed and no lawful development certificate has been provided to regularise this provision. The expediency for taking enforcement action is therefore currently being considered.
- 7.8.2 The approved development has been provided in phases with the animal building to be provided by July 2018. The report has indicated that the imbalance between the play and animal/education provision in the farm park and has questioned whether the use remains as a farm park. As already explained the approved layout had not been provided, with the indoor play area expanded into the educational area on the ground floor of the reception building. In addition, an ice cream kiosk has been provided within the outdoor play area and there is a lack of external animal pens/runs. All of these matters are also being considered as to whether there it is expedient to take enforcement action.
- 7.8.3 There have been complaints concerning signage at the site access. This signage is unauthorised and requires formal consent. However, this is an area of special control and advertisements have had an urbanising effect upon the rural character and the Green Belt. As such, this signage is unlikely to be supported by the Local Planning Authority. Their removal is currently being sought; and if this is not forthcoming, then consideration will be given to the expediency of taking enforcement action (see Informative 1).

8.0 CONCLUSION

- 8.1 The current proposal is considered to be acceptable in terms of its impact on highway safety. However, the proposal is considered to be unacceptable in terms of its impact on residential amenity and the Green Belt. The application is therefore recommended for refusal.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF.

This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The large play frame (and proposed astroturf slide) by reason of their height, mass and spread of development, represents inappropriate and harmful development in the Green Belt; and, alone and in conjunction with the other outdoor play equipment results in a quantum of built form harmful to the openness of the Green Belt. The use is more akin to a children's activity centre and does not comply with the authorised use and permissions 14/0325 and 14/1033. Very special circumstances do not exist which clearly outweigh the substantial harm to the Green Belt and the residential amenity harm given in reason 2 below.
2. The proposed astroturf slide, due to its height and proximity to the northern site boundary, would result in an unneighbourly and dominant form of development harmful to the residential amenities of the occupiers of the adjoining dwelling Prestons including their enjoyment of the rear garden, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.