

LOCATION:	Clews Lane Nursery, Clews Lane, Bisley, Woking, Surrey, GU24 9DY,
PROPOSAL:	Installation of portacabin office and shipping container for storage of horticultural supplies, construction of plant staging areas on to geotextile membranes and gravel surfacing, the widening, relaying and extension of existing vehicular access off Clews Lane and additional hard standing area.
TYPE:	Full Planning Application
APPLICANT:	Mr Keith Vernon
OFFICER:	Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to Committee at the request of Cllr Mansfield. This is due to the amount of concerns raised by the residents on the grounds of traffic in a very narrow lane and the effect upon the Green Belt.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site is Clews Lane nursery, located to the east of the settlement of Bisley, between Clews Lane and St John the Baptist Church. The application site is outside of the settlement area and within the Green Belt. The site currently comprises open land, however there is a shipping container, field shelter, metal shed and some hardstanding which have been constructed within the last few years. The application seeks planning permission for the installation of a portacabin office/welfare unit, a shipping container for the storage of horticultural supplies; the construction of plant staging areas on geotextile membranes and gravel surfacing; and the widening, extension and upgrade of the existing vehicular access off Clews Lane to highways standards, as well as additional hard standing area within the site and along the access road. These elements are required in connection with the proposed use of the site as a plant nursery.
- 1.2 The lawful use of the site is for agriculture. The use of the site as a nursery for growing trees from saplings is a form of agriculture and so the use itself does not require permission. The portacabin and container and the plant staging areas are deemed to be reasonably necessary to support this use, and is not inappropriate development in the Green Belt. However, the additional hardstanding would represent an engineering operation and by virtue of its significant area would visually not preserve openness and be inappropriate development in the Green Belt. The visual urbanising effect of the hardstanding would cause further harm to the rural and picturesque character of the area and the setting of the Grade II* Listed St. John's Church. The County Highway Authority have also objected, stating that it has not been demonstrated that the appropriate visibility splays could be achieved, and that the intensification of the use of the road by large commercial vehicles would adversely affect highway safety. There is also insufficient information to be certain that off-site trees along the access road will not be harmed by the proposed hardstanding along the access.

- 1.3 While there are some benefits of the proposal, it is not considered that they amount to very special circumstances to outweigh the identified harm. It is therefore recommended that the application is refused.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises an approx. 0.7ha field to the east of Clews Lane, within the Green Belt, with the defined settlement of Bisley running along the opposite side of Clews Lane. The site benefits from a shared vehicular access with the detached bungalow of Willow Tree Cottage to the southwest. The eastern corner of the site adjoins St John the Baptist church grounds, with views to this church restricted by trees. There is a public footpath FP137 along the south-eastern site boundary.
- 2.2 From review of the planning history (Section 3 below), it appears that the site has previously been used as a nursery as stated in the 1979 agricultural dwelling application documents. At this time, the Council identified almost the whole of the area as being cultivated for horticulture, containing deciduous, coniferous, fruit and ornamental trees/shrubs grown for exported sale. More recently, the information submitted in early 2010 under the 10/0116 application states that the site has been used for producing hay and silage for an off-site farmer and was identified as Grade 4 (poor quality) pasture land by an agricultural consultant appointed by the Council.
- 2.3 Aerial photos covering the last 20 years show the site as grass for the entire period, however a shipping container, area of hardstanding and a close-boarded fence appeared between the end of 2016 and early 2017 and still remain. The close-boarded fence has been erected between the hard standing and the eastern site boundary. The shipping container is currently in the approximate proposed location for the portacabin, and not its final proposed location which is why the proposal is not described as retrospective. There is also now a metal corrugated shed to the west of the shipping container, and a wooden field shelter to the east. These do not benefit from planning permission, although the fence is permitted development.
- 2.4 Lines of willow trees have been planted to the south-west, close to where the proposed vehicular access extension would be. The rest of the site remains open as grassland, including land to the east and south also in control of the applicant. The land in the applicant's control beyond the northeast boundary is used for the keeping of horses, with a horse box present at time of most recent site visit.

3.0 RELEVANT PLANNING HISTORY

- 3.1 79/0077 - Erection of agricultural occupancy bungalow

Decision: Refused

- 3.2 10/0116 - Erection of a stable building and a storage building.

Decision: Refused

Reason:

It has not been demonstrated that the proposed development is genuinely needed for either agriculture, forestry or that it would provide essential facilities for outdoor sport or recreation. The proposal is therefore considered to be inappropriate development in the Green Belt which by its very nature would be harmful to character and openness of the Green Belt. Furthermore, no case of very special circumstances has been demonstrated to outweigh the harm which would arise. The proposal is therefore considered to be contrary to the aims and objectives of Policy RE2 of the Surrey Heath Local Plan 2000 (as saved) and PPG2 Green Belts.

- 3.3 11/0161 - Prior notification for agricultural development to include the erection of a building for the storage of hay and machinery.
Application withdrawn. The 1995 GDPO did not allow the erection of a building on an agricultural unit of less than 5 hectares.
- 3.4 11/0523 - Prior notification for agricultural development to include the erection of a building for the storage of hay and machinery.
Application withdrawn. The 1995 GDPO did not allow the erection of a building on an agricultural unit of less than 5 hectares.
- 3.5 17/0414 - Application for Prior Notification of Agricultural Development in the form a proposed road under Class B, Part 6 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (as amended).
Decision: Prior approval required.
Reason:
It has not been demonstrated that the development is reasonably necessary for the purposes of agriculture within the unit thereby failing to meet the requirements of Class B, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 3.6 18/0465 - Lawful Development Certificate for the proposed improvement and extension of existing vehicular access, erection of portacabin office and extension to hard standing and storage areas.
Decision: Refused
Reason:
It has not been demonstrated that the proposed development is reasonably necessary for the purposes of agriculture within the unit thereby failing to meet the requirements of Class B, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Notwithstanding this, the application site does not benefit from any permitted development rights for agricultural buildings, as its area is less than 5 hectares. Furthermore, the proposed development fails to satisfy criteria B.1 (b) and B.4 under Part 6 of Schedule 2 of the above Order. Planning permission is therefore required.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the installation of a portacabin office/welfare unit and shipping container for storage of horticultural supplies, the construction of plant staging areas on to a geotextile membrane and gravel surfacing, and widening and re-laying of the vehicular access off Clews Lane.
- 4.2 The supporting statement advises that the applicant is currently using the site to support its business activities through growing trees from saplings. The applicant wishes to extend its business activities through the additional production and storage plant material, to facilitate the efficient supply of plants to its landscape and garden design projects, along with all ongoing maintenance projects where replacement planting is necessary.
- 4.3 The proposed portacabin would be sited within the existing hard surfaced area (towards the western boundary), and would consist of office, kitchenette and toilet facilities. The proposed site plans shows that the portacabin would have a width of 7.5m and depth of 3.3m. The supporting statement advises that the portacabin will provide new office space for two staff members, with doorway access directly from the hardstanding area, and that this space will be vital for staff to process orders and check deliveries, as well as providing welfare facilities. It is also advised that the unit will be located in the delivery area with views onto the car park and plant staging area. Although the supporting statement advises that the dimensions would be 6m x 2.4m, the dimensions on the submitted drawing must be considered as that proposed.

- 4.4 The proposed shipping container would also be sited within the existing hard surfaced area (towards the northern boundary), and would have a width of 6m and depth of 2.4m as shown on the site plans. It is labelled as existing on the site plans, but at time of site visit the container was sited to the west, roughly in the location of the proposed portacabin. The supporting statement advises that the proposed shipping container is for the storage of sundry material.
- 4.5 The proposed plant staging areas would consist of five rows of geotextile membranes surrounded by gravel surfacing for pedestrian access, located to the east of the existing hard standing area. The supporting statement advises that this is to facilitate plant materials delivered to the nursery to be staged prior to being transported to development sites managed by the applicant.
- 4.6 The proposed widening and relaying of the existing vehicular access off Clews Lane would consist of asphalt. The existing access would also be extended in length to the east by a further distance of approx. 50m, to provide an overall access length of approx. 120m from the Clews Lane entrance. The frequency and type of vehicles proposed has been provided (see Annex B of this agenda).
- 4.7 The proposed site plans also include a polytunnel and a water storage structure. These were included as part of additional information to validate the application. However, as the application form originally received did not amend the proposal description to include the polytunnel and water storage structures, they cannot be considered under this application as they were not subject to the statutory consultation process already undertaken. Whether the polytunnel and water storage structures require additional planning permission would depend on the type and scale of structures proposed. Their size, their degree of permanence and the way they are fixed to the ground would also be relevant.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | Objection, regarding visibility splays and increased use of Clews Lane by commercial vehicles. These comments are appended as Annex A. |
| 5.2 | Council Conservation Consultant | No objection in principle, subject to condition |
| 5.3 | Council Arboricultural Officer | Additional information required to be able to determine the impact on off-site trees. Tree protection plan is not adequate. |
| 5.4 | Council Scientific Officer | No objection, given the limited ground disturbance |
| 5.5 | Bisley Parish Council | Object on highways grounds in that the use of Clews Lane for HGVs of all sizes is inappropriate for the area. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, objections from 96 addresses have been received, raising the following concerns:

6.2 Principle of development [See Section 7.2]

- Conflict with local plan
- Violation of Green Belt policy
- Site is peaceful, green and tranquil
- Loss of one of the most beautiful fields in the area

- Land hasn't been used as a plant nursery for 35 years – and then it was minimal – application should be classified as a change of use

6.3 Character and heritage [See Section 7.3 and 7.4]

- Out of keeping with character of area
- Over development
- Eyesore in a rural area
- Impact on Church and Grade II Listed holy well both within 200m of site
- Site also near public footpaths – so will be an eyesore
- Development too high
- Banked earth to conceal portacabin from Clews Lane is not a natural feature
- Proposed buildings are ugly
- Trees should be protected, not destroyed
- Negative impact on village

6.4 Residential amenity [See Section 7.5]

- Close to adjoining properties
- Loss of privacy
- Noise nuisance – HGVs, use of generators and construction works

6.5 Highway matters [See Section 7.6]

- Increase in traffic – Clews Lane not capable of taking these vehicles
- Village is congested enough with large vehicles
- Road surfaces already in poor condition
- Lots of accidents on Clews Lane and surrounding roads
- Clews Lane is narrow – not wide enough for free flow of vehicles in each direction - and has no footpath
- Not suitable for HGVs - will not be safe with larger vehicles using this than as existing
- Lane is used by families and children to access nearby school, park and church
- Lane is further narrowed by existing on-street parking overspill, made worse by school drop-off/pick-up
- Lane is already too busy – cars speed – overgrown hedges – dangerous for pedestrians, cyclists and horse riders – used by many for walking with nearby public footpaths
- Inadequate site access, parking and public transport
- Question why access has to be widened – most vehicles have no issues accessing site – e.g. refuse lorry and farming machinery have accessed site for years
- Damage to trees from high sided vehicles

6.6 Other matters

- Increase in pollution [*Officer comment: Given the limited proposed number of vehicles to the site and the nature of the use it is not considered that it would result in any significant adverse impacts in this regard*]

- Impact on wildlife [*Officer comment: Given the nature of the horticultural use and the current habitat at the site, the fact that no loss of trees are proposed it is not considered that there would be any significant harm to wildlife*]
- Increase danger of flooding – existing drainage of field is an issue – run-off on to Clews Lane during heavy rain – will be made worse by proposal [*Officer comment: The application site is in Flood Zone 1 and in an area of low risk for surface water flooding. Given the size of the site no further information is required in terms of flooding*]
- Potentially contaminated land – applicant has already buried waste on site [*Officer comment: See section 7.7*]
- Concerned about pesticides and fertilisers in water run-off from site [*Officer comment: See section 7.7*]
- Strain on existing community facilities [*Officer comment: It is not clear what community facilities are meant and it is not considered that the proposal would cause any harm in this regard given its nature*]
- Discrepancies between application statement and plans/ no drawings have been submitted for the proposed water tank or polytunnels [*Officer comment: See paragraph 4.7 above*]
- Insufficient neighbour notification [*Officer Comment: Notification was undertaken in accordance with the statutory requirements*]

7.0 PLANNING CONSIDERATIONS

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CP1, CP2, CP8, CP11, CP14A, DM1, DM9, DM11 and DM17. The National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application. The main issues to be considered are:

- Principle of the development in the Green Belt;
- Impact upon the character of the area and impact on trees
- Impact on heritage and archaeology
- Impact on residential amenity;
- Impact on access, parking and highway safety, and;
- Other matters – contaminated land;
- Consideration of very special circumstances

7.2 Principle of the development in the Green Belt

7.2.1 Following recent site visits and a review of the planning history, it is considered that the application site was historically in agricultural use as a plant nursery, and since then may have been in use for hay making as described in 2010. Agricultural use of the application site, meeting the following definition, would therefore not, in itself, require planning permission. Part 336(1) of the Town and Country Planning Act 1990 (as amended) defines agriculture to include:

horticulture, fruit growing, seed growing, dairy farming, the breeding of livestock (including any creature kept the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land as woodlands where

that use if ancillary to the farming of land and any other agricultural purposes, and 'agricultural' shall be construed accordingly.

[officer emphasis]

- 7.2.2 The supporting statement advises that the site as a whole is being managed to ensure it does not become overgrown, including the treatment of weeds. The site appears to be fit for the purposes of recommencing plant production. The proposed construction of plant staging areas on to geotextile membrane and gravel surfacing, are all reasonably necessary for agriculture and designed (and intended) for agriculture at this application site – specifically as a garden nursery, consistent with the above definition. The ancillary portacabin office/welfare facilities (for a total of two members of on-site staff) and shipping container would, in the officer's opinion, be of a commensurate size to support this use.
- 7.2.3 Whilst a portacabin and shipping container are mobile structures given that they are intended to be in situ whilst the use is in place, and given their degree of permanence, it is considered reasonable to classify them as buildings for the purposes of the Green Belt assessment. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although there are exceptions. One of these exceptions listed is buildings for agriculture or forestry. It is therefore considered that the portacabin and shipper container are not inappropriate development.
- 7.2.4 The supporting statement advises that the nursery would also require provision of a 1,600 litres water tank and a 9.4m x 21m polytunnel, as shown and labelled on the proposed site plan. However, the proposed site plan that includes the HGV tracking, labels the water tank as being 50,000 litres. Again, these structures may be deemed as necessary to support the use and may not constitute inappropriate development, but these elements cannot be formally considered without the necessary detail and as explained in paragraph 4.7 above. An advisory informative will be added in this regard.
- 7.2.5 Paragraph 150 states that certain other forms of development, including engineering operations, are also not inappropriate in the Green Belt provided that openness is preserved and the development does not conflict with the purposes of including land within the Green Belt. In the officer's opinion it is reasonable to classify the proposed widening, relaying and extension of the existing vehicular access off Clews Lane and the additional hard standing area as an engineering operation.
- 7.2.6 The proposal includes a significant additional amount of hardstanding across the site. At present, the only areas of hardstanding are the existing access road, which has a partly gravelled surface, and part of the area between the container and the close-boarded fence, which is again a gravelled surface. The remainder of the site is laid to grass. The proposal includes an asphalt surface along the existing access road and extending into the site to cover an area of grass within the site of over 400m². The whole area between the portacabin and fence would also be hardstanding, which is an additional area of around 600m². The area underneath the plant staging areas would be gravelled, which is an area of 1000m² approx. in total, excluding the plant staging areas. This would lead to a net increase in hard standing area of approx. 2000m² above what is currently on site. It is not considered that the plans accurately show the extent of existing hardstanding, which is less than is shown on the plan, and as such this has been reflected accordingly in the above figures.
- 7.2.7 Whilst hardstanding, by its very nature, would not have a significant impact upon Green Belt openness, nevertheless, harm would arise. Caselaw has established that harm to openness is open-textured and can include spatial and visual impacts. In the officer's opinion this extent of hardstanding would result in an urbanising effect upon the Green

Belt. The hardstanding would spread development to the east and visually this would be harmful to the open character of the Green Belt here, characterised by open fields and its rurality (see Section 7.3 below). By association, therefore, there would be a degree of impact upon the purposes of the Green Belt which includes preventing encroachment into the countryside, albeit it is accepted that this impact would be limited. The hardstanding would therefore be inappropriate development.

- 7.2.8 Paragraph 148 of the NPPF is clear that substantial weight be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Section 7.3 – 7.7 of this report therefore consider any other harm caused by the proposal. The need for this hardstanding and whether there are very special circumstances to outweigh the harm will then be considered in section 7.8.

7.3 Impact on character of the surrounding area and impact on trees

- 7.3.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of layout and appropriate and effective landscaping, and are sympathetic to local character and history including the surrounding built environment. Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government advice on design.
- 7.3.2 Policy CP2 of the CSDMP states that development should respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, massing and bulk, and requires development to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate.
- 7.3.3 Although the site is adjacent to the settlement of Bisley, the immediate Clews Lane street scene is verdant and rural in character, comprising a narrow laneway and mature shrubbery at each side. The application site is set significantly back from this highway boundary, and as such, other than the entrance gates and access road, is not visible from Clews Lane. The access road is currently loose gravel and grass, and additional hardstanding along the access road is not considered to be significantly harmful in this context adjacent to Clews Lane and the driveway of Willow Tree Cottage.
- 7.3.4 The site is visible from Public Footpath FP137 which runs along the southern and eastern boundary of the site. Views from this footpath into the site are completely unobscured as there is no boundary treatment between the footpath and the site, and it is completely open. While the existing close-boarded fence within the site reduces the open, spacious nature of the views from this footpath, as stated above this element does not require planning permission. The plant staging areas would be the closest part of the development to the footpath, and although no further details are provided in terms of their height or appearance, this could be controlled by condition and given their likely low height and appearance in keeping with the horticultural nature of the use, are not likely to cause any significant harm to the character and appearance of the area.
- 7.3.5 The portacabin and shipping container would be further from the footpath and their visibility from the east reduced by the close-boarded fence, though they would be clearly visible in the distance from the south. However, they would be set back against the tree line, some distance from the path and given their height and temporary appearance, there would be no significant adverse impact on character. With regards to the proposed hardstanding, while the area behind the fence would only be visible at a distance from the footpath to the south, the extended access along the south of the site would be clearly visible and would constitute a significant urbanising and unattractive feature in this otherwise rural landscape.

- 7.3.6 There are a number of oak trees located on and adjacent to the application site. Most of these are located on third party land, immediately to the north of the access road, and provide significant amenity value when viewed from Clews Lane particularly. Two oak trees are located within the site itself. The application is accompanied by an Arboricultural Report, which states that one of the trees within the site requires removal as it is infected with a fungus. The report states that the trees along the access road will be able to remain, with the proposed hardstanding laid within their Root Protection Area.
- 7.3.7 The Council's Arboricultural Officer has been consulted and has stated that in principle, the hardstanding is unlikely to harm these retained trees along the access road, due to pre-existing levels of ground compaction. However, an Arboricultural Method Statement for the installation of the driveway, including cross sectional drawings, are needed prior to determination to be sure that the roadway will be adequately able to support the vehicles without harming the tree roots. Given that the application is proposed for refusal, the applicant has not been asked for this additional information and as such a reason for refusal is proposed in this regard. However, it is considered that in the event of an appeal, further information could be provided which may overcome this refusal reason.
- 7.3.8 The Arboricultural Officer has also commented that the Tree Protection Plan may be insufficient as it proposes removing some of the protective fencing for the installation of the hardstanding. However, it is considered that a revised Tree Protection Plan could be submitted by condition if the development was otherwise acceptable.
- 7.3.9 It is therefore considered that the proposal causes unacceptable harm to the character of the area, in terms of the urbanising effect of the significant additional amount of hardstanding proposed. In addition, insufficient information has been provided at this stage to be able to determine whether the proposed access road would harm the off-site trees. The proposal is therefore contrary to Policies CP2 and DM9 as it fails to sufficiently protect and enhance the character of the area.

7.4 Impact on heritage and archaeology

- 7.4.1 Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4.2 Policy DM17 of the CSDMP states that development which affects any Heritage Asset should first establish and take into account its individual significance, and seek to promote the conservation and enhancement of the Asset and its setting. Policy CP2 requires development to respect and enhance the quality of the urban, rural, natural and historic environments.
- 7.4.3 The site is also near the Grade II* Listed St John the Baptist Church to the east and its Holy Well (Grade II Listed) to the southwest along FP137. There are clear views of the site from within the church yard, given the low wall and gaps in the trees on its western boundary, however the site is not visible from the Holy Well, given the intervening vegetation.
- 7.4.4 A desk-based archaeological assessment has been provided, which advises that the previous discoveries from nearby areas suggest that the area has moderate to good potential for as yet unknown buried archaeological remains of medieval and post-medieval date. The report therefore recommends that the development should be subject to an archaeological watching brief. This assessment also assesses the site's proximity to the abovementioned Listed Church and Holy Well. The assessment concludes that despite the close proximity to the Listed Church site and its Holy Well,

little or no intervisibility can be established, as the existing boundaries around these Heritage Assets are heavily wooded and comprise numerous mature trees. Following the site visit, the officer does not agree with this conclusion as there are clear views of the site from the church yard as described above.

7.4.5 The Council's Conservation Consultant has raised no objection to the principle of the proposal, but has commented that no details regarding the service connections have been submitted which could have an impact on the archaeology. It advised that the County Archaeologist is referred for comment and/or conditions for trial trenches with a watching brief added to any permission given. A watching brief is also recommended by the archaeological assessment and although it is noted that the depth of ground disturbance is limited, could be secured by planning condition. No specific comments on the impact on the listed buildings were received.

7.4.6 It is considered that given the intervisibility of the site and the Church, as well as its proximity to the Church that affects its setting, the proposal does cause harm to the setting of this heritage asset, particularly through the urbanising effects of the hardstanding, compared to the currently very rural nature of the Church's setting. It is therefore considered that the proposal is contrary to Policy DM17, Policy CP2 and the NPPF as it fails to conserve and enhance the setting of the listed church and the historic environment.

7.5 Impact on residential amenity

7.5.1 Policy DM9 of the CSDMP states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.

7.5.2 The closest residential property to the site is Willow Tree Cottage, which is to the south of the site access road. The property is not immediately adjacent to its boundary with the access road, although would experience additional noise and disturbance from the increased use of this access. However, the types and numbers of vehicles likely to access the site has been provided by the applicant, which includes two deliveries per week by HGV only. The hours of operation and number of HGVs accessing the site could be controlled by condition which would prevent any significant harm to amenity. The property is far enough away from the proposed built development not to be adversely affected by these elements.

7.5.3 Concerns have been raised by neighbours in the vicinity in respect of noise from HGVs, generators and construction works. However, with conditions controlling hours of operation and numbers of HGVs, the impact on amenity to neighbours further afield is considered to be acceptable. The noise from any generator may be audible at a low level, but given the distance of the site from surrounding residential properties, is not considered likely to cause any significant adverse effects. Construction works are temporary in nature and are not a material planning consideration. Impacts during the construction period in terms of noise, parking and operating hours could be controlled through the submission of a Construction Management Plan, secured by condition.

7.5.4 On this basis, is not envisaged that the proposal would adversely impact upon the residential amenity of the area, to accord with the amenity requirements of Policy DM9 of the CSDMP and the NPPF.

7.6 Impact on access, parking and highway safety

7.6.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted

unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented. Policy CP11 states that the Council will work with the highway authority to seek the efficient and safe operation of the highway network.

- 7.6.2 The existing vehicular access to the site off Clews Lane is proposed to be altered by increasing its carriage width to approx. 4.8m. The existing access would also be extended in length to the east by a further distance of approx. 50m, to provide an overall access length of approx. 120m from the Clews Lane entrance. In their initial consultation response, Surrey County Highway Authority (CHA) requested additional information detailing whether the proposal will lead to an increase in vehicular movements to/from the site and/or whether it will lead to a change in the size of the vehicles accessing the site.
- 7.6.3 In response, the applicant provided a table of the number of vehicles and the vehicle types which would travel to and from the site in conjunction with the plant nursery operation (see Annex B of this agenda). One motorcycle and one car used by staff would travel to and from the site each working day. 1-2 small commercial vehicles would visit the site each day, to pick up a small number of plants and to drop off materials. One large van (two axle six tyre unit) would visit site once per week to deliver and collect plants and materials. One small truck (three axle single unit) would also visit once per week but to deliver plants and materials only. Any larger vehicles would be prohibited.
- 7.6.4 The CHA has however raised objection in response to the above additional information, proposing refusal of the application for two reasons (see Annex A). Regarding the first reason for refusal, the CHA has commented that a minimum visibility splay of 2.4 x 25m would be needed to be provided in each direction from the access, commensurate with vehicle speeds of 20mph, with no obstruction to visibility between the height of 0.6 and 2.0 metres above the ground. Visibility in the trailing traffic direction is severely restricted by an existing hedge, which appears to be on third party land. It has therefore not been demonstrated to the satisfaction of the CHA that 2.4m x 25m visibility splays could be provided over land that is either under the control of the applicant or is highway land. The intensification of use of an access with substandard visibility would increase the risk of conflict with other road users.
- 7.6.5 Regarding the second reason for refusal, the CHA has commented that Clews Lane is a narrow rural road, with no footway. It provides access to public footpaths 138 and 137 and is a road used by pedestrians as well as by cyclists and horse riders. The proposed development would lead to an increased use of the road by large commercial vehicles, needed to deliver plant materials to the development site and for transporting containerised trees and shrubs from the site to other locations. Due to the narrowness of the carriageway large commercial vehicles would not be able to pass other vehicles on Clews Lane. This may result in vehicles having to reverse a distance to reach passing places. The proposed development would therefore cause inconvenience to other road users and be to the detriment of the safety of vulnerable road users.
- 7.6.6 It is noted that Clews Lane is subject to a weight restriction of 7.5T but with an exception for access, and as such this would not prevent the larger vehicles coming to and from the site, as it only prevents the use of this road as a cut through by larger vehicles.
- 7.6.7 It is therefore considered that the proposal is unacceptable in terms of its impact on highway safety and is therefore contrary to Policies CP11, DM11 and the NPPF in this regard.

7.7 Other matters

- 7.7.1 Policy DM9 requires development to respect and enhance the natural character of the environment. Objections have been raised mentioning that there is buried waste on the site. The Council's Scientific Officer has been consulted and has stated that he has no objections, given that the ground disturbance is limited. He states that there are limited pollution linkages, of which one could be by way of foul water discharge from the

portacabin, and as such the applicants will need to apply to the Environment Agency to install a septic tank. Given this is covered by other pollution control regimes, there is no requirement for a condition in this regard.

7.8 Consideration of very special circumstances

- 7.8.1 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that 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 inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.8.2 In this case, the hardstanding would be inappropriate development in the Green Belt because of its harm to openness. Other harm to character and the setting of the listed Church has also been identified, through the urbanising effect of the significant amount of additional hardstanding, and insufficient information has been provided to be sure that the proposal will not harm the off-site trees. There is also significant harm arising from the impact of the proposal on highway safety. This quantum of identified harm needs to be clearly outweighed by very special circumstances.
- 7.8.3 The applicant has not put forward an explicit case for very special circumstances (VSCs). However, case law has held that all factors which are in favour of a grant of planning permission for inappropriate development in the Green Belt are capable of contributing towards the assessment of very special circumstances. Whether the very special circumstances test is met, on the facts of a particular proposal, is a matter for the decision-maker.
- 7.8.4 The proposal has economic benefits in terms of supporting a local business, and paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal would support jobs for two members of staff, and there is also the opportunity for indirect employment, such as drivers hauling materials to and from the site. The job creation is also supported by Policy CP8 of the CSDMP.
- 7.8.5 The need for the hardstanding to support this use is also a consideration. The application form advises that the existing site accommodates three parking spaces for light goods vehicles and the proposal would also provide three such spaces. The supporting statement also advises that staff parking will be provided to the north of the site with the overall proposal facilitating two staff members. It is considered reasonable to assume that this would involve an additional two vehicle parking spaces. It is accepted that one of the proposed site plans includes a swept path analysis for a large commercial vehicle. However, given the proposed parking requirement, it is unclear why such a large amount of additional hard standing area is reasonably necessary for the use of the application site as a plant nursery. Similarly, it is not considered that the extent of the proposed increase in the length of the existing vehicular access has been adequately demonstrated to be reasonably necessary for the purposes of this agricultural use of the site, and given this would be asphalt, is one of the more harmful elements of the proposed hardstanding.
- 7.8.6 In the officer's opinion there would not be a permitted development fallback for the on-site hardstanding. Agricultural units on sites of less than 5 hectares do benefit from permitted development rights for the provision of a hard surface, however that hard surface has to be reasonably necessary for the purposes of agriculture within that unit. On the basis of the submission, it is not considered that the provision of the hard surface is reasonably necessary for the use as proposed.

- 7.8.7 The applicant sets out the following in the planning statement as benefits of the scheme:
- Additional CO₂ storage through the production of trees and shrubs;
 - Grey water capture from the road to use on trees and shrubs, leading to more water efficiency;
 - Additional green infrastructure;
 - Improved access to the right of way;
 - Consideration of learning and skills training and accessible employment opportunities; and,
 - Enhancement of biodiversity through the introduction of new plant species.
- 7.8.8 The above factors can contribute towards the requirement for very special circumstances. With regard to CO₂ storage, it is noted that they will also be putting hardstanding over a large, currently grassed area which also stores carbon, and the amount of proposed planting and carbon storage is not quantified. As such limited weight can be attached to this benefit. With regard to the water capture, later in the document it states that porous asphalt may be used instead of doing this, and as such very limited weight can be attached to this.
- 7.8.9 The site as a nursery is likely to result in additional planting and enhancement of biodiversity, which is a benefit also supported by the NPPF and Policy CP14A which seeks to increase biodiversity, however there are no further details of the proposed planting. It is not clear what is meant by the improved access to the right of way, as the site will be a private nursery and there appears to be a fence between the site and the right of way to the east. As such very limited weight can be attached to this. The opportunities for learning and skills training would also be a benefit, however the statement only mentions consideration of this, so it is not a guaranteed benefit.
- 7.8.10 For the reasoning given above, either alone or in combination, these factors are not considered sufficient to amount to very special circumstances to outweigh the identified harm.

8.0 CONCLUSION

- 8.1 The proposed use of the site and the buildings to support this use are not inappropriate development in the Green Belt. However, the hardstanding is an engineering operation and by reason of its extent would visually be harmful to openness and therefore be inappropriate development in the Green Belt. Further harm would be caused to rural character and the setting of the listed church adjacent to the site. In addition, insufficient information has been provided to be able to fully determine the impact on off-site trees. The County Highway Authority has also objected, stating that Clews Lane is not suitable for the increase in commercial vehicles, and the access would require a large visibility splay on land which does not appear to be within the applicant's control.
- 8.2 The identified harm is not outweighed by very special circumstances, and as such the application is recommended for refusal.

9.0 POSITIVE/PROACTIVE WORKING

- 9.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of 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.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed hardstanding is an engineering operation, and by virtue of its extensive area and spread of development to the east would spatially and visually be harmful to Green Belt openness and therefore be inappropriate development in the Green Belt. The hardstanding would cause additional harm to the rural character of the area; the recreational enjoyment of the area including views from public footpath FP137; and, the setting of the adjacent Grade II* Listed St. John's Church, through its urbanising effect in the rural landscape. The need for the amount of hardstanding has not been justified to the satisfaction of the Local Planning Authority and there are no very special circumstances to outweigh the above harm, nor the harm identified in reasons for refusal 2-4 below. The proposal is therefore contrary to Policies CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
2. The proposed development would result in an intensification in use of the existing access onto Clews Lane, a public road, where the visibility splay in the trailing traffic direction is sub-standard. The proposed development would therefore have an unacceptable impact on highway safety, contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and Section 9 of the National Planning Policy Framework.
3. The proposed development would result in an intensification in use of Clews Lane by large commercial vehicles. This would be to the detriment of the safety of other road users, including pedestrians, cyclists and horse-riders. The proposed development would therefore have an unacceptable impact on highway safety, contrary to Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.
4. Insufficient information has been provided in order to demonstrate that the proposal would not have a harmful effect on the off-site trees north of the site access road. The loss of these trees would cause harm to the visual amenity of the area and the proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. The polytunnel and water storage structures as shown on the submitted plans have not been considered as part of the application, as they were not within the description on the application form and as such not part of the consultation undertaken. As such they have not been assessed and may require planning permission in their own right.