

<b>LOCATION:</b>	Land South Of Heath Cottage, Priest Lane, West End, Woking, Surrey, ,
<b>PROPOSAL:</b>	Change of use of land from agricultural to equestrian with the construction of a stable block comprising two stables, tack room and shelter together with the installation of a static caravan and area of hardstanding.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Mr Robert Richards
<b>OFFICER:</b>	Navil Rahman

This application has been referred to the Planning Applications Committee because it has been called in by Councillor Liz Noble. It is considered necessary for the application to have a fair hearing due to comments which have been received in support and opposing the proposal from residents.

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The application relates to the construction of a stable block comprising of two stables, a tack room and shelter together with the siting of a static caravan for use as a day room and the installation of an area of hardstanding. The site falls within the Green Belt and is within 400 metres of the Thames Basin Heath Special Protection Area (SPA).
- 1.2 The proposed development would provide facilities to enable equine/outdoor recreation use. However, it has not been demonstrated that these facilities are appropriate, adequate and genuinely required for the use of this land. Additionally, the buildings represent inappropriate development in the Green Belt, with the proposed caravan and stables considered to be harmful to the openness and purposes of the Green Belt.
- 1.3 Other harm would be caused with the caravan being within 400 m of the SPA; harm to the character of the area; and the applicant has failed to demonstrate that there would not be harm to trees, and that the use of a single-track drive would not prejudice pedestrian safety. In the officer's opinion there are no very special circumstances to outweigh the Green Belt harm and the other harm identified.
- 1.4 The proposal is therefore recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site relates to a rectangular parcel of land situated on the eastern side of Priest Lane, a single-track road (public bridleway 150), south west of the settlement of West End.

- 2.2 The site comprises an area of open land measuring circa 0.34 ha, not previously developed upon with only some small shed like structures on site. It falls within the Green Belt land, and within the 400m Thames Basin Heaths SPA exclusion zone. The site falls within a Flood Risk Zone 1, however, sits adjacent to a Flood Risk Zone 2 south east of the site.
- 2.3 The site adjoins an open area of land north of the site (south of Heath Cottage), the rear of the land is associated with Burnstubb Farm to the east, area of open land to the south of the site and areas of open land the other side of Priest Lane found west of the site. South east of the site is land occupied by the Ministry of Defence (MOD) as a firing range. Brentmoor Heath and Folly Bog Nature Reserve is sited further north of the site.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 19/0507 Certificate of Proposed Lawful Development for the change of use of land from agricultural to equestrian, and erection of stable block comprising 3 no stables and tack room. Refused 01/10/2019
- The proposed change of use constituted development that is not covered by the GPDO (as amended).

### 4.0 PROPOSAL

- 4.1 Planning permission is sought for a change of use of land from agricultural to equestrian with the construction of a stable block comprising two stables, tack room and shelter together with the siting of a static caravan and installation of an area of hardstanding.
- 4.2 The proposed stable block and static caravan would be positioned to the eastern boundary of the site away from Priest Lane, whilst the proposed area of hardstanding would be sited to the western boundary of the site adjacent to Priest Lane.
- 4.3 The static caravan measures 7.6m width x 3.45m depth and standing at a maximum height of 3.2m, having a footprint of 26.2sqm. The caravan would include a kitchen/seating area, a w/c and an area for storage.
- 4.4 The stable block would have an L-shape footprint with a maximum width of 9m x 6m depth, standing at 3.7m to the ridge sloping down to 3.2m at the eaves and covering a footprint of 39sqm.
- 4.5 The proposed area of hard landscaping would measure 600m<sup>2</sup> and would be sited to the south west of the site adjacent to Priest Lane. It would provide the horses an area of dry ground to rest and exercise accordingly during times outside of the stable.

### 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority Raise no objection and consider that the development would have no detrimental wider impact on the safety and operation of the adjoining highway. *See Annex A for a copy of their comments.*
- 5.2 Surrey County Country Access Remind the applicant that they are liable to repair any damage cause to the surface of the bridleway which renders it inconvenient for lawful users (pedestrians, equestrians and

cyclists). Raise concern regarding potential conflict between vehicles and users and remind applicant that public users have right of way.

5.3 Arboricultural Officer

Insufficient information submitted in respect of trees to enable the LPA to fully consider the implications and effects of the development proposal. Recommend refusal.

5.4 Environmental Health Officer

No representation received.

5.5 Drainage Officer

There is a boundary watercourse to Priest Lane in poor condition which assists with roadside drainage and would therefore be required to be maintained. The proposed hardstanding would require the watercourse to be infilled which would likely be refused with the natural form more beneficial. The indicated hardstanding would need extensive culverting of the boundary watercourse and will require the submission of a suitable drainage proposal to consider the culvert works. The applicant will need to attenuate the discharge from the new hardstand area, caravans and other structures with full details of drainage required. The proposal would need to demonstrate discharge be restricted to greenfield run-off rates.

5.6 Natural England

If Surrey Heath are satisfied a condition can ensure the caravan would not be used for residential/sleeping accommodation, no objections would be raised. As the site falls within the Thames Basin Heaths SPA exclusion zone a net increase in residential unit would not be accepted.

5.7 Surrey Wildlife Trust

Recommend that the development is appropriately surveyed to determine if any legally protected species, habitat or species of conservation concern would be adversely impacted by the proposed works.

Documentation submitted with this application has not appropriately demonstrated that the proposed development would not have a likely adverse effect on Fields between Hook and Priest Lanes Site of Nature Conservation Importance. The application as submitted therefore appears to be in breach of the above National and Local planning policy.

Should ensure that the proposed development would not result in a net increase in new residential dwellings within the 400m TBH SPA.

- Harm to the openness of the Green Belt
- No mitigation has been made for flooding which could be detrimental to the site if hardstanding is installed
- The hard standing may have a detrimental impact upon drainage ditches.
- The horses could be up to their ankles in water because the area is so wet.
- The site is within 400 metres of buffer zone and a site of specific scientific interest.

## 6.0 REPRESENTATION

6.1 A total of 13 letters of consultation were sent on the 29<sup>th</sup> September 2022 to neighbouring residents. At the time of writing the report 8 letters of support and 10 letters of objection have been received.

6.2 The letters of support outline the lack of shelter facilities in the surrounding area and the need of the stables on site for the well-being of the horses using the site.

6.3 The concerns raised are summarised below.

- The proposal owing to its close proximity to ecologically protected land would increase disturbance to these sensitive areas. *[Officer comment: Surrey Wildlife Trust have been consulted on this application and have raised no comment. Officers are therefore unable to determine that the site would be harmful on ecological grounds].*
  - The site has a single-track access. The proposal would increase traffic owing to its use with potential blocking of the access path detrimental for users. *[Officer comment: The site falls outside of the jurisdiction of the local highway authority].*
  - There is inadequate parking provision to this site, which would require increase vehicle trips owing to the need to service the caravan and stable. *[Officer comment: The proposed development would significantly increase vehicle activity on site which would be considered unacceptable in context of the Green Belt].*
  - Would be out of keeping with the rural character of the area *[Officer comment: The proposed development would be considered harmful to the character of the surrounding area].*
  - Harmful to the openness and objectives of the Green Belt. Would be considered inappropriate development that does not present any very special circumstances to outweigh its harm. *[Officer comment: The proposed equine use would be considered suitable for Green Belt land, in principle, however an assessment on the harm upon the openness is discussed further in the report].*
  - There is no need for the day room as the applicants are reside very close to the site. *[Officer comment: Insufficient justification has been submitted to demonstrate the need for the caravan.]*
  - The application site is unsuitable for horses, due to its waterlogged nature, regular occurrence of flooding, being too small in size, its close proximity to the MOD firing range and having significant growths of foxgloves and ivy which are

poisonous to horses. *[Officer comment: The application site and proposal is considered unsuitable for horses]*

- The proposed facilities are inadequate in accordance with guidance. *[Officer comment: The application site and proposal are considered unsuitable for horses].*
- Insufficient detail submitted to show how the site would be adequately serviced i.e., cesspit. *[Officer comment: Insufficient detail has been submitted in respect of the activity to the site raising concerns in respect of the intensity of the proposed use].*
- Increased risk of accidents owing to vehicle use with the access unsuitable for vehicle use. *[Officer comment: Insufficient information has been submitted regarding the servicing of the site to demonstrate that there would be no adverse harm to pedestrian/road user safety].*
- Would increase risk of flooding, reducing the area of permeable land. *[Officer comment: Insufficient detail has been submitted in respect of the permeability of the development to demonstrate no adverse harm in respect of flooding on this site. Whilst it is noted to be in a flood zone 1 it is nonetheless visibly apparent that the site suffers from drainage issues and therefore would be required to demonstrate no adverse impact on the existing matter].*
- Great deal of supplementary feeding required as land quality is poor for grazing. storage of food would attract vermin posing a threat to ground nesting birds in adjacent conservation sites. *[Officer comment: Surrey Wildlife Trust have been consulted on this application and have raised no comment. Officers are therefore unable to determine that the site would be harmful on ecological grounds.*
- Would set a negative precedent for future development with the use of the caravan unpoliceable. *[Officer comment: This matter is discussed in section 7 of the report.]*
- No benefit to the local area. *[Officer comment: The proposed development would not be considered to provide any overriding community benefit].*
- Would increase smells and noise to the area, whilst harming the natural view and resulting in a loss of privacy. *[Officer comment: The proposed development would be harmful to the existing open vista landscape].*
- Storage of equipment would increase threat of thieves. *[Officer comment: Officers note this matter].*
- Stables would require mucking out - no info has been provided as to where the dung heap would be disposed of - clear water streams flowing close proximity are within protected areas. *[Officer comment: Insufficient information has been submitted regarding the servicing of the site to demonstrate that there would be no significant adverse harm to local ecology].*
- The site does not benefit from any mains water supply.
- Contrary to Article 4 Direction restricting the stationing of caravans. *[Officer comment: The Article 4 Direction is defunct as it is out of date with the existing Town and Country Planning act (as amended)].*

- Land already spoiled due to unauthorised uses. Should be returned to agricultural uses with the horses negatively impacting the site. [*Officer comment: An investigation has been raised by the Council's Planning Enforcement team*].

## **7.0 PLANNING CONSIDERATIONS**

7.1 In considering this development regard is given to Policies CP2, CP13, CP14, DM3, DM9, DM10, DM11, DM15 and DM16 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). Policy NRM6 of the Southeast Plan 2009 (as saved) (SEP); and the National Planning Policy Framework (NPPF); as well as advice within the West End Village Design Statement 2016, the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPAAS) and the 'Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids' by DEFRA (2009) are also relevant. The application site falls within the Green Belt as set out in the Proposals Map.

7.2 The key issues to be considered within this application are:

- Principle of the development:
  - Appropriateness of the development within the Green Belt
  - Acceptability of proposed facilities for horse welfare
  - Impact upon the openness of the Green Belt
- Impact on the character, appearance, and trees of the surrounding area.
- Impact on residential amenity
- Impact on transport and highways
- Impact on biodiversity and ecology
- Impact on the Thames Basin Heath SPA
- Impact on drainage
- Very Special Circumstances

### **7.3 Principle of the Development**

#### Appropriateness of the development within the Green Belt

7.3.1 Section 13 of the NPPF contains specific policies relating to development within the Green Belt. Paragraph 137 states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Therefore, and as per paragraph 148, the Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt.

7.3.2 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 149 of the NPPF states that new buildings are inappropriate development in the Green Belt but lists exceptions. Exception b) states the provision of appropriate facilities for outdoor sport/recreation facilities, provided that these facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 150 (e) of the NPPF also states that material changes in the use of the land (such as changes of use for outdoor sport and recreation) are also not inappropriate provided they preserve Green Belt openness and do not conflict with the purposes of including land within it.

7.3.3 Policy DM3 of the CSDMP similarly supports equestrian related development in the Green Belt, provided that where new buildings or ancillary development are justified these are well related to the existing buildings and small in scale. The overall size, siting and scale of the development, including any cumulative impact should not be

harmful to the character and openness of the Green Belt. Paragraph 6.23 of the supporting text to this Policy goes on to say that the LPA will seek to ensure that the scale of any equestrian related development, including cumulative impacts, is appropriate to its current operation, whether private facilities or commercial businesses. Equestrian related development should therefore retain or maintain a compact form.

- 7.3.4 The proposed development seeks the construction of a stable for two horses, the siting of a caravan to be used as a day room in connection, and the installation of an area of hardstanding. The buildings would seek to facilitate a change of use of the site from agricultural purposes to an equine use. Such a use (outdoor sport and recreation) could meet exception b) set out in paragraph 149 of the NPPF and therefore, a change of use from agricultural to equine could be supported.
- 7.3.5 However, the proposed development would introduce the siting of a static caravan to which there is limited detail submitted as to its need. The supporting statement outlines that it would be used “to provide daytime facilities and secure storage of horse equipment”.
- 7.3.6 Such facilities could be provided as part of the stables building and no justification has been provided as to why there is a need for a separate structure on site. The proposed caravan would not be considered an appropriate facility in connection with the proposed change of use as required in exception b) set out in paragraph 149 of the NPPF. The supporting information does not demonstrate that the caravan would not be deemed development and therefore the proposal would also not be considered to meet exception e) of paragraph 150 of the NPPF.
- 7.3.7 The proposal would therefore not be considered appropriate development within the Green Belt. Notwithstanding, any development would also need to preserve the openness of the Green Belt which is discussed further in the report.

#### Acceptability of proposed facilities for horse welfare

- 7.3.8 The DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017) sets out requirements for safe welfare of horses, ponies and donkeys. In this instance, the applicant has outlined they have two horses.
- 7.3.9 As a general rule, 0.5 – 1 ha of grazing land of a suitable quality is required per horse. The submitted drawings indicate the site measures approximately 0.34 ha in total which would provide insufficient provision of land necessary for the horses. Notwithstanding the insufficient provision, the quality of the land would not appear to be suitable for the horses. The pasture should have good drainage, and horses should be removed when the ground is very wet to avoid health problems. Whilst the provision of the hardstanding is sought in connection with this, it is noted that the site benefits from poor natural drainage, and therefore despite the area of hardstanding, this would only provide limited respite for the horses, with the pasture likely to result in health problems for the horses. The surrounding area is open, natural land, where the presence of poisonous plants, harmful to the health of horses could reside. No information has been submitted to demonstrate their absence / presence and mitigation measures in the event, to demonstrate that the site is suitable. Furthermore, the site is positioned a short distance away from the MOD firing range, where activity could startle the horses, to the detriment of their well-being. No details have been submitted to demonstrate surrounding fencing is adequate for mitigate potential escape nor any details of the tethering of the horses.

- 7.3.10 The proposed stable would also be considered unacceptable, failing to meet the guidelines in respect on minimum door widths (required to be 1.25m) and stable sizes (required to be 3.65m x 3.65m). The proposed doors would be 1.1m wide and measure 3m x 3.25m for the stables.
- 7.3.11 The application site and the proposed buildings would therefore be considered unsuitable for the health and well-being of horses contrary to guidance set out in the DEFRA Code of Practice.

#### Impact upon the openness of the Green Belt

- 7.3.12 The application site is currently an open area of natural land that has not been previously developed upon. Whilst it is noted from the site visit that there are small shed like structures on site, these do not benefit from any lawful planning history and therefore limited weight is given to them.
- 7.3.13 The proposed development would introduce two structures on a site with no other buildings. Within this open, vista landscape they would undoubtedly harm the openness of the Green Belt, which is largely undisturbed. The adjoining land to the north, south and west of the site benefit from no buildings, highlighting the unacceptable context of the proposals.
- 7.3.14 The harm of the proposed development would not be limited to the permanence of the proposed caravan/buildings. The development would result in increased vehicle traffic to the site, increased activity and the introduction of paraphernalia relevant to the proposed uses. Given the site does not benefit from a mains water supply, together with the poor quality of the land for grazing (discussed in further detail below), the proposal would require increased trips due to a need for servicing. Therefore, the material change of use of the land in this instance would fail to preserve the Green Belt openness resulting in a greater urbanisation of the site, representing a clear encroachment of development into the Green Belt, contrary to its purposes and failing to accord with exception e) of paragraph 150 of the NPPF.
- 7.3.15 The provision of extensive hardstanding erodes the unspoilt nature of the area by increasing the intrusion of building development that interrupts this spacious area of land, harming both the spatial and visual openness currently experienced. Its presence facilitates the potential parking of vehicles further detracting from the openness conflicting with the fundamental aims of Green Belt policy which is to maintain openness in perpetuity whether publicly visible or not and to safeguard the countryside from encroachment.
- 7.3.16 The combination of the buildings, the hardstanding and the activity on site would be result in an urbanisation of the site, harmful to the openness of the Green Belt and its aims.

#### Summary

- 7.3.17 The proposed development therefore would not benefit from support under Paragraphs 149 and 150 of the NPPF and would be considered unacceptable in principle, representing inappropriate development to Green Belt land that would be harmful to the objectives and openness of the Green Belt. It would also fail to provide adequate facilities for the safe well-being of horses on site. The proposed development therefore fails to accord with Part 13 of the National Planning Policy Framework (2021), Policy DM3 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012. Very Special Circumstances would therefore be required to outweigh this harm which is considered later in the report. It is first necessary to establish whether any other harm in addition to that raised above exists.



## **7.4 Impact on the character, appearance, and trees of the surrounding area**

- 7.4.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMP) 2012 promotes high quality design. Development should respect and enhance the character of the local environment and be appropriate in scale, materials, massing, bulk, and density. Policy CP2 states that new development should use the land efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural, and historic environments. Policy DM9 also sets out that trees and other vegetation worth of retention should be protected.
- 7.4.2 The site falls within Character Area 9 of the West End Village Design Statement which describes the area as predominantly rural in nature surrounded by open fields. The application site is undeveloped land, characterised as a rural open area, providing attractive vista views. The introduction of permanent buildings and a large area of hard landscaping would be contrary to the existing setting, and the proposal would fail to preserve or enhance the existing natural environment. Where development is introduced, it is not proposed to be offset by any form of soft landscaping to mitigate the impact, and as such the proposed development would be considered harmful to the character and appearance of the surrounding area.
- 7.4.3 A number of trees are found within the wider area, and the submission fails to detail by way of a tree survey, the position and quality of any relevant vegetation / trees. As a result, officers are unable to determine that the proposed development would be carried out without harm to any trees or other vegetation on site.
- 7.4.4 The proposed development would therefore be considered harmful to this context and would be contrary to the objectives of Policy CP2 and DM9 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.

## **7.5 Impact on residential amenity**

- 7.5.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties and uses.
- 7.5.2 The application site is situated a considerable distance away from any nearby residential buildings, with the buildings to Burnstubb Farm adjacent sited approximately 48m from the proposed stable block. Given the significant distances, it is not considered there would be any significant adverse harm arising from the development proposals in respect of outlook, privacy and daylight/sunlight.
- 7.5.3 The proposed use would introduce greater activity on site, and therefore increased coming and goings and associated noise. However, given access to the site is via Priest Lane, rather than via adjacent to any residential properties, together with the separation distances, it is not considered there would be any significant amenity impact to warrant a reason for refusal.
- 7.5.4 As such, the proposed development raises no significant harm to the amenity of the neighbouring occupiers. This would be acceptable in line with Policy DM9 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.

## **7.6 Impact on transport and highways**

- 7.6.1 Policy DM11 states that all development should ensure safe and well-designed vehicle access and egress and consider the needs and accessibility of all highway users including cyclists and pedestrians. Development is expected to protect existing footways, cycleways and bridleways.
- 7.6.2 Surrey County Highways has been consulted on the application and raises no objection in respect of the wider impact of the proposed change of use on the public highway. No comment has been made in respect of the impact to the Priest Lane bridleway.
- 7.6.3 Priest Lane is a singular track road which does not lend itself to any significant vehicle activity. The proposed change of use, and necessary servicing owing to the constraints of the land would result in a significant uptick in activity on site, and subsequent use of this part of Priest Lane. The bridleway is lawfully used by pedestrians, equestrians and cyclists, enjoying the surrounding open land. The introduction of relatively significant vehicle traffic here raises concerns in respect of pedestrian and cyclists' safety.
- 7.6.4 The application fails to demonstrate how the site would be serviced. Horses require a large amount of fresh water every day and without any main water supply this would be transported on site. The stable and caravan would need to also be adequately serviced. In the absence of details to demonstrate the type and frequency of vehicle activity required on site, in the officer's opinion it is not possible to determine that the proposed development would occur, without harm to the safety of all users of the road.
- 7.6.5 The proposed development would therefore fail to satisfy the objectives of Policy DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.

## **7.7 Impact on biodiversity and ecology**

- 7.7.1 Policy CP14 of the CSDMP indicates that development which would result in harm to or loss of features of interest for biodiversity will not be permitted whilst biodiversity gain is recommended.
- 7.7.2 Surrey Wildlife Trust have been consulted as part of the consultation process and consider insufficient information has been submitted to demonstrate that the proposed development would not have any adverse harm to legally protected species, habitat or species of conservation concern, or on the Fields between Hook and Priest Lanes Site of Nature Conservation Importance.
- 7.7.3 The proposal therefore fails to demonstrate that it would not result in undue harm or loss to features of biodiversity and ecological interest, contrary to the objectives of Policy CP14 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and NPPF (2021).

## **7.8 Impact on drainage**

- 7.8.1 Policy DM10 of the CSDMP indicates that development will be expected to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at an appropriate level to the scale and type of development.

- 7.8.2 The application site lies in a Zone 1 (low risk) flood area however the applicant has noted that the site suffers from poor drainage, therefore recommending an area of hardstanding to be constructed. No information has been submitted in respect of drainage.
- 7.8.3 The Council's drainage officer has been consulted on the application raising that Priest Lane benefits from a boundary watercourse which assists in roadside drainage. The proposed hardstanding would require this to be infilled and insufficient information has been submitted to demonstrate the acceptability of this, and to demonstrate the discharge attenuation of the new hardstanding area, caravans and barn.
- 7.8.4 A submitted drainage scheme would inform whether the level of hardstanding proposed would be appropriate and acceptable without harm to the drainage of the area including to the public pathway. This would therefore be fundamental to the consideration of the proposal at hand and without sufficient details officers cannot demonstrate the acceptability of the proposal on these matters.
- 7.8.5 The proposed development would therefore fail to accord with the objectives of Policy DM10 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and NPPF (2021).

## **7.8 Impact on the Thames Basin Heath SPA**

- 7.8.1 Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Special Protection Area (SPA) and Special Areas of Conservation (SAC) sited within the Borough. Furthermore, it states that no new net residential development will be permitted within 400m of the SPA.
- 7.8.2 As considered earlier in the report, the proposal seeks the construction of a static caravan to which it is considered there is insufficient detail and justification submitted to demonstrate the need for such a facility in association with the proposed use. This raises doubt as to the use of the caravan, which would appear adequately suited to provide habitable accommodation. Owing to the context of the site, which does not benefit from any great degree of consistent natural surveillance, any condition restricting the use would not be enforceable.
- 7.8.3 Therefore, it is considered there is insufficient justification submitted, and sufficient doubt raised, to warrant a refusal on the basis of the introduction of a residential use within the 400m exclusion zone of the Thames Basin Heaths SPA where no new net residential development is permitted. The proposal does not demonstrate any exceptional circumstance, nor does it provide any evidence that the integrity of the SPA can be protected and would therefore also be contrary to Policy CP14B of the CSDMP and Policy NRM6 of the South East Plan resulting in unacceptable harm to the Thames Basin Heath SPA.

## **7.9 Very Special Circumstances**

- 7.9.1 Paragraph 144 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, is clearly outweighed by other considerations.* The preceding sections explain how in the officer's opinion the proposal causes Green Belt harm by virtue of being inappropriate development and harming openness. In addition, other harm is caused to the

character of the countryside, potential harm to trees, pedestrian safety and the Thames Basin Heath SPA.

- 7.9.2 The applicant has not set out any very special circumstances, however, the supporting statement sets out that the proposed development is required for the welfare of the horses. The site does not benefit from a lawful equine use and should not be used for purposes away from its lawful agricultural use and therefore this argument is afforded limited weight. The proposed equine use would be solely for the benefit of the applicant rather than any wider community benefit and therefore has limited planning benefit.
- 7.9.3 It is therefore considered that the proposed development would not clearly outweigh the identified harm and no very special circumstances have been demonstrated to justify the proposal. The application would therefore be contrary to Part 13 of the NPPF.

## **8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY**

- 8.1 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 one 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.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex, and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The proposed development would be inappropriate and harmful development in the Green Belt by failing to preserve openness and conflicting with the purposes of including land within it. The proposal would also be within 400 m of the SPA and is likely to result in significant adverse effect upon its integrity. It would also be harmful to the existing vista rural character of the surrounding area. Additionally, it has not been shown that there would be no harm to trees, drainage, biodiversity and ecology of the surrounding area including the SNIC, neither has it been demonstrated that there would be no adverse harm to users of the bridleway, Priest Lane. There are no very special circumstances to outweigh the harm. The proposed development would therefore be contrary to Part 13 of the National Planning Policy Framework, Policy CP2, CP14B, DM3, DM9 and DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012, Policy NRM6 of the South East Plan and the 'Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids' by DEFRA (2009). The application is therefore recommended for refusal.

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that the development connected with the proposed equestrian use/outdoor recreation are appropriate facilities for the intended use (This includes the inadequacy of the facilities and environment for the safe well-being and health of horses on site, and a failure to provide a justified need for the caravan). By reason of the siting and size of the caravan/buildings, together with the hardstanding, the proposal would fail to preserve openness, and would conflict with the purposes of the Green Belt. This represents inappropriate and harmful development in the Green Belt. As such, the proposal meets none of the exceptions for development set out in paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) and there are no very special circumstances to outweigh this Green Belt harm and the harm identified in reasons for refusal 2 - 5. The proposal is contrary to part 13 of the NPPF and Policy DM3 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and the 'Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids' by DEFRA (2009).
2. The proposed development by reason of the siting and size of the caravan/buildings and the large area of hardscaping would result in an incongruous and urbanising form of development that would be harmful to the existing natural and rural vista appearance and character that the area possesses. This would be contrary to the NPPF and Policy DM9 of the adopted Surrey Heath Core Strategy and Development Management Policies 2012.
3. The site is located within 400 metres of the Thames Basin Heath Special Protection Area (SPA) and the applicant has failed to demonstrate to the satisfaction of the Planning Authority that the development would not result in likely significant adverse effect on the SPA's integrity. This would be contrary to Policy CP14B of the adopted Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan and the NPPF.
4. Insufficient information has been submitted in respect of tree details to determine that the proposed development would be carried out without harm to any trees or other vegetation on site. This would be contrary to Policy DM9 of the adopted Core Strategy and Development Management Policies 2012.
5. Insufficient information has been submitted in respect of servicing and trip generation, to demonstrate that the development would be carried out without harm to the use of single lane track that is Priest Lane (public bridleway 150), prejudicing the safety of pedestrian and road users. This would be contrary to Policy DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.
6. Insufficient information has been submitted in respect of ecology and biodiversity to demonstrate that the proposed development would not result in adverse harm to features of biodiversity and ecological interest and the Site of Nature Conservation Impact contrary to the objectives of Policy CP14 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and NPPF (2021).
7. Insufficient information has been submitted in respect of drainage to demonstrate that the proposed development would not result in adverse harm to the drainage of the surrounding area contrary to the objectives of Policy DM10 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 and NPPF (2021).