
Appeal Decision

Site visit made on 16 November 2015

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2016

Appeal Ref: APP/Y3615/W/15/3133032

Land at Wisley Airfield, Hatch Lane, Ockham, Surrey, GU23 6NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wisley Property Investments Ltd against the decision of Guildford Borough Council.
 - The application Ref 14/P/01664, dated 5 September 2014, was refused by notice dated 23 February 2015.
 - The development proposed is temporary use of land for filming, incorporating associated temporary structures and use of the site and hardstanding for parking and storage, with associated access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Green Belt and from the evidence before me, I consider the main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the living conditions of the occupants of neighbouring properties, in terms of noise and disturbance and light pollution;
 - The effect of the proposal on ecological features;
 - The effect of the proposal on highway safety; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances (VSC) necessary to justify it.

Reasons

Whether the proposals would be inappropriate development?

3. The National Planning Policy Framework (the Framework) at Paragraph 89 sets out that the construction of new structures in the Green Belt should be considered as inappropriate. There are a number of exceptions to this,

however, a material change of use is not included. Consequently, the proposal represents inappropriate development and conflicts with Section 9 of the Framework in this regard.

4. The proposal would be for a temporary 12 month period of time and the site would be returned to its current state after this time. There would also not be any permanent conflict with any of the purposes of including land within the Green Belt, as identified in Paragraph 80 of the Framework. I consider that this limits the harm arising from the proposal as a result of the inappropriate nature of the development and its conflict with the Framework. Although, I am mindful that 12 months is not an insignificant period of time and therefore, I attach a moderate level of harm against the scheme due to its inappropriate nature.

Openness

5. Openness is an essential characteristic of the Green Belt. The appeal site is currently an open disused airfield. The proposal would result in the construction of filming sets, welfare facilities and a considerable parking area that could accommodate up to 120 cars and 17 Heavy Goods Vehicles (HGVs). As set out above, this would be for a temporary 12 month period and the site would be returned to its current state. I consider that there would be a considerable level of harm to the openness of the Green Belt for the temporary 12 month period and this would be in addition to the harm arising from the inappropriate nature of the proposal. I consider that given the temporary nature of the proposal that this carries a moderate level of weight against the proposal.

Living conditions

6. Wisley Airfield covers a large area, although the proposed filming activities would be restricted to a 'filming hub' within the northwest part of the wider site. The 'filming hub' would be located approximately 85 to 130 metres from the nearest residential properties and their curtilages at Elm Corner to the northeast. Whilst this is a reasonable distance, I have not been provided with any substantive details of potential activities that would take place on the site. The appellant has also confirmed that at this point in time there is no confirmed user of the proposal. As a result, I agree with the Council that without details of the types of production, equipment, sets and any special effects that would be used, it is not possible to conclude that there would not be any harm caused to the living conditions of the occupants of neighbouring properties.
7. I accept that the activities are proposed to take place between 07.00 to 18.00 Monday to Friday and 08.00 to 17.30 on Saturdays. Whilst this would go some way to minimising potential impacts, in the absence of any details on activities, I consider that it cannot be ruled out that even during such time constraints that unacceptably noisy and unneighbourly activities would take place. The appellant has confirmed that they are content for a condition to be imposed that restricts the use of pyrotechnics. However, I consider that this in itself, is not sufficient to address my concerns.
8. I acknowledge the advice provided by the Council on a previous planning application (Council Ref: 13/P/02165), which was refused. However, this does not affect my findings above. Further, it is evident that in that case, the

Council also advised that information on the types of activities being carried out would be required. The appellant has set out that the site was recently used as a park and ride for an Army Service Day. I am mindful that such an activity is very different from the proposed filming use in this case. Therefore, I am not of the view that this sets a precedent for the use of the site for filming purposes.

9. The Council has also raised concern with regard to the effect of light pollution on the living conditions of the occupants of neighbouring properties. I acknowledge that external lighting is likely to be required particularly in the winter months. However, I agree with the appellant that such matters can be suitably controlled by the imposition of a planning condition that would require a lighting scheme to reduce any potential harm to an acceptable level, to be agreed with the Council. Although, this does not overcome my above concerns.
10. In conclusion, in the absence of any substantive details of potential activities on the site and potential noise impacts, I consider that it cannot be concluded that there would be no harm to the living conditions of the occupants of neighbouring properties, in terms of noise and disturbance. Consequently, the proposal conflicts with Policy G1(3) of the Guildford Borough Local Plan (2003) (the LP). The policy seeks to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development.

Ecology

11. The site itself is not designated as a statutory nature conservation site. However, it lies immediately to the south of the Ockham and Wisley Commons Site of Special Scientific Interest (SSSI), which forms part of the Thames Basin Heaths Special Protection Area (SPA). Further, the western end of the site is designated as a non-statutory Site of Nature Conservation Importance (SNCI).
12. A revised ecological report has been submitted with the appellant's appeal evidence. This determines that with the implementation of a number of recommendations that significant impacts on ecological features would be avoided. However, as set out above, I have very limited details on the potential activities that would take place on the appeal site and the ecological assessment also includes limited details in this regard. Despite the fact that Natural England and the Surrey Wildlife Trust did not raise any objection to the planning application, I cannot to any certain degree, be sure that the proposed recommendations in the revised ecological report are sufficient to mitigate any potential harm to ecological features and protected species.
13. Given this and the sensitive nature of the appeal site, it must be concluded that the scheme has the potential to cause harm to ecological features and protected species. The proposal therefore runs contrary to Policies NE1, NE2, NE3 and NE4 of the LP and the Framework.

Highway safety

14. The proposed access to the site would be from Ockham Lane. Vehicles would then access the proposed 'filming hub' and parking area via an internal route along the former runway and taxiways. It is set out that the proposed parking area would include space for 120 cars and 17 HGVs. These vehicles would access Ockham Lane from the A3 via Old Lane.

15. The application is supported by a Transport Statement that provides estimates of the likely trips generated by the proposal. This sets out that the busiest period would be during the filming with approximately 200-240 car and minibus movements anticipated outside of peak hours. Further, it is identified that the largest number of HGV movements is expected to take place before and after the filming phase and would not coincide with the largest number of movements during the filming phase. A Travel Plan is also proposed and could be secured by a planning condition. This would set out measures to encourage the use of modes of transport other than the use of a private car, including using minibuses to transport staff.
16. I observed that Old Lane is subject to a 7.5 tonne weight limit, however, I understand that this does not apply for access purposes. Given the above and my observations on the site visit, I consider that the scheme would not cause any harm to highway safety. I am also mindful that the County Highway Authority, subject to the imposition of planning conditions share this view. Further, I observed that the proposed access would offer suitable visibility in both directions.
17. As a result of these findings, I conclude that the proposal would not cause any harm to highway safety and complies with Policy G1 (2) 'Transport Provision, Access, Highway Layout and Capacity' of the LP.

Other matters

18. The appellant has set out that the proposal would result in a significant number of employees and I accept that the proposal would have significant economic benefits, which is supported by Paragraphs 18 and 28 of the Framework. I also accept that there are likely to be 'spin-off' economic benefits to the local area, although it is difficult to ascertain accurately what these would be. In any event, I consider that such economic benefits carry substantial weight in favour of the scheme.
19. The site is previously developed land and I understand that the site is earmarked for potential redevelopment and these matters weigh in the proposal's favour. I also acknowledge that the nature of the site lends itself for filming activities. However, a number of interested parties have set out that there are alternative sites in more acceptable locations and have provided examples. The appellant has not provided any substantive details on the suitability of alternative sites in the wider area and therefore, I consider that this matter should be afforded little weight.
20. I accept that the site has been used for filming in the past, although, I understand that full details of the filming activities were provided in that case. Consequently, I am not of the view that this sets a precedent for the proposal.
21. The appellant has set out that Class E Part 4 (Schedule 2) of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows (a) the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and (b) the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use. The appellant has, however, set out that such limitations do not provide suitable flexibility in regard to scale and duration. Whilst such permitted development rights are a material consideration, Class E E.2(2) sets

out that prior approval for such activities is required from the local planning authority, which includes considerations such as noise and light impacts. Consequently, I afford limited weight to such permitted development rights and to any potential fall-back position.

Overall conclusion

22. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. Given the temporary nature of the development, I consider that this matters carries moderate weight against the scheme. There would also be a considerable loss of openness for the 12 month temporary period attracting a moderate level of weight against the proposal and this harm is in addition to the inappropriate nature of the proposal. I consider that the scheme in the absence of any substantive details of activities has the potential to cause harm to the living conditions of the occupants of neighbouring properties and I cannot be sure that the development would not have any unacceptable ecological impacts. Both of these matters carry significant weight against the scheme.
23. On the other hand, the proposal would result in significant economic benefits that carry substantial weight in favour of the scheme. The site is also previously developed land and is potentially earmarked for redevelopment.
24. I have afforded little weight to the appellant's view that there are no obvious other sites in the wider area and to any potential fall-back position from permitted development rights. Further, I consider that previous filming on the site does not set a precedent for the proposal, as in that case full details of the proposed activities were provided. Whilst I have found that the proposal would not cause any harm to highway safety this is a matter of neutral weight.
25. On balance, I consider that the identified benefits of the proposal individually or in combination do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the other identified harm. Consequently, very special circumstances do not exist and the proposal runs contrary to Section 9 of the Framework.
26. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.
27. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR