The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/R3650/W/16/3149870
Crosswater Farm, Crosswater Lane, Churt, Farnham, Surrey GU10 2JN

- 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 Messrs JF, PW, DG and FM Millais against the decision of Waverley Borough Council.
- The application Ref WA/2015/2058, dated 22 October 2015, was refused by notice dated 16 December 2015.
- The development proposed is to create a new driveway and access and close off existing driveway.

Decision

1. The appeal is dismissed.

Procedural matter

2. Additional ecological evidence was submitted with the appeal, following which the Council indicated that it overcame the reason for refusal in connection with Great Crested Newts, and I consider that this matter has been addressed satisfactorily.

Main Issues

3. The site lies within the Surrey Green Belt. The main issues are:

   i) whether the proposal amounts to inappropriate development in the Green Belt;

   ii) the effect of the proposal on the character and appearance of the surrounding area, which lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and a designated Area of Great Landscape Value (AGLV), and

   iii) whether there are material considerations sufficient to clearly outweigh harm through inappropriateness and any other harm, so as to amount to very special circumstances to justify the proposal.

Reasons

Inappropriateness

4. The site lies within the Green Belt and is mostly occupied by a plant growing nursery, with some commercial buildings and three dwellings. The site is

accessed from Crosswater Lane to the west of the farmhouse. The proposed access would be some 45m or so south of the existing access.

5. The National Planning Policy Framework (the Framework) sets out certain forms of development which are inappropriate in the Green Belt, and which, by definition, are harmful to the Green Belt and should not be allowed other than in very special circumstances. Engineering operations are specified as being not being inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Saved Policy C1 of the Waverley Borough Local Plan (LP) sets out broadly the same provisions.

6. In this case, the proposed access would be cut into a roadside bank, involving the loss of a section of hedgerow, and a ditch would be infilled. The road would wind across rising ground before falling to meet the existing access road to the north-east of Crosswater Farm Cottage. There would be two spurs leading offthe access road to link to existing hard-surfaced areas serving Crosswater Farm and Crosswater Farm Cottage. Whilst the route is said to follow largely a former grass track, that track is well assimilated into the landscaped area across which the road would run.

7. The existing access would be blocked up, a roadside bank and hedge would be reinstated, and the road between Crosswater Lane and a hardstanding in front of Crosswater Farm Cottage would be removed and landscaped, along with two smaller lengths of the road.

8. In assessing the effect on the openness of the Green Belt, it is appropriate to look at the totality of the work proposed, and to examine the net effect on openness. The meaning of openness has recently been reviewed by the Court of Appeal[1], where it was held that openness has a spatial aspect as well as a visual one. Here, the route of the road would still be open, but it would change from undeveloped, fairly well-vegetated land to a developed, hard-surfaced swathe through an area of land that is appropriately described as "countryside". I consider that this, on its own, would not preserve the openness of the Green Belt, and would encroach into the countryside, contrary to one of the purposes of the Green Belt.

9. The existing access has a fairly wide opening onto Crosswater Lane, allowing views into the site. The blocking up and landscaping of this access would help to hide views of the built-development beyond. However, despite the removal of sections of road and their replacement with green landscaping, because of the additional length of road required, there would be a net increase in the amount of hard surfacing, which, according to the appellant's highways consultant, amounts to 247m^2, although I note that the agent for a local resident says that it would be somewhat greater. Even taking the smaller figure, I consider that the net increase of hard surfacing would occupy a significant area of land, the character of which would change.

10. The existing road is also seen in the same visual context as the built development of Crosswater Farm Cottage, whereas the new road would extend across undeveloped land, and in my judgement there would be materially greater impact on openness as a result. Although much of the new road would not be seen from public viewpoints, the absence of visual intrusion does not in

[1] Ref: Turner v Secretary of Statement for Communities and Local Government [2016] EWCA Civ 466

itself mean that there is no impact on the openness of the Green Belt. However, I accept that the harm that would be caused to openness would be small. It follows that the openness of the Green Belt would not be preserved, and the road would encroach into the countryside. Therefore the development must be regarded as being inappropriate, which is in itself harmful, which would conflict with LP Policy C1.

Character and appearance

11. The proposal would also result not only in the loss of a part of the roadside bank and the tall planting on it, but also the loss of planting, including trees along the route of the access. The Council argues that the road would also threaten the root systems of trees on either side of the junction of the access with the lane. The roots of these trees are already constrained by the roadside bank. However, the works would take place outside of the root protection area, or would infringe only slightly on one side, and I am satisfied that the risk to the health of these trees would be small.

12. The new planting to take place on the closed-off existing access, and any other compensatory planting, would take time to establish and mature, and thus there would be a period when its impact would be limited. In the longer term, I am satisfied that new planting would adequately offset the loss of the trees arising from the proposal. Even so, the presence of an urban feature running across an undeveloped part of the countryside would be damaging to the rural character of the area and it would fail to conserve the landscape and scenic beauty of the AONB and the AGLV. I therefore find that the proposal would result in material harm to the character and appearance of the surrounding area and would conflict with saved LP Policy C3 which deals with AONB and AGLV designations. Whilst I find that the proposal would be reasonably required for the purposes of horticulture, saved policy RD10, which deals with agricultural development, sets out criteria in relation to character and landscape, which would not be fulfilled.

Other considerations

13. The appellants have referred to a number of considerations which they say weigh in favour of the proposal. One of these is the benefit of the access to the businesses on the site. The appellants' nursery is a successful business, supplying plants, particularly rhododendrons, to markets across the UK and elsewhere in Europe, and is forecast to grow in coming years. It employs 6 people locally, and more in summer. The other businesses also provide employment for 8 people, on and off the site. The Council's agricultural consultant agreed that the existing access is problematic for large lorries to negotiate, and the appellants' photographs and my own site visit, satisfy me that the existing route is difficult for large articulated vehicles to negotiate, and creates a safety hazard, as visibility is around the barn adjacent Crosswater Farm House is very limited. In particular, the need for drivers of articulated lorries to use a banksman to negotiate the bend around the barn is wasteful of time, and results in businesses incurring unnecessary expense, as well as putting drivers at risk of collision.

14. In my view, the new access would be of benefit to the existing businesses on the site. A local resident has queried the lawfulness of some of the uses carried out, but it is not my role to determine whether this is the case. It is evident that the use of four units for storage purposes has been certified by the

Council as being lawful, and thus the commercial use of these businesses is something that it is appropriate to take into account. Having regard to the support that the Framework offers in promoting the development of agricultural and other land-based rural businesses, I attach significant weight to the benefit that the proposal would bring.

15. The difficulties that the access presents for large vehicles in the vicinity of the barn attached to Crosswater Farm House, which itself is a locally listed building (a Building of Townscape Merit (BTM)), have resulted in damage to it. Damage has also occurred to the kerbs. The locally listed building is an attractive vernacular dwelling, and whilst it is a non-designated asset, it nevertheless has some significance, which local and national policies set out to preserve or enhance.

16. Whilst the existing access is part of the established setting, that setting would be enhanced by providing a greater segregation. Whilst the damage that has occurred to the barn and the surrounding land may not be serious, it is nevertheless something that weighs in the balance. The removal of a risk of damage, and the improvement to the setting of the BTM is a benefit to which I attach modest weight.

17. The re-routing of the access would also improve the living conditions of the occupiers of both Crosswater Farm and Crosswater Farm Cottage, the occupiers of which have no ties with the operation of the business. I consider it likely that they would experience noise and disturbance from the passage of heavy goods vehicles, effects that would be reduced by the re-routing proposed.

18. I recognise that the proposal may not be the only solution and that it may be possible to re-route the existing access further away from the existing dwellings. Although the appellants' highways consultant rules out alternatives, in the absence of evidence which relates specific impacts to alternative routings, it is difficult to say with certainty that alternative schemes would have a greater or less harmful effect on openness, trees, character and appearance or highway safety. I have therefore restricted my consideration solely to the merits of this proposal.

Other matters

19. Local residents have expressed concerns about additional noise and disturbance arising from the relocation of the access. The access would be nearer to Crosswater Cottage and Crosswater Holdings. However, there would be a significant gap between the junction with Crosswater Lane and these dwellings. Occupiers of these properties already experience heavy traffic passing their properties, and the appellants' traffic survey indicates that speeds along the lane are predominantly below 30 mph, and a gentle turn into the site would be unlikely to require excessive and noisy braking. The survey also shows that the number of heavy goods vehicles using the lane (which may also include some not associated with the site) is also low, and even with the business growth anticipated, I consider that the volume of traffic is unlikely to change markedly, so as to materially affect neighbours' living conditions.

20. Whilst I note that the tracking for articulated vehicles along Crosswater Lane is shown as being tight, I consider that the proposal would not result in any material risk to highway safety, over and above the existing usage of the lane

associated with the current access, and I concur with the view of the Highway Authority which had no objection to the scheme.

21. The access would be located opposite the curtilage of Crosswater Holdings, which is a Grade II listed building. The setting of the listed building extends beyond its curtilage, but there are several accesses on the opposite side of the road from Crosswater Holdings, and the proposal would be little different from these. I consider that the access would be far enough away from the building so as to preserve its setting.

Balancing exercise

22. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt. I have found that there would be harm through inappropriateness, through loss of openness and from encroachment into the countryside. There would also be harm to the character and appearance of the area, and to the AONB, where great weight is to be given to conserving its landscape and scenic beauty.

23. Against this are the benefits I have referred to above. Prime amongst these is the advantages that the proposal would bring to the appellants' business and to the others on the site. The economic dimension is one of the three strands to sustainable development, the others being environmental and social. The Framework encourages sustainable economic growth, but in the light of the harm that I have found, I consider that the environmental role would not be fulfilled, and that when looked at in the round, the proposal would not amount to sustainable development. This limits the weight that can be attached to the economic benefits for the businesses.

24. Whilst the benefits of the proposal are not insubstantial, in my judgement they do not clearly outweigh the harm through inappropriateness and the other harm that I have identified. I therefore conclude that very special circumstances to justify the proposal do not exist.

Conclusion

25. For the reasons given above, I conclude that the proposal would not accord with the development plan taken as a whole and that the appeal should be dismissed.

JP Roberts

INSPECTOR