
Appeal Decision

Site visit made on 22 December 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/R3650/W/16/3157863

Yard Farm, North Breache Lane, Ewhurst, Cranleigh GU6 7SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Steve Shaw against Waverley Borough Council.
 - The application Ref WA/2016/0659, is dated 24 March 2016.
 - The development proposed is brownfield redevelopment of existing commercial stabling facility into 2 dwelling residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the draft Local Plan Part 1 (Strategic Policies and Sites) has undergone pre-submission consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 216 of the Framework I give it very limited weight.
3. The Council has confirmed that had it determined the planning application it would have been refused. The Council's concerns relate to whether the proposal would be sustainable development, taking account of its rural location and the effect on the intrinsic beauty and character of the countryside, including the landscape character of the Area of Great Landscape Value (AGLV).

Main Issues

4. The main issue is whether the proposal would be considered sustainable development with specific regard to a) its location in respect to settlements; and b) the intrinsic beauty and character of the countryside, with particular regard to the landscape character of the Area of Great Landscape Value.

Reasons

5. The Framework sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. This
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includes approving development proposals that accord with the development plan, including the Waverley Local Plan (LP). Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

Rural location

6. Yard Farm is located within a rural area, the buildings proposed for redevelopment being located on the opposite side of the narrow North Breache Lane to the main farm buildings, surrounded by open countryside and with two accesses from the lane to either side of the buildings. The buildings to be demolished are large modern originally agricultural buildings, subject of a Certificate of Lawfulness of Existing Use or Development (CLEUD) dated 5 September 2001 showing that they were in lawful use as part of a livery and I understand that this was the last use of the buildings, such that they comprise previously developed land.
7. I note that Ewhurst, with its various services and facilities including public transport provision, is located within walking distance of the site. However, it is sufficiently removed from the settlement such that the private car would be a preferable form of transport for most journeys. Although the last lawful use, should it be re-started, would generate additional vehicular traffic, it is unclear how that would compare to the proposed development. Paragraph 55 of the Framework supports development in one village that would support services in a nearby village; however the proposed development is away from the nearest village such that it is isolated.
8. Paragraph 55 of the Framework confirms isolated homes in the countryside should be avoided unless there are special circumstances. No information has been provided to suggest that the proposed development would be essential to its countryside location and nor would it fall within the special circumstances listed in paragraph 55 of the Framework.

Landscape character

9. The appearance of the existing buildings is of typical modern agricultural barns that reflect their location within the countryside and they fill a substantial proportion of the site. To either side of the barns are concrete areas with open fields beyond.
10. The proposed dwellings would be of traditional design that reflect the design and materials of other development in the vicinity and would reduce the amount of built development on the site in terms of area, although would be of the same height as the existing buildings. However, whilst reducing the amount of built development, residential development would result in a more domestic appearance to the site that would introduce a more suburban character to this rural area.
11. In addition, the gardens of the proposed dwellings would contain domestic paraphernalia, such as washing lines, garden furniture and play equipment, which would contribute toward the suburban appearance of the resulting development.
12. For these reasons, I conclude that the proposed development would harm the intrinsic beauty and character of the countryside, including the landscape character of the AGLV. As such, it would not comply with Policies C2, C3, D1

and D4 of the LP that seek high quality design and to protect and conserve the distinctiveness of the landscape character of the borough.

Other matters

13. I note that there is a grade II listed building located within the yard on the opposite side of the lane and in close proximity to the site. However, the proposed dwellings would reflect the design and materials of the listed building and other buildings within the yard of which it forms part and would be set back from the lane, such that the proposed development would preserve the setting of that listed building.
14. My attention has been drawn to a number of policies relating to the Green Belt and an appeal decision (reference APP/J3720/W/16/3145054) relating to development within the Green Belt, but the development proposed in this case is on countryside beyond the Green Belt where different policies apply. Reference is also made to policies of another local planning authority. Consequently, these references are not directly relevant and can only attract limited weight.
15. Reference has been made to the conversion of rural buildings, including through Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, I understand that a previous application has demonstrated that conversion of the existing buildings would not comply with those regulations such that this matter can only attract limited weight.
16. My attention has been drawn to the alleged lack of a 5 year housing land supply, but during the course of the appeal, the Council confirmed they now have a 5 year housing land supply. This has not been challenged by the appellant. The benefit of two extra dwellings, even in the face of the shortfall in housing land supply, would only carry limited weight compared with the identified harm.

Conclusion

17. The proposed development would contribute an additional two dwellings toward local housing needs and residents are likely to contribute toward the local community, providing social benefits. There would be limited economic benefits during the construction of the development and future residents would support services and facilities in settlements within the borough. However, the environmental impact of the proposed development in an isolated location away from services and facilities and introducing a suburban character and appearance of development that would harm the intrinsic beauty and character of the countryside, including AGLV, would outweigh the identified benefits. As such, no special circumstances to allow these isolated homes within the countryside have been demonstrated in accordance with paragraph 55 of the Framework. Consequently, the development would not comprise sustainable development and I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR