

Appeal Decision

Inquiry held on 30 November and 20 December 2016

Site visit made on 30 November 2016

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 06 February 2017

Appeal Ref: APP/D3640/W/16/3145185

**Frimhurst Farm, Deepcut Bridge Road, Deepcut, Camberley, Surrey
GU16 6RF**

- 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 Mrs L Halford against the decision of Surrey Heath Borough Council.
 - The application Ref 15/0849, dated 28 September 2015, was refused by notice dated 15 January 2016.
 - The development proposed is planning permission for continued use of the existing Industrial centre (use classes B1, B2 and B8 and new vehicular access on to Deepcut Bridge Road and stopping up of existing access (Resubmission of SU/14/0605)).
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Preliminary matters

1. The application was made by Mrs L Halford although the appeal is made by Mrs Elisabeth Halford. This was confirmed at the Inquiry to be one and the same person. I have used the appellant's name as given on the application form in the banner heading.
2. The appeal was initially joined with appeals against two enforcement notices.¹ The notices have been withdrawn and therefore the appeals against the notices are no longer for determination.
3. The Council has granted planning permission for parts of Frimhurst Farm. Furthermore parts of Frimhurst Farm have existing lawful uses. For the avoidance of doubt, it is not part of my remit to determine the lawfulness or otherwise of any land, albeit that the planning history of Frimhurst Farm is material to the consideration of the planning merits of the case. My conclusions in respect of this planning appeal do not preclude any application being made in respect of any lawful use.
4. The Council says that the application site red lined area excludes the areas E1A and E1B. The appellant accepted at the inquiry that this land is not within the red lined area. For this reason the proposal cannot cover those areas albeit that there are representations about these areas.
5. The application includes operational development associated with uses that have already taken place. There is some doubt as to the accuracy of plans in respect of the location of buildings within compounds. For this reason the Council has suggested a condition that would ensure that existing operational

¹ APP/D3640/C/15/3139775 lead case

development is surveyed within a fixed time period to ensure that the extent of any permission granted would be properly defined. I shall proceed on the basis that this is an agreed route forward for the determination of the appeal.

6. As the development with the exception of the access has already taken place I shall treat it as development that has commenced under s 73A of the Act.

Application for costs

7. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

8. The main issue is the effect on the character and appearance of the countryside.

Reasons

9. The appeal site lies within the countryside to the east of Frimley Green. It is located to the north of a deep railway cutting and to the south of the Basingstoke Canal. Access is currently to the south of Frimhurst Farm House, which is within the control of the appellant.
10. The site is part of a former pig farm which ceased to operate in 1987. Commercial activity started at the site after that date centred on the piggery buildings near to the entrance.
11. The appellant considers that the application site is one planning unit since the units are all let and managed by Frimhurst Farm Industrial centre Ltd. Nonetheless, the application site forms only part of a much more extensive area owned by the appellant and others.
12. Furthermore, over the years various applications, including for specific applications for certificates of lawful use or development have been made for specific defined parts of the site. The compounds and building units have been separately numbered by the appellant, they are separately identified for rating purposes can be separately identified on the ground by physical features and many have surrounding high fences and are padlocked compounds. There are individual tenants with separate tenancy agreements and the compounds are in separate uses. For all these reasons, I shall approach the application on the basis that it is for a series of individual existing planning units.
13. Given that it has been established that units E1B and E1a are not part of the application site, the only units that do not have either a lawful development certificate or planning permission as a fallback are those at D5, D6 and D7. I shall therefore concentrate on these units.
14. Over the years the commercial activities on the site have extended further into the site away from the road. The 1998 aerial photograph submitted in evidence shows that at that time none of the D compounds were in existence.
15. The 2006 aerial photograph also shows a very different situation to the 2013 photograph. In the earlier photograph there appears to be some earth workings and tipping in the vicinity of D5, D6 and D7 but not the clearly defined compounds and buildings of D5, D6 and D7 shown in the later aerial photograph. This is of significance because it establishes that the land was not

- as it is now in 2006. Furthermore, there is no certificate of lawful use or development for these sites. Evidence has not been produced to show continuity of use in the earlier period to conclude that there was a B1, B2 or B8 use that would have a bearing on my determination of the appeal.
16. The use of the three compounds and the ancillary operational development has resulted in a material change to the character and appearance of the land from a mainly vegetated state to one where hard surfacing had been laid and storage is taking place on the land. The storage of scaffolding under a large covered area is a use operated by one tenant. There are also two re-locatable buildings on that site.
 17. The appellant relies on what is now the lawful use of a wider area of land. The approach that is being advocated I take to material change of use and assessment of character and appearance could be repeated often leading to incremental material change of use of land over time by encroachment on adjacent areas within the control of the appellant.
 18. The land contains hard surfacing on which, as explained earlier, there are storage containers, and buildings. There are also vehicles and open storage within the compounds. Whilst some of this may be transient, there could be significant B8 storage use on the sites. This all impacts harmfully on the character and appearance of the countryside including when viewed from the canal towpath close to Frimhurst Farm Cottages. The rudimentary high fencing and the high building on compound D5 comprised of scaffolding and corrugated sheeting are particularly noticeable and intrusive on the rural scene.
 19. Furthermore, the storage pattern and quantum of storage and distribution is in part disorderly. The extent of the harmful effect on its appearance from the pre-change of use photographs is severe. Although the appellant compares the compounds in appearance to the adjacent uses, and I recognise that is now part of their context, I have reached my conclusions in relation to the area characteristics as a whole, which includes undeveloped land.
 20. I acknowledge that there is some support for farm diversification proposals provided by Surrey Heath Core Strategy and Development Management Policies (CS) Policy DM1 if it were to be considered subordinate to a primary agricultural use. Nonetheless, the scale and use of any diversification should not conflict with wider countryside objectives, and here it is not subordinate to a primary agricultural use.. Whilst the National Planning Policy Framework (the Framework) promotes the diversification of agricultural or other land-based businesses, it also identifies as a core planning principle the recognition of the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
 21. The extension of activity comprising the material change of use represents an encroachment into the countryside which is contrary to the Framework. Whilst a relatively small amount of land is covered, and the compounds are not within any special landscape designation, because the activities dominate the areas and has changed it significantly from agricultural with vegetation, that is a substantial and harmful change to its rural character. There are no obvious natural boundaries that define its edges.
 22. Whilst there might be some way of improving the current appearance of the sites through landscaping, there does not appear to be land within the

- compounds to do that. No mechanism for specific control of the appearance of outside storage uses was put to me for consideration. I found the three sites much as the photographs supplied by the Council.
23. I conclude that the development of land outside of that which is lawful, for all these reasons would be contrary to CS policy CP1 which seeks to protect the environment by prudent use of natural resources, CS policy CP2 which seeks to amongst other matters enhance the quality of rural environments, and CS policy DM9 that amongst other matters promotes high quality design respecting and enhancing the local character of the environment.
24. Whilst CS policy DM13 allows for the extension, alteration or addition to an existing building or operation in employment use, these are additional units to that which are now lawful. In respect of compounds D5, D6 and D7 there is nothing to suggest that there were any features of interest to biodiversity, but there is nothing to suggest that the development would enhance biodiversity either, since there is now no obvious natural vegetation in the compounds.
25. The use of the land does comprise economic development in a rural area and I acknowledge the general support for a prosperous rural economy promoted by the Framework. Nonetheless, little evidence has been submitted about the benefits of allowing the use of D5, D6 and D7 in an isolated rural area well away from any settlements and where there is little opportunity to travel to the site by public transport.
26. Given the remote location and my conclusions in respect of the encroachment of the countryside, I conclude that the development would neither fulfil the economic nor environmental dimensions of sustainable development and would not support building strong, vibrant and healthy communities, the social side of sustainable development as advocated by the Framework. I conclude therefore that it would not amount to sustainable development.
27. Turning now to the access. The existing access is close to the narrow bridge over the railway line. It is relatively narrow with inadequate visibility. Nonetheless this access has been used to serve the application site and Frimhurst Farm dwelling over the years and there is no evidence to suggest that there have been any accidents as a result of that use.
28. Furthermore, the bridge does act as a traffic calming mechanism and its width has been restricted in recent years. Planning permission has been granted for most of the site for commercial use using the access. The use of three additional compounds would not increase the amount of vehicular activity using the access substantially.
29. I can see from the aerial photographs that there was a track in the 1990s as shown most clearly in the 1992 aerial photograph in the position of the proposed access. Over the years that became overgrown. The appellant asserts that trees removed were mostly small silver birch trees and undergrowth.
30. Be that as it may, the removal of that vegetation has opened up the site to view. The construction of an engineered tarmacadam driveway in this position, even though on land lower than Deepcut Bridge Road would both extend the commercial site and create an engineered appearance to the frontage of Deepcut Bridge Road quite unlike its current vegetated appearance.

31. I acknowledge that there could be trees retained and replanting close to the access and that the access would be different to that the subject of the dismissed appeal.² Nonetheless, it would erode the pleasant rural character which even cleared retains the natural appearance of the area. The entrance and first part of the roadway before it would turn to meet the existing driveway would be particularly intrusive and extend built development.
32. Although I accept that the existing access point would be closed, much of the hard surfacing would remain and furthermore that area would remain within the curtilage of Frimhurst Farm. This access would extend the commercial site and what is more could lead to pressure for a further access to Frimhurst Farm Cottages. The development for all the reasons given would be contrary to CS policies CP1, CP2, DM1 and DM9.

Other matters

33. Local residents have expressed concern about noise and disturbance from Frimhurst Farm Industrial Estate. Working hours could be controlled to some extent by condition. Health and safety are matters which are adequately covered by other legislation. As I am dismissing the appeal because of the main issues there is no need for me to discuss conditions matters further.

Conclusion

34. For the reasons given above, I conclude that the appeal should be dismissed.

Decision

35. I dismiss the appeal.

Julia Gregory

Inspector

² APP/D3640/A/10/2141599

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Parker of Counsel
He called

Emma Pearman

FOR THE APPELLANT:

Leanne Buckley-Thomson
She called

Elizabeth Halford, appellant
Stephen Andrews, SDA Planning Ltd

INTERESTED PERSONS:

Paul Jobson
Lindsay Morgan

Local resident
Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Notification of Inquiry and circulation sheet
- 2 Opening on behalf of the Local planning Authority
- 3 Appendices of Elizabeth Halford
- 4 Bundle of planning decisions submitted by the Council
- 5 Policy CS DM1
- 6 CS pages 24 and 36
- 7 Statement from Paul Jobson
- 8 Closing submissions for the Council
- 9 Closing submissions for the appellant
- 10 Response to costs application on behalf of the Council