
Appeal Decision

Site visit made on 16 January 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/Y3615/W/16/3160052

Land adjacent to Manor House Cottage, Hook Lane, Puttenham, Guildford, Surrey GU3 1AN

- 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 Just Barns Limited against the decision of Guildford Borough Council.
 - The application Ref 15/P/02030, dated 16 October 2015, was refused by notice dated 17 March 2016.
 - The development proposed is conversion of redundant barn to residential use.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description is taken from the application form. However it is apparent from the submitted plans and the appellant's submissions that the proposal also includes the erection of a cycle store/garage and I have considered the proposal accordingly.
3. The appellant submitted a revised plan showing a new location for the vehicular access to the Highway Authority. The Highway Authority confirmed that this would address its concerns in relation to highway safety. On this basis the Council states that it does not wish to pursue its third reason for refusal. I have considered the appeal accordingly.

Main Issues

4. I consider the main issues to be:
 - Whether the proposal constitutes inappropriate development within the Green Belt;
 - Whether there would be any other harm to the Green Belt;
 - The effect of the proposal on the character of the surrounding countryside;
 - The effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA); 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 necessary to justify the development.

Reasons

Inappropriate Development

5. The appeal site contains a Dutch barn with a covered area to the rear, and a smaller single storey building adjacent to the northern boundary of the site, as well as a small detached stable building towards the southern boundary.
6. It is proposed to provide a two storey dwelling within the framework of the Dutch barn and the single storey building to the northern boundary. In addition, a double garage to the front of the barn is proposed. The stable building and the covered yard would be removed together with a small part of the outbuilding.
7. The development plan includes the Guildford Borough Local Plan (adopted 2003). Policy RE2 states new development within the Green Belt will be inappropriate other than for specified purposes. These include the re-use and adaptation of rural buildings in accordance with Policies RE9 and RE10. The accompanying text explains that planning permission will not be granted for inappropriate development which is, by definition, harmful to the Green Belt.
8. Policy RE10 resists the re-use of rural buildings for residential purposes other than in particular circumstances and subject to specified criteria. Although the appeal scheme falls outside of the specified circumstances, RE10 reflects government policy within PPG2: Green Belts (the government guidance at the time at which the plan was published). Current government policy in relation to the Green Belt is set out in the National Planning Policy Framework. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that the construction of new buildings within the Green Belt is inappropriate other than for specified exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
9. Paragraph 90 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that they are of permanent and substantial construction. Policies RE2 and RE10 restrict certain categories of development which are not considered to be inappropriate by the Framework. In this regard they are inconsistent with the Framework and I accord them limited weight.
10. The Council consider that due to the extent of the works proposed the proposal represents the construction of a new dwelling within the Green Belt and therefore is inappropriate development. The appellant disagrees and considers that it either represents an extension or alteration to an existing building in accordance with paragraph 89 of the Framework, or alternatively, the re-use of a building in accordance with paragraph 90.
11. The Dutch pole barn is of a basic construction, consisting of steel stanchions supporting angle truss girders which in turn support purlins and a corrugated

metal roof. The barn is open on two of the four sides and does not have a floor. The external wall comprises corrugated metal cladding to the framework, whilst the internal wall separating the barn from the covered area comprises a low masonry wall which is damaged in places. The roof is also damaged. A report submitted by the appellant concluded that there appeared to be no reason as to why the existing steel frame could not be incorporated in the proposed new building work.

12. The submitted plans show two floors of accommodation situated inside the original frame of the barn. Part of the single storey building would be demolished and the remainder altered to form part of the living accommodation. A ground floor masonry structure would be set back from the columns. The first floor would be a new steel framed box, linked to the steel columns and clad with timber boarding forming the external surface to a timber frame built within the steelwork. The upper floor would extend beyond the existing barn. Whilst I have no reason to doubt the appellant's assertion that the existing framework is stable, on the basis of the evidence before me, it seems probable that the proposed dwelling would require additional foundations, as well as walls, windows, floors and doors, balconies and a roof. The proposal also includes a double garage and cycle store. All that would remain of the existing building would be the steel frame which would be left as an exposed external feature.
13. Although the proposal involves alterations to the single storey building, looked at as a whole, the proposal does not represent an alteration or addition to an existing building. It is essentially a new building constructed inside the frame of the barn together with a new garage/cycle store. For this reason the proposal does not come within the exceptions listed at paragraph 89 of the Framework. For the same reason the proposal cannot be considered to be a re-use of a building in accordance with paragraph 90. I therefore conclude that the proposal would be inappropriate development within the Green Belt and would fail to comply with Local Plan policies RE2 and RE10 and the policies within the Framework.
14. The appellant has submitted examples of a number of barn conversions, but it is unclear whether they are located within the Green Belt. Nor is there any evidence as to the condition of the original buildings and the extent of the work required for their conversion to residential use. Therefore these examples do not alter my conclusions above.
15. I have taken account of an appeal decision in respect of Home Farm Cottage, Rokers Lane, Shackleford.¹ This decision pre-dates the Framework. The inspector found that an increase in floorspace of approximately 23% was not excessive or disproportionate addition to an existing building. However, for the reasons given above, I do not consider that the proposal represents an alteration to an existing building, and therefore this decision does not alter my conclusion above.

Other Harm to the Green Belt

16. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

¹ Appeal Ref: APP/Y3615/A/08/2070892

permanently open; the essential characteristics of Green Belts are their openness and their permanence.

17. Openness is one of the essential characteristics of the Green Belt and should be differentiated from visual impact. It means the absence of buildings or development. The proposed dwelling would be similar in height and footprint to the existing barn and single storey building. Whilst it is also proposed to erect a garage/store, this would be broadly comparable in height and footprint to the existing stable block which would be demolished. The submitted plans include a paved patio/area to the rear of the building and a driveway to the front, but the covered yard and associated hardstanding would be removed. Overall, therefore, the proposal would not have a greater impact on Green Belt openness than the existing development. When viewed in the round the overall effect would be about the same.
18. The proposal would replace an existing agricultural building with a residential building. In addition, the activity associated with the proposed residential use, including parking, garden equipment and other paraphernalia would represent a significant encroachment into the countryside and would conflict with the purposes of including land within the Green Belt, thereby adding to the harm by way of inappropriateness.

Character of surrounding countryside

19. One of the core planning principles of the NPPF is that planning should take account of the different roles and character of different areas, which includes recognising the intrinsic character and beauty of the countryside.
20. Hook Lane is a narrow road and changes to Puttenham Lane which leads to the village of Shackleford. It is over-whelmingly rural in character with some sporadic development in the vicinity of the appeal site set within an agricultural landscape. There are also some clusters of agricultural buildings to the south. The dwellings in the vicinity of the appeal site are of a traditional design. Due to their modest appearance and scale they are unobtrusive within the landscape.
21. The proposal is for a large 5 bedroom dwelling. The design would retain the roof shape of the existing barn and the steel uprights would become an external feature. The principal element of the dwelling would be constructed inside the framework of the existing building. At first floor level it would extend either end of the barrel roof. The existing single storey outbuilding would be altered to provide a kitchen/utility area. The resultant dwelling would have a modern appearance and would incorporate a variety of materials and finishes. The large garage/store would be located to the front of the dwelling. The submitted plans suggest that the curtilage of the site would be divided to form a small paddock adjacent to Manor Farm Cottage. It is intended that the existing trees on site will be retained and additional trees would be provided towards the front of the site.
22. Paragraph 60 of the Framework is clear that whilst planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, or originality it is, however, proper to seek to promote or reinforce local distinctiveness. It also expects development to respond to local character and history, and reflect the identity of local

surroundings and materials, while not preventing or discouraging appropriate innovation.

23. The proposed building would be much greater in scale by comparison with the neighbouring properties, and due to the massing and design of the building it would also be considerably more imposing. It would dominate this part of Hook Lane and would fail to reflect the scale or appearance of the surrounding rural landscape. It would replace a low key agricultural barn and stables with a large and imposing dwelling. It would significantly change the distinctive agricultural character of the locality and would erode the rural character of the appeal site and the wider area.
24. The site also comes within the Surrey Hills Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Whilst the proposal would have some impact on the AONB, in the absence of any evidence to indicate that it would be visible from public rights of way in the wider area, I consider that the impact on the AONB would be localised.
25. I conclude that the proposal would harm the intrinsic character and beauty of the surrounding countryside and the visual amenities of the Green Belt and would fail to comply with Local Plan policy RE5, which seeks to protect the existing landscape character, and policy G5 which promotes high quality design appropriate to its setting.

Effect on the Thames Basin Heaths Special Protection Area

26. The appeal site lies within 5 km of the Thames Basin Heaths Special Protection Area (the SPA), which is an internationally designated site of nature conservation importance, with special reference to ground nesting birds. The SPA is protected by the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations). In order for development to be acceptable, these regulations require it to demonstrate that it will have no likely significant adverse effect on the SPA, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact or the proposal should be refused.
27. Local Plan policies NE1 and NE4 restrict development that would adversely impact on national or international ecological designations. South East Plan policy NRM6 requires adequate measures to avoid or mitigate any potential adverse effects on the SPA.
28. Natural England, the government's adviser for the natural environment, considers that in the area between 400m and 5km, measured in a straight line from the SPA boundary, residential development will give rise to a significant adverse effect in combination with other proposals, but that avoidance or mitigation measures may allow development to be approved.
29. The Council's *Thames Basin Heaths Special Protection Area Avoidance Strategy* sets out the Council's approach to avoid harm to the heathlands arising from additional residential development. The avoidance measures within the strategy include the provision of new or upgraded suitable accessible natural greenspace (SANGS), to attract the majority of new residents coming into the

area and some of the existing users away from the SPA, as well as access management measures and monitoring of the SPA to reduce the impact of people who visit the SPA. The mitigation measures rely on financial contributions collected through Planning Obligations.

30. The appellant has not submitted a planning obligation and considers it to be unnecessary and ultra vires. Nor has he proposed any alternative mitigation measures. He submits that the site is geographically and hydraulically separated from the Thames Basin and that there is a noticeable absence of heathland in the locality. He also considers that the harm arising from dog walking and recreational use associated with a single dwelling would be unlikely to adversely affect the SPA.
31. The designation of the SPA is specifically designed to protect breeding populations of three rare bird species: Dartford warblers, woodlarks and nightjars, which nest on or near the ground and are as a result, very susceptible to predation and to disturbance from informal recreational use, especially walking and dog walking. Research demonstrates that all three bird species are vulnerable to impacts on breeding success from recreational disturbance. Various studies have found that public access to lowland heathland, from nearby residential development, has led to an increase in damaging recreational use, the introduction of incompatible plants and animals, soil erosion, disturbance by humans and pets, and an increase in wild fires, amongst other factors. The appellant has not submitted any contrary evidence which would indicate that the appeal proposal would not have the effects identified by Natural England and the associated research. Whilst the scheme is for a single dwelling, repeated many times over the cumulative adverse effects on the SPA of granting permission for small housing developments would be considerable. Based on the submitted evidence, I consider that in the absence of any mitigation the proposal would be likely to have a significant adverse effect on the SPA. Accordingly, any additional housing within the 5km buffer zone will therefore require effective and appropriate avoidance and mitigation measures to prevent adverse effects on the birds and their habitats.
32. The appellant also argues that since the proposal is for a single dwelling it is exempt from the need to make a financial contribution. This view relies on Planning Practice Guidance (PPG)² which states that housing development of less than ten dwellings are normally excluded from infrastructure contributions. However, it also explains that planning obligations may still be required in some instances to make a development acceptable in planning terms. In particular it states that contributions may also be sought to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements. Therefore I do not accept the appellant's view that a contribution towards mitigation measures would be ultra vires.
33. The appellant also refers to an appeal in relation to 9 Old Court Road, Guildford³. The appeal inspector found that in the absence of mitigation the proposal would be likely to have a significant adverse effect on the TBHSPA. He concluded that the submitted unilateral obligation would not comply with regulation 123(3) of the CIL Regulations and therefore he could not take it into

² Reference ID: 23b-012 to 020 – 20141128

³ Appeal Ref: APP/Y3615/W/15/3005638

account. In the absence of mitigation he concluded that the proposal would not overcome the significant adverse effect likely to be caused to the SPA and he dismissed the appeal. He did not, as suggested by the appellant, find the unilateral obligation to be unnecessary.

34. The European legislation requires a precautionary approach when considering the impact of a proposal on a site of international importance to nature conservation. For this reason, I find that in the absence of mitigation the proposal is likely to have a significant adverse effect on the SPA in combination with other plans and projects, contrary to policies NE1 and NE4 of the Local Plan and policy NRM6 of the South East Plan.

Other Considerations

35. The appellant refers to the former Mushroom Farm at Shackleford which has been redeveloped to provide a number of dwellings. He states that it is situated within the Green Belt and the AONB, and sets a precedent for the appeal proposal. The appellant states that the Planning Statement which accompanied the application explained that the scheme would deliver significant Green Belt benefits and other planning benefits. However, based on the limited evidence available, it is not known what factors were taken into account at the time the Council permitted this scheme. Moreover, it would seem that the Mushroom Farm site differs from the appeal site in that it is located adjacent to the existing village which is served by some limited facilities including a shop, village hall, primary school and bus service, and thus occupies a more sustainable location by comparison with the appeal site.
36. The proposed dwelling would make a small contribution towards the supply of dwellings within the Borough. The appellant states that it would be almost zero carbon, and would accord with paragraph 65 of the Framework. This states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. The Design and Access Statement suggests that the proposed dwelling will seek to achieve at least level 4 of the Code for Sustainable Homes. In order to achieve this it is proposed to use a sustainable surface water drainage system incorporating re-use, heat recovery within the building and an air or ground heat recovery system to achieve a minimum 10% reduction in accordance with Local Plan policy. Although the Code for Sustainable homes has now been withdrawn, the fact that the building would be energy efficient weighs in favour of the proposal.

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 necessary to justify the development.

37. The proposal would be inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be additional harm to the Green Belt due to the encroachment into the countryside and the harm to the visual amenities of the Green Belt. The Framework is clear that any harm to the Green Belt should be given substantial weight. In addition, the proposal would harm the character and appearance of the countryside and would be likely to have a significant adverse effect on the SPA.

38. Balanced against this I have found above that the proposal would maintain the openness of the Green Belt. The benefits of an energy efficient dwelling and the contribution of the proposal towards the delivery of housing add some weight on favour of the proposal. Whilst I have had regard to the appellant's views regarding the Shackleford Mushroom Farm development, for the reasons given above, it does not weigh in favour of the proposal.

39. I therefore find that these matters taken separately or together do not clearly outweigh the substantial harm that would be caused to the Green Belt. Consequently, very special circumstances do not exist to justify the proposal

Conclusion

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

Lesley Coffey

INSPECTOR