
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: 23rd February 2017

Appeal Ref: APP/R3650/W/16/3157440

Land lying west of Crooksbury Road, Runfold, Farnham Surrey GU10 1QF

- 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 Mr Lylie Searle against the decision of Waverley Borough Council.
 - The application Ref WA/2015/2147, dated 14 October 2015, was refused by notice dated 4 March 2016.
 - The development proposed is change of use of land to equestrian and the erection of a 5 loose box stables for the purposes of keeping horses.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to equestrian and the erection of a 5 loose box stables for the purposes of keeping horses at Land lying west of Crooksbury Road, Runfold, Farnham Surrey GU10 1QF in accordance with the terms of the application, Ref WA/2015/2147, dated 14 October 2015, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council state that there is an error within the decision notice. It should refer to policy C2 of the Waverley Borough Local Plan 2002 rather than policy C1 which relates to proposals within the Green Belt. I am satisfied that the appellant is aware of this error and would not be prejudiced were the appeal to proceed on this basis. I have therefore considered the appeal accordingly.
 3. The description in the heading above has been taken from the application form and also reflects that within the Council's decision notice. The appellant contends that his use of the site does not involve a change of use of the land in that it is used for grazing horses rather than keeping them. He submits that he included the change of use within his application because the Council advised that this was necessary in order for the Council officers to support the proposal. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Regardless of the appellant's intentions, it is apparent from the officer's report that the proposal was considered by the Council on the basis that it did involve a change of use. This is also reflected in the Council's appeal statement. Accordingly, I have used the description given on the application form.
 4. The Farnham Society states that the Officer's report in respect of the proposal includes factual errors in terms of the floor area of the proposed building and
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consequently the difference in floorspace compared to a previous scheme. For the avoidance of doubt I have assessed the proposal on the basis of the submitted plans.

Main Issue

5. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

6. The development plan includes the Waverley Borough Local Plan 2002. Local Plan policy RD13 states that planning permission will be granted for non-commercial development associated with the keeping of horses subject to specified criteria. Such proposals should not detract from the character of the rural landscape and should be appropriate in terms of location, scale, design, and materials to the character and appearance of the surrounding area.
7. Policy C2 seeks to protect the countryside beyond the Green Belt for its own sake, and states that building in the open countryside away from existing settlements will be strictly controlled. The appellant considers that policy C2 is out of step with the National Planning Policy Framework (NPPF) because it protects countryside for its own sake rather than just valued landscapes as required by the NPPF at paragraph 109. Although paragraph 109 supports the protection of valued landscapes, in particular the nationally designated landscapes, the impact of development on the countryside outside of these areas can nevertheless be an important material consideration. Indeed, paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and more generally seeks to ensure that development is appropriate for its context. In so far as it aims to safeguard the character of the countryside I afford policy C2 significant weight. Policy C3 aims to conserve and enhance landscape character within Areas of Great Landscape Value (AGLV).
8. The Waverley Borough Pre-submission Local Plan was published in August 2016. Paragraph 216 of the National Planning Policy Framework (NPPF) sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Policy SP1 reflects the presumption in favour of sustainable development within the NPPF, whilst policy RE1 aims to recognise and protect the intrinsic beauty of the countryside. Policy RE3 requires development to protect and where appropriate enhance the distinctive landscape character in which it is located. I consider these policies to be broadly consistent with the NPPF and afford them significant weight.
9. The emerging Farnham Neighbourhood Plan was subject to examination on 25 November 2016. I am aware that there remain outstanding objections to the Neighbourhood Plan and the Examiner's Report has not yet been published. I have been referred to a number of policies, the most relevant of which is policy FNP 10 which seeks to protect and enhance the countryside including the AGLV. I afford this policy moderate weight. I have also been referred to policy FNP8. This policy is aimed at protecting the sylvan character of the residential areas in South Farnham and is not directly relevant to the appeal proposal.

10. The site is located in an area of countryside approximately 0.3km south-west of Runfold. It is bounded to the north by two small paddocks which separate the site from the residential properties on Crooksbury Road. A bridleway runs from Crooksbury Road and continues along the western boundary of the site. To the south lies an area of woodland which provides visual containment to the appeal site and the adjacent paddocks. The site comes within an AGLV, but lies outside of the Surrey Hills Area of Outstanding Natural Beauty and the Green Belt.
11. Access to the site is via the existing public bridleway. The proposed stable building and associated access would be located close to the northern boundary of the site, a short distance from the field gate. It would comprise 5 loose boxes, a feed store, tack room and welfare facilities. The stables would have a brick plinth with timber cladding and plain tile roof. A soakaway and mini packaged sewage treatment plant, together with an area of hard surfacing, is also proposed.
12. There would be public views of the proposed stable from the bridleway which runs adjacent to the site. Such views would be contained by the woodland to the south of the site and would be fairly localised. The stables would also be visible from some of the rear gardens in Crooksbury Road. They would be separated from the rear of these dwellings by the generous rear gardens and the intervening paddocks. The Council's Agricultural Consultant found that the proposal is appropriate in terms of size, scale and design for five horses and the land holding. Having regard to the size of the site I have no reason to disagree. Equestrian activities are, by their very nature, rural in character. Whilst the proposal would change the appearance of the appeal site, I consider that the proposed building would not be at odds with the rural character of the locality.
13. The proposal includes that provision of hardstanding in the vicinity of the stables. The extent of this area is not particularly large, but the materials used and extent of this area should be restricted in the interests of visual amenity. I agree that the proposal could result in the addition of equestrian paraphernalia on the site that could otherwise cause material harm to the rural character of the area. However, I agree with the Council that this is a matter that could be controlled by way of an appropriately worded condition.
14. The Council is concerned that the number of daily visits could increase as a consequence of the proposal and the additional vehicle movements generated could potentially detract from the enjoyment that horse riders and walkers currently enjoy, as well as erode the rural character and appearance of the countryside. The appellant currently visits the site twice a day to care for the horses and does not anticipate that the number of daily visits is likely to increase as a consequence of the proposal.
15. The County Rights of Way Officer did not object to the proposal on its current basis, but was concerned that should the site be used for commercial purposes, such as a livery or riding school, this could have implications for the bridleway. At the time of my visit the bridleway was in a very muddy condition and I am conscious that any significant increase in vehicular movements could be harmful to it. However, there is no substantive evidence to indicate that the proposal would give rise to a significant increase in vehicular movements. Whilst there would be some additional vehicle movements on the bridleway during the construction period, such vehicle movements would be temporary in

nature and do not justify dismissal of the appeal. I am satisfied that the limited number of vehicle movements associated with a private equestrian facility would not affect the character of the surrounding countryside and would be consistent with policy RD13.

16. I am aware that horses have previously been kept on the land without the need for a shelter or stable and a number of local residents question the need for, and size of the proposal. The fact that there have no stables on the site previously is not a reason for dismissing the appeal. The proposal falls to be assessed against the relevant development plan policies and these do not require appellants to demonstrate a need for the stables. However policy RD13 does require facilities to be appropriate to their location, and as explained above, the Council's Agricultural Consultant found that the size of the stables to be appropriate to the size of the holding.
17. I therefore conclude that the proposal would not harm the character and appearance of the surrounding countryside and would comply with Local Plan policies RD13 and C2, as well as policies RE1 and RE3 of the emerging Local Plan and FNP10 of the emerging Neighbourhood Plan.

Other Matters

18. Some local residents suggest that the appellant has felled an area of woodland without the necessary felling licence from the Forestry Commission. Whilst I appreciate that this is a matter of considerable concern for residents, the extent and circumstances of any clearance that may have occurred is outside of my jurisdiction and is not a matter for this appeal.
19. It is suggested that should the appeal be allowed it would provide a precedent for development of all areas which lie outside of settlement boundaries regardless of planning policies. I have assessed the appeal proposal against the relevant development plan policies and I have found that it would accord with them. In the absence of any material considerations to the contrary, paragraph 14 of the NPPF and policy SP1 of the emerging Local Plan provide that such proposals should be approved without delay. Any future proposals within Waverley District will similarly be required to be assessed against the prevailing development plan policies.
20. The Highway Authority is satisfied that subject to the provision of appropriate visibility splays at the junction of the bridleway with Crooksbury Road the proposal would not have a material impact on the safety and operation of the adjoining public highway. It notes that the necessary splays could be accommodated within the highway verge. There is no substantive evidence to the contrary. In addition, the provision of improved visibility at this junction would be a benefit for pedestrians and horse riders using the bridleway.
21. Some residents are concerned that the appellant intends to locate a mobile home or caravan on the site. The appeal before me is for stables and that is the basis on which I have considered it. Any future proposals would need to be assessed, taking account of the prevailing development plan policies and relevant material considerations. It is also suggested that the appellant may wish to trade from the site. This would be a business use and would not come within the scope of the appeal scheme.
22. The application is accompanied by a Flood Risk Assessment. It is intended that surface water would be discharged by infiltration into the ground through

permeable hard surfacing. The Local Lead Flood Authority assessed the FRA and raised no objection to the proposal.

Conditions

23. I have considered the conditions suggested by the Council in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. It is suggested that imposing conditions which would need to be monitored, such as restrictions as to the activities on the site, would place an unfair burden on nearby residents and that as an alternative the proposal should be refused. However, such an approach would be contrary to government advice at paragraph 203 of the NPPF which states that consideration should be given to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
24. In order to safeguard the appearance of the locality the proposal should be constructed in accordance with the submitted plans. Due to the location of the building close to the bridleway, I consider that notwithstanding the details shown on the submitted plans, full details of materials to be used in for the external construction of the building and the hardstanding should be submitted for approval.
25. I agree that the use should be restricted to a private equestrian facility in order to limit the impact of the proposal on the countryside, including the use of the bridleway. The visibility splays at the junction with Crooksbury Road are necessary in the interest of highway safety. Any external lighting should be strictly controlled in order to safeguard the character of the area.
26. A scheme for the control of vermin, odour and the storage and disposal of manure is necessary in the interests of environmental and residential amenity. In order to protect the appearance of the countryside, no horse jumps should be installed, and no horse boxes or trailers should be stored on the land overnight. For the same reason, no additional hard surfacing other than that shown on the approved plans should be installed.
27. The appeal site is located within a ground water protection area, therefore full details of foul and surface water disposal is necessary in order to ensure that the proposed use would not give rise to any contamination. In addition, the Council advise that the site lies within 100 metres of an active land fill site. Whilst there is limited information before me in relation to the implications of this, proceeding on a precautionary basis, I agree that a landfill gas risk assessment, and if necessary remediation works should be submitted for approval. I agree with the Council that these matters should be addressed by way of a pre-commencement condition.

Conclusion

28. Overall I conclude that the proposal would not harm the character and appearance of the countryside and would comply with the development as a whole. Therefore for the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

Appeal Ref: APP/R3650/W/16/3157440

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14_658_001, 14_658_002, 14_658_003 Rev B and 14_658_004 Rev E.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the stables hereby permitted and the proposed hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The stable building, associated hard surfacing and land hereby permitted shall only be used for purposes of a private equestrian use and shall not be used for any commercial equestrian purpose whatsoever, including commercial/DIY liverys or a riding school.
- 5) Prior to commencement of the use hereby permitted visibility splays in accordance with details which have been submitted to and approved in writing by the Local Planning Authority have been provided at the junction of the bridleway and Crooksbury Road. The visibility splays shall thereafter be permanently maintained and kept clear of obstruction between 0.6m and 2.0m high above ground level.
- 6) No lighting shall be installed either on the building or upon the land in relation to the use hereby permitted until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved details.
- 7) The use of the stables shall not commencement until a scheme of works to control odour, vermin or insects associated with the keeping of animals and storage and disposal of manure and other wastes has been implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. .
- 8) No jumps shall be used or installed upon the land in relation to the use hereby permitted.
- 9) No horse boxes, trailers or vehicles used in the transportation of horses are to be stored upon the land in relation to the use hereby permitted overnight.
- 10) Other than the hard surfacing hereby permitted, no further hard surfacing shall be installed upon the land in relation to the use hereby permitted without approval in writing by the Local Planning Authority.
- 11) No development shall commence on site until details of the storage, disposal and maintenance of foul sewage, together with details of the proposed surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details.

- 12) Before the development hereby permitted is commenced, the applicant must either:
- a. Investigate the site for landfill gas to the satisfaction of the Local Planning Authority to ascertain whether gas protection measures are required. Where measures are required, the details shall be submitted to and approved by the Local Planning Authority, before development commences; or
 - b. Install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to and approved by the Local Planning Authority, before development commences.

A Building Surveyor's certification that the work has been completed shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the stable building hereby permitted

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