
Appeal Decision

Site visit made on 31 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/R3650/W/16/3163636

Easting 487760: Northing 143771 Whitmead Lane, Tilford GU10 2BP

- 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 Mark Powis and Mr & Mrs Nicholas against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1837, dated 31 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is the change of use from a storage building and builder's yard to a residential dwelling - resubmission of withdrawn application WA/2016/0516.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Powis and Mr & Mrs Nicholas against Waverley Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The Council concludes that the proposal would reuse the existing buildings and would preserve the openness of the Green Belt while not conflicting with the purposes of including land within it. I have no reason to disagree. Accordingly, the proposal would meet one of the criteria of saved Policy RD7 of the 2002 Local Plan and paragraph 90 of the National Planning Policy Framework (the Framework) so as not to be regarded as inappropriate development. The main issues are therefore:
 - whether the proposed development would result in the loss of employment land, and
 - whether it would provide a suitable site for housing, having regard to the proximity of services.

Reasons

Whether a loss of employment land

4. The appeal site, which includes a barn-like building and a small cabin, is located in the Green Belt, outside any settlement boundary, in an area designated as an Area of Outstanding Natural Beauty and as an Area of Great Landscape Value. The site appears to be used to store building materials and
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- waste from completed building projects, as is demonstrated by the array of materials stored across the site and within the building.
5. The site is enclosed by deciduous trees on three sides, however, its remaining side, which has an open aspect towards the countryside which descends from the site to the River Wey, is partially enclosed by a solid fence around 3m high.
 6. The Council resists the loss of the commercial use of the site and refers to Policy IC3 of the Local Plan 2002. However, as this Policy concerns well-established industrial and commercial land over 0.4 hectares in area shown on the Proposals Map, it is not engaged. The Council also refers to Policy EE2 of the Pre-submission Local Plan 2016 Part 1: Strategic Policies and Sites (2016). Given the stage of progress of the new plan which has not yet been independently examined, and in accordance with paragraph 216 of the Framework, the weight I accord it is diminished.
 7. Policy IC2 of the Local Plan 2002 resists the loss of suitably located industrial and commercial land and requires applications in conflict with it to demonstrate that there is no need to retain the site for employment purposes. In so far as it has a degree of flexibility in terms of the assessment of whether a site is needed for employment purposes, it is broadly consistent with the National Planning Policy Framework. The appellant argues that this Policy is not engaged because the use of the site is *sui generis*, whereas a paragraph in the introduction to the Industry and Commerce chapter in the Local Plan, which describes industrial and commercial development, suggests the use of this site is excluded.
 8. While its description of industrial and commercial development does not specifically include *sui generis* uses, neither does it exclude them. In any event the paragraph referred to is not the Policy, which is broader in referring simply to industrial and commercial land. Given the direct connection of the land with the trade of a builder, I consider that Policy IC2 is relevant.
 9. It lists 5 criteria, any one of which being triggered means that the site may be regarded as being suitably located. While the site is close to a residential area, the number of dwellings, and the potential source of labour, is limited. The site is close to roads which can satisfactorily absorb the traffic generated including those walking or cycling from nearby residential areas, though much of the approach is down an unlit, narrow lane which may limit its accessibility for large vehicles. Similarly, the site's distance from potential markets and other firms reduces its convenience.
 10. However, notwithstanding the very limited extent to which the site strictly meets the criteria above to be considered suitably located, the first criterion requires the continued use not to have a materially adverse impact on the local environment or nearby residents. The surrounding countryside has the highest status of protection in relation to landscape and scenic beauty and the site has an open aspect in views from the south-west which include the piles of materials displaced across the site and the high fence enclosing part of the yard. This criterion is not met, and, in accordance with paragraph 115 of the Framework, the conservation of the landscape and scenic beauty is a factor to which I attach great weight.
 11. I conclude that though the site may just about trigger one or more criteria, suggesting the marginal suitability of its location, its adverse impact on the

surrounding landscape, which is of the highest quality, would diminish the conflict of this proposal with Policy IC2 to a significant degree. I also take into account that the Framework says that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

12. However, without any evidence demonstrating that there is no need for the site to be retained for employment purposes, I am unable to conclude that the proposal would not result in the loss of employment land, and that there would be no material conflict with Policy IC2 of the Local Plan 2002.

Whether a suitable site for housing

13. The Council is concerned that as the site is located outside the settlement boundary, the proposal would result in an isolated home, remote from services. This would be contrary to the Framework, which says in paragraph 55, that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that isolated new homes in the countryside should be avoided. The Council also refers to Policy SP2 of its pre-submission Local Plan 2016; however, as this has not been adopted, the weight I can accord it is limited.
14. In terms of the site's physical location, I acknowledge that it is in a rural area, enclosed by woodland and open fields. However there appear to be dwellings within a few tens of metres along Whitmead Lane which share a similar set-back and alignment as the building on this site, and more houses across Whitmead Lane to the north-west of the site. While the site falls outside the boundary line of the settlement, this is so by only around 160m, which in the particular physical context described above, does not amount to physical isolation.
15. I appreciate that the site is around 700m from the shop in Tilford village; however, this distance is closer than many of the dwellings in the settlement. It is within 1,000m of two schools, and there are school coach services from the village to secondary schools. I appreciate that Tilford is a small village with relatively few facilities and that most travel movements generated by the proposal would be by private car. Journeys to access a wider range of services and facilities, especially at nearby Farnham, are unlikely to be long. Furthermore, the Framework promotes a realistic approach to transport matters, recognising that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. I appreciate that Whitmead Lane is narrow and has no footways; however it appeared to me to have very little traffic and to be a relatively short distance to Tilford Street which has a footway and connects to the village. While Whitmead Lane is unlit, I note that that there are no street lights within the settlement.
17. In terms of a sustainable location, there is little appreciable difference between the appeal site and nearby houses a few tens of metres away which stand within the settlement boundary. In addition, the commercial use of the site could generate more traffic movements, including large, commercial vehicles, than the residential use of the site. Taking account of all these factors, there

are insufficient grounds to conclude that the proposal would not be in a sustainable location. In respect of this issue therefore, I conclude that the proposed development would provide a suitable site for housing and there would be no conflict with paragraph 55 of the Framework.

Other Matters

18. I note the comments from Tilford Parish Council concerning the resemblance of the proposed house to a metal shed; however, it would reflect the form and materials of many of the agricultural buildings in the surrounding countryside and add some character to the modern vernacular of the housing in the rural area.

Conclusion

19. Whilst the development would provide a suitable site for housing and an additional house to local housing supply, this is outweighed by the loss of employment land which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR