
Appeal Decision

Hearing Held on 4 February 2020

Site visit made on 4 February 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/R3650/C/18/3214413

Land at Haybarn, Dye House Road, Thursley, Godalming GU8 6QN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P Wedge against an enforcement notice issued by Waverley Borough Council.
- The enforcement notice was issued on 21 September 2018.
- The breach of planning control as alleged in the notice is without planning permission the erection of a building in the approximate position marked 'A' on the attached plan. Building 'A' comprises 'Stables 1' and a later extension 'Stables 2' as shown on the attached Appendix 1.
- The requirements of the notice are:
 1. Remove the building marked in the approximate position 'A' on the attached plan. This includes both Stables 1 and Stables 2 as shown on the attached Appendix 1.
 2. Remove all materials from the Land resulting from compliance with the above step.
- The period for compliance with the requirements is nine months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The Appeal on Ground (a) and the Deemed Planning Application

Background and Main issues

1. The reasons given for issuing the enforcement notice only relate to the effect of the stables on the Green Belt. However, the reasons also list Policy RD14 of the Waverley Local Plan 2002 (LP 2002) that does not refer to the Green Belt. I understand that it principally seeks to protect the living conditions of occupiers of properties close to commercial equestrian development. I shall consider this as part of my main issues.
2. During the hearing, the Council confirmed that they do not object to the grant of planning permission for the development, subject to appropriate conditions. Nevertheless, I will proceed to consider the development against the main issues, which are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- The effect of the stables on the living conditions of occupiers of dwellings along the access drive.

Reasons

Inappropriate development

3. The Framework states that new buildings within the Green Belt should be considered inappropriate and Policy RE2 of the Waverley Local Plan Part 1 Strategic Policies and Sites (LP1) seeks to protect the Green Belt from inappropriate development. However, the Framework and Policy RE2 of the LP1 refer to a number of exceptions to inappropriate development. These include the provision of appropriate facilities for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
4. The stables subject of this appeal (the top yard) comprise 12 loose boxes, located adjacent to a storage barn with outdoor and indoor riding arenas adjacent. They are rented by a horse trainer, the owner having additional stables (the bottom yard) close to the access to the property. The top yard stables house a number of horses that compete at a high level. They were previously occupied by an international team that used the adjacent facilities to train for the Olympics. The stables, therefore, comprise appropriate facilities for outdoor sport.
5. The top yard stables are discretely located adjacent to the storage barn, with woodland and a substantial hedge to other sides that restrict views of the stables other than from the immediate surroundings. A public footpath runs past the property, to the opposite side of the sand schools, dwelling and bottom yard. Given the separation by these features, along with the fence and hedges alongside the path, the top yard is not visible from that footpath. Taking account of these factors the Council suggest, and I see no reason to disagree with their conclusions in this regard, that the stables preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. For these reasons, I conclude that the top yard stables are not inappropriate development in the Green Belt. As such, they comply with Policy RE2 of the LP1 and the Framework.

Living conditions of nearby occupiers

7. Policy RD14 of the LP 2002 seeks to protect the living conditions of occupiers of properties close to commercial equestrian development. In this case, there are a number of properties along the access drive to Haybarn that could be affected by development of the property. Policy RD14 of the LP 2002 supports the extension of commercial equestrian facilities subject to a number of criteria.
8. My attention has been particularly drawn to the criteria relating to requirements for additional new built residential accommodation. I note that grooms' accommodation has been provided adjacent to the barns, that is also subject to an enforcement notice and appeal that is at an early stage in its processing. However, the Council now considers that the stables in the top yard do not generate a need for additional residential accommodation. Indeed, the

tenant of the yard and his groom both live elsewhere. I see no reason to disagree with the Council's conclusions in this regard.

9. Concern has also been raised relating to access to the bridleway network and access to open space for riding. There are two riding arenas and a number of paddocks that provide some riding at Haybarn. There is access over neighbouring land to the south that provides access to more substantial areas for hacking. I note that there is also access to other parts of the bridleway network via the access drive and Dye House Road shared with vehicular traffic that may result in some conflicts between horses and vehicles. However, on balance I am satisfied that there is satisfactory access to the bridleway network from the property, in accordance with the requirements of Policy RD14 of the LP 2002.
10. Other effects on neighbouring occupiers principally come from traffic along the access track, taking account of the proximity and relationship of some nearby dwellings to the track. The Council have suggested conditions requiring management plans for storage of food and bedding, disposal of manure and waste, as well as seeking to limit the number of stables and use of the top yard. These management plans would enable some control over that storage that would affect the amount of traffic generated in relation to deliveries and removal of waste such that they would restrict noise and disturbance to those neighbouring occupiers.
11. For these reasons, I conclude that the proposal would not result in material harm to the living conditions of occupiers of dwellings along the access drive, subject to conditions. As a result, the proposal would not conflict with Policy RD14 of the LP 2002.

Other considerations

12. My attention has been drawn to other policies of the LP1. Policy ST1 concerns sustainable transport and relates to the location of development and transport. My attention has not been drawn to any conflict with that policy. Policy RE3 concerns landscape character and seeks the protection and enhancement of the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Character (AGLV). However, the discrete location of the stables means that they do not have a material impact on the landscape and scenic beauty of the AONB or AGLV. As such, I conclude that the stables do not conflict with these policies.
13. Policy SP1 of the LP1 provides a presumption in favour of sustainable development. This states that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. As I have found no conflict with Local Plan policies, and as there are no material considerations indicating otherwise, I conclude that the stables also comply with Policy SP1 of the LP1.

Conditions

14. The purpose of condition 1 is to require the appellant to comply with a strict timetable for dealing with external lighting, storage of food and bedding, and disposal of manure and waste which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to

commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matters because the development has already taken place. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

15. Conditions are necessary to limit the number of horses to be accommodated in the stables and to restrict DIY liveries in the stables in order to protect the living conditions of occupiers of dwellings on the access road to Haybarn, particularly in relation to noise and disturbance from vehicles.

Conclusion

16. The development is not inappropriate development, it preserves the openness of the Green Belt and does not cause material harm to the living conditions of occupiers of nearby dwellings, subject to conditions. For the above reasons and taking into account all other matters raised I conclude that the development complies with the development plan and the appeal on ground (a) therefore succeeds. I shall grant planning permission for the stables as described in the notice, subject to conditions.
17. The appeal on ground (g) does not therefore fall to be considered.

Formal Decision

18. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building in the approximate position marked 'A' on the plan attached to the notice (building 'A' comprises 'Stables 1' and a later extension 'Stables 2' as shown on Appendix 1 attached to the notice) at Land at Haybarn, Dye House Road, Thursley, Godalming GU8 6QN subject to the conditions in the schedule at the end of this decision.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in i) to iv). below:
 - i) Within three months of the date of this decision:
 - a) a scheme for external lighting;
 - b) a management plan for the storage of food and bedding; and

c) a management plan for disposal of manure and waste.

shall have been submitted for the written approval of the local planning authority and the scheme and management plans shall include a timetable for their implementation.

- ii) If within nine months of the date of this decision the local planning authority refuse to approve the scheme or management plans, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme and management plans specified in this condition, those schemes and management plans shall thereafter be maintained or remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The commercial equestrian facility hereby permitted shall only accommodate the stabling of a maximum of 12 horses.
- 3) No DIY liveries shall operate at any time.

APPEARANCES

FOR THE APPELLANT:

Ian Ellis BA MRTPI	Southern Planning
Paul Wedge	
Bryony Holloway	

FOR THE LOCAL PLANNING AUTHORITY:

Victoria Choularton MRTPI	Enforcement Team Leader, Waverley Borough Council
John Bennett	Senior Planning Enforcement Officer, Waverley Borough Council

INTERESTED PARTIES:

James Mendelssohn	Chairman, Thursley Parish Council
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David Else	Councillor for Thursley, Waverley Borough Council
Jonathan Wild	On behalf of neighbouring occupiers
Jenny Else	Councillor for Thursley, Waverley Borough Council

DOCUMENTS SUBMITTED FOLLOWING THE HEARING:

Document 1: Copy of planning permission reference WA/2013/0679 for the erection of a replacement dwelling (revision of WA/2012/1295) at Haybarn, Dye House Road, Thursley