
Appeal Decision

Site visit made on 18 February 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/R3650/W/19/3242242

Lemans Barn Farm, Wykehurst Lane, Ewhurst, Cranleigh GU6 7PF

- 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 Ms S Hayes against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0952, dated 3 May 2019, was refused by notice dated 13 September 2019.
 - The development proposed is extension of existing track.
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Decision

1. The appeal is allowed and planning permission granted for extension of existing track at Lemans Barn Farm, Wykehurst Lane, Ewhurst, Cranleigh GU6 7PF in accordance with the terms of the application, Ref WA/2019/0952, dated 3 May 2019, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt including its effect on openness and the purposes of the Green Belt;
 - the effect of the proposal on the landscape character of the area, having particular regard to the location of the site within the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value; and
 - If the development is inappropriate in the Green Belt, whether harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The appeal site comprises an irregular shaped parcel of land that encompasses open fields and the complex of buildings at Lemans Barn Farm, south of Wykehurst Lane. The fields lie within the Green Belt.
4. Paragraph 146 of the National Planning Policy Framework (the Framework) states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. I agree with the parties that the proposed track

would be an engineering operation as referred to in paragraph 146 (b) of the Framework.

5. Therefore, to understand whether or not the proposal would be inappropriate development requires an assessment of the impact on openness and whether it would result in encroachment into the countryside; one of the five stated purposes of Green Belt, as identified in paragraph 134 (c) of the Framework.
6. Openness is an essential characteristic of the Green Belt. The Supreme Court has confirmed that the openness of the Green Belt can have both a spatial and visual aspect although any such assessment is a matter for the decision maker on a case by case basis.
7. The proposal would create a new section of permeable surface access track from an existing access gate at the eastern end of one field to the complex of buildings at Lemans Barn Farm. Although the proposed track would be of substantial length and would alter the grass strip of land across the field, it would be formed at existing ground level and have a gravel surface, thus would preserve openness in spatial and visual terms.
8. The evidence indicates that the grass strip of land alongside the public footpath is used for access during periods of the year when ground conditions permit. The proposed new section of access track would lead to some increase in the movement of vehicles and associated activity, however the use of the access track by vehicles would be intermittent and, in that sense, would not lead to a loss of Green Belt openness.
9. For the reasons outlined above, I conclude that the new section of surfaced access track would not fail to preserve openness in the Green Belt and would not lead to countryside encroachment, thereby not conflict with the purposes of including land within it. Therefore, the proposal would not be inappropriate development in the Green Belt and so would not conflict with Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LP) or the Framework.

Landscape character

10. The appeal site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). In regard to the AGLV, whilst I have not been presented with any substantive information about the designation, such as a written landscape character description, Policy RE3 of the LP states that the same principles for protecting the AONB will apply in the AGLV. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
11. The evidence, including the appellant's Landscape and Visual Impact Appraisal (LVIA), refers to the site being located within the Low Weald National Character Area. Moreover, at a County level, as identified in the Surrey Landscape Character Assessment 2015, the appeal site lies within the Wooded Low Weald landscape character type within which there are three landscape character areas: the site lies within WW8 Cranleigh to Charlwood Wooded Low Weald character area. The key characteristics of this area include, amongst other things, a rural and tranquil landscape with a relatively low lying, undulating landform; small scale pastoral and arable fields largely enclosed by intact

hedgerows and tree belts; and rural lanes, tracks and an extensive network of public rights of way. Taking into account the gentle sloping topography of the open grass fields and the presence of the adjacent public footpath, the appeal site reflects the key landscape characteristics of the area.

12. The proposed track would connect an existing field gate to the complex of buildings at Lemans Barn Farm. Thus, it would not appear out of place within the wider landscape in the context of the aforementioned characteristics of the area. The materials proposed to construct the track would be similar to that used to construct other tracks in the surrounding area. Consequently, it would not be a more formal access track when compared to others in the surrounding area, therefore it would not represent a feature that would be out of character within the wider rural landscape.
13. For the above reasons, I conclude that the proposed development would be appropriate within the rural setting and, therefore, would not be harmful to the landscape character of the area. Furthermore, it would conserve the landscape and scenic beauty of the AONB and the AGLV. Therefore, in this regard, it would adhere to Policy RE3 of the LP and the Framework which, amongst other things, seek to ensure development proposals respect and conserve the distinctive character of the landscape in which it is located.

Other Interested Party Comments

14. I have taken into account comments made by other interested parties. Concerns have been raised that the proposal would result in an additional access route off Wykehurst Lane and lead to increased traffic movements in the area. However, there is no evidence before me to suggest that the proposal alone, or indeed in combination with the existing uses/operations at Lemans Barn Farm, would give rise to additional vehicle movements in the surrounding area. Moreover, in this regard, I have not been presented with any substantive evidence that the proposed development would result in disruption to visitors of the nature reserve located east of the appeal site off Wykehurst Lane or be unsafe for future users.
15. Concerns have been raised about the effect of the development on matters of biodiversity and habitats. Surrey Wildlife Trust (SWT) were consulted at the planning application stage and have raised no objection to the proposal in this respect. However, SWT point out that the appeal site is in proximity to woodland which is identified by Natural England as Deciduous Woodland Habitat of Principal Importance for the purpose of conserving biodiversity in England, and advise that measures be taken to ensure that the development does not adversely impact on irreplaceable ancient woodland habitat. I am satisfied that, subject to the imposition of a planning condition controlling the location for the storage of construction materials and the location for the burning of materials, the proposed development would not cause harm to the protected habitats.
16. I note that concerns have been raised about the effect of the proposal on the living conditions of the occupiers of neighbouring properties in respect of overlooking. However, there is an existing access off Wykehurst Lane and whilst the proposed new section of access track would lead to some increase in the movement of vehicles and associated activity, this would not result in any material increase in overlooking of neighbouring properties. I am satisfied that

the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties in respect of overlooking.

17. Concerns have been raised that the proposed extension to the existing track may be connected to possible future development proposals at Lemans Barn Farm, however this is not a material consideration in regard to the determination of this appeal.
18. None of the other matters raised alter or outweigh my overall conclusions on the main issues.

Conditions

19. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with the advice in the Planning Practice Guidance.
20. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
21. In the interests of the character and appearance of this countryside location, it is necessary to impose a materials condition and a condition relating to the approval of fences and other means of enclosure. Finally, and in the interests of protecting ancient woodland habitats, it is necessary to impose a pre-commencement condition requiring the submission of a Construction Environmental Management Plan.

Conclusion

22. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Andrew Bremford

INSPECTOR

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: 'Location Plan and Block Plan' 000 Revision 1; 'Block Plan – Track Entrance' 001 Revision 1; 'Block Plan – Main House and Barn Entrance' 002 Revision 1; and 'Block Plan – Yard Entrance' 003 Revision 1.
- 3) The external surfaces of the development hereby permitted shall be constructed in the type and colour of materials shown on the following approved plans 000 Revision 1; 001 Revision 1; 002 Revision 1; and 003 Revision 1.
- 4) No above ground works shall take place until details of all proposed fences, or other means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The approved fencing and means of enclosure shall thereafter be retained.
- 5) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
 - a. Storage of materials so that it would not result in harm to protected areas of Ancient Woodland.
 - b. Location for burning of any materials on site so as to avoid harm to protected areas of Ancient Woodland.

The development shall proceed in accordance with the approved details.