



Appeal Decisions

Site visit made on 24 February 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal A Ref: APP/R3650/W/20/3245466

Green Farm, Green Lane, Churt, Farnham GU10 2LT

- 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 The Countryside Restoration Trust against the decision of Waverley Borough Council.
- The application Ref: WA/2019/0690 dated 12 April 2019, was refused by notice dated 8 August 2019.
- The development proposed is erection of 2 polytunnels in connection with proposed cut flower enterprise.

Appeal B Ref: APP/R3650/W/20/3246533

Green Farm, Green Lane, Churt, Farnham GU10 2LT

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Decisions

Appeal A:

1. The appeal is allowed and planning permission is granted for erection of 2 polytunnels in connection with proposed cut flower enterprise at Green Farm, Green Lane, Churt, Farnham GU10 2LT in accordance with the terms of the application, Ref: WA/2019/0690 dated 12 April 2019, subject to the following 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: 978-6B_PL_LP01, 978- 6B_PL_SP01, 978-6B_PL_BP01, 978-6B_PL_BP02 and 978- 6AB_PL_GA01.
 - 3) There shall be no external or internal lighting associated with the development hereby permitted.
 - 4) The external materials for the polytunnels hereby permitted shall be galvanised metal tubing with a light diffusing polythene covering.

Appeal B:

2. The appeal is allowed and planning permission is granted for erection of 2 polytunnels in connection with proposed cut flower enterprise at Green Farm, Green Lane, Churt, Farnham GU10 2LT in accordance with the terms of the application, Ref: WA/2019/0691 dated 12 April 2019, subject to the following 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: 978-6A_PL_LP01, 978- 6A_PL_SP01, 978-6A_PL_BP01, 978-6A_PL_BP02 and 978- 6AB_PL_GA01.
 - 3) There shall be no external or internal lighting associated with the development hereby permitted.
 - 4) The external materials for the polytunnels hereby permitted shall be galvanised metal tubing with a light diffusing polythene covering.

Application for costs

3. An application for costs was made by the Countryside Restoration Trust against Waverley Borough Council in respect of both appeals. These applications are the subject of a separate Decision.

Preliminary Matters

4. There are two appeals before me, each relating to the erection of 2 polytunnels in connection with a cut flower enterprise being undertaken on land at Green Farm. There was a third application submitted to and determined by the Council, but I am advised that the third decision has not been appealed.
5. I understand that the intention is for a total of four polytunnels to be erected but the proposals were split in two for procedural reasons. As I have two separate appeals before me, I shall consider both individually as well as together.
6. The site is situated within the Green Belt but there is no issue raised in this regard, as the Council determined in respect of both proposals that they would not be inappropriate development. From the information before me I am satisfied and agree with the Council that the proposal would be part of a horticultural use which falls within the definition of agriculture under the Town and Country Planning Act 1990. Under Paragraph 145 of the National Planning Policy Framework (Framework) buildings for agricultural purposes are included as one of the exceptions to the presumption that buildings are inappropriate development within the Green Belt. Furthermore, I agree with the Council that building is defined under Section 336 (1) of the 1990 Act to include any structure or erection and any part of a building, and that the polytunnels would therefore fall within this definition. I therefore also conclude that the proposed polytunnels would not be inappropriate development within the Green Belt.

Main Issue

7. The main issue in these appeals is the effect of the proposals on the character and appearance of the local area, with particular regard to its siting within an Area of Outstanding Natural Beauty and Area of Great Landscape Value.

Reasons

8. The site is an open field surrounded by mature trees and planting and part of Green Farm, which lies to the north of Green Lane in a predominantly rural area, but with a number of properties and buildings along Green Lane. Within the field there is a rectangular area enclosed by a fence line within which there are planting beds; the rest of the field is rough pasture. There is a public footpath (FP35) running east – west to the immediate south of the boundary of the field. The appeal site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
9. The proposals would introduce two polytunnels under one appeal scheme, running parallel with the southern boundary just to the east of the track leading into the field from the south and two polytunnels on the east side of the first two polytunnels under the second appeal scheme. The planted beds would generally be to the north of the polytunnels. Each polytunnel would be some 27.5m in length and 6.m metres in width with a height of 3.1m. No lighting is proposed and the construction requirements would be minimal.
10. The Appellant has set out the need for the polytunnels in connection with the existing cut flower business being undertaken within the field, given the inconsistency of the British weather and winter temperatures, to allow for plant propagation, overwintering of plants and extending the growing season of cut flowers. Paragraph 83 of the National Planning Policy Framework (Framework) sets out that planning policies and decisions should, amongst other things, enable the development and diversification of agricultural and other land based rural businesses.
11. Paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which, with other areas, have the highest status of protection in relation to these issues. Policy RE3 of the Waverley Borough Local Plan (Part 1) sets out similar objectives in respect of its AONB and AGLV, that new development must respect and where appropriate enhance the character of the landscape in which it is situated.
12. As part of many agricultural areas, the presence of some buildings and structures form part of the landscape. Whilst polytunnels may not currently be found in the very close proximity of the appeal site, they are a feature of the countryside, particularly in association with horticultural businesses. The Appellant has also provided evidence to show that they are a feature within the AONB and AGLV.
13. I agree with the Appellant that with the exception of views from the footpath, the field benefits from a very high degree of visual containment, as a result of mature trees and planting to all boundaries. I have not been directed to any long distance views that could be obtained of the proposed polytunnels and views would not be available from Green Lane.

14. There would be views of the polytunnels, whether one or both developments were implemented, at short range from the section of the footpath that crosses to the immediate south of the field. However, these views would be limited and given the modest height of the structures and their length in relation to the size of the field I do not consider that they would materially harm the enjoyment of the countryside and detract from the character and appearance of the landscape. Furthermore, there would be a sufficient distance between the polytunnels and the footpath that there would be no enclosing effect. This finding would relate to whether one or both developments were implemented.
15. I am therefore satisfied that the introduction of polytunnels, whether it be 2 or 4 as proposed, would not be an alien feature in the landscape, particularly when seen in the context of the horticultural business being undertaken within the same field. Given their limited scale and siting, and again whether one or both developments were implemented, they would also not materially detract from the landscape of the local area but would conserve its landscape and scenic beauty. There would be no conflict with Policies RE3 and TD1 of the Waverley Borough Local Plan 2018 (Part 1) and Policies D1 and D4 of the Waverley Local Plan 2002 and the objectives of the Framework, all of which seek a high quality of design which respects the local context, including with reference to AONBs and AGLVs.

Other Considerations

16. A number of concerns were raised regarding the narrowness of Green Lane to access the site. However, this is an existing agricultural venture with residential properties and from the information before me the proposal would not lead to a material increase in traffic movements. I do not therefore consider that there would be any traffic and highway related matters that would justify withholding permission in the particular circumstances of these cases. This was also not a reason for refusal raised by the Council.
17. Whilst they may be seen from some of the surrounding properties and their garden areas, I am satisfied that the polytunnels would be sited a sufficient distance from the neighbouring residential properties that they would not materially harm their outlook or living conditions.
18. Concerns have been raised about further development at the site but I am required to consider only the proposed development before me; any further development requiring planning permission would be considered on its merits at that time.

Conditions

19. The Council has proposed a number of conditions in the event that planning permission is granted. These include a number of highway related conditions, including in relation to visibility splays, on site parking and turning and a construction management plan. However, given the nature of the proposal, the small scale of associated vehicle movements and that this site forms part of an existing agricultural enterprise with residential buildings it would not seem to me reasonable or necessary to impose these conditions.
20. The Council has also sought to impose a condition to seek the removal of the polytunnels should they no longer be required. Whilst I understand the

objectives behind the proposed condition, as the permission is for permanent structures, I do not consider it would be reasonable or necessary to impose such conditions. Furthermore, it would, in my view, be problematic to find a way to make such a condition enforceable in relation to the timing requirements.

21. The Council has also promoted a condition to require that there shall be no variation to the design or appearance of the polytunnels as shown on the submitted plans. However, much of the information regarding the form of the polytunnels is in the accompanying documentation rather than explicitly shown on the plans. I have based my decision on the information provided, including that there will be no requirement for lighting and that the appearance of the polytunnels would be constructed with a diffused cover to provide a 'frosted' exterior finish with galvanised metal tubing. I consider that a condition should be imposed in these respects to safeguard the landscape character and appearance of the local area. Although these reflect information provided by the Appellant, as they were not conditions proposed by the Council and to which the Appellant has had the opportunity to comment, in the interests of fairness I have written to both the Appellant and the Council to invite comments on the proposed conditions. Both the Appellant and the Council have confirmed agreement to these conditions.
22. I shall list the approved plans for the avoidance of doubt and in the interests of good planning, but I have not included plan 978-6-PL-SP02 as this shows the proposal for 6 polytunnels and a maximum of 4 polytunnels is before me for consideration.

Conclusion

23. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that both Appeals A and B should be allowed.

L J Evans

INSPECTOR