



Appeal Decision

Site visit made on 13 April 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/M1710/W/21/3266311

Land West of Hammer Lane, Grayshott, Hindhead GU26 6JD

- 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 Mrs Nicola Wright against the decision of East Hampshire District Council.
 - The application Ref 51928/005, dated 6 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is conversion of existing stables into one self-contained independent residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for a dwelling, having regard to the countryside location, proximity of services and the character and appearance of the area.

Reasons

3. The site is located on the west side of Hammer Lane within open countryside to the northeast of Headley and south of Churt. The road is rural in nature, being narrow, unlit, and having no pavements. Its edges are defined by grass verges, which in places are steep, mature vegetation and trees. The west side of the road within the vicinity of the appeal site comprises undeveloped countryside, including fields and woodlands. There is sporadic low-density built development of dwellings along the east side of the road, including directly opposite the appeal site.
4. The site forms part of a wider landholding which is used for equestrian purposes. The land is undulating, with some hilly slopes, and it drops away notably to the north and east of the appeal site. Vehicular access is via a track from Hammer Lane, which rises away from the road, towards a parking area and a 6-bay stable building which is the subject of this appeal and which is sited in an elevated position in relation to the road. The information before me is that this building was approved in 2010, and is subject to a planning condition restricting its use to private non-commercial use only.
5. The site lies outside of any designated settlement boundary and is therefore considered to be a countryside location for planning policy purposes, where new development is restrained. Policies CP1, CP2 and CP10 of the *East*

Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) set out the District's spatial strategy. As a general rule this supports the Framework directs new housing to within the designated settlement policy boundaries and allocated sites, and restricts new residential development within the countryside. JCS Policies CP6 and CP19 and Saved Policy C14 of the *East Hampshire District Local Plan: Second Review* (2006) (LPR) set out exceptions to the above, which include the conversion of rural buildings into dwellings, subject to a number of criteria, and development with a genuine and proven need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises.

6. The appellant's view is that the proposal accords with JCS Policies CP6 and CP19 on the grounds that it comprises the re-use of a redundant rural building as a dwelling to provide an on-site presence to ensure the welfare and safety of horses kept on the land, and in association with a possible agricultural land diversification scheme involving, for example, sheep grazing and woodland planting.
7. The information before me is that the site has been used for the keeping of horses for a considerable number of years, including by the appellant for some years prior to seeking consent for the stable building the subject of this appeal, and that in seeking planning permission, the building was deemed by the appellant to be necessary in 2010 on the basis that the horses required stabling, and that the site was easily accessible from the appellant's home.
8. The appellant's supporting Agricultural Appraisal by Reading Agricultural Consultants Ltd (the AA) confirms that the appellant bought the site in 2011 with the aim of breeding competition horses on the site, but that a large part of the site is not suitable for grazing of horses in association with an equine breeding business due to its steeply sloping nature. Supporting statements from a farrier and a vet employed by the appellant, citing examples of previous incidents, are also of the opinion that the steeply sloping fields are unsuited to grazing due to risk of injury. The evidence before me is that the appellant has reduced the number of horses kept on the land from 8 originally to 4 at present, and that as a consequence of the above, these horses are grazed on the flatter land.
9. Having regard to the length of time that the appellant has kept horses on the site, and the justification for the stable building in 2010, I am not persuaded, on the basis of the evidence before me, that there is now a current proven need to convert the existing stables, which provide fit-for-purpose covered accommodation, into a 3-bedroomed house in association with the reduced number of horses now kept on the land, and having regard to the private rather than commercial nature of the equestrian use.
10. Furthermore, available options for off-site supervision of horses exist, including the installation of on-site cctv cameras, or the accommodation of horses within a livery yard elsewhere where they are supervised and checked regularly throughout the day.
11. Policy CP6 allows for the conversion of rural buildings to general residential use provided that other uses are not possible or are unsuited. I am not persuaded, on the basis of the evidence before me, that the existing building is not suitable for use as a stables block in association with the appellant's private equestrian enterprise. The pitched roof structure has timber boarded walls and a metal

- sheeting roof. I observed during my site inspection, that the building was in a good state of repair, and was laid out as, and is still in use as, stables, including the presence of a horse and stable paraphernalia.
12. There are two 3-bay open open-fronted field shelters sited close to the stables building which the appellant states are capable of serving the requirements of the existing 4 horses. I find that the stables building would provide more superior accommodation for the appellant's horses than that afforded by these structures, and that it is sited where the horses could be walked to the flatter grazing fields.
 13. Furthermore, the evidence before me is that, whilst the Council has closed the enforcement case in respect of these structures, they do not benefit from planning permission nor has a certificate of lawfulness been sought under section 191 of the Town and Country Planning Act 1990 (the Act). It is not for me, under a section 78 appeal, to determine whether or not a development has subsisted for sufficient time to become lawful. To that end it is open to the appellant to apply for a determination under s191/192 of the Act, and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.
 14. Also, notwithstanding the unsuitability of the steeper fields for horse grazing, and the British Horse Society grazing guidelines, it would nonetheless be possible to increase the number of horses kept on the appellant's land in the future, considering that the evidence before me is that there has previously been a larger number of horses on the site, notwithstanding the sloping nature of the land.
 15. The appellant also suggests that the proposed dwelling could be associated with the development of a land diversification scheme involving, for example, sheep grazing and woodland planting. However, there is no evidence before me of an existing agricultural enterprise on the site which would benefit from such a development, and no proven need for the proposed dwelling in association with such an enterprise has been demonstrated.
 16. LPR saved Policy C14 states that the scale or location of the development should not lead to unsustainable travel patterns, and Paragraphs 78 and 79 of the *National Planning Policy Framework 2019* (the Framework) encourages housing to be located where it will enhance or maintain the vitality of rural communities and advises that isolated homes should be avoided in the countryside, other than if the circumstances listed in Paragraph 79 are applicable.
 17. Case law¹ has established that the consideration of whether a proposed new dwelling is, or is not, 'isolated', where it is physically separate or remote from a settlement, will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand. There are residential properties on the opposite side of Hammer Lane. However, these comprise scattered dwellings within open countryside. The appeal site is distinctly physically separated from this ribbon of built development by virtue of its set-back and elevated position on the opposite side of the road, which is characterised by open countryside and rural built development.

¹ ¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

18. The appeal site is a notable distance from facilities and services of the nearest settlements of Churt, Beacon Hill and Headley Down, and, the further afield villages including Hindhead and Grayshott. I find that the distance between the appeal site and the nearest community facilities and services within the closest villages, combined with the poor access to public transport routes, and the narrow and unlit nature of Hammer Lane with its lack of footway edges, means that alternative modes of transport such as cycling and walking would be inconvenient, particularly during the winter months, and that future occupants of the proposed dwelling would be reliant upon the private car to access day to day services. As such, my conclusion is that the appeal site would not comprise a sustainable location for the purposes of Policy C14 and that the new dwelling would be isolated having regard to the Framework.
19. Whilst the Framework allows for new isolated homes in the countryside, subject to special circumstances, including the need to house a rural worker, or where the development would re-use redundant buildings, these criteria do not apply to the appeal property, having regard to the existing continued use of the building as a stable, and the failure of the appellant to demonstrate that stables are not required on the site, or that there is a requirement for a dwelling in association with the equestrian use of the site or a proposed agricultural use.
20. Furthermore, the re-use of redundant or disused buildings for residential purposes in accordance with Paragraph 79 of the Framework would require an enhancement to the immediate setting. Having regard to my findings in respect of resulting harm to the character of the area, as set out below, I am not persuaded that the appellant's proposed tidy storage of show jumping paraphernalia and improvements to the mud surface of the nearby ground, would comprise environmental improvements that would satisfy this requirement.
21. Policies CP6 and C14 both require that there should be no harm to the character of the site and its surroundings/the countryside. This accords with the objectives of Chapter 15 of the Framework to conserve and enhance the natural environment. The appeal site sits in an elevated position, surrounded by undeveloped countryside, which includes an open aspect to the north. Built residential development does not feature on this side of the road, which is characterised by undeveloped countryside comprising woodland areas and open fields. This is in clear contrast to the character of the eastern side of the road, where there are some residential properties. These properties are clearly distinct from the appeal site and are not visually obvious residential neighbours to the appeal site, comprising part of sporadic residential development which is an attribute of this side of the road and separated from the appeal proposal by mature roadside vegetation on the west side of the road.
22. Notwithstanding proposed rural design of building and post and rail fencing, the introduction of permanent residential built development onto the appeal site and the associated alterations, including a generously-sized domestic garden area adjacent to the building, decking to the south and west of the building, the introduction of domestic paraphernalia, further ornamental plantings, garden buildings and structures, the inclusion of a large number of windows along the side elevations of the building, a formal gravel hardstanding parking area to the north of the building, and an increase in lighting associated with the domestic use of the building and the garden, would all serve to urbanise the

site in a manner which would be incongruous within the undeveloped rural nature of this side of the road and detrimentally harmful to the intrinsic landscape character of the site and the surrounding countryside.

23. For the above reasons, I conclude that the appeal site would not provide a suitable location for a dwelling, having regard to the countryside location, the proximity of services and the character and appearance of the area. As such, the proposal would not accord with JCS policies CP1, CP2, CP6, CP10 and CP19, LPR Policy C14 and the Framework.

Other Matters and planning balance

24. I acknowledge that the appellant has provided additional supporting information in respect of the planning application that is the subject of the appeal, compared to that which accompanied the previously refused application, including an Equine Statement, an Agricultural Appraisal, and evidence from a vet, an equine sports massage consultant and a farrier. I have taken this information into account in my determination of the appeal.
25. The Framework supports thriving rural communities and significantly boosting the supply of homes. There would be a small social benefit to nearby settlements in providing an additional dwelling, together with economic advantages from the conversion and occupation of a new residential property. The proposal would also make a small contribution towards the District's housing supply. However, protecting and enhancing the natural environment is also a key objective of sustainable development, and these benefits would not overcome the harm to the intrinsic character of the countryside.
26. The sustainability benefits of converting an existing building are also acknowledged. However, these are not of sufficient magnitude to outweigh my concern with respect to the main issue.
27. Whilst I have given careful consideration to the appellant's personal family circumstances relating to the need for a new dwelling, I am mindful of the advice contained in Planning Practice Guidance² that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the Development Plan and the Framework.
28. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

29. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

² 1 Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

