



Appeal Decision

Site Visit made on 8 December 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2021

Appeal Ref: APP/C3620/W/21/3270556

Wicklands Stud, Ockley Road, Forest Green RH5 5SQ

- 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 and Mrs S Franks against the decision of Mole Valley District Council.
 - The application Ref MO/2020/1328/PLA, dated 24 July 2020, was refused by notice dated 12 October 2020.
 - The development proposed is new garage with home office and private gym over.
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Decision

1. The appeal is allowed and planning permission is granted for new garage with home office and private gym over at Wicklands Stud, Ockley Road, Forest Green RH5 5SQ in accordance with the terms of the application Ref MO/2020/1328/PLA, dated 24 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: AG20817-200 Rev G, AG20817-201 Rev E, AG20817-202 Rev F, AG20817-205 Rev C and AG20817-230 Rev A.
 - 3) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the equestrian business and the residential use of the dwelling on the application site and specifically shall not be used as a separate unit of residential accommodation.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including an Area of Great Landscape Value (AGLV) and the setting of the Surrey Hills Area of Outstanding Natural Beauty (AONB); and
 - whether or not it has been demonstrated that there is a need for the proposed development.

Reasons

Character and appearance

3. The appeal site forms part of an established commercial stud farm. The stud farm includes a number of buildings and structures including a timber-clad stable building, a two-storey chalet style dwelling and a horse walker. To the east along the southern side of Ockley Road there is linear residential development and opposite there is a cluster of farm buildings associated with Wicklands Farm. The wider area and surroundings are characterised by paddocks, open fields and woodland. The land slopes down from an area of woodland in the north-east towards the paddocks and the existing dwelling. The site and its surroundings have an open and rural character which contributes to the AGLV within which it lies. The site is just outside the AONB and lies within its setting.
4. The proposed outbuilding would be a large, detached building with a dual pitched roof. It would have a rectangular footprint of over 46 square metres and a maximum height of 5.7 metres. It would be located to the side of the existing house and would occupy an area for which there is already permission for the construction of a double garage, approved as part of the original approval for the house.
5. The proposed outbuilding is indicated to be a similar height and width to the approved garage but longer. It would feature windows in all elevations including a set of patio doors with glazed doors and a Juliet balcony at first floor level in the rear elevation.
6. The existing dwelling occupies slightly higher ground than the site where the proposed outbuilding would be constructed. This, in combination with its lower ridge height compared to the existing dwelling, would make the proposed outbuilding appear subordinate. The footprint of the proposed building would be approximately 50 per cent larger than the approved garage, with the additional footprint and floorspace being achieved through the increased length of the building. This additional length would only be visible in views from the east where it would be seen with the host property beyond which would appear both taller and larger. In this context and with the width remaining similar to the approved scheme, it would not appear disproportionately large nor dominant.
7. The proposed building would be set back from the established line of residential development on Ockley Road but adjacent to the host dwelling. It would also be positioned at the far end of a domestic hedge separating the appeal site from the neighbouring residential property. In this context, it would not significantly encroach into the more open land which extends south and east from the site of the proposed outbuilding. Furthermore, whilst the proposed building would extend further back than the approved garage this additional length, as set out above would not be widely visible and would be viewed in the context of the existing dwelling.
8. The additional windows within the proposed building would give it a more domestic appearance. However, being positioned so close to the existing dwelling these features would not be unduly prominent nor would they appear as an incongruous feature, unrelated to surrounding development.

9. Whilst the appeal site lies within the setting of the AONB, it would be behind the existing gates to the stud and opposite a cluster of buildings within the AONB. It would not therefore be widely visible either from or prominent in views towards the AONB. It would be viewed in the context of surrounding built development clustered along Ockley Road. As such it would not adversely impact the AONB.
10. I conclude that the proposed development would not harm the character and appearance of the area, including the AGLV. It would therefore accord with Policies RUD9 and ENV3 of the Mole Valley Local Plan 2000 which together require new ancillary buildings in the countryside to not detract from the rural character or appearance of the locality, to not be an excessive size in relation to the dwelling they serve, to ensure new development does not affect the open character of the countryside and is appropriate in terms of scale and siting. It would also comply with Policy CS13 of the Mole Valley Core Strategy 2009 which requires all new development to respect the landscape character and to not result in harm to the AONB.

Need for the development

11. The appeal proposal would provide a single garage, office facilities and a small home gymnasium.
12. The existing dwelling is restricted by a condition to persons solely or mainly working on the site in agriculture, forestry or a horse related activity. The Council has indicated that, when planning permission was granted in 2014, an additional 39.5 square metres of floorspace on the ground floor of the dwelling was allocated for the stud business in the form of a utility / boot room for changing out of muddy clothing, etc and an office for the equestrian business. This resulted in a total floor area for the dwelling of 188.5 square metres which the Council considered would have been excessive if it was to be entirely residential accommodation. This approach was considered a better solution than having to provide office accommodation elsewhere on the site which would lead to a proliferation of buildings.
13. The equestrian business already has office space as part of its original permission. The appellants have argued that since planning permission was granted the needs of the equestrian business and occupants of the dwelling have changed. Specifically, they have referred to the increase in scale of breeding activities since 2014 and veterinarian requirements associated with this, the pandemic and additional paperwork associated with the transportation of horses as a consequence of leaving the European Union. For these reasons, they consider they need a separate space.
14. I have not been provided with the dimensions of the floorspace proposed to be used as an office. However, from the submitted drawings it does not appear particularly large, occupying less than half of the ground floor area. The appeal scheme does not therefore appear to be providing a material increase in space but for that space to be separated from the residential dwelling.
15. The appellants have stated that they would continue to use the office space within the house for their individual use whilst the outbuilding would be used for the professional client-facing and veterinarian activities.

16. It has been stated that the business has grown in the 7 years since permission was granted with horse sales having doubled and a threefold increase in customers coming to view the horses since the dwelling was approved. I have not been provided with detailed evidence of this and there is nothing to suggest an increase in office space is required. However, I accept that increased sales may mean more visitors to the site and the completion of sales within the office.
17. The evidence submitted indicates a number of sensitive tasks to be undertaken by visiting veterinarians in relation to the breeding activities. These require a clean area away from the stable. There is nothing to suggest that this activity could not be carried out within the existing office space. Nevertheless, I appreciate that carrying out such activities where specialist equipment is required may be better suited to accommodation separate from the dwelling.
18. It is widely recognised that the pandemic has affected the way people work. In these circumstances, I have some sympathy for the appellants in seeking to separate their external client-facing activities from their private home as well as providing additional space for home working. However, the effects of the pandemic are of a temporary nature and, taken in isolation, would not justify the provision of this separate office space for the commercial business.
19. The appellants have also stated that they require the additional space for physiotherapy visits and maintaining their fitness as athletes. This would certainly be a personal benefit of the scheme which carries limited weight. However, I consider that the provision of a garage and small home gym in association with an existing residential dwelling is not unreasonable.
20. There is some evidence that there would be benefits from the provision of a separate office away from the private dwelling for the commercial and veterinarian activities associated with the business. This weighs in favour of the development. The stated purpose of providing an office within the dwelling was to avoid the proliferation of buildings on the site. The appeal scheme proposes to incorporate these activities into a building that would replace another for which permission has been granted, albeit slightly larger. I find that this original purpose would not be harmed as there would be no increase in buildings on site above that already permitted and that there is sufficient justification for this proposal.
21. The Council's decision notice sets out that it does not consider that sufficient overriding agricultural or commercial horse-related reasons have been put forward to justify the need for a building of the scale and form proposed, in conflict with the advice contained within the National Planning Policy Framework (the Framework). The Framework does not set out a specific requirement for the appeal scheme, which is not proposing any housing or development within the AONB, to be justified although its effects upon the countryside and setting of designated areas is required.
22. The Framework does however support the sustainable growth and expansion of all types of business in rural areas and the development of agricultural and other land-based rural businesses, which the scheme would promote. This leads me to conclude that the need for the proposed development has been justified.

Other Matter

23. The Council has stated that due to its size, the proposed outbuilding would be capable of subsequent conversion to residential accommodation. However, planning permission was not refused on this basis. Nevertheless, a condition restricting the use of the outbuilding for purposes ancillary to the equestrian business and residential use would secure this. Any proposals for its conversion in future would be subject to planning permission which would need to be considered on its own merits.

Conditions

24. The Council has proposed a number of conditions should the appeal be allowed in addition to those which I have already referred to earlier in my decision. I have considered these and imposed them where they meet the tests set out in Paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.

25. A condition specifying the approved plans is necessary as this provides certainty. In the interests of character and appearance, I have imposed a condition requiring details of materials to be submitted.

26. The Council sought to impose a condition restricting the use of the garage to private motor vehicles and incidental domestic storage on the grounds of highway safety. However, there is a large area of hardsurfacing between the appeal proposal and the highway and no specific highway safety concerns have been raised in relation to the scheme. Furthermore, no such condition was imposed on the original permission for a double garage. I have not therefore imposed this condition.

Conclusion

27. For the reasons set out above, I conclude the appeal should be allowed.

Rachael Pipkin

INSPECTOR