



Appeal Decision

Site visit made on 18 January 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/R3650/W/22/3302676

Harrier Farm, Vachery Estate, Horsham Road, Cranleigh GU6 8EF

- 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 Nicolas Cook against the decision of Waverley Borough Council.
 - The application Ref WA/2021/02332, dated 5 July 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the demolition of grain silo and redevelopment and conversion of agricultural buildings for residential use.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the proposed development would be suitable, having regard to its accessibility to shops and services.

Reasons

Accessibility

3. Policy SP2 of the Waverley Borough Council Local Plan 2018 (the Local Plan) specifies the areas where development should be focussed to maintain the Borough's character, whilst ensuring development needs are met in a sustainable manner. Although the policy names the settlements where development would be appropriate, it does not preclude development from all other areas, including the conversion of farm buildings. Nor does the policy seek to imply a blanket ban on new homes outside these settlements or that car dependent development should be automatically refused. As the appeal site is located within the Vachery Farm Estate (the Farm), outside the named settlements listed in Policy SP2, it lies outside the areas the Borough has identified to focus development.
4. Access to the appeal site is via narrow, gated and unlit private roads without pavements. Whilst the nearest main settlement of Cranleigh benefits from a good range of services and facilities, suitable to meet daily needs, it is not located within a reasonable walking distance from the appeal site. Combined with the physical distance and the impractical condition of the routes available for walking and cycling to Cranleigh, future occupiers of the proposed development would not be encouraged to use sustainable modes of transport. Furthermore, the nearest public highway with a bus route is not located within a reasonable walking distance of the appeal site. Even if the proposed

development would result in a reduction in vehicular trips when compared to the existing use class of the appeal site, there is a high likelihood that future occupiers would primarily travel by private car.

5. Consequently, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to access to shops and services and the existing opportunities for future occupiers to use sustainable modes of transport is negligible and therefore, in my view, have not been maximised. As a result, it would conflict with policies SP2 and ST1 of the Local Plan. These policies, amongst other provisions, seek to ensure development needs are met in a sustainable manner and that sustainable transport modes are promoted. It would also conflict with Chapter 9 of the National Planning Policy Framework (the Framework) which promotes sustainable transport by giving priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport. I apportion significant weight to this conflict and to the associated harm that would be caused to the strategic approach to deliver development in a sustainable manner.

Other considerations

6. In addition to the benefits brought about by the enhancement to the non-designated heritage asset, the proposed development would provide social and economic benefits due to from the construction and occupation of dwelling. These benefits weigh in favour of the grant of planning permission.
7. My attention has been drawn to paragraph 80 of the Framework which states that planning decisions should avoid isolated homes in the countryside, except in specific circumstances. Having regard to the High Court judgement¹ concerning the meaning of the term, both main parties agree that the proposed development would result in an isolated home in the countryside, given it is 'far away from other places, buildings or people, remote'. Of these circumstances, the main parties also agree that the following applies to the appeal scheme: c) the development would re-use redundant or disused buildings and enhance its setting.
8. The proposed scheme comprises the conversion of the existing barn into a single dwelling, retaining the former farmyard walls as an integral part of the scheme. With the exception of a brick chimney, limited extensions or additions are proposed. The large metal grain silo located adjacent, which currently dwarfs the barn, would be removed. Based on the evidence before me and my observations during my site visit, the existing L-shaped barn on the appeal site is disused and in a poor state of repair. Despite its condition, the Structural Report² submitted with the planning application confirms the barn is significantly stable to allow it to be restored or converted and that, to achieve this, a minimum reconstruction of the roof and floor will be necessary, along with strengthening and repairs to the walls. As a result, I find that the proposed development would enhance the setting of the barn.
9. As the Harrier Farm buildings and the nearby Farmhouse are identified in the Officer Report as non-designated heritage assets, the appellant contends that paragraph 80b) is also relevant: the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to

¹ According to the Court of Appeal in *Braintree District Council v SSSCLG & Ors* [2017] EWCA 2743 (Admin)

² Prepared by Cooper and Withycombe, June 2020

secure the future of heritage assets. Whilst not afforded the same protection as a designated heritage asset, in accordance with paragraph 203 of the Framework, the effect of the proposed development on the significance of a non-designated heritage asset should be taken into account.

10. I consider the significance of the barn to be related to its architectural interest due to its scale, proportions and detailing, combined with the layout of the enclosed farmyard layout, as part of the agricultural history of the Farm. Although the conversion of the appeal site would result in the loss of its agricultural use, I have already found that the proposed renovations of the barn and the removal of the grain silo would enhance the appeal site. In the words of the Framework, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Therefore, I find that the proposed development would result in limited harm to the significance of the non-designated heritage asset due to the loss of its agricultural use. However, this harm would be outweighed by the enhancement brought about by the appeal scheme.
11. In respect of the optimal viable use of the non-designated heritage asset, the evidence before me indicates that the type of livestock farming on the wider Farm has changed over time. Combined with the increasing mechanisation of farming practices and its location in respect of slurry handling and disposal, has led to the larger buildings on the Farm being used for agricultural purposes rather than the appeal site. Due to the substantial repairs needed to the barn and the availability of other structures on the Farm, I have limited evidence before me that demonstrates the potential for another agricultural use of the appeal site. Additionally, given the proximity of the appeal site to other dwellings on the Farm, the residential use of the barn would not have a detrimental impact on the agricultural operations of the Farm. Therefore, the proposed development represents the optimal viable use of the non-designated heritage asset and meets the criteria set out in paragraph 80b).
12. Although the proposed development gains support from the exceptions to an isolated home in the countryside set out in paragraph 80b) and 80c), this does not mean that planning permission should be granted by default, irrespective of any other identified conflict or harm.

Conclusion against the development plan

13. I have concluded that the proposed development is contrary to policies SP2 and ST1 of the Local Plan. In terms of Policy SP2, I find that overarching aim to deliver development in a sustainable manner is a strategic approach that is consistent with, specifically in relation to housing, Chapter 5 of the Framework as well as the Framework's fundamental principles. As Policy ST1 requires appropriate opportunities to promote sustainable transport to be taken up, an approach supported by paragraph 110 of the Framework, I also find this policy consistent with the Framework. Consequently, the proposed development conflicts with the development plan when read as a whole.

Housing Land Supply

14. There is no disagreement between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, paragraph 11d of the Framework indicates that the most important policies for determining the

appeal are deemed to be out of date and the presumption in favour of sustainable development applies. This means, following paragraph 11dii, that "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

15. Being out of date does not mean that policies carry no weight in decision making. I have already identified conflict with Policies SP2 and ST1 of the Local Plan and have found they are consistent with the Framework. As identified above, I apportion significant weight to this conflict and to the associated harm that would be caused to the strategic approach to deliver development in a sustainable manner.
16. The proposed development would result in an isolated home in the countryside. However, as the appeal scheme comprises the re-use of redundant building and would enhance its setting, and represents the optimal viable use of a heritage asset, the exceptions set out at paragraph 80 of the Framework applies. This weighs in favour of the proposed development, and I attach moderate weight in this respect.
17. In terms of the scheme's benefits, a net gain of one additional dwelling would have social and economic benefits, in support of the Framework's objective of significantly boosting the supply of homes. Nevertheless, even acknowledging the Council's housing land supply shortfall, one additional unit would make a limited contribution. As such, I attach moderate weight to the benefits that would be brought about by an additional house.
18. Whilst I have concluded that the proposed development would result in limited harm to the significance of a non-designated heritage asset due to the loss of its agricultural use, this harm would be outweighed by the enhancement brought about by the appeal scheme. I have also found that the proposed development represents the optimal viable use of the non-designated heritage asset. I therefore attach moderate weight to this.
19. However, having considered the benefits and adverse impacts of the proposed development, I find that, in the context of paragraph 11d of the Framework, the adverse impacts of the development significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development, as set out in the Framework, does not apply.

Other Matters

20. Although another appeal³ in the Borough highlighted that Policy SP2 does not prohibit car dependent developments in rural areas nor require needs to be met in a 'sustainable location', its overarching aim to deliver development in a sustainable manner is consistent with the overarching principles set out in the Framework. Furthermore, it identifies the consistency between Policy ST1 and the Framework in respect of the need for development schemes to be located where opportunities for sustainable transport modes can be maximised, reflecting the amount of movement generated and the nature and location of the site.
21. My attention has been drawn to permitted development rights under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted

³ Ref: APP/R3650/W/21/3278196

Development) Order 2015, specifically that Class Q does not apply a test on, nor do prior approval matters relate to, the sustainability of location⁴. However, as this is not being presented as a realistic fallback position, it attracts minimal weight.

22. Whilst I note the appellants comments that there are no objections to the proposed development in respect of other matters, this is a neutral factor. The lack of a named planning officer on the Council's statement of case does not alter my determination of the appeal.

Overall Planning Balance and Conclusion

23. I have found that the proposed development would conflict with policies SP2 and ST1 of the Local Plan and, as these policies are broadly consistent with the Framework, attach significant weight to this conflict and the resultant harm. Whilst the Council is unable to demonstrate a five-year supply of deliverable housing sites, I have found that the adverse impacts of the development significantly and demonstrably outweigh the benefits, and therefore that the presumption in favour of sustainable development, as set out in the Framework, does not apply.
24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be in accordance with the plan unless material considerations indicate otherwise. For the reasons set out above, the development proposed is contrary to the development plan and there are no considerations of sufficient weight to warrant making a decision otherwise than in accordance with the development plan.
25. For the above reasons, the appeal is dismissed.

Juliet Rogers

INSPECTOR

⁴ Planning Practice Guidance Paragraph: 108 Reference ID: 13-108-20150305