



Appeal Decision

Site visit made on 21 February 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 MARCH 2023

Appeal Ref: APP/R3650/W/22/3294224

Yard Farm Livery Stables, Barn, North Breache Lane, Ewhurst, Cranleigh GU6 7SN

- 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 G Peters against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1685, dated 16 September 2020, was refused by notice dated 8 December 2021.
 - The development proposed is described as a change of use from agricultural barn to light industrial (Use Class E) and storage & distribution (Use Class B8).
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use from agricultural barn to light industrial (Use Class E) and storage & distribution (Use Class B8) at Yard Farm Livery Stables, Barn, North Breache Lane, Ewhurst, Cranleigh GU6 7SN in accordance with the terms of the application, Ref WA/2020/1685, dated 16 September 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Application Form described the proposed development as "Change of use to E1 and B8". In an email to the Council dated 30 November 2020 the appellant's agent agreed to change the description as shown in the banner heading above. This is also confirmed by the appellant's agent at section E of the Appeal Form. For similar reasons, I have also taken the appeal site address as set out on both the Application Form and the Appeal Form.
3. Since the refusal of planning permission, the Ewhurst and Ellens Green Neighbourhood Plan 2022 (the Neighbourhood Plan) has been adopted and as such forms part of the Development Plan. The main parties have referred to the Neighbourhood Plan in their evidence, and I therefore have considered the appeal against the relevant policies within this adopted plan.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, having particular regard to the site's location within the countryside as an Area of Great Landscape Value (AGLV) and the living conditions of the neighbouring occupants with particular reference to noise and disturbance.

Reasons

5. The appeal site lies within a countryside setting characterised by a scattering of buildings within open fields, soft landscape features and woodland. Access to the site is achieved from two vehicular accesses off North Breache Lane. The local area has a sense of rurality, tranquillity and sensitivity. These features make an important contribution to the beauty and character of the countryside and the AGLV.
6. The appeal site comprises two barns and each barn is served with an area of hardstanding adjacent to the vehicular access points. The barn nearest the road is enclosed and is of corrugated metal construction. The other barn, as a pole barn, is broadly open.
7. The proposed drawings show the barns would be split into four units and the pole barn would be enclosed with softwood feather edged cladding. The forecourt areas would be used for servicing, parking, and turning.
8. The feather edged cladding of the pole barn would be sympathetic to the existing rural buildings and the Council confirm this would be the same as a previous consent in 2019.
9. I acknowledge that North Breache Lane is a rural road with narrow points, however, current and previous uses require vehicular trips and therefore any traffic generated as part of the current proposal would not be entirely new trips. Likewise, vehicles would have previously parked at the site.
10. It has also not been robustly shown that levels of traffic and vehicular movements associated with the proposal would cause unacceptable activity or vehicular movements.
11. There is no clear substantive evidence before me to show that the site falls within a designated Quiet Lane. Nevertheless, it is proposed to restrict the size of vehicles accessing the site and such a restriction could be adequately controlled by a planning condition.
12. Additionally light industrial uses would be typically suitable for residential areas. While this is not a residential area, residential uses are sited nearby. It has not been clearly demonstrated how this use, which is considered acceptable for a residential area, would cause harm to neighbouring living conditions. Likewise, there is no clear evidence before me which shows that storage and distribution uses, of the scale proposed, would generate unacceptable levels of activity or noise.
13. Concern has been raised about storage and visual clutter in the yard areas outside the buildings. However, these are shown as cycle and vehicle parking areas. In addition, these areas would be required for turning to ensure that vehicles would enter and leave the site in a forward gear. A condition could be imposed to ensure these areas would be maintained for their designated purpose.
14. I acknowledge that other uses within Use Class E may generate different noise and disturbance impacts and if this appeal is acceptable in all other regards a condition limiting the uses could be imposed.

15. As a result, the development would not cause unacceptable harm to the character and appearance of the area, having particular regard to the site's location within the countryside, as an AGLV and the living conditions of the neighbouring occupants with particular reference to noise and disturbance.
16. Accordingly, it would comply with the relevant provisions of Retained Policies D1 and D4 of the Waverley Borough Council Local Plan 2002; Policies RE1, RE3 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) and Policies EEG3 and EEG4 of the Neighbourhood Plan. All of which seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area while respecting the living conditions of neighbouring occupiers.

Other Matters

17. A Grade II Listed Building is located within the yard on the opposite side of the lane close to the site. The Council did not object to the appeal based on any harm in respect to the special interest associated with the Listed Building. Given the proposed development's siting, design, and scale, I am inclined to agree. The special interest of the Listed Building would therefore be preserved.
18. The development plan supports promoting a strong rural economy through the re-use and conversion of existing buildings for economic development and promoting diversification of agriculture and other land based rural businesses. The Council raised no objection to the overarching principle of development, and I find no reasons to disagree.
19. During my site visit I noticed that North Breache Lane has passing places and signage drawing drivers attention to horse riders. The appellant has provided evidence that shows a good safety record in the vicinity of the site. The County Highway Authority did not object having assessed the application on safety, capacity and policy grounds for all road users, subject to conditions. Additionally, the Council did not refuse the application on these grounds. In the absence of any contrary evidence on this matter, I find no compelling reasons to conclude there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. There is no evidence to suggest the appeal site is within an area of high-risk flooding, or that flood mitigation would be required. In terms of setting a precedent for similar developments in the area, any similar proposals should require planning permission where all relevant matters, merits and circumstances can be considered at that point in time.
21. Any future breaches of planning control would be a matter for the Council and its Enforcement Service at the time of the alleged breach and have no bearing on my decision. Additionally, it has not been shown that connection to mains water or a foul drainage solution would not be possible.
22. The appellant has expressed concerns regarding the time taken to reach a decision during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conditions

23. The Council has suggested a list of conditions which I have considered and where necessary amended in line with national policy and guidance. I have specified the approved plans as this provides certainty. Conditions would also be necessary to confirm external appearance, in the interests of biodiversity and to provide electric vehicle charging.
24. It would also be necessary to protect the living conditions of those living near to the site and the character of the area. I have therefore attached conditions restricting the uses of the site. Furthermore, to prevent adverse impacts on the highway network and living conditions of neighbouring occupiers, conditions regarding parking, vehicle turning, size of vehicles and visibility zones would also be necessary.

Conclusion

25. For the above reasons, having regard to the development plan as a whole, the approach in the Framework and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR

Schedule of Conditions

- 1) The development shall be provided entirely in accordance with the following approved plans: 001C; 002A; 003A; 004B; 005; 006B; 007; 008B and 2382-002A and retained as such.
- 2) Prior to the commencement of the development, the applicant shall submit to the Local Planning Authority additional bat emergence surveys and associated mitigation strategy, if required, to be approved in writing. Once approved, the development shall provide all mitigation and enhancement measures identified as set out within the approved details and the earlier Ecological Constraints and Opportunities Assessment Report submitted in relation to application WA/2019/0131. The site shall be retained in accordance with all these details.
- 3) The development shall in perpetuity be used for storage and distribution and/or light industrial purposes only and no other purpose within Use Class E.
- 4) The materials used in the construction of the new exterior parts of the buildings shall be fully in accordance with the details approved within the application and retained as such.

- 5) The development hereby approved shall not be first opened for trading until the proposed modified accesses hereby approved are constructed and retained with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Once approved these details will be implemented prior to occupation and the visibility zones shall be kept permanently clear of any obstruction above 1m in height.
- 6) The development hereby approved shall not first be occupied for trading unless and until space has been laid out within the site in accordance with the approved plans 008 Rev B0 for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave in a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose for the lifetime of the development.
- 7) The development hereby approved shall not be accessed by vehicles any larger than a 7.5 tonne lorry at any time.
- 8) The development hereby approved shall not be first opened for trading unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement 7KW Mode 3 with type 2 connector – 230 v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be retained and maintained in full working order for the lifetime of the development.

End of Schedule