



Appeal Decision

Site visit made on 7 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/Y3615/W/22/3305366

Tillingbourne Trout Farm, Dorking Road, Abinger Hammer RH5 6SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by J Strzebrakowski against Guildford Borough Council.
 - The application Ref 21/P/02649, is dated 15 December 2021.
 - The development proposed is the erection of a two bedroom rural worker's dwelling.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by J Strzebrakowski against Guildford Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal is against the Council's failure to determine application Ref 21/P/02649 within the relevant statutory period. The Council has not set out how it would have determined the proposal if it had done so at the application stage. The Council have also failed to provide any extracts of policies relevant to the proposal. Accordingly, I have made reference only to the policies referred to in the evidence before me. These have been obtained from the Council's website.

Main Issues

4. Based on the evidence before me, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - if the proposed development is inappropriate, the effect of the proposed development on the openness of the Green Belt;
 - whether the proposed rural worker's dwelling would meet relevant local planning policy criteria; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The appeal site comprises a grassed parcel of land positioned to the south of Dorking Road, accessed via Tillingbourne Trout Farm. The site currently contains an agricultural outbuilding. The site lies within the Green Belt.
6. Policy P2 of the Guildford Borough Local Plan (LP, 2019) in summary, and amongst other things, protects against inappropriate development in the Green Belt and sets out that construction of new buildings in the Green Belt will constitute inappropriate development unless the buildings fall within the list of exceptions identified by the National Planning Policy Framework (the Framework). The supporting text to this policy makes reference to exceptions forming new buildings for agriculture and forestry. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances'. In a similar manner to the LP policy above, one exception to that position are buildings for agriculture and forestry.
7. The proposed development would comprise the erection of a permanent rural worker's dwelling, faced in timber cladding. Whilst new buildings for agriculture and forestry are listed as exceptions in the Framework, the proposed development is for residential use. Accordingly, although the dwelling may be described as supporting agricultural practices, the building would not, technically, be for agriculture or forestry.
8. Overall, I conclude that the proposed development would not constitute a building for agricultural purposes and neither would it fall into any of the other exceptions listed in the Framework. Consequently, it would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework indicates that substantial weight should be given to this harm.

Openness

9. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both physical and visual dimensions. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. Whilst I accept that the dwelling proposed has been designed with sensitivity to prevailing buildings, forms, materials and detailing, and remains smaller in height and overall scale than some nearby buildings, it nonetheless introduces increased built form and massing to the site.
11. There are views of the site, all of them reasonably limited, from neighbouring properties, users of Dorking Road and the driveway to the farm. These views are on account of the site's proximity to the main access to the farm and its driveway, with limited intervening vegetation.
12. This, combined with the increased scale and massing of the dwelling relative to the existing outbuilding, would result in it having a greater prominence from these vantage points. It would inevitably be the case that the proposed

development would be significantly more visually prominent than the relatively modest and low-lying form of the existing outbuilding.

13. Accordingly, the proposed development would cause harm to the openness of the Green Belt. The adverse effects would be moderate.

Rural worker's dwelling

14. Saved Policy RE11 of the Guildford Borough Local Plan (SLP, 2003) sets out that new permanent dwellings for agricultural or forestry workers will be permitted subject to meeting certain requirements. These requirements, all of which need to be met, include, amongst other things, that no other housing accommodation is available locally to meet the need, that necessary accommodation cannot be provided by the conversion of an existing building and the new dwelling is no larger in size than is justified by the needs of the enterprise. This is generally reflective of Framework paragraph 80 which sets out that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, there is an essential need for a rural worker.
15. There is no substantive evidence before me setting out the lack of availability or suitability of other local housing accommodation to meet the needs of the enterprise, nor is there any evidence before me of the existence or otherwise of any existing building within the wider farm that could provide suitable accommodation through conversion. It has therefore not been demonstrated that the proposal meets criteria 4 and 5 of SLP Policy RE11.
16. From the plans before me, and as set out in the supporting planning statement, the proposed dwelling would measure 111sqm¹ compared with the existing building which measures 45sqm. The footprint of the development would consequently be 66sqm larger than the existing structure. The dwelling would provide two/three good sized bedrooms, albeit one room is labelled as a farm office despite being illustrated with a bed.
17. I acknowledge that the standard of accommodation would be reasonable for future occupants, exceeding the minimum space standards², and would provide accommodation for the rural worker's family. However, there is no substantive evidence before me to justify the need for a dwelling of the size proposed, including for the integrated office, claimed to be associated with the wider establishment. As the farm has operated for many years without this, there is in all likelihood no essential requirement for this additional hybrid space. Consequently, the proposed internal standard of accommodation is far in excess of what could reasonably be regarded as 'justified by the needs of the enterprise'. The significant exceedance of minimum space standards, with no substantive evidence to indicate that this is truly necessary, means that the proposal does not meet criteria 7 of SLP Policy RE11.
18. For the above reasons, the proposed development would be contrary to SLP Policy RE11, which in summary seeks to limit the size of agricultural or forestry workers dwellings.

¹ External floor area

² Technical Housing Standards – nationally described space standard

Other Considerations

19. I acknowledge the success of the business as a specialist trout farm and smokery in the area, particularly in more recent years. I note that the business has been expanded to include fishing and produce from rearing and keeping poultry, pigs and lamb; and there are future plans to expand further. I also note that this is a popular business with local community support and acknowledge the appellant's activities with local education providers.
20. I fully acknowledge the economic benefits of the business, supporting the employment of both permanent and seasonal staff, and supporting local fisheries. Furthermore, from the evidence before me and my observations of operations on site, I do not doubt that there is a need for an on-site, or near-site presence in order to successfully manage the business, care for the animals, and provide security. Issues relating to need and viability are also not disputed. Be that as it may, I have little substantive evidence that the development proposed is required for the business to continue functioning and that there are no other options that would comply with local and national policy. Moreover, there is little evidence before me that demonstrates that the number of employees at the site would reduce if the appeal scheme was dismissed. I therefore give these matters only moderate weight. In coming to this view, I have taken into account that the appellant's current housing situation is said to be uncertain, and that it has been put to me that the only feasible option to safeguard the future of the farm is an on-site dwelling which the appellant has control over.
21. I note the points raised by the appellant relating to the scheme's compliance in respect of flooding and drainage, ecology and sustainable development. It has been put to me that the development would provide high standards of amenity for the future occupiers of the dwelling, would not harm the living conditions of neighbours, and has been designed and sited to have no adverse impact on the character of the site or surrounding area. I have no substantive evidence before me to conclude differently. Nevertheless, the lack of harm in those respects is neutral and would not overcome or outweigh the harm identified under the main issue. I therefore give these matters only limited weight.
22. I note the difficulty the appellant has experienced in communicating with the Council. However, my assessment of the acceptability of the appeal proposal is based on the plans before me. Moreover, a costs application has been submitted in respect of procedural matters and is the subject of a separate decision. This matter is therefore given only limited weight.

Green Belt Balance

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I have found that the appeal proposal would be inappropriate development in the Green Belt and would harm openness.
24. Cumulatively, I attach no more than moderate weight to the benefits of the proposed development and other matters which make up the other

considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt, which carries substantial weight.

25. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with LP Policy P2, or the Framework.

Conclusion

26. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed and planning permission refused.

A Price

INSPECTOR