



Appeal Decision

Site visit made on 27 March 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/R3650/W/22/3296211

Land south of Dunsfold Road and east of High Loxley Road, Loxhill, Godalming GU8 4BW

- 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 Mr Ashley Ward of Farmers Direct Ltd against Waverley Borough Council.
 - The application Ref WA/2021/02308, is dated 7 June 2021.
 - The development proposed is the erection of a cattle finishing unit.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a cattle finishing unit at Land south Of Dunsfold Road and east of High Loxley Road, Loxhill, Godalming GU8 4BW in accordance with the terms of the application, Ref WA/2021/02308, dated 7 June 2021, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mr Ashley Ward of Farmers Direct Ltd against Waverley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The address on the application form is not precise, however the submitted plans (reference WS/LFU/01/A and WS/LFU/02/A) clearly shows the location of the appeal site.
4. It is noted that although this appeal has been lodged due to a failure by the Council to make a decision within the requisite timeframe, the Council had taken a recommendation report to the planning committee to guide its Statement of Case.
5. Since the appeal was submitted the Council adopted the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) on the 21 March 2023, which forms part of the development plan. The Council have confirmed which policies are now in place and the appellant has had opportunity to comment on these. I will therefore reference the revised policies in my decision.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area and the ecology of the appeal site.

Reasons

Character and appearance

7. The appeal site is within the countryside and an Area of Great Landscape Value (AGLV) as designated by the development plan. It is surrounded by rolling pastures used for animal grazing and the wider area is interspersed with woodland. It is not however a pristine rural environment. When viewed from a distance, specifically Hascombe Hill (the hill) in the nearby Surrey Hills Area of Outstanding Natural Beauty (AONB), it is evident the landscape is dotted with farm buildings, residential dwellings, more intense land uses such as a caravan site, and Dunsfold Park aerodrome which dominates the back drop to the appeal site when viewed from the hill.
8. The proposed agricultural building would be larger than the adjacent barn in footprint but would be a similar height and finished in similar materials. It would be functional in design and would be positioned end on to the hill utilising a natural hollow in the rolling topography to visually reduce its presence within long distance views from AONB. The existing woodland would also provide some screening. I am therefore satisfied, when taking into account the amount of existing development within views from the hill, the proposal would blend into the agricultural setting of the AONB.
9. The location in the hollow and associated drop in land towards the nearby roads and footpaths means that the proposal would also not be visually intrusive within closer views across the surrounding pastures. The proposal due to its location, functional design and choice of materials would not therefore detract from the character of the rural landscape and retain the appearance of the AGLV.
10. It is noted that the Council are concerned the proposal, if approved, would require an additional dwelling which would further impact the surrounding landscape. However, I am required to determine the appeal in relation to the scheme which is before me and this does not include a dwelling, which would require separate permission.
11. In conclusion, the proposed development would not harm the character and appearance of the area. It would comply with LPP2 policies DM4 and DM15, and the National Planning Policy Framework (The Framework) insofar as they seek new development to recognise the intrinsic value of the countryside, its landscape character, and the prevailing pattern of development.

Ecology

12. The appeal site constitutes parts of 2 grazed pastures separated by a post and wire fence, with some small shrubs interspersed with stacked brush to provide shelter for sheep during lambing. This has been assessed by an ecologist (appendix B of the Council's Statement of Case) which considers the site to be of little ecological benefit and that improved or replacement hedgerow elsewhere on the agricultural unit would be acceptable mitigation. This is a

position agreed by the Surrey Wildlife Trust, the ecological consultant to the Council, and conditions have been suggested accordingly.

13. Therefore, due to the limited ecological value of the site, that both parties agree appropriate mitigation could be secured, and without any other objections on this matter, I am satisfied that the proposal would not have an adverse impact on the site's ecology and would enhance the current position. This would comply with LPP2 Policy DM1 insofar as new development should not cause harm or damage existing environmental assets and avoid negative impacts upon biodiversity.

Other Matters

14. Interested parties have raised concerns relating to the climate emergency. However, without appropriate local or national policies having been identified, and the Council having not raised an objection on this matter, this is insufficient to warrant a refusal of the appeal.
15. Concerns relating to who undertook the agricultural appraisals is noted, but as the Council do not object to the principle or required need of the proposal, I am satisfied this has not jeopardised the planning merits of the appeal. The extent of the appellant's farming business is also not directly relevant for the same reasoning.

Conditions

16. The Council and its technical consultants have suggested a series of conditions agreed by the appellant, which I have considered against the Framework and Planning Policy Guidance. As a result, I have amended them for consistency and clarity.
17. Condition 1 provides a standard time limit and condition 2 requires accordance with the approved plans, both of which provide certainty. Conditions 3 and 6 have been imposed in the interest of highway safety and condition 7 is necessary to promote sustainable transport.
18. I have imposed conditions 4 and 8 to safeguard the ecological mitigation as set out in my second main issue. In the interest of the character and appearance of the development and the surrounding area I have imposed conditions 5 and 9. With condition 9 providing control over the effect of artificial lighting on the setting of the AONB and the AGLV.
19. Conditions 3 and 4 are required to be pre-commencement as it is fundamental to have these details agreed prior to any works commencing on the appeal site. Condition 3 also relates to land outside of the appeal site. However, this is a negatively worded 'Grampian' condition, as established in case law¹, and refers to land within the control of the appellant who has indicated the acceptability of these works, by proposing this condition. The appellant has agreed to both the pre-commencement and 'Grampian' conditions.
20. However, the use of the proposal is specified in the description of development, so it is unnecessary to condition its use as proposed by the Council. I also consider it excessive to require a pre-commencement condition requiring a Construction Environmental Management Plan when it has been shown the

¹ Grampian Regional Council v Aberdeen CC [1983] P&CR 633

appeal site has little ecological benefit and appropriate mitigation measures have been identified.

Conclusion

21. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed and planning permission granted.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WS/LFU/01/A; and WS/LFU/02/A; 22654 Rev A.
- 3) No works or development shall take place until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall provide for, but is not limited to:
 - i) parking for vehicles of site personnel, operatives, and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) measures to prevent the deposit of materials on the highway;
 - v) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.The approved CTMP shall be adhered to throughout the construction period of the development.
- 4) No works or development shall take place until full details of the additional planting and / or enhancement of existing hedgerows and their maintenance have been submitted to and approved in writing by the local planning authority.
The development shall not be brought into use until the additional planting and / or enhancement of existing hedgerows has been implemented and thereafter maintained in accordance with the approved details.
- 5) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 22654 Rev A.
- 6) The development shall not be brought into use until space on the existing and extended hardstanding, as shown on plan WS/LFU/02/A, has been laid out for the parking, loading, and unloading of vehicles, and for the turning of vehicles so that they may enter and leave the site in a forward gear. These provisions shall thereafter be kept available at all times for the parking, loading, unloading, and turning of vehicles.

- 7) The development shall not be brought into use until at least one Electric Vehicle Charging Point has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The charging points shall thereafter be maintained and retained.
- 8) The removal of any dense shrubbery or vegetation shall be timed to avoid the main bird nesting season of March to August inclusive. If this is not possible, any clearance shall be done under the supervision of a suitably qualified ecologist.
- 9) No external or flood lighting shall be installed until details have first been submitted to and approved in writing by the local planning authority. Installation shall then be carried out in accordance with the approved details.

END OF SCHEDULE