



Appeal Decisions

Site visit made on 18 May 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal A Ref: APP/R3650/C/22/3304597

'Frensham Meadow', Land Centred coordinates 484327 139729, Bacon Lane, Churt, Farnham, GU10 2QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Julie Hanly against an enforcement notice issued by Waverley Borough Council.
 - The notice, numbered EN/2022/08, was issued on 27 June 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an extension to a building ("the Building"). The extension is located in the approximate position hatched black on the attached plan.
 - The requirements of the notice are (i) Remove from the Building the extension marked hatched on the attached plan. (ii). Remove all material from the Land edged thick red on the attached plan resulting from compliance with the above step.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - A similar appeal (B) 3304598 has been made by Mr Terry Shubbrook
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Decision

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a lean-to extension to a stable block at 'Frensham Meadow', Land Centred coordinates 484327 139729, Bacon Lane, Churt, Farnham, GU10 2QE as shown on the plan attached to the notice.

Preliminary Matters

2. In 2014 the appellants received planning permission for a large 'U' shaped stable block, which they proceeded to build. Subsequently, they began to live in a portion of this, while the rest was used as a stables. Following the issue of an enforcement notice their appeal was dismissed in January 2022 and they were required to cease living in the stables and return it to the use and configuration permitted in the 2014 permission. In the meantime they added an open sided lean-to extension to the stable block which is the subject of this appeal.
3. On my site visit I saw the central section of the stable block would still appear to be lived in and it was explained a planning application had been made to regularise whatever it was that was going on. However, the residential use, if that is what it is, is not before me. The lawful use of the building is a stable

block and it is the open sided lean-to extension that is the subject of this appeal.

The Appeal on Ground (a)

4. The stable block is a large, single storey, 'U' shaped building with a central forecourt. The lean-to has been erected down the full length of one of the sides of the block it is thus 17m long and 3m deep. It consists of wooden supports and roof beams with a plastic semi-transparent roofing material. It is set slightly lower than the stable block itself and is on the northern side of the stables, close to a stand of trees. In other words it is well screened and hardly visible, even from close to. Visually it seems to be a typical lean-to, as found on numerous agricultural and domestic buildings, of a wholly unremarkable design, that is considerably smaller than its host building.
5. In May 2022 the enforcement notice was issued citing green belt and nature conservation as the reasons. As the site lies in the green belt then inappropriate development is harmful and should only be allowed if there are very special circumstances. The NPPF at paragraph 149 defines inappropriate development as all development except for that outlined in various criteria (a)-(f). This development falls to be considered under (c) which states that extensions of existing buildings are not inappropriate development as long as they are not disproportionate. This then is the key issue.
6. The Council's very recent policy (DM15) on extensions to buildings in the green belt suggests as a guideline a 40% increase would be acceptable. The appeal structure is 22%, so mathematically and visually, as noted above, the building is not disproportionate and so is not inappropriate development in the green belt.
7. This leaves nature conservation as the only issue. Policy NE1 requires biodiversity to be conserved and enhanced. Particular regard is to be had to SPAs, SSSIs, SNCIs and BOAs, but the site is not in any of those, but it is in the buffer zone to an SPA. Nevertheless the Officer's report concludes there is unlikely to be any harmful impact on the SPA from a lean-to. However, it goes on to say that as that no assessment has been carried out so it is not known whether there would be any impact on biodiversity. I assume this lead to the reference to NE1 in the notice. Commonsense suggests a development as minor as this would have no impact on bio-diversity and that a separate report to confirm this is unnecessary. In my view the development is not contrary to NE1.
8. However, that is not the end of the matter as in November 2022 an application to regularise the situation was refused on the grounds the extension was harmful to the character and appearance of the area. The Officers' report accepted there was no green belt problem and the building was not harmful to the locality. It is described as proportionate and in-keeping with the host building, while the roofing was not unsightly nor incongruous when viewed in its rural context.
9. This introduces a new reason for refusal that is not, strictly speaking, before me, but in the interests of completeness I would say that I agree with the Officer who wrote the report. There is no harm to the character and appearance of the AONB or the AGLV from this minor, insignificant and well screened construction. It is therefore in accordance with the Council's policies

and I shall allow the appeal on ground (a). No conditions are required as the building is already in place.

Simon Hand

INSPECTOR