



Appeal Decision

Site visit made on 27 September 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/R3650/W/22/3313537

Brooklands Farm, Pepperbox Lane, Bramley, Guildford, Surrey GU5 0LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Shaw against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02337, dated 14 September 2022, was refused by notice dated 9 November 2022.
 - The application sought planning permission for erection of a replacement barn for storage use for agricultural purposes without complying with conditions attached to planning permission Ref APP/R3650/W/21/3267787, dated 06 January 2022.
 - The conditions in dispute are Nos 2 and 4 which state that:
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 892/P01 (Rev A).
 - 4) The building hereby permitted shall be used for the purposes of storage associated with agriculture and forestry in connection with Brooklands Farm and for no other purpose.
 - The reasons given for the conditions are:
 - 2) In the interests of clarity and enforceability.
 - 4) To safeguard the character of the area and to ensure that the development does not conflict with the purposes of the Green Belt.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision on the planning application the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) was adopted. This supersedes the Waverley Local Plan 2002. Both main parties have had the opportunity to comment on this and I have considered the appeal on this basis.
3. There was previously a barn on this site. The evidence before me is that this barn was used for agricultural purposes. Subsequently, for site specific reasons this barn was removed and rebuilt. Planning permission was then granted at appeal for an agricultural storage barn¹ (the previous permission). However, the barn that has been constructed on site was not the same as that for which planning permission was granted under the previous permission. The main differences to the built form are a reduction in the ridge and eaves height by less than 0.1m, an increase in length by around 0.4m, and an increase in width by 0.25m. A 1.1sqm plant room has been added, as well as an approximately

¹ APP/R3650/W/21/3267787

24sqm basement and a clock and weathervane on the roof. There are also internal changes such as the addition of a kitchen area and bathroom and alterations to windows, doors and rooflights. The drawings submitted with this appeal show these differences, and the parties agree that it reflects what has been constructed on site.

4. In addition, the building that has been constructed has been used for residential storage (a wine store in the basement and general storage at mezzanine level). This is ongoing and would continue for two years during building works to construct a new dwelling elsewhere on the site. Part of the building is also used as an 'estate office'.
5. The appellant is therefore seeking permission for the building that has been constructed in its current use.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt
 - Whether any 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

7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 149 and 150 of the Framework. This is broadly echoed by Policy RE2 of the Local Plan 2018 (Part 1) (LP Part 1).
8. Of relevance to this appeal is that 'buildings for agriculture and forestry' is listed as an exception in paragraph 149 a), as well as 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' is listed as an exception at paragraph 149 d).
9. Part of the building is in use as an office which the appellant states is used in connection with the management of Brooklands Farm. The Inspector for the previous permission noted that agricultural activities were undertaken at the farm and I have no reason to think that an estate office would not be needed in connection with the agricultural use. Therefore, whilst it is not for storage purposes, it nevertheless is for the purposes of agriculture.
10. However, in relation to the residential storage and wine store, there is no dispute between the main parties that these are not an agricultural use. Even if

I were to find that the wine store alone were de minimis, that does not alter the fact that a large part of the building is used for residential storage. This is not therefore a building for agriculture.

11. Consequently, the development for which permission is now sought would not result in a building for agriculture and forestry, nor would it be in the same use as a previous barn that was replaced. As such it would be inappropriate development in the terms of paragraph 149 of the Framework and Policy RE2 of the LP Part 1.

Openness

12. Openness has both spatial and visual dimensions. The building is mainly screened from public views, however it is clearly visible from the grounds of Brooklands Farm. Moreover, the development for which planning permission is now sought is a two storey building across a substantial footprint, which is not in agricultural use. As such, in this context, there is substantial harm to spatial openness.
13. As referenced above, there was a previous agricultural barn on this site. However, under paragraph 149 a) of the Framework, its use meant that it was not inappropriate development in the Green Belt. The barn allowed under the previous permission was also approved for agricultural use and therefore, again it would not have represented inappropriate development in the Green Belt. Consequently, my assessment of the effect of the proposed development on openness does not use these as a comparison.
14. Therefore, as the proposal before me seeks the residential use of the barn as constructed, it represents inappropriate development within the Green Belt and there is a substantially harmful effect on the openness of the Green Belt as a result of this development.

Other Considerations

15. The residential storage is required during the construction of a new home on the site, and I saw that construction was underway. However, I am not persuaded that this is anything other than a private benefit and as such I afford this limited weight.
16. The development proposed would be for a temporary period. The appellant states that the residential use is proposed for two years, after which time the barn would revert to an agricultural storage use. However, the development has already occurred and the use would be needed for two further years. Even if I were to find appropriate wording to secure this temporary use by condition, this would not be a short period of time for which this non-agricultural building would be on the site. As such, the degree of harm to openness is only slightly reduced.
17. The appellant indicates that, if planning permission is not granted, they may use permitted development rights relating to temporary buildings and structures. However, given the amount of residential storage space sought, it is unlikely that any building would be larger than that sought here. As such this fallback would be less harmful than the appeal scheme. Consequently, this does not weigh in favour of the proposed development.

18. The Inspector for the previous planning permission clearly states in their decision that they 'cannot be certain that the development that has been carried out is exactly the same as that which has been applied for' and that their decision 'only relates to the proposed development as shown on the submitted appeal plans'. Elsewhere they are clear that the proposal is assessed on the basis that it would be an agricultural barn. As such I have no reason to think that the previous Inspector found the building 'as built' to be acceptable. Moreover, appeals are determined on the basis of the evidence submitted, on which the LPA made its decision and on which interested parties were consulted and there is no requirement for the Inspector to request amended plans.

Green Belt Balance

19. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the development's inappropriateness and its harm to openness.
20. The considerations advanced by the appellant, including their personal circumstances and the proposed temporary nature of the use, even when considered together, do not clearly outweigh the totality of the harm. As such, the very special circumstances necessary to justify the development do not exist. Consequently, the proposed development conflicts with Paragraph 148 of the Framework and Policy RE2 of the LP Part 1

Conclusion

21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR