



Appeal Decision

Site visit made on 22 November 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/R3650/W/23/3318285

Brookhurst Grange, Holmbury Road, Ewhurst, Cranleigh GU6 7SJ

- 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 L Middleton against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00460, dated 17 November 2021, was refused by notice dated 9 September 2022.
 - The development proposed is alteration to an existing planning approval (AG/2020/0006) of a hay barn to part hay barn and part equestrian use and alterations to elevations plus the installation of a new all weather turnout.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
3. Since the planning application was determined the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) has been 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.
4. The Council's second reason for refusal and the main parties' submitted evidence refers to the Surrey Hills Area of Outstanding Natural Beauty (AONB). On 22 November 2023, all designated AONBs in England and Wales were renamed "National Landscapes". For this reason I have referred to the Surrey Hills National Landscape throughout the decision.
5. During my site visit, I noted that there appeared to be some differences between the submitted drawings and the situation on-site. In particular, the window layout appeared to differ and there were various additional structures, including an open-sided mono-pitch roof storage area attached to one end of the building. I therefore cannot be certain that the development that has been carried out is exactly the same as that which has been applied for. Thus, for the avoidance of doubt, I have considered the appeal on the basis of the proposed development as shown on the submitted appeal plans.

Main Issues

6. The main issues are:

- Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (2023) (the Framework) and any relevant development plan policies and its effect on openness of the Green Belt;
- The effect of the proposal on the character and appearance of the landscape character area of Surrey Hills National Landscape and Area of Great Landscape Value (AGLV);
- The effect of the proposal on agricultural facilities that are considered reasonably necessary to support the existing holding; and
- If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Green Belt

7. The appeal site is located within the Metropolitan Green Belt. It is part of a field accessed via a long track leading from a gated access on Coophurst Lane. The appeal site is part of a larger agricultural holding which is mainly laid to grass pasture, albeit an outdoor equestrian sand school arena is located immediately to the north. The holding and surrounding area is gently undulating, with little built form within it.
8. The appeal site itself is set a significant distance from the highway and is screened by both mature boundary planting along the highway, and additional mature field boundary planting within the site. Whilst enclosed by hedgerows and trees around its boundaries, the appeal site itself exhibits both spatial and visual openness which is consistent with its surrounding rural landscape context. Its current low-key visual attributes have enabled it to retain a rural character and appearance and it makes a positive contribution to the landscape of this part of the Green Belt.
9. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (LPP1) states that, amongst other things, in accordance with national planning policy, new development will be considered to be inappropriate and will not be permitted unless very special circumstances can be demonstrated. However, the policy confirms that proposals will be permitted where they do not conflict with the exceptions listed in national planning policy.
10. The fundamental aim of national 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. Paragraph 152 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
11. The submitted evidence demonstrates that the majority of the building's floor area would be used for stabling and equestrian use and during my site visit I

noted that the building was primarily in use for equestrian purposes. However, it has been put to me that the building will house a tractor and hay store, equating to approximately 25% of the building's floor area. Whilst it is evident that the building would have a multi-functional equestrian and agricultural use, its predominant use would be to support equestrian outdoor recreational use.

12. Paragraph 154 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate unless one of the stated exceptions apply. Since horse riding is an outdoor sporting or recreational pursuit, it follows that stable buildings are capable of falling within the exception set out in Framework paragraph 154 b). This is subject to a test of the preservation of the openness of the Green Belt and the purpose of including land within it. Consequently, Policy RE2 of the LPP1 is broadly consistent with the Framework.
13. Openness of the Green Belt has a spatial as well as a visual aspect. 'Openness' 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.
14. From a visual perspective, I accept that the building is located a significant distance from Coophurst Lane. The mature planting along the boundary of the site fronting the lane, and additional boundary screening surrounding the field that the building is located within filters views of its built form. It is however visible in views from around the agricultural holding.
15. The appeal building is a single storey structure with a pitched roof and with elevations finished in green metal sheeting which create a utilitarian agricultural appearance, albeit the drawings indicate the elevations would be finished in timber. It has a square footprint measuring 25 metres in both width and depth. This results in a substantially sized building, which has a significant effect on the spatial openness of the Green Belt.
16. I accept that any new development under the exception at Paragraph 154 b) has the potential to erode openness to some degree. However, I find that when the spatial effects and more limited visual effects of the proposal are taken together, there would be moderate harm to the openness of the Green Belt.
17. I conclude, the proposal would not preserve the openness of the Green Belt. In the context of paragraph 154 b) of the Framework, the proposal would therefore constitute inappropriate development in the Green Belt. Paragraph 153 states that any harm to the Green Belt should be given substantial weight.

Character and appearance of the National Landscape and the AGLV

18. Since the appeal site is within a National Landscape, great weight should be given to conserving and enhancing landscape and scenic beauty, as set out in paragraph 182 of the Framework.
19. The surrounding area is defined by gently undulating land, which is predominantly farmland. There is a well developed hedgerow network, and some long distance views are framed by vegetation which are possible from open elevated locations.
20. Whilst it has a large footprint the building has a utilitarian agricultural appearance and is finished in green metal sheeting, albeit the submitted drawings suggest that the elevations would be finished in timber. Overall, the

building appears typical of its form and function, a simple agricultural building, in this expansive rural site.

21. Due to the extensive boundary screening, the building's relatively low height, distance from the nearest highway, and the topography of the land, views of the proposal are limited. Consequently, the building is not prominent within views from or into the National Landscape.
22. For the reasons identified above, the development accords with Policy RE3 of the LPP1 and Policy DM15 of the LPP2. These policies require that development recognises the natural beauty and undeveloped character which is intrinsic to the open countryside and where appropriate, enhances the distinctive character of the landscape in which it is located. I also find that the proposal would comply with the principles of the Framework, which I have described above.

Agriculture

23. The Framework at paragraph 180 requires decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land. The Framework defines the best and most versatile agricultural land as those within Grades 1, 2 and 3a of the Agricultural Land Classification. The Council consider that the land falls within Grade 3, and this is not disputed by the appellant.
24. In relation to this issue, the Council now refer to Policy DM15 of the recently adopted LPP2 which now carries full weight. Policy DM15 identifies that development in rural areas should recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, and recognise the benefits of areas of best and most versatile agricultural land. Where it can be demonstrated that significant development of agricultural land is necessary, areas of poorer quality should be preferred to those of higher quality. This reflects the wording of the footnote to paragraph 181 of the Framework. Whilst 'significant' is not defined in the Framework, the ordinary meaning would be an amount or effect which is large enough to be important or affect a situation to a noticeable degree.
25. The Council concluded that prior approval was not required (Ref:AG/2020/0006) for the erection of an agricultural storage barn located in the same position and having the same dimensions as the building which is the subject of this appeal. The appellant states that they have implemented this building which is the same size and scale as that of the appeal scheme.
26. The submitted evidence indicates that the appellant's circumstances have changed since then and a greater demand has been placed on the need to accommodate their own personal horses on the site. The increased number of horses grazing on the land will result in there being less demand for hay storage. Accordingly, the quantum of space assigned to this has been reduced.
27. Whilst there would be a reduction in the extent of the building which is used for agricultural-related purposes, this would not relate to a significant area when the substantial sized overall agricultural holding is considered. Consequently, the proposal would not result in a significant loss of the best and most versatile agricultural land so as to engage the footnote to paragraph 181 of the Framework.

28. For the reasons identified above, the development accords with Policy DM15 of the LPP2, the aims of which are described above.

Other considerations

29. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. The Framework states that inappropriate development should not be approved except in very special circumstances.
30. The appellant, his wife and two of his children compete with their horses on a national and international level. They also breed, with some of their horses and foals trained on site. As with many equestrian sports the actual 'bloodline' of the horses is very important, and the appellant intends to breed from these in the future.
31. The appellant indicates that due to the increase in foaled horses it has become apparent that they needed stabling within a dry secure building so that their welfare can be monitored and maintained. The location of the appeal building provides a quiet and safe environment for the keeping and nurturing of the horses from both a husbandry and security viewpoint.
32. The appellant has put forward a fallback position in the form of the existing building which was constructed following a Prior Notification application. In order to benefit for a new agricultural building under Part 6 Class A Paragraph A.(a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), the building needs to be reasonably necessary for the purposes of agriculture.
33. The GPDO also states that where the use of the building for the purposes of agriculture ceases within 10 years from the date that development was substantially completed, unless the local planning authority have otherwise agreed in writing, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before development took place.
34. The appellant's evidence confirms that their circumstances have changed since the Prior Notification application, which now means that a greater demand has been placed on the need to accommodate their own personal horses on the site, rather than for storing hay. Consequently, on the basis of the evidence before me, it is unclear whether the building would still be reasonably necessary for the purposes of agriculture if this appeal were to be dismissed. In light of the requirements of the GPDO, this may lead to the future removal of the building if it ceases to be used for agricultural purposes. This tempers the weight that I afford to the fallback position.
35. Paragraph 148 of the Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In that context, for significant weight to be afforded to a fallback position it would also need to be more harmful than what would be allowed by the scheme for which permission is sought.
36. The built volume of the building is identical regardless of whether it is used for agricultural or equestrian purposes. However, during my site visits I noted that there were additional structures, vehicles and paraphernalia associated with

the equestrian use surrounding the building. These reduce the visual and spatial openness of the Green Belt. It also seems to me that the equestrian use, particularly involving the welfare of foals, is likely to lead to more comings and goings across the day than the agricultural use. Consequently, the equestrian use of the building would have a greater impact on the openness of the Green Belt than the agricultural use. This further limits the weight that can be afforded to the fallback position.

Other Matters

37. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Green Belt Balance and Conclusion

38. The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. Substantial weight should be given to any harm to the Green Belt. Therefore, the proposed development is contrary to Policy RE2 of LPP1 and the principles of the Framework that seek to protect the Green Belt from inappropriate development.
39. The proposal may be compliant with various other provisions of the development plan, including in relation to the effect on agricultural facilities, and the effect on the Surrey Hills National Landscape and AGLV. I have also found no harm in relation to any matters other than the harm to the Green Belt. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
40. 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 afforded the fallback position limited weight. The other considerations in relation to the proposal do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
41. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR