



Appeal Decisions

Site visit made on 4 March 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal A Ref: APP/R3650/W/23/3327843

Withybush Farm, Knowle Lane, Cranleigh, Surrey GU6 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Frays Investments Ltd against the decision of Waverley Borough Council (WBC).
 - The application Ref is WA/2022/02512.
 - The development proposed was described as 'conversion of the barn to form a single residential unit following partial demolition of part of the barn with parking for four cars'.
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Appeal B Ref: APP/R3650/W/23/3335854

Withybush Farm, Knowle Lane, Cranleigh, Surrey GU6 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Frays Investments Ltd against the decision of Waverley Borough Council (WBC).
 - The application Ref is WA/2023/02025.
 - The development proposed was described as 'change of use and alterations to existing agricultural barn to provide 1 dwelling following partial demolition; provision of parking and associated works'.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out above there are two linked appeals by the same appellant on this site. Each description is taken from the respective application forms but it is common ground that the development in both appeals is identical. So, to avoid duplication I have dealt with the schemes together and have considered 'the proposal' on its planning merits, except where otherwise indicated.
3. WBC has confirmed that reason for refusal (RfR) 2 and 3 in its decision in Appeal A are withdrawn (respectively relating to barn owls and vehicle turning). This leaves RfR1 in both appeals. The substantive wording of each of these reasons is identical and both cite Policies SP2 and ST1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, February 2018 (LPP1). By the time WBC made its decision in Appeal B, Policy DM15 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies, March 2023 (LPP2) had been adopted. Accordingly I give full weight to this policy in determining both appeals. Previously saved Policy RD7(a) of the Waverley Borough Local Plan 2002, cited in RfR1 in the WBC decision in Appeal A, is no longer saved so is not relevant.

4. In its appeal statement WBC indicated it was 'minded to agree' that LPP1 Policy SP2 'should not have been used' in RfR1. In final comments the appellant considered this amounted to WBC having withdrawn this policy. However, notwithstanding this WBC said 'the site is outside the settlement boundary of Cranleigh' and maintained that the proposal was contrary to LPP1 Policy SP2. This policy is before me in the appeal questionnaire and the appellant addressed it in its appeal statement. I have, therefore, determined the appeal taking this policy into account.
5. The National Planning Policy Framework was revised on 19 December 2023 (the Framework). I have referred to equivalent re-numbered paragraphs or footnotes where necessary.

Main Issues

6. The main issues in both appeals are:
 - whether the site would be a suitable location for the dwelling having regard to the WBC development plan spatial strategy and relevant national planning policy in this respect; and
 - whether future occupiers of the dwelling would be isolated from everyday services and facilities and dependant on private vehicles.

Reasons

Location

7. The site contains a large, mainly open-sided pole barn with concrete apron and a small margin of a large field next to it. It forms part of a sporadic, scattered arrangement of a few dwellings and some other buildings along a short stretch and east side of Knowle Lane, in the countryside south of Cranleigh. Part of the barn would be demolished and most of it altered and converted for use as a detached market dwelling with up to six bedrooms.
8. LPP1 Policy SP2 sets out a spatial strategy for the location of development to meet WBC identified needs. This includes to focus it at four main settlements (including Cranleigh), moderate levels of development in specified larger villages, limited levels in/around other specified villages, modest growth in all other villages to meet local needs and to maximise redevelopment of suitable brownfield sites for housing.
9. However, there is no evidence that the site is visually or geographically in, next to or around any main settlement or village recognised by LPP1 Policy SP2. Nor that there is an objectively identified local need for the proposed size or type of dwelling, or any dwelling, to be on the site. I have not been provided with a development plan definition of a brownfield site, so have considered the Framework. The barn is a permanent structure and the apron is associated fixed surface infrastructure. Even though currently not in any apparent active use, there is no evidence that the barn was not last used by one of the site owners for agriculture as part of Withybush Farm. On this basis the site is not previously developed brownfield land¹.
10. The site is not in any national or local special area designation and WBC considered there was no conflict with LPP1 Policy RE1 in terms of impact of the

¹ Framework Annex 2: Glossary

proposal on the character or appearance of the countryside, nor that it would result in the loss of best and most versatile agricultural land. I have no reason to find otherwise. Nonetheless, minor development in the countryside, such as in this case for a single dwelling on a non-greenfield site, is not explicitly or intrinsically part of the spatial strategy in LPP1 Policy SP2 to begin with, nor therefore directly endorsed in rural areas by the development plan. Absence of adverse impact in these respects, including in public views, does not overcome or alleviate innate harm to the WBC planned strategy for distribution of development.

11. There is, though, no development plan policy before me that relates to a new dwelling in the countryside by conversion of an existing building. This is a type of situation anticipated by LPP1 Policy SP1, in which case the development plan reflects relevant provisions of the Framework.
12. In this regard, the barn and site is not isolated in the sense that it is near the other development in Knowle Lane. However, in my view, as a matter of fact and degree this development is not sufficiently cohesive or consolidated in layout, nor has sufficient gravitas of built form or scope of uses, to constitute a settlement². Accordingly, the proposal would result in an isolated home in the countryside. There is no objective evidence that the barn is redundant because it is no longer needed or useful for, or incapable of, agricultural use. But albeit due to the owners current preference or intention, including because they are now retired and the site is under an option for redevelopment, it is, though, no longer being used so it is disused.
13. However, the barn and apron is typical of this sort of agricultural development. Both structures are in good condition and have generally been well maintained, as has the site overall. While inherently functional and utilitarian this development is not unusual or unexpected in the countryside, so is not out of keeping or at odds with its rural context. There is, therefore, no apparent basis for claimed enhancement of the barn or the site – by conversion to a dwelling and creating a domestic curtilage, even with requisite landscaping for such use – as a betterment to be preferred over agricultural use of the barn and site; it would simply be a change in circumstances.
14. Much of the immediate setting of the barn on three sides (edged with a blue line in the submitted plans) is in any event not part of the site (edged red) but includes the rest of the well maintained field and some other mostly well maintained rural buildings. There are also no meaningful specific enhancements suggested for this land.
15. Taking all the above into account, I find that the site would not be a suitable location for the dwelling having regard to the WBC development plan spatial strategy. Consequently, the proposal is contrary to LPP1 Policy SP2. It would also fail to meet the circumstances set out in Framework paragraph 84 c). This national planning policy avoids the development of isolated homes in the countryside unless (in this case) it would re-use a redundant or disused building and enhance its immediate setting.

² *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin), particularly paragraphs 24 and 25 of that judgement; *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610, particularly paragraphs 31 and 32 of that judgement

Services and facilities

16. Transport solutions and measures vary from urban to rural locations. In this case Cranleigh has a wide range of services and facilities and the proposal would generate low vehicular traffic levels. However, the commercial centre of this settlement is about 3km from the site using Knowle Lane and, at its most direct, about the same using the Downs Link³ via Knowle Lane and a bridleway.
17. Even if the site is within 88m of 'a network of bridleways that lead directly into Cranleigh', this destination by either route is well beyond a most conducive 10 minute or 800m walk of the site and even a 2km walking distance, which usually has the greatest potential to replace short car trips⁴. Knowle Lane has no pavements or street lighting and narrow grass verges are mostly tight against field boundary hedgerow close to the carriageway. An appreciable length of this road would still need to be walked to gain access to Downs Link, which is unsurfaced and unlit, or the bridleways which would also be used by horses. As a result, neither route is attractive for pedestrians (than perhaps for recreation) and the services and facilities in Cranleigh are simply too far away to safely walk to or be used meaningfully by this mode of travel. I have not been referred to any closer services or facilities.
18. Some cyclists could access Cranleigh from the site by these means, including recognised cycle routes, with relatively short journey times. Suitable cycle storage on the site could be secured by a condition to encourage such use. But this would not be a practical way to meet most day-to-day or weekly living needs for people who would live in this large family sized dwelling, such as for food shopping or taking young children to school and be more likely suited to recreational use. Having regard to the residential nature of the proposal and to the location of the site, opportunity for walking or cycling would not, therefore, be maximised and no transport improvements in either respect (as opposed to highway considerations) have been suggested.
19. The 'Surrey Connect' on-demand and 'Hoppa' dial-a-ride minibus operating times are reasonably good during weekdays, including for access to services and facilities in Cranleigh or towns elsewhere, such as Guildford. But they are less frequent or not available over a weekend or on public holidays and there is no evidence these services cater for school children. Even if they did and provided a convenient door-to-door service, they are in essence on a 'first come, first served' basis to all users with finite availability or capacity. It also requires pre-planning, with actual journey start or finish times and duration influenced by the number or destination of other concurrent users, so likely variable in operation. These factors would diminish the attractiveness of these travel options to future occupiers of the dwelling. I have not been referred to any regular conventional bus services or bus stops in proximity to the site.
20. There is no mechanism before me to control occupation of the dwelling to people who work or shop from home and have high speed broadband, or who cycle often. Nor to ensure car sharing or ownership of a low or ultra-low emission electric vehicle, despite a charging point and electricity supplied by solar panels on the roof of the dwelling, which could be secured by a condition. Such restrictions would be unreasonable so not meet the relevant tests for planning conditions or obligations set out in the Framework and Planning

³ A former railway line, now a pedestrian and cycle path

⁴ Manual for Streets – paragraph 4.4

Practice Guidance. In any event, an electric scooter or bicycle (or any of the many variants outlined to me) would broadly have the same or similar limitations as outlined above as for a conventional bicycle. There is also no objective evidence before me that an electric vehicle would result in an overall net reduction in carbon emissions, such as after taking into account battery production. In any event, albeit not a long journey into Cranleigh by this means of travel it would still result in use of an individual private vehicle.

21. Considering all the above, I find that future occupiers of the dwelling would be unduly isolated from everyday services and facilities and overly dependent on private vehicles, in this case cars. Consequently, the proposal is contrary to LPP1 Policy ST1 and LPP2 Policy DM15.

Other Matters

Permitted development and fallback

22. It is contended that Class Q and Class R permitted development rights⁵ (PDR) allow the barn to be converted, respectively, to smaller dwellings or a single large dwelling, or to Class B8 use or Class E use⁶. There is no comparison scheme before me in either respect. These PDR are subject to prior approval, including against relevant limitations or conditions which the appellant has not referred to; other than with regard to retention, repair or maintenance of the barn which WBC disputes in terms of the scope of reasonably necessary building operations to convert and change its use. I have not been informed that prior approval has been granted by WBC or that it has issued a lawful development certificate for any of these suggested proposed uses. This fallback position has not, therefore, been established. As a result I am not satisfied that there is a reasonable or realistic prospect such development could or would occur, including in the event that both appeals were dismissed.

Other considerations

23. Subject to conditions the proposal would be acceptable in design and external materials, including satisfactory internal and external living conditions after remediation of identified ground contamination. It would not adversely affect the living conditions of the occupiers of any existing dwelling. The absence of harm in these regards is a neutral factor in my decision.

Planning Balance

24. In its appeal statement WBC considers that it currently cannot demonstrate a four or five year supply of deliverable housing sites, with a 3.89 year supply. With reference to a more recent appeal decision⁷ the appellant contends that this would amount to a shortfall of 836 homes, but that the shortfall is more, at 1,450 homes which it considers equates to a 3.08 year supply. Either way, by virtue of footnote 8, Framework paragraph 11 d) is therefore engaged and the starting point is that planning permission should be granted.
25. The dwelling would make effective re-use of the barn on this windfall site and make a small contribution towards meeting the WBC housing requirement. Subject to conditions it would incorporate suitable energy and water efficiency

⁵ The Town and Country Planning (General Permitted Development)(England) Order 2015, as amended

⁶ The Town and Country Planning (Use Classes) Order 1987, as amended

⁷ APP/R3650/W/23/3326412

measures and there would also be ecology enhancement and biodiversity net gains on the site. These outcomes would be aligned with objectives of the Framework to significantly boost the supply of homes, meet peoples living needs (including large families), make efficient use of land, manage climate change and conserve the natural environment. These are important benefits in favour of the proposal but for a single dwelling each has limited weight in support of the appeal.

26. On the other hand, the site would not be a suitable location for the dwelling and increased travel demands and living needs would mainly be met by private cars. This would undermine relevant WBC development plan objectives. Given the housing land supply position, reduced weight applies to these policies most important for determining the appeal.
27. But they are still broadly consistent with rural housing objectives of the Framework. There is no evidence that in any appreciable way the dwelling would reflect local housing need, enhance or maintain the vitality of a rural community or grow any rural settlement to support local services, nor would the proposal avoid an unjustified isolated home in the countryside. The Framework also seeks to promote walking or public transport in a meaningful way and a pattern of development in the countryside that supports these aims. The dwelling would not be in a location that would limit the need to travel or offer a sufficient genuine choice of useable travel modes to support these aims.
28. Consequently, notwithstanding the notable housing shortfall in this case (by either measure before me), the support given in the Framework to delivering housing is not, in my view, at the expense of ensuring that residential development is appropriately located so does not result in a proliferation of housing in the countryside or dependency on cars by those who would occupy it. The proposal would cause unacceptable harm in these respects and as such each consideration has substantial weight against the appeal.
29. The adverse impacts of granting planning permission would, therefore, significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development (the 'tilted balance') does not apply in either appeal.

Conclusion

30. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations which override these findings or indicate that the decisions should be taken other than in accordance with the development plan⁸. Consequently, for the reasons given above the proposal is unacceptable so Appeal A and Appeal B therefore do not succeed.

Robin Buchanan

INSPECTOR

⁸ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12