



Appeal Decision

Site visit made on 15 April 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/R3650/W/23/3328867

Land Centred Coordinates 495304 139486 on West Side of Water Lane, Enton, Godalming, Surrey GU8 5AW

- 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 Ms Carol Davies against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/01648.
 - The development proposed is conversion of a barn to a dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the appeal form differs from that on the planning application form. No confirmation has been provided of an agreed change in the description. I have therefore used that as set out on the planning application form.
3. The application form indicates that the existing use of the appeal site is agricultural. However, the appellant advises this is in error and the site is stated to be in equestrian use. The Council has had an opportunity to comment on this matter and has submitted a statement of case to the appeal. I am satisfied that no party has been prejudiced in this regard.
4. For the avoidance of doubt, it is not the role of an Inspector dealing with a section 78 appeal to determine the lawful use of existing land or development. Such matters can only be determined by a certificate of lawfulness.
5. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. As such, neither party is prejudiced by a lack of consultation on the revised Framework.
6. The evidence before me 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". I have therefore referred to the Surrey Hills National Landscape in my decision.

Main Issues

7. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including the effect upon openness;
- the effect of the proposal upon a locally designated Area of Great Landscape Value (AGLV); and
- whether the 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

8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate development. Openness is an essential characteristic of the Green Belt and has a spatial as well as a visual aspect.
9. Paragraph 155 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes that at paragraph 155 d), which refers to the re-use of buildings provided that the buildings are of permanent and substantial construction.
10. Policy RE2 of the *Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018* (LPP1) and Policy DM14 of the *Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies 2023* (LPP2) broadly conform to the Framework. Taken together, they set out that proposals will be permitted where they do not conflict with the exceptions within the Framework, and that inappropriate development will not be permitted except in very special circumstances. LPP2 Policy DM14 also refers to factors to be taken into account when assessing openness.
11. The appeal site benefits from planning permission¹ for the retention of animal shelter and hay store, and includes a barn/storage building, and a separate and much smaller storage building, which is proposed to be demolished.
12. The appellant contends that the existing barn is of permanent and substantial construction and states that a structural survey prepared by a structural engineer and based on a visual inspection dated June 2022 (the report) demonstrates this. However, the purpose of the report is stated as '*a comment upon the ability to convert the existing fabric to a residential building*'.
13. In summary, the barn is described as single storey with duo pitched roofs with timber framed open canopy roofs to both the rear and front elevations. The roofs are timber framed with corrugated steel sheet covering. The external walls are timber clad on structural timber framing. The internal walls are stated

¹ WA/1994/1316, approved 11/11/1994.

to be timber studwork built from the concrete ground floor. However, I note that the photographs within the report indicate that internal studwork only extends from the floor to a mid-point of the wall, and I was able to confirm this at my visit.

14. Overall, the report is very brief and lacks sufficient detail or clarity in relation to certain matters. For example, it is stated that the ground floors of the barn *generally* comprise concrete over site slabs that are *likely* to be ground bearing; the existing timber framing to the roofs is *probably adequate* to support lightweight roof sheeting, *possibly* insulated steel profiles panels; and a heavier roof covering *could be* considered but *some additional strengthening* of the existing roofs would be required (my emphasis in italics).
15. During my visit I saw some minor decay to parts of the timber frame supporting the canopy roof, and some supporting timbers appear as though they had been replaced over the passage of time. However, it is clearly not unreasonable to undertake general repairs to any building, and it is some time since the report was issued. Even so, these matters are not referenced within the report which states that the timber framing appears to be robust and structurally sound.
16. The report indicates that the barn is presently structurally stable and concludes that (with my emphasis in italics) 'overall, the existing *structural fabric* can be, *where appropriate*, retained and upgraded within the conversion works to form a residential building.'
17. Given the above, I am not satisfied that the report robustly demonstrates that the barn is of a substantial construction, nor that key structural elements would be retained in full to support the proposed dwelling. In this regard, it is notable that the report does not state or conclude that the building is of a permanent and substantial construction in the parlance of paragraph 155 d) of the Framework.
18. I accept that the conversion and re-use of an existing non-residential building would require a reasonable degree of works pursuant to its alteration and adaptation. However, the proposal would include the removal of walls serving the central section of the building, and the construction of new external walls to the existing canopied elevations. Given the content of the report, it may require a new roof. In such circumstances, the external fabric of the building would be almost of an entirely new construction.
19. In my judgement, the terms of paragraph 155 d) go beyond the concept of structural soundness. In this case, the degree of works required for habitable use would be substantial, well above what I consider reasonably necessary to facilitate conversion.
20. Consequently, while the building could be considered permanent having stood the test of time over a long period, I find that it has not been robustly demonstrated to be of a substantial construction.
21. The proposal would effectively enclose the canopied elements of the building. This would create some degree of additional bulk and mass to the existing building. However, this would not be of such a significant scale, due to the presence of the existing canopies and the low roof pitch. Consequently, this

- aspect of the proposal would not result in a significant impact upon openness in spatial terms.
22. The proposal would include a porch extension that would create additional footprint, volume and mass. This would be offset to some degree by the proposed demolition of the much smaller wooden building. Consequently, this aspect of the proposal would not significantly harm openness.
 23. There would also be two patio areas off the westerly elevation, which would be screened from public view by the existing dwelling. A small area of hardstanding is indicated on the proposed plans to serve a proposed cycle store to be fixed to the south elevation, the details of which are not before me.
 24. Overall, the proposed dwelling would not be significantly materially different to the existing barn in spatial terms in terms of size, footprint or volume.
 25. The appellant accepts that a level of domestication would result from the proposal. There would be a gravelled driveway and parking area with parking for three vehicles and a charging point, and a bin storage area near to an existing access gate to Water Lane. In this regard, there would be a visual impact upon openness, and such features would be seen when approaching along the lane.
 26. Existing post and wire fences would be unaltered. A further post and wire fence is clearly indicated on the proposed site layout plan that would create two parcels of land, but this could be erected under permitted development rights. Such fences would not undermine the visual aspect of openness and could be controlled by a suitable condition.
 27. One parcel of land is intended to be used for haylage/silage, which would not undermine the visual aspect of openness and would be directly accessible from the westerly elevation of the proposed dwelling. The other parcel would be accessed from Water Lane, and would include the driveway, car parking area, charging point and bin storage area. Although there is no landscaping scheme before me, the appellant suggests that formal landscaping would be kept to a minimum. This matter could be controlled by a suitable condition.
 28. Nevertheless, the driveway, car parking area, charging point, bin storage area, formal landscaping and /or garden areas and the parking of vehicles would contribute to a domestic appearance across a substantial part of the appeal site. It is also likely that that domestic paraphernalia, including items beyond the scope of planning control would result. Such paraphernalia is not of the same nature as that associated with equestrian use which can be reasonably expected within the open countryside. In contrast, domestic paraphernalia creates an urbanising effect.
 29. When taken together, these aspects of the proposal would have a visual impact upon openness, undermining the purpose of the Green Belt to assist in safeguarding the countryside from encroachment.
 30. For the reasons above, the proposed development would fail to preserve the openness of the Green Belt. I therefore conclude that the proposed development is inappropriate development in the Green Belt, and that it fails to preserve the openness of the Green Belt. It conflicts with LPP1 Policy RE2 and LPP2 Policy DM14 and the requirements of the Framework.

Area of Great Landscape Value

31. Whilst the site is not within the Surrey Hills National Landscape (SHNL), it is within a locally designated AGLV which is recognised and protected by LPP1 Policy RE3, which requires all development to respect and, where appropriate, enhance the distinctive character of the landscape in which it is located. It seeks to protect the character and quality of the AGLV by retaining it for its own sake and as a buffer to the SHNL.
32. Furthermore, LPP2 Policy DM15 states that development in rural areas will recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements, while making efficient use of land.
33. The wider area is sparsely populated with other properties, some being of a considerable scale, largely set in open fields, but these are confined to the opposite side of Water Lane and farther north along Mill Lane. The appeal site appears as part of the open countryside to the west of Water Lane to the railway, and has an undeveloped appearance, save for the existing barn and adjacent smaller building.
34. The existing barn is sited towards the edge of the appeal site and well screened by vegetation. While the existing barn is not highly visible in the street, it can be seen in views when approaching along the lane, through the existing gates and gaps in vegetation. The proposed dwelling would use similar materials to that existing, and in this regard, it would be sympathetic to its rural surroundings.
35. However, the overall appearance of the existing building would be altered to include glazed openings to all elevations, with some areas of extensive glazing to the westerly elevation. Furthermore, the surrounding land serving the proposed dwelling would include the creation of curtilage, a driveway from the existing barn for some length with car parking area, a bin storage area, vehicle charging point, and a degree of formal landscaping. There would also be other domestic paraphernalia, a degree of illumination from the dwelling, and the associated comings and goings of a household and related activities commensurate with residential use.
36. These factors would combine such that the character of a substantial part of the appeal site would no longer appear as an undeveloped part of the wider landscape to the West of Water Lane, despite the post and wire form of existing and proposed fencing. Consequently, as a whole, the proposal would have an adverse impact upon the undeveloped character of the existing landscape between Water Lane and the railway, within which it sits.
37. I therefore conclude that the proposed development would fail to respect and enhance the undeveloped character of the AGLV. It therefore conflicts with LPP1 Policy RE3 and LPP2 Policy DM15, whose objectives I have set out above. I attach moderate weight to this conflict.

Other Considerations

38. I note that the proposal would deliver a unit of accommodation in a rural area that would support the government's objective to significantly boost the supply of homes. Temporary benefits would arise from the conversion and

construction works, and household expenditure would support the viability of local services. Due to the scale of the proposal, these benefits would be limited.

39. The appellant suggests that the infilling of the existing canopy areas of the barn would amount to cladding over existing structural elements that would not fall within the definition of development under section 55 of the Town and Country Planning Act 1990 (as amended). This matter is raised in support of the appellant's position that the proposal would not result in a significant material change to the barn such that it would harm the spatial aspects of openness. As I have already found in favour of the appellant in this regard, it is not necessary for me to consider this matter further.
40. The appellant suggests that as the owner is the primary user of the land and the proposed dwelling would be for the owner's personal use, this would reduce the overall travel in and out of the site. However, there is no substantive evidence before me to demonstrate the level of existing travel movements to and from the appeal site and therefore I cannot be certain that the proposal would result in less travel movements. Consequently, this matter attracts no weight either for or against the proposal.

Green Belt Balance

41. I have found that the proposal would be inappropriate development within the Green Belt, which is, by definition, harmful. I have also found that the proposal would fail to preserve the openness of the Green Belt. In accordance with the Framework, I am required to give substantial weight to any harm to the Green Belt.
42. The Framework makes clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted.
43. Although there are benefits that weigh in favour of the scheme, they do not individually or cumulatively clearly outweigh the substantial harm arising to the Green Belt, and the harm arising to the AGLV that I have found.
44. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Other Matters

45. The Council advises that the appeal site is within the Wealden Heaths I Special Protection Area 5km Buffer Zone and Wealden Heaths I Special Area of Conservation 2km Buffer Zone. As I am dismissing the appeal on the main issues, and further consideration of this matter would not alter my decision, it is not necessary to consider this matter further.
46. A range of other concerns have been raised by interested parties. As I am dismissing the appeal on the main issues, and consideration of these other matters will not alter my decision, it is not necessary for me to address them directly.

Conclusion

47. I have found that the proposal constitutes inappropriate development in the Green Belt that would also result in a harmful effect on openness. Additionally, there would be harm to the AGLV.
48. Whilst there would be some benefits arising from the proposed development, they do not clearly outweigh the harms identified, and the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
49. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework is engaged. However, in accordance with paragraph 11 d) i and footnote 7, the Framework's policies relating to land designated as Green Belt provide a clear reason to refuse the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
50. I therefore conclude that the proposal conflicts with the development plan read as a whole, and there are no other material considerations, including the requirements of the Framework to indicate that the proposal should be determined other than in accordance with it.
51. For these reasons, the appeal should be dismissed.

J Moore

INSPECTOR