



Appeal Decision

Site visit made on 17 June 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/R3650/W/24/3337004

The Barn, Tilford Road, Churt, Surrey GU10 2LT

- 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 Mr George Macari (Chapel House Ltd) against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00822.
 - The development proposed is conversion of the existing barn to a dwelling following demolition of part of the barn and the stables and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is located in the Green Belt. In making its decision the Council concluded that the proposal was not inappropriate development in the Green Belt. I have no reason to disagree.

Main Issues

3. Accordingly, the main issues are:
 - whether the dwelling would be in a suitable location, having regard to the development plan spatial strategy and travel modes; and
 - the effect of the proposal on the Surrey Hills National Landscape and an Area of Great Landscape Value.

Reasons

Location

4. Policy SP2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) sets out a spatial strategy for development in the Borough. It includes to focus new housing in four main settlements and for some housing in certain villages or around others. The dwelling would not be isolated in the countryside because it would be near some houses in Green Lane. However, it would not be located in or around a main settlement or a village with a settlement boundary defined by the development plan. Moreover, the houses in Green Lane are few in number and sporadic in the countryside so it would not be part of any settlement or rural community. Nor would it meet a need for housing in the countryside recognised by the development plan.

5. The barn was erected for agricultural use. Even if it is in some other general storage use it was last in lawful agricultural use. On this basis, this building and the appeal site (except the stables and any land in, or last in, equestrian use) is not brownfield previously-developed land¹. If the barn is in any use then the proposal would not be for re-use of a genuinely redundant or disused building and if it is currently vacant, there is no evidence it is incapable of use as a rural barn. The previous Local Plan saved Policy RD7 're-use and adaptation of buildings in rural areas' is no longer extant and no equivalent policy in the current development plan has been promoted. The proposal would not, therefore, accord with the spatial strategy.
6. Some facilities in Churt and Beacon Hill, or settlements elsewhere, are within some recognised maximum walking or cycling distances of the site, including bus stops with services to other settlements and a railway station. However, pedestrians or cyclists would have to use Tilford Road or Green Lane.
7. This road is reasonably busy with relatively fast flowing two-way traffic, no cycle lanes and a sustained uphill gradient into Beacon Hill. There is no street lighting or pavements for most of this long section of it from the site access, few verge refuges and some bends with restricted forward visibility. The lane is mostly narrow single track with no pavements or cycle lanes, few verge refuges, no street lighting and some blind bends have steep gradient changes. Public footpaths to the east and west of the site are segregated from traffic. But these have to be reached along Tilford Road or Green Lane and to the east using part of Hyde Lane which is similar to Green Lane. These paths are mostly unsurfaced with no lighting and follow remote, secluded routes.
8. None of these options would be safe or conducive to walking or cycling because of unacceptable risk of vehicular and pedestrian/cyclist conflict, accident or injury, especially during inclement weather or hours of darkness; let alone as a means to regularly meet some day-to-day living needs of the occupants of this family sized dwelling. This would be especially difficult for parents with children or buggies or for older infirm or disabled people. Walking or cycling further to other settlements would not avoid these unfavourable conditions. As a result, occupants of the dwelling would be mainly reliant on a car to meet most living needs, such as shopping, education, employment or leisure.
9. Transport opportunity varies between urban and rural areas and the proposal is not significant in scale or number of dwellings. But the proposed dwelling is significant because it would not be in a location that is or could be made sustainable by limiting the need to travel or that offers a genuine choice of safe, useable travel modes. Travel demands and living needs would primarily be met by car and even if by this means the occupants helped to enhance or maintain the vitality of any settlement, this single dwelling would have a limited effect in these regards.
10. The Council has granted planning permission for some other stable or barn conversions to dwellings². Some of these were under a previous development plan. In others LPP1 Policy SP2 was part of the development plan but Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 was not. Although some of these sites were further from

¹ National Planning Policy Framework (NPPF) Annex 2: Glossary

² WA/2021/02154, WA/2017/1556, WA/2021/0401, WA/2015/0137, WA/2016/0103, WA/2016/0201, WA/2016/0074, WA/2018/2114, WA/2020/2104 and WA/2021/0401

some facilities or services than in this case, there is no evidence about whether any of those buildings were isolated or about the nature of pedestrian or cycle means of travel. I cannot be certain that these decisions are directly comparable to this appeal.

11. Taking account of all the above, I find that the dwelling would not be in a suitable location having regard to the development plan spatial strategy and travel modes. Consequently, the proposal is contrary to LPP1 Policy SP2.

Surrey Hills National Landscape (SHNL) and Area of Great Landscape Value (AGLV)

12. The SHNL is an area with the highest status of national protection in relation to landscape and scenic beauty³. This part of the SHNL, which is also in an AGLV, includes a patchwork of woodland and pockets of open farmland in small-scale fields or paddocks with views across to valleys or of hills. There is scattered built form, including some houses, but a largely contained intact historic settlement pattern in gently rolling countryside.
13. The site is an enclosed parcel of open grassland on sloping land, bounded by hedgerow or trees in a tranquil backland setting, away from road or lane frontages. The large, corrugated sheet steel clad storage barn and a smaller mainly timber stable building are utilitarian rural buildings constructed from appropriate materials suitable for these purposes. Though not high quality, they are not, in my view, inherently visually unattractive and not at all unusual or uncommon in the countryside. The site and these buildings therefore make a positive contribution to the SHNL and the AGLV.
14. Demolishing part of the barn and all of the stable would reduce built form on the site. Though smaller in size, the general form and profile of the barn would be retained and its fabric improved with high quality zinc and timber external materials. A condition could restrict permitted development rights for further enlargement of the dwelling or for outbuildings. However, while not excessive in extent or placement, there would be significantly more glazing. Even though wooden shutters and recessed dormers could reduce light spill, there would be more light sources, especially in the roof where there are none at present. Allied to a well-designed contemporary appearance, there would be the overriding impression of a building in domestic, not agricultural use.
15. A condition could restrict use of the land next to the dwelling as a 'garden area', inside a new hedgerow perimeter. But it would be in formal residential use and activity, including related domestic paraphernalia and car parking. Even with more equipment or machinery, this would be distinctly different to part of a field and agricultural use of the barn and largely only active during the day. Residential use and occupation of the dwelling and part of the site would endure into the late evening and night time with associated external lighting, even if low intensity or directional. This spread of domestic use and activity significantly further north, beyond the regimented houses and gardens in Green Lane, would encroach into this largely 'dark' countryside.
16. Planting woodland and an orchard with wildflowers on most of the site would be compatible with the SHNL and the AGLV, including as already exist near or next to the site. But there is no evidence that this planting, or bee hives, would be anything more than a hobby of the occupants of the dwelling, rather than an

³ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty

agricultural enterprise. Despite the hedge it would be difficult for the Council to detect encroachment of residential use and activity beyond the formal garden area, into these other parts of the site as part of an extended garden use.

17. This spread of trees across most of the site would consume the inherent open nature of this swathe of grassland, which would be lost. There is no apparent compelling reason why this planting would enhance the immediate setting of the building to be converted compared to the grassland, if properly maintained; it would simply be a different outcome, rather than a betterment in these terms. If initially secured by a condition, retaining these trees could be challenged in the relatively short term after five years. There is no planning obligation to secure this planting with more conviction or certainty in the longer term, including a suitable maintenance and management plan. There is no evidence that this extensive planting would otherwise be done and as a means to screen the dwelling and a domestic garden, it would not mitigate inappropriate development to begin with.
18. Large gardens are not uncommon at some dwellings in the countryside, including at the end of private drives set back from roads or lanes. However, there is no evidence that all of a large area of land at the dwelling on the corner of Green Lane and Tilford Road, which appears to be in domestic use, is a lawful use of that land. Even if it is, that house and the other houses next to it are arranged in a row fronting this part of the lane and otherwise with narrow, long garden plots in-depth behind. The barn and the site are located where they are; but used as a dwelling there would be no visual or spatial continuity with these other dwellings as part of a road frontage, rather it would jut out behind them. Nor would any part of the garden area be contiguous with these gardens or similar in dimensions and shape. In contrast, the compact, linear integrity of these existing houses along the lane limit their intrusion in the countryside and they do not as a result appear unduly discordant.
19. The dwelling would not be very visible from public viewpoints, with mainly just part of the roof glimpsed from parts of the public footpath to the north of the site, on lower ground. The garden area would not be visible in any public view due to intervening hedgerow or trees. Use of the barn as a dwelling and of part of the site as a garden would, though, be apparent to the occupants of some of the dwellings along Green Lane on higher ground, in views from windows or from the ends of rear gardens. Though not public views, the barn and the site would be seen as something quite different to rural use of both. Low sensitivity to change or a lack of greater public visibility does not mean absence of intrinsic harm to the SHNL or the AGLV, whereas the change of use of the barn and the site to a dwelling and garden would be permanent.
20. There is no contemporary evidence that the overgrown condition of the site and shabby visual impression of the fabric of either building is other than as a result of insufficient recent active use, maintenance or repairs. Nor that there is no longer a functional relationship possible between these rural buildings and a rural use of the site, as opposed to that they are, if they are, just disused at present. Speculation about further deterioration of both buildings if planning permission for the proposal is not granted is therefore unfounded. There is anyway no evidence that converting the barn to a dwelling is the only way to effect improvement to the fabric or structure of either building or to the condition of the site. The appellant's assessment of the site and this part of the

SHNL and the AGLV as 'medium landscape quality' has at least in part been informed by this superficial neglect.

21. There is no evidence that water tanks, vehicles and other materials on the site or in the barn, said to detract from scenic beauty, are not associated with agricultural use of the land. But if they are an unlawful use of the barn or the site, removal is not a legitimate enhancement as these items should not be present to begin with. There is no evidence that the relevant development plan policies distinguish between different quality or grades of land in the SHNL or in the AGLV and there is no apparent reason why a medium quality landscape is less worthy of protection. Individual change, even in a medium quality landscape, would result in adverse cumulative change if repeated without justification.
22. Residential use of the barn with domestic use of part of the site and the proposed tree planting would not, therefore, respect important features of the site or the barn or this part of the countryside. Nor would it reflect the established settlement pattern, including even out of kilter with the most relevant prevailing layout of residential development near it in Green Lane.
23. Considering all the above, I find that albeit in a small or 'low level' way, the urbanising impact of the proposal would have a negative impact on this part of the SHNL, so not conserve it, and adversely undermine and erode the integrity and cohesiveness of landscape and scenic natural beauty in this part of the SHNL, so not enhance it. These outcomes would adversely affect the SHNL overall and also not protect the intrinsic character and beauty of countryside in this part of the AGLV, or of the AGLV overall. Consequently, the proposal is contrary to LPP1 Policy RE3. This policy includes that development must respect the distinctive character of the landscape in which it is located; so in this case protect the character and qualities of the SHNL and of the AGLV, which shall be retained for its own sake.

Other Matters

24. The site is within a 2-5km buffer zone of the Wealden Heaths Special Protection Area (SPA) and Special Area of Conservation (SAC). These European sites are protected due to habitat and species important for nature conservation. Since I intend to dismiss the appeal for other reasons, even if the proposal did not adversely affect the integrity of the SPA or the SAC there is no need for me to consider them any further. This is because it would not affect my decision or therefore alter the outcome of the appeal.
25. The Council accepts that it cannot currently demonstrate a 5-year supply of deliverable housing sites, with a 3.5 year supply so a notable shortfall. NPPF paragraph 11(d) is therefore engaged and the starting point is that planning permission should be granted.

Planning Balance

26. The dwelling would be aligned with objectives of the NPPF to significantly boost the supply of homes to meet people's living needs, including families. Subject to conditions there would be ecology enhancement at the site and the proposal would incorporate energy and water efficiency measures. These outcomes would be aligned with objectives of the NPPF to conserve the natural environment including by biodiversity net gain and help to manage climate

change. Though they are important considerations, a single dwelling would make a small contribution so these benefits have modest weight in support of the proposal.

27. On the other hand, the proposal would result in an unjustified proliferation of housing in the countryside, cause harm to landscape and scenic beauty in the SHNL and not protect the intrinsic character and beauty of countryside in the AGLV. Given the housing land supply position, reduced weight applies to these policies most relevant to determining this appeal. They are, though, broadly consistent with other aims of the NPPF to manage patterns of housing growth to ensure appropriate new homes are located on suitable, accessible land in rural areas and to recognise the intrinsic character and beauty of the countryside. These considerations have substantial weight against the proposal.
28. In this appeal, the application of policies in the NPPF that protect an area of particular importance (the SHNL) provides a clear reason for refusing the proposal⁴. Accordingly, the presumption in favour of sustainable development, the 'tilted balance', does not apply in this case and the benefits of the proposal do not outweigh the harm.

Conclusion

29. The proposal conflicts with relevant policies of the development plan. There are no other material considerations to indicate that the decision should be made other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁴ Referred to as Areas of Outstanding Natural Beauty in NPPF footnote 7