



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: 15 July 2024

Appeal Ref: APP/R3650/W/24/3338264

Thundry Farm, Farnham Road, Elstead, Surrey GU8 6LE

- 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 P Shubbrook against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02178.
 - The development proposed is conversion of existing Barn A to create a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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:
 - the effect of the proposal on the Surrey Hills National Landscape and an Area of Great Landscape Value; and
 - its effect on the living conditions of future occupants having regard to privacy.

Reasons

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

4. The SHNL is an area with the highest status of national protection in relation to landscape and scenic beauty¹. This part of the SHNL, which is also in a locally designated AGLV, includes farmsteads and small, enclosed fields grazed by horses. These are set within a wooded framework and a sparse, largely intact historic settlement pattern of nucleated villages in a gently undulating very high quality and value landscape overall.
5. The appeal site is a storage barn with a concrete and gravel hardstanding apron. It is in use as part of a commercial equestrian enterprise at Thundry Farm, which includes a number of other buildings mainly surrounded by paddocks. Collectively this development, which includes some dwellings, is not dissimilar in overall appearance, extent or layout to a farmstead and not unexpected in the countryside. Although near Elstead it is not in this village

¹ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty

but a pocket of visually and spatially discrete countryside on the approach into it, near some other dwellings which also have a scattered or sporadic presence in the landscape. The barn includes some timber, corrugated sheet steel and fibre cement cladding. These functional materials are suitable and appropriate for its utilitarian purpose so it is unsurprising that it is not a high quality, attractive building. It is in a reasonably good general state of repair and is of a type that is not unusual or uncommon in the countryside. In this case, part of land within the developed environs of the equestrian yard with a functional association to this use and maintenance of the countryside around it. The site and the barn therefore make a positive contribution to the SHNL and the AGLV.

6. Demolishing a small part of the barn would reduce built form on the site and hardstanding would be replaced by gardens. The indented external envelope of the dwelling would not significantly change the overall form and profile of the barn. The fabric would be improved with high quality zinc cladding and roof with timber boarding and some coloured render external materials. A condition could restrict permitted development rights for further enlargement of the dwelling or for outbuildings and some hardstanding would be replaced by lawn.
7. However, a large part of the barn is open sided or formed with vertical spaced timber boarding, including at a high level. Infilling the elevations would appreciably increase the physical substance, visual presence and permanence of the resulting building. In extent and placement there would be large areas of plate glass fenestration where there is none at present, including at first floor level and some in the roof slope. The dwelling would be a significantly more persistent, additional light source in the countryside, including after most equestrian use and activity had ceased and intermittent sensor controlled external security lighting switched off.
8. The proposed landscaping is little more than for a garden next to the dwelling, not any significant enhancement of the immediate setting of the building to be converted. Enclosed by fences and hedgerow, the garden would subdivide and compartmentalise this part of the open yard and it would no longer be in equestrian use, but formal residential use with associated activity. Even if less extensive in size or quantity than stored equestrian equipment or machinery, and even if kept in the proposed garage when not in use, related paraphernalia would be in the garden and overtly domestic in nature.
9. Allied to a well-designed contemporary appearance, there would be the overriding impression of a building and site in residential, not equestrian use. Moreover, it would be in unduly close proximity to equestrian use and activity with no visual or physical separation along the entire west elevation of the dwelling giving an incongruous juxtaposition. Nor would there be any apparent functional link even to the countryside and landscape next to it on one side.
10. Because of an intervening stable block there is no obvious visual relationship between the barn and a dwelling in this working, equestrian part of Thundry Farm (Stable House). The other dwellings are south of the barn, on lower ground in a distinctly different, residential part of Thundry Farm separated by topography, distance and intervening trees or outbuildings. Albeit within the bounds of already developed land, the proposed spread of domestic use and activity beyond these other houses and gardens would encroach residential development along the open eastern edge of the yard and in character, appearance and use create a distinctly different interface with the countryside.

Residential use of the barn with domestic use of the site would not respect important features of the barn or the site or this part of the countryside. Nor would it reflect the established prevailing pattern and siting of the most relevant residential development near it.

11. The dwelling would not be seen from most public viewpoints and the proposed hedgerow along the east boundary of the new residential plot would follow an existing field boundary, so eventually consolidate this typical landscape feature. However, land to the east of the site, beyond the equestrian yard, is small, open grass paddocks that gently slope down to a hedgerow boundary with the nearby Fulbrook Lane. From this lower public vantage point, the garden would not be visible once the new hedgerow was sufficiently established but this would take many years. Meantime the long, tall side elevation of the dwelling and the garden would face the lane across this largely open setting in an elevated position across a reasonably short intervening distance.
12. The upper parts of tall ground floor windows would not be screened by new hedgerow on the site unless it were taller but this would interfere with outlook or natural light. Albeit glimpsed, the wide, tall upper parts of the dwelling and first floor windows would also be seen from Fulbrook Lane, over hedgerow or through gaps between trees, especially in winter months and over or around a proposed courtyard tree. The dwelling would appear as something quite different to the barn, with a conspicuous, prominent residential character and overly urbanising presence, out of context and at odds with the equestrian buildings and activity next to or near it. The other dwellings at Thundry Farm would be too far away to be seen as a single cluster of residential development.
13. The hedgerow along Fulbrook Lane could be grown taller and retained as such. But a condition to this effect could be challenged in the relatively short term after five years. There is no planning obligation to secure this outcome with more conviction or certainty in the longer term, including a maintenance and management plan. New or improved planting should anyway enhance development, not screen fundamentally inappropriate development to begin with. Low sensitivity to change or a lack of greater public visibility does not mean absence of intrinsic harm to the SHNL or the AGLV and the change of use of the barn and the site to a dwelling and garden would be permanent. Individual change, even in a localised medium quality landscape, would result in adverse cumulative change if repeated without sufficient justification and undermine the integrity and cohesiveness of the SHNL and the AGLV.
14. No statutory permitted development rights for conversion of an agricultural building to a dwelling in a National Landscape have been suggested. There is anyway no objective evidence that the barn (or any part of Thundry Farm) is used as part of an agricultural or farming enterprise. If the barn is in agricultural use then it is not brownfield previously developed land as defined by the National Planning Policy Framework (NPPF)². In any event, unless or until a prior approval has been granted, including after consideration of relevant conditions and limitations, there is no fallback position established.
15. The Council has granted planning permission for some other stable or barn conversions to dwellings in the SHNL and in the AGLV³. Some of these were

² NPPF Annex 2: Glossary

³ WA/2015/0137, WA/2016/0103, WA/2016/0201, WA/2016/0074, WA/2017/1556, WA/2018/2114, WA/2020/2104 and WA/2021/0401

under an entirely different previous development plan, including saved Policy RD7 of the Local Plan 2002 for the re-use and adaptation of buildings in rural areas which is no longer extant. In others, LPP1 was part of the development plan but LPP2 was not. Some of these proposals included demolitions of existing buildings and significant reduction in built form, appropriate fenestration or used existing openings, a marked reduction in travel by car or genuinely redundant or disused rural buildings, without substantial alteration, and enhancement of the immediate setting. The circumstances of these decisions are therefore not directly comparable to this appeal.

16. I find that in a small way 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 as a whole.
17. Consequently, the proposal is contrary to Policies RE3 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) and Policies DM4 and DM15 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (LPP2). These include 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 intrinsic character of countryside in the AGLV, which shall be retained for its own sake. It should also respond effectively to its surroundings, reinforce local distinctiveness in terms of pattern of development and have regard to views of a site.

Living conditions

18. A condition could ensure obscured glazing (even non-opening) was used in the west elevation ground floor habitable room windows of the dwelling, with outlook and ventilation of this open plan living area possible in other directions. This would prevent intrusive views of internal domestic use and activity from the access road next to these windows or rooms in the facing stable block. Albeit overshadowed on three sides, a small courtyard within the indented east elevation footprint of the dwelling would be a secluded private space.
19. However, the west elevation of the dwelling and the main garden on the south side would abut the access road used for the equestrian yard and buildings. Even if such activity and use is currently low key, there is no guarantee this would remain the case and there is no evidence that large vehicles or trailers, as well as cars, do not use this access road. In such extreme close proximity, occupants of the dwelling would have a general awareness of the immediacy and movement of passing people or vehicles throughout the day due in connection with an activity distinctly different in nature to residential enjoyment of a dwelling with little or no visual or physical defensible space.
20. Though tall, the inherently open nature of a timber post and rail boundary fence would not prevent intrusive views of external use and activity in the main garden. A hedge planted inside the fence would take some years to establish sufficiently to prevent unacceptable overlooking meantime and a close boarded garden fence or similar would be an overly urban feature. The garden area on the north side of the dwelling is on one side but smaller and would be open to

view from the equestrian yard and access road. Similar fencing or hedgerow here would not alleviate intrusive views for the same reasons outlined already.

21. There would, therefore, be insufficient separation between the internal and external residential environs of the dwelling (and associated domestic use and activity) with the conduct of commercial equestrian use and activity adjacent to it. As a result, occupants would be observed or disturbed by this unsatisfactory conflation of uses which would not be conducive to normal living conditions or meet usual expectations.
22. The appellant owns Thundry Farm and might occupy the dwelling but there is no mechanism to ensure this. Even if the appellant owned the dwelling there is no evidence that a tenant would be a family with a vested interest or association with the equestrian enterprise or be more inclined to accept these living conditions, such as a groom's accommodation for example. While these circumstances might nonetheless be endured by some future occupants the planning system operates in the wider public interest. Satisfactory internal and external living conditions for this large family sized dwelling should be the aim of new development from the outset.
23. I find that the proposal would materially adversely affect the living conditions of future occupants of the dwelling having regard to privacy. The proposal is therefore contrary to LPP1 Policy TD1 and to LPP2 Policy DM5. These include that development should create appropriate, attractive living environments that are private, useable, defensible and appropriately located to meet the needs of users, improve quality of life, health or well-being and avoid harm.

Other Matters

24. Thundry Farm House is a grade II listed building (LB). Its significance includes its historic C16 siting and setting, including domestic curtilage fronting towards Farnham Road and fields and buildings behind, including the barn. The LB is distant from the barn with no significant intervisibility due to topography, buildings or landscape features. The proposal would, therefore, have a neutral effect on the setting of the LB so preserve the setting of the LB.
25. The site is over 400m away from small pockets of ancient woodland to the northeast and southwest. The dwelling would therefore be well separated from these trees and there is no evidence of any harm to this ancient woodland.
26. The site is beyond a 400m buffer zone of the Wealden Heaths Special Protection Area (SPA). This European site is 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 there is no need for me to consider it any further as it would not affect my decision or therefore alter the outcome of the appeal.
27. The proposal is a revised scheme. The appellant considers it overcomes the Council's previous objections to a similar refused proposal and also believes it to accord with pre-application officer advice, which is non-binding. I have considered the proposal and the appeal on its individual planning merits.
28. The Council accepts that it cannot currently demonstrate a 4 or 5-year supply of deliverable housing sites, with a 3.5 year supply. NPPF paragraph 11(d) is therefore engaged and the starting point is that planning permission should be granted.

Planning Balance

29. 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. In this case, by efficient use of brownfield previously developed land near facilities and services in Elstead village. 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 other objectives of the NPPF to conserve the natural environment including by biodiversity net gain and help to manage climate change. Though these are all important considerations, a single dwelling would make a small contribution so these benefits have modest weight in support of the proposal.
30. On the other hand, the proposal would cause harm to landscape and scenic beauty in the SHNL and not protect the intrinsic character and beauty of countryside in the AGLV. It would also result in harm to the living conditions of future occupants. This would be at odds with the development plan. 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 protect valued landscapes, recognise the intrinsic character and beauty of the countryside and ensure development is sympathetic to local character including the surrounding built environment and landscape setting. Also, to promote well-being with a high standard of amenity for future users so as to achieve attractive, welcoming places to live. These considerations each have substantial weight against the proposal.
31. 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

32. 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