



Appeal Decision

Site visit made on 5 June 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/R3650/W/23/3332424

Langhurst Farm, Lodkin Hill, Hascombe Godalming GU8 4JP

- 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 E Hutley against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00488.
 - The development proposed is described as 'Change of use from agricultural to business (Class E(g) solely for use by timber-based carpentry and joinery businesses) to provide up to 350 square metres of floorspace in Barn A, and use of Barn B for ancillary storage only, and associated works including part demolition and cladding, removal of grain silo, soft landscaping and parking provision (part retrospective).'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The decision notice references the Surrey Hills Area of Outstanding Natural Beauty (AONB). In November 2023, AONBs were redesignated as National Landscapes. This decision therefore refers to the Surrey Hills National Landscape in place of the Surrey Hills AONB.

Main Issues

3. The main issues are:
 - a) whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - b) the effect on the development on the character and appearance of the area, with particular regard to the Surrey Hills National Landscape;
 - c) the location of the site having regard to local planning policy for the location of economic and commercial development; and
 - d) 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

4. The appeal site is in the Green Belt. Paragraph 154 and 155 of the National Planning Policy Framework (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. Both

main parties have referred to the exemption at Paragraph 155(d), which allows for the re-use of buildings, provided they are of permanent and substantial construction.

5. The Officer Report also refers to Paragraph 149 (now 154) and to the alterations being disproportionate. However, the proposal does not seek to make changes such that there would be additions or alterations over and above the size of the original buildings. Paragraph 154(c) would therefore not apply.
6. The appellant also makes reference to Paragraph 150(e) (now 155(e)) in relation to material changes of use. However, the judgement in *Royal Borough of Kingston Upon Thames v Secretary of State for Levelling Up, Housing and Communities & Anor* [2023] EWHC 2055 (Admin) makes clear that the inclusion of the 'such as' examples in this paragraph mean that it is not an open-ended, broad category of change of use. The judgement noted that any sensible reading of the context can only lead to the conclusion that the uses permitted were to be read as being very closely aligned to the examples given. This would not be the case here and the exemption in Paragraph 155(e) does not apply.
7. It does not appear that either of the main parties has sought to address the proposal on any of the other exceptions in the Framework.
8. With regard to Paragraph 155(d), there is no dispute between the main parties that the buildings are of a permanent and substantial construction. From my observations on site, I have no reason to disagree. Therefore, the key issue is whether the proposal preserves Green Belt openness and does not conflict with the purposes of including land within it.
9. There would be the removal of part of Barn B and a reduction in hardstanding as well as new areas of planting. A previous grain silo has already been removed from the site. The works would be within the existing building footprints and hardstanding apron of the site and so would not amount to an encroachment of the countryside or conflict with the purposes of including land within the Green Belt.
10. Openness is an essential characteristic of the Green Belt. Several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual one.
11. In this case, the recladding of the buildings gives them a more substantial and solid appearance and reduces views through the buildings and the site. The proposed use and activity would have a more commercial and urbanised appearance, contrasting sharply with the previous agricultural use. It also seems there will be more vehicle movements, parking and activity taking place consistently through the working day. This would not compare favourably with the agricultural use, even though the agricultural activities were unfettered.
12. Therefore, notwithstanding the removal of some built form and hardstanding I find that there would be a reduction to the openness of the Green Belt in visual terms.
13. The Framework supports the re-use of buildings and preserving openness does not necessarily mean that no changes can occur. However, even though in this

case the harm to openness would be small, any harm means that openness of the Green Belt has not been preserved.

14. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt. The proposal would not meet the exceptions set out in Paragraph 155(d) of the Framework. It would therefore be inappropriate development in the Green Belt. For similar reasons, the proposal would also be contrary to Policy RE2 of the Waverley Borough Local Plan Part 1, 2018 (LPP1) and Policy DM14 of the Waverley Borough Local Plan Part 2, 2023 (LPP2).
15. Paragraph 153 of the Framework instructs that substantial weight should be given to any harm to the Green Belt.

Character and Appearance

16. The site is within the Surrey Hills National Landscape (SHNL), which is characterised by rolling countryside, often of a pastoral nature, punctuated by areas of woodland, villages and groups of buildings or individual properties. The landscape in and around the appeal site has many of these characteristics.
17. The Framework requires that great weight be given to conserving and enhancing landscape and scenic beauty within National Landscapes, which have the highest status of protection in relation to these issues.
18. Other buildings in the vicinity are sparsely located. All of this reinforces the rural and verdant qualities of the area and emphasises that it is the wider countryside in which the appeal site sits that is the predominant component of the area's character.
19. The topography and mature planting in the vicinity of the appeal site ensure that it is not widely seen within the wider landscape. Views of the site would be at close range, principally from those using the adjacent public right of way or those permitted to use the access road. From these locations, the site is generally seen against a backdrop of woodland. Therefore, the site does not have a significant effect on broad vistas or notable landscape features within the SHNL.
20. Nevertheless, in those views where the appeal site is more readily apparent, the works to the buildings and the change in the use of the site would clearly be evident. The physical works, the activity on site together with the comings and goings would significantly increase the urbanisation and prominence of the site as a whole within this part of the landscape.
21. The result would be at odds with the prevailing rural character of the site and its immediate environs. It would be a harmful distraction within the otherwise rural character of the area. I have had regard to the suggested landscape and planting for the site but when set against the harm I have identified, the overall result would neither conserve nor enhance the landscape and scenic beauty of the area.
22. The absence of street lighting and limited surrounding development mean that at night the site would be within a naturally dark area. The large openings and areas of glazing on the buildings would have the potential to create light spillage that could have an adverse effect on the area. Even if I were to conclude that the light emitted from the proposal would not be harmful or that

it could be controlled through the submission of a lighting scheme, this would not lessen the harm I have already identified to the SHNL.

23. It is suggested that the proposal would result in a general improvement of the site, which will benefit the countryside. Whilst there may be some benefits from tidying up the site, it would not be uncommon in a countryside location to see well used agricultural buildings. In contrast, a more commercial and organised site and layout, whilst perhaps looking neater, is not necessarily one that would be expected or be in keeping with a rural location such as this one. Furthermore, improving the site's appearance would be within the control of the appellant and is not dependent upon the development being permitted.
24. For the above reasons, I conclude the proposed development would have a harmful effect on the landscape and scenic beauty of the SHNL. This is contrary to Policy RE3 of the LPP1 and Policies DM1 and DM4 of the LPP2. These policies require development to respect and avoid harm to areas of landscape value; respond effectively to its surroundings; and conserve and enhance the SHNL. The proposal is also contrary to paragraph 182 of the Framework, which gives great weight to the conservation and enhancement of National Landscapes.
25. I have not been provided with a copy of the Surrey Hills Management Plan. However, this does not alter my conclusions in relation to the development plan and Framework policies.

Location

26. Policy BNP-G1 of the Bramley Neighbourhood Plan 2022 (BNP) seeks to direct commercial and economic development towards existing commercial centres. Whilst it does not go as far as to restrict development elsewhere, the encouragement is for development opportunities for enterprises that are relevant to the rural economy such as forestry and land-based businesses, including within the SHNL and Green Belt.
27. However, other policies such as BNP-L3 support the conversion of existing buildings, where appropriate, to support the rural economy. Policy EE1(d) of the LPP1 also provides some support for the conversion of existing buildings.
28. This development plan context provides flexibility and responds to the local area. There is no suggestion that it is inconsistent with the Framework's general approach to supporting a rural economy.
29. It is the appellant's contention that by limiting the occupation of Barn A to carpentry and joinery businesses and Barn B to the storage of timber associated with the main use, the proposal would accord with the spirit of these policies.
30. Whilst the proposed use might avail itself of a product that is derived from a rural area, this does not necessarily mean that a rural location is required for the proposed carpentry and joinery use to be undertaken. Unlike agricultural or other land based rural businesses, the proposal before me does not rely on a rural location to be able to properly function.
31. Indeed, as the appellant points out, a Class E(g) use is one that should be capable of being undertaken within a residential area. To my mind, this is something of a proxy indicator that a countryside location is not a requirement for the proposal or that it is specifically relevant to the rural economy.

32. It is suggested that there is demand for commercial space such as these buildings. Whilst I do not doubt that the appellant may have received enquiries about the appeal buildings, this does not necessarily indicate that other suitable sites are not available. That some industrial buildings and estates may be being redeveloped for residential uses does not in itself represent substantive evidence that there is insufficient supply or that the development plan is not providing sufficient sites to meet demand.
33. For these reasons, having regard to the local development strategy and its objectives, the proposal would not be in a suitable location. The proposal would therefore conflict with Policy BNP-G1 of the BNP which generally supports economic and commercial development away from rural areas whilst encouraging development opportunities for enterprises specifically relevant to the rural economy.

Other Considerations

34. Given the nature of the surrounding habitat, there is the potential for Great Crested Newts, as well as other wildlife, to be present in the area. Submissions from interested parties support this contention. Nevertheless, it is not clear the extent to which the works would, or have already, impacted on habitat, foraging routes etc. The Surrey Wildlife Trust indicate that a Construction Environmental Management Plan (CEMP) would be likely to address any concerns. I acknowledge that the submission of a CEMP could be subject to a planning condition. However, even if I were to conclude that this would address the concerns regarding protected species, it would not overcome the other harms I have already identified. Therefore, it would at best, be neutral in any planning balance.
35. There may be some biodiversity benefits arising from the proposed landscape scheme. These areas of planting would not be extensive but nonetheless I give them a small amount of positive weight.
36. The appellant is involved with the Countryside Stewardship Scheme. I do not have the precise details, but I do not doubt the benefits the scheme brings. Nevertheless, any planning permission would run with the land, and I cannot control the appellant's ongoing relationship with, or ownership of the land or buildings nor his involvement with the Stewardship Scheme. Therefore, this is not a factor to which I can give positive weight.
37. There are no objections from the Highway Authority. Furthermore, there are a number of other matters, such as trees, flooding, noise, effect on neighbours etc. to which the Council has not raised an objection. However, they would represent a lack of harm rather than being benefits that could be weighed positively in favour of the scheme.

Green Belt Balance

38. I have found the scheme would not preserve the openness of the Green Belt and so would be inappropriate development in the Green Belt. The Framework requires me to give these collective harms substantial weight.
39. On the other hand, the factors outlined in support of the proposal carry more limited weight. These other considerations do not clearly outweigh the substantial harm I have identified due to inappropriateness and loss of

openness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

40. In addition to constituting inappropriate development in the Green Belt and resulting in a harmful effect on its openness, there would be harm to the SHNL. I have also found the proposal contrary to the spatial strategy for commercial and economic development. Although there may be some beneficial aspects of the scheme, when taken as a whole there would be conflict with the development plan. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR