



Appeal Decision

Site visit made on 18 September 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/R3650/W/24/3342166

Waverley Court Farm, Monks Walk, Farnham, Surrey GU9 8HT

- 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 Runnymede Homes against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/02623.
 - The development proposed is demolition of the existing buildings at Waverley Court Farm and the erection of eight dwellings and a car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which includes mechanisms to contribute towards affordable housing and mitigate the effects of the proposed developments on the Thames Basin Heaths Special Protection Area (TBHSPA). This matter will be returned to later in this decision.

Main Issues

3. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2023 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area including the Surrey Hills National Landscape.
 - The quality of living conditions for future occupiers with particular regard to the access.
 - Whether any 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

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential

characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraphs 154 and 155 of the Framework. This is broadly echoed by Policy RE2 of the Local Plan (Part 1) 2018 (LPP1).

5. Of relevance to this appeal, paragraph 154d) provides an exception for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This criteria is also included in Policy DM14 of the Local Plan (Part 2) (2023) (LPP2).
6. Planning permission has been granted for alterations to existing barn to provide 5 dwellings together with landscaping and associated works to provide parking and amenity space (LPA ref WA/2020/0755) (2021 planning permission). However, whether or not commencement has occurred, at my site visit it was clear that the proposal would replace the barn structure rather than dwellings. Indeed, the appellant confirms that the works of conversion to 5 dwellings have paused. Within this adjoining barn structure, there are enclosed and open areas of storage. Part of the structure has also been subdivided internally into three dwellings which have garden areas to their rear. The barn appears to be in a mixed use comprising both dwellings and areas of storage.
7. In terms of paragraph 154(d) I am not satisfied by the evidence before me that the proposal constitutes the replacement of a building with a new one in the same use.
8. Consequently, for the reasons described above, the appeal scheme is inappropriate development in the Green Belt both in the terms of the Framework and Policy DM14 of the LPP2 and RE2 of the LPP1.

Openness

9. The proposed development would result in a change from a single large mass to eight dwellings. The houses would appear to be across a similar footprint to the building that is on site at present. There would be some small breaks in the massing, however there would also be taller elements with pitched roofs projecting above the existing ridge height. Furthermore, the car port would be located on an area which is currently open. Taking all the above into account there would be some, albeit limited, harm to spatial openness.
10. The appellant's Landscape Report (2023) identified that from the nearest public right of way and footpaths a limited glimpse of the roofs of the proposed development above the existing trees is likely. This would be more visible in the winter months when trees are not in leaf. Therefore, the proposed development is likely to be similarly visible to the existing barns in these wider views. Furthermore, the proposed development would be highly visible from the neighbouring residential properties at Waverley Court Farm. As such there would also be harm to visual openness.
11. Drawings have been submitted which show an existing and proposed volume, height and footprint comparison. These indicate a reduced footprint and volume compared to the existing buildings. However, in these drawings the

extent of the existing buildings include a single storey rear addition which was not on site at the time of my visit. Therefore, they do not accurately show the existing buildings. As such these figures are not reliable and I afford them limited weight. Consequently, this does not alter my conclusions.

12. Therefore, the proposed development would be harmful to the openness of the Green Belt. Consequently, it is contrary to the Framework in this regard.

Character and Appearance

13. The Surrey Hills National Landscape formerly the Area of Outstanding Natural Beauty (AONB) is of national importance due to its natural beauty. I am mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. I give great weight to conserving and enhancing the landscape and scenic beauty in this area, and this has the highest status of protection in relation to these issues. Policy RE3 of the LPP1 generally follows these requirements.
14. The appeal site is a farmyard with a barn, part of which has been used as stables, with a traditional agricultural appearance, including its materials and farmyard layout. Whilst there are dwellings on the site these are enclosed within the barn structure. Although the UPVC windows and garden area result in an element of residential character, this is secondary to the agricultural appearance of the appeal site.
15. There are other dwellings at Waverly Court Farm including Fox Cottage in close proximity. However, generally the surrounding area has a rural character, with open fields and woodland. Overall, this results in a countryside character with buildings which appear as part of the traditional rural agricultural use.
16. The detailing of the proposed dwellings is interesting and the AONB Planning Adviser comments that it may be unreasonable to refuse planning permission just on AONB grounds. However, the proposed development would construct a cluster of evidently residential houses, which would be taller than the existing buildings in a number of places. The farmyard area would change to a domestic driveway, and the extent of the residential curtilage would be larger than at present. The multiplication of cars parking and domestic paraphernalia would further contribute to a developed character. Taken together, the comprehensive urban appearance to this large area would change the character of the site to a developed land use and appearance. This would feature more strongly in the landscape and would be harmful to the rural character of the site and the landscape.
17. The urban form of development would be visible in glimpsed views from the nearby public footpaths as well as from the other residential properties within Waverley Court Farm and as such this harm would be experienced. Due to the limited wider visibility the effect on the landscape is limited, but it is nevertheless harmful for these reasons.
18. My attention is drawn to a decision at Fox Cottage for extensions to the existing dwelling (WA/2022/00898). This is of a notably different character and scale to the development proposed and as such this decision does not alter my conclusions.

19. Therefore, the proposed development would be harmful to the character and appearance of the area including the Surrey Hills National Landscape. Consequently, in this regard it would be contrary to policies RE3 of the LPP1 and DM15 of the LPP2, which in addition to the aims set out above require that development recognises the natural beauty and undeveloped character which is intrinsic to the open countryside.

Living Conditions

20. There are residential properties at Waverley Court Farm which share an access with the farm. At present this road is wide enough for a single vehicle, with limited passing points. Due to the curve of the road and topography of the land it is not possible to see whether the road is clear.
21. The submitted evidence details that with the proposed development there would be a maximum of 13 total two way vehicle movements in the peak hour. At present a privately managed traffic light system operates. Even if this were not maintained, due to the low number of properties that the access would serve, cars meeting would be relatively rare. If this occurred one car would have to reverse, possibly for some distance. However, given the likely infrequency along with the preventative measure of the privately operated traffic lights, this would not be such a frequent occurrence so as to be harmful to the living conditions of future occupiers.
22. Therefore, the proposed development would provide acceptable quality living conditions for future occupiers with particular regard to the access. As such, in this respect, the development would be in accordance with Policies DM1, DM5 and DM9 of the LPP2. Together these seek to avoid significant harm to the amenity of future occupants of the development and provides safe and convenient access for highway users. Policy DM4 mainly relates to matters of character and appearance, therefore the policies set out above are more relevant to this main issue.

Other considerations

23. Proposed reforms to the NPPF and other changes to the planning system, and the National Planning Policy Framework: draft text for consultation (draft Framework) makes provision for development on grey belt land within the Green Belt in certain circumstances. This document is in draft and therefore it is unclear as to whether it will be adopted in the form proposed and as such, I afford it limited weight. Furthermore, it defines grey belt land as excluding those areas or assets of particular importance listed at footnote 7, which includes AONB land, and therefore it would not be relevant to this site.

Fallback

24. As set out above, planning permission has been granted for five dwellings on part of the appeal site. There is dispute as to whether this permission has commenced and is therefore extant. It is not my role as a S78 Inspector to conclude on matters of lawfulness. For the purposes of this appeal only I have considered the effects as if the 2021 planning permission were extant, however this is not a decision in relation to lawfulness.
25. On that basis, the 2021 planning permission would create new residential units on this site, and there is a real prospect that the development would occur if this appeal were dismissed.

26. The 2021 planning permission would result in a total of 8 dwellings across the appeal site. However, the application only relates to the stables and is of a much lesser scale than the development proposed. Furthermore, it was approved and as such there appear to be no concerns regarding harm to character and appearance or the effects on openness of that scheme. I have taken into account that the 2021 planning permission may be less energy efficient than the proposed development. However, its effects on both openness and character and appearance would be less harmful than the scheme before me now. Therefore, overall, the appeal scheme would be more harmful than the 2021 planning permission and therefore I attribute limited weight to this fallback.
27. Details of works that could be undertaken under permitted development (PD) have also been provided. The 'Fallback Position – Permitted Development' drawing appears to show roof extensions. However, the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is not permitted for dwellinghouses on article 2(3) land, which includes land in the AONB. Rear extensions are indicated, which are in a similar permission to those for which a certificate of lawfulness was granted (LPA ref WA/2019/1214) but which have not been constructed. If this appeal were dismissed, it is likely that the appellant would seek to increase the residential floorspace through the implementation of PD rights. Consequently, with regard to single storey rear extension and outbuildings there is a real prospect that these alterations would be undertaken (the fallback position).
28. This would result in a development closer to, although still not the same as, the existing and proposed comparison drawings which show a reduction in footprint and volume for the proposed development. On the other hand, it remains that the proposed development would have a greater overall height and introduce development in parts of the site which are currently open. As such, overall, the proposed development and the fallback position would have a similar effect on openness. These additions under PD would be subservient to the existing dwellings, which is notably different to the comprehensive urban appearance and scale of the proposed development. As such, the fallback position would be less harmful to the character and appearance of the area.
29. Consequently, even without any development which may be undertaken under PD rights, the proposed development would be more harmful overall than the existing dwellings with unrestricted PD rights. Therefore, the restriction of PD rights for the proposed dwellings would not represent a benefit.
30. Consequently, the proposed development would be more harmful than the fallback position and as such this does not justify the development proposed.

Housing, Energy Efficiency and Biodiversity Net Gain (BNG)

31. The proposed development would result in the social and economic benefits of the provision of new housing which would support the Government's aims to boost the supply of homes. This is further emphasised by the Written Ministerial Statement Building the homes we need (2024) (WMS).
32. The proposed development would be energy efficient and would secure an improvement in excess of 50% over the target emission rate. Detail as to the carbon impact of any embodied energy has not been provided. Nevertheless,

once constructed the proposed development would be an energy efficient building, and this would be an improvement in this regard compared with a scenario where the planning permission for five dwellings were built out. The proposed development would also result in BNG greater than 10%. These are all important matters, however, taking into account the scale of the scheme the overall benefits of the proposed development would be minor.

Green Belt Balance

33. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. There would be harm to the Green Belt by reason of the proposed development's inappropriateness which is also contrary to Policy DM14 of the LPP2 and Policy RE2 of the LPP1. There is also harm to the Green Belt due to the proposed development's effect on openness. In addition, the appeal scheme would be harmful to the character and appearance of the area including the landscape, which is of national importance.
34. The proposed development would result in a minor positive effect on energy efficiency, BNG and the provision of housing. I have considered the 2021 planning permission and the fallback position, however they do not justify the development proposed for the reasons above and they attract limited weight.
35. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the harm. The very special circumstances necessary to justify the development therefore do not exist. Therefore, the proposed development conflicts with the Framework and Policy DM14 of the LPP2 and Policy RE2 of the LPP1, the aims of which are set out above.

Planning Balance

36. The Council cannot demonstrate a 4 or 5 year supply of deliverable housing sites. The WMS sets out a new method to determine housing requirements, and the draft Framework indicates that this would be likely to reduce the number of years of housing land supply that Waverley can demonstrate. In any case, paragraph 11(d) of the Framework is engaged. However, as set out above, the application of policies relating to the Green Belt provides a clear reason for refusing the development proposed, as set out in footnote 7. Consequently, the presumption in favour of sustainable development does not apply in this case.

Thames Basin Heaths Special Protection Area

37. The TBHSPA is a habitats site that has a high level of protection. It is designated due to the presence of breeding populations of birds. The Council has determined that, without any mitigation in place, in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development. Notwithstanding, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

38. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR