



Appeal Decision

Site visit made on 25 September 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/R3650/W/24/3342414

Elm Corner House, The Green, Dunsfold, Godalming, Surrey GU8 4LX

- 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 Thomas Reynolds against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01093.
 - The development proposed is the erection of a 166 square metre Agricultural Barn and to regulate the planning for the existing yard for an existing farm and rural contracting business.
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Decision

1. The appeal is dismissed insofar as it relates to the mixed farming and rural contracting business use. The appeal is allowed insofar as it relates to the remainder of the application and planning permission is granted for the erection of a 166 square metre agricultural barn at Elm Corner House, The Green, Dunsfold, Godalming, Surrey GU8 4LX in accordance with the terms of the application, Ref WA/2023/01093, and subject to the conditions in the attached schedule.

Procedural Matters

2. On the 30 July 2024, the appellant received permission¹ for a building on another part of the land they own which they intend to use for their rural contracting business. Accordingly, they have confirmed they are no longer seeking to regularise the proposed mixed farm and rural contracting business use of the appeal site. The Council have had opportunity to comment on this matter and it would constitute a lesser scheme, and not physically alter the other elements of the proposal. This has been taken into account.
3. The Council's position in relation to the appellant's current use of the site and necessity to comply with the associated enforcement notice² is noted. However, this does not fetter my ability to consider the scheme before me in accordance with the details submitted. I am, nevertheless, aware that within the associated planning appeal decision the main parties agree that the lawful use of the appeal site is agricultural, so to use the proposed barn for agricultural purposes only would not require a change of use of the appeal site.
4. For the following reasons, I find the erection of a 166 square metre agricultural barn acceptable, and it is clearly severable both physically and functionally from the proposed use of the site for a mixed farming and rural contracting

¹ Planning Permission WA/2024/00083

² EN/2023/04 and the alterations to this notice set out within appeal APP/R3650/C/23/3324947.

business. Therefore, I intend to issue a split decision in this case and grant planning permission for the erection of the agricultural barn.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, the living conditions of neighbouring residents with specific regard to noise and disturbance, biodiversity, and the safety of users of the adjacent bridleway.

Reasons

Character and appearance

6. The appeal site constitutes a partially enclosed area of land which has been laid to hard standing and is used for informal storage related to the wider agricultural holding. This agricultural holding includes the access track to the appeal site as well as the adjacent formal storage yard, pond, and fields, along with other land within the wider area. The access track also forms part of a designated bridleway which continues along one side of the appeal site and separates it from a third parties land which includes a large barn. To the rear of the site is an ancient woodland into which the bridleway continues. The access track leads into a small enclave of residential properties where it joins the highway as it passes Dunsfold Green.
7. The proposal would be for a metal clad barn which is not uncommonly used for agricultural purposes. It would be positioned towards the boundary with the bridleway, in line with the access into the appeal site and away from the boundaries with the woodland to the rear, and the fields which form part of the agricultural holding.
8. The boundary with the bridleway is delineated by a fence but also informally hedged with a mix of vegetation and shrubs. However, this part of the bridleway passes through the existing mix of informal storage and barns related to edge of settlement rural and agricultural uses between the residential area around Dunsfold Green and the woodland beyond the appeal site. Accordingly, it has a transitional character and appearance, and the proposed barn would fit within this.
9. When travelling from the woodland, the trees themselves would largely screen the proposed barn, and when viewed from across the fields it would be seen in context of the other barns behind. The set-back nature of the appeal site, at the end of the access track, would also ensure it is not obvious or dominant in views from the residential properties around Dunsfold Green.
10. Accordingly, the use of the barn to provide storage on the site for agricultural purposes would be in keeping with the character of the site and immediate surroundings, as well as reducing the need for informal storage on the site which has the potential of being visually intrusive. Therefore, the proposed barn, although constitute change, would not be detrimental to the existing character and appearance of the area.
11. Nevertheless, were the proposed barn and site used for purposes other than agricultural it would run the risk of overly intensifying the use of the site to the detriment of its surroundings.

12. Therefore, the erection of the barn to be used for agricultural purposes would conserve the character and appearance of the area in compliance with Policies TD1 and RE1 of the Local Plan, Part 1 (LP1) and Policies DM4 and DM15 of the Local Plan, Part 2 (LP2), and the National Planning Policy Framework (the Framework) insofar as they seek new development in rural areas to respond to the local context, intrinsic character of the countryside, and the prevailing pattern of development. However, the rural contracting business element of the proposal would not.

Living conditions

13. Vehicles accessing the appeal site would pass closely by a number of residential properties around Dunsfold Green, as observed during my site visit. Therefore, were the route extensively used by large, heavy vehicles it is plausible the noise and disturbance would be detrimental to the living conditions of the occupants of those properties.
14. There is nothing before me to identify how many vehicle movements occur nor the type of vehicles that use the site. However, as it has been identified that the site is already usable for agricultural purposes it is reasonable to expect vehicle movements related to that use.
15. There is, nonetheless, insufficient evidence in relation to vehicle movements to conclude either way in relation to the rural contracting business. Consequently, it has not been shown that this element of the proposal would not have a detrimental impact on the living conditions of nearby occupants in relation to noise and disturbance from vehicle movements.
16. Therefore, if the proposed barn is only used in connection with the agricultural use of the site, I do not consider the impact of vehicle movements would be so great as to produce noise and disturbance to such a level as to make living conditions untenable for the occupants of the properties in proximity of the access track and road.
17. Consequently, the erection of the barn to be used for agricultural purposes would comply with LP1 Policy TD1, LP2 Policy DM5 and Residential Extensions Supplementary Planning Document as far as they seek to protect the quality of life of current residents.

Biodiversity

18. LP1 Policy NE1 seeks to retain, protect, and enhance features of biodiversity and geological importance and that any adverse impacts are avoided or appropriately mitigated. This is expanded by LP2 Policy DM1(g) which requires a mitigation hierarchy to be followed, amongst other things. Specifically, that development is to avoid significant harm to the health or amenity of occupants of nearby land and buildings, any increase in flooding and to avoid significant environmental impacts.
19. Due to my findings in the previous main issue, the proposed rural contracting use would not accord with LP2 Policy DM1(g) as it has not been shown it would not harm the health or amenity of occupants of nearby land and buildings. However, also in the previous main issues, the proposed barn to be used as part of the agricultural use would not significantly harm the living conditions of nearby occupants. It is, nonetheless, acknowledged that there is limited evidence in relation to flooding and environmental impact.

20. However, the proposed barns relatively modest in size, would replace an area of hardstanding, would be set away from the ancient woodland to the rear of the site, and there the amount of open land surrounding the site within the ownership of the appellant. Along with the lack of objection from Natural England, in this instance, I am satisfied that the proposal would unlikely increase flooding nor have a significant environmental impact, and any necessary mitigation could be dealt with by condition.
21. Accordingly, the erection of the barn to be used for agricultural purposes, with appropriate conditions, could comply with LP1 Policy NE1, and LP2 Policy DM1(g).

Bridleway

22. The adjacent bridleway runs partly along the access track to the appeal site and a change in use of the site from agricultural to a mix of agricultural and rural contracting business could intensify the use of that access track. With nothing before me to conclude otherwise, a precautionary approach to highway safety is necessary whereby an increase of use of the access track by larger vehicles could have a detrimental impact on the safety of users of the bridleway.
23. However, there is nothing before me to show that the use of the access track in conjunction with the agricultural use of the appeal site is unsafe or inconvenient for users of the bridleway. Therefore, were the proposed barn used solely for that use, and with no evidence that access to the site is restricted, I am satisfied that this part of the proposal would not cause harm to bridleway users. Therefore, the erection of the barn to be used for agricultural purposes would comply with LP2 Policy DM9 and the Framework insofar as they seek to promote highway safety.

Other Matters

24. Interested parties have stated that the site is under consideration for inclusion within the Surrey Hills National Landscape³, that incineration occurs on site, and that the use of the land may have already occurred sets a damaging precedent. However, the inclusion within the national landscape has not been confirmed, incineration is controlled by other regulatory mechanisms, and the planning process allows for submissions which seek to regulate development that has already occurred. Accordingly, these matters do not alter my findings.

Conditions

25. The Council have suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency, clarity, and where necessary proportionality.
26. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans and condition 3 limiting the use of the proposed barn as this provides certainty.

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

27. Given the nature of the proposed development, and its location within the countryside, and the limited details in the evidence before me, it is necessary to attach 4 conditions relating to further details. Conditions 4 and 7 have been imposed in relation to drainage, and wildlife and habitat protection, and are necessary to ensure the proposal does not have a detrimental effect on local biodiversity as set out in the 3rd main issue. Conditions 5 and 6 have been imposed in relation to the barn's materials and landscaping to ensure the proposal would not harm the character and appearance of the area.
28. Condition 4 is required to be pre-commencement as it is fundamental that wildlife and habitats are assessed before works commence so appropriate mitigation can be incorporated into the development. The appellant has agreed to this condition being pre-commencement.
29. The Council proposed a condition in relation to the vehicle trips to and from the site. However, that would have related to the impact of the change of use of the appeal site on nearby occupants living conditions and highway safety, so is not relevant in this instance as that part of the proposal has not been approved.

Conclusion

30. It has been found that the use of the site for a rural contracting business would be harmful in relation to all the main issues. However, the erection of the barn to be used for agricultural purposes would be acceptable in relation to all the main issues.
31. Therefore, for the reasons given above and having considered the development plan along with all other relevant material considerations including the Framework, I conclude that the appeal should be allowed insofar as it relates to the erection of the barn, and dismissed insofar as it relates to the use of the site for a mixed farming and rural contracting business.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they are relevant to the part of the development hereby permitted, and all elements regarding to the use of the site for a mixed farming and rural contracting business disregarded: Promap License number 100022432 scale 1:1250; 1:500 Block Plan; and the 5 plans showing the elevations and roof plan of the barn with dimensions, as submitted with the application Ref WA/2023/01093.
- 3) The barn hereby permitted shall be used for agricultural purposes only and for no other purpose.

- 4) No development shall take place until a wildlife and habitat protection plan has been submitted to and approved in writing by the local planning authority. The wildlife and habitat protection plan shall include, but is not limited to:
- an ecological survey undertaken by a suitably qualified and experienced ecologist;
 - any mitigation measures necessary to overcome any identified impact within the ecological survey; and
 - if required, an implementation programme for those mitigation measures.

The development shall then be implemented in accordance with the approved plan.

- 5) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 6) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but are not limited to:
- details of all hard surfacing to include type, position, design, dimensions, and materials;
 - a schedule detailing location, species, sizes and numbers of all proposed trees and plants, including where necessary details of tree pit design, use of guards or other protective measures; and
 - an implementation programme.

The landscaping works shall be carried out in accordance with the agreed implementation programme and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) No development above ground level shall take place until details of the surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

End of schedule