



Appeal Decision

Site visit made on 16 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/R3650/W/24/3346728

Combe Farm Buildings, Aldens Lane, Goldaming, Surrey GU8 4AP

- 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 Pickle and Winch against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00677.
 - The development proposed is the use of the building as a cafe (for service and sale of hot food prepared in adjacent commercial kitchen); erection of a canopy to existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the word retrospective from the description of development above, as it does not describe development. However, for the avoidance of doubt, I observed at my visit that the use of the appeal building for the service and sale of hot food was underway, and the canopy to its front had been erected. As such, I have considered the appeal on the basis that the development has already taken place.
3. I also observed that the appeal building has an existing extension, which at the time of my visit was being used by customers. Planning permission for the extension was refused and dismissed at appeal¹ and is not part of the proposal in front of me. It therefore forms no part of my consideration.
4. Additional plans have been submitted showing location of all existing structures and details of the car park. These drawings do not amend the scheme in any way and interested parties have had opportunity to comment. As such, there is no harm to natural justice in my consideration of these plans.
5. However, a transport statement² was also submitted with the final comments of the appellant. This includes evidence which seeks to address specific issues raised by the County Highways Authority. New evidence should not be submitted at final comments stage³. Given its late submission, the Council has not had opportunity to comment on this information, and I see no reason why this evidence could not have been initially submitted with the appeal. As such, I have not considered the details of this statement in my decision.

¹ Application reference WA/2022/00604

² By Vision Transport Planning, dated 16 September 2024

³ The Procedural Guide: Planning appeals – England (17 September 2024) Paragraph 9.5

6. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the National Planning Policy Framework ('the Framework') continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.
7. The appeal site is located within the Green Belt. The Council has not raised harm to the Green Belt as an issue and having regard to the exception to development contained with Framework paragraphs 155 d) and 154 c) and on the basis of the evidence before me, I have no reason to find differently in this regard.

Main Issues

8. Accordingly, the main issues in this case are:
 - The effect of the proposal on the landscape and scenic beauty of Surrey Hills AONB; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

9. The application site is located outside of any settlement, within a rural area and is accessed directly off Alldens Lane. In this location, the wider site sits as part of a former agricultural site on a hill, surrounded by fields, woodland, and rolling hills. The area is characterised by an open rural setting with loose-knit and sporadic development. Alldens Lane is a narrow, mostly tree lined typical single track rural lane, with limited passing spaces.
10. The site is located within the Surrey Hills AONB. The Surrey Hills Management Plan 2020-2025 sets out that the AONB, whilst one of the most wooded of the nationally protected areas in the country, is a diverse landscape characterised by hills and valleys, traditional mixed farming, a patchwork of chalk grassland and heathland, sunken lanes, picturesque villages and market towns. The wider appeal site, as partly a former agricultural enterprise, sits comfortably within the tranquil rural landscape and contributes positively to the established character of the surroundings.
11. The small stone pitched roof application building is prominently sited at the front of the wider Combe Farm site, adjacent to and orientated towards the highway. It is a highly visible structure therefore, providing views over the landscape from the outside sitting area.
12. Whilst prominent, the structure sits in proximity to the substantially larger buildings immediately to its rear, including the nearest building (identified as building F) a commercial kitchen and associated storage area recently granted a Certificate of Lawfulness⁴. A commercial use is therefore lawfully established at the site; however, this is in respect to a use within the existing buildings, with a limited external manifestation. As such, the wider structures largely

⁴ Application reference WA/2023/02766, certificate of lawfulness for extension approved under reference WA/2024/00308

retain their original agricultural character, particularly when viewed from the public highway.

13. There is a level of activity associated with an agricultural/commercial site, including the established B1 use and former uses on site. The appeal building is described as ancillary to this B1 use by the appellants. However, the appeal building, which is obviously a serving area with associated menus and external seating, introduces an associated vibrancy and new character to the site, immediately next to the public highway. Combined with the comings and goings related with the service and sale of hot food on site, including the customers on site queuing, or in the seating areas to the front and the number of cars on site, this results in a level of busy commercial activity which detracts from the previous agricultural character.
14. Given the prominence of the site from the highway and given its siting on the brow of the hill, visible from longer views, the highly visible intensification of commercial activity appears incongruous in the wider rural tranquil landscape setting. Parking along the lane (as discussed below) also would detract from rural setting.
15. The close physical association of the appeal building with the building in use as B1 (identified as building F) does not mitigate its clear separate visual character. The fact that both buildings lie within the same ownership would not be apparent to visitors and does not affect the impact of the café use on character of the site.
16. I conclude that the development detracts from the landscape and scenic beauty of the AONB. As such, the development does not meet the aims of Policy RE3 of the Waverley Borough Local Plan Part 1 (2018) (LP1), and Policies TT2, P1, P2 and RT1 of the Surrey Hills AONB Management Plan, which collectively seek to ensure that development to respect or enhances the distinctive character of the landscape in which it is located, giving particular attention to potential impacts on ridgelines, public views.

Highway safety

17. As set out above, the building to the rear of the appeal structure is used as a B1 commercial kitchen, which provides meat for a local public house. Along with other uses within the sider site, this results in some traffic generation, however there is no substantive evidence before me to demonstrate the vehicle trip generation associated with this and other operations. As such, it is not demonstrated that the use of the appeal building as a café does not materially increase vehicular movements using the site.
18. At the time of my mid-week visit for example, whilst only a snapshot in time, the site was busy with customers, with a number of people using the tables provided and the car parking area, in specific relation to the café'. In addition, the appellant sets out that the café operates 5 days a week, opening 9am-5pm with Supper Clubs which run three to four times per month between 7pm and 11pm. It is unclear how this compares to the other uses on site.
19. As set out above, Alldens Lane is a single track rural lane. There is limited opportunity for passing, and the lane at this point has steep verge and roadside hedgerow which prevents cars parking off the highway. Any parking along the lane is therefore likely to result in difficulty in manoeuvring, a detrimental

effect on the free flow of traffic and subsequent potential for conflict and increase in risk for highway users, including pedestrians and cyclists.

20. Whilst free of parking at the time of my visit, this is a mid-week snapshot in time. I am mindful of the third-party letters and comments from the County Highway Authority which raise issue with instances of traffic build up and over-spill parking onto the lane, particularly on weekends, and subsequent highway safety issues.
21. Appendix 6 of the appellant's appeal statement illustrates 26 parking spaces provided on site, which would serve both the commercial kitchen and the appeal building/use. Whilst it is stated that this is based upon an assumption of 1 car parking space per 2 people⁵, the appellant sets out that the existing 6 external trestle tables on site can potentially accommodate 16 persons each. It is unclear how many parking spaces are to serve the café customers, how many serve the existing other businesses on site and staff. It is also unclear how many more customers would be on site if the seating area currently provided within the dining shelter, adjoining the servery building, is relocated to the extension to building F, as the appellant states is the intention. Whilst appropriate landscaping and cycle parking spaces could be secured through condition, it is not clear that this level of off-street car parking is appropriate or sufficient.
22. It is not therefore demonstrated that the development has an acceptable impact on the local highway network resulting from trip generation and parking demand. On the evidence before me therefore, the development results in harm to highway safety. The development is therefore contrary to LP1 Policy ST1 and Policy DM9 of the Waverley Borough Local Plan Part 2 (2023), which require development to make appropriate provision for car parking, having regard to the type of development and its location, and not adversely increase the risk of accidents or endanger the safety of road users.

Other Matters

23. The appellant refers to a fall back position of accommodating the functions currently provided within the appeal building, to within Building F. However, the visibility of this fall back use, set back from the highway, would be limited and would not compare with the prominence of the appeal building and use. It would not represent development that has a greater impact on the wider landscape. As such, this fall-back position carries little weight, and does not outweigh the harm identified in relation to effect of the proposal on the landscape and scenic beauty of the AONB.

Conclusion

24. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

B Phillips INSPECTOR

⁵ Which the appellant states has regard to the Surrey Vehicular and Cycle Parking Guidance (January 2018) and the Waverley Parking Guidelines (October 2013)