



Appeal Decision

Site visit made on 8 April 2025

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2025

Appeal Ref: APP/Y3615/W/24/3348005

Tap Farm, Orestan Lane, Effingham, Surrey KT24 5SJ

- 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 Adrian Tyndale against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01175.
 - The development proposed is the change of use from barn to personal storage and insertion of EV chargers to north and south elevations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from barn to personal storage and insertion of EV chargers to north and south elevations at Tap Farm, Effingham, Surrey KT24 5SJ in accordance with the terms of the application, Ref 23/P/01175, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has confirmed that permission is only sought in respect of the use of the larger of two barns shown on the application plans. Both main parties have indicated that planning conditions could ensure that any permission was limited to the internal space of that barn. I have considered the appeal on that basis. That being the case, the Council has confirmed that the proposal would not be inappropriate development in the Green Belt. I have no reason to disagree.

Main Issues

3. With regard to the above, the main issues are the effect of the development on ecological interests and the effect on highway safety.

Reasons

Ecology

4. Traditional timber framed barns have the potential to be used by a number of species, including bats, breeding birds and barn owls. At the time that the application was determined, no detailed information had been provided about the potential effect on ecology. A Preliminary Ecological Appraisal (“PEA”) was provided with the appellant’s appeal statement. It was based on a single visit where it was not possible to observe the behaviour of individual species around the appeal site.

5. However, the surveyors examined the barn and described it as a large metal barn with corrugated roof structure and plastic skylights. The PEA confirms that there were no enclosed roof void sections, and no features which crevice dwelling bats could exploit. It explains that there is a lack of all traditional features often associated with roosting bats and no evidence of bat usage was found. It was also found that the barn did not support use by nesting birds or barn owls.
6. Thus, while the PEA is a general assessment of the barn's suitability rather than a detailed species survey, given the clear commentary about suitability and lack of evidence of current or past usage, it has been adequately demonstrated that the change of use of the building has no adverse effects on protected species. Other features, such as scrub and hedgerows that are likely to benefit wildlife are unaffected.
7. Accordingly, the development causes no harm to ecological interests. There is, therefore, no conflict with those aims of Policy P6 of the Guildford Borough Local Plan: Development Management Policies 2023 that seek to protect and enhance species and habitats.

Highway safety

8. The site is served by a narrow access from Orestan Lane that has limited visibility. The access serves a dwelling close to Orestan Lane, agricultural land, and a dog day care/training business. The Council also refers to a number of other unauthorised activities on the surrounding land.
9. While the Council has suggested that it has never authorised an equestrian use of the barn, my site visit confirmed that it has clearly been previously laid out as stables. In any case, whether it was put to that use, or an agricultural one, the previous use of the building and any associated traffic generation has ceased.
10. In this regard, I note that previous equestrian uses were replaced some time ago by the dog care/training business that was permitted in the other stables and adjoining arena. The use of the appeal barn does not appear to be related to that, or other dog care activities that are currently occurring elsewhere. I, therefore, see no compelling reason that other permitted and unauthorised uses on the appellant's wider site should influence the likely traffic generation attributable to the appeal building before or after the change to the current storage use took place. The effects resulting from changes of use to other parts of the appellant's wider land could be assessed separately in considering any future planning applications, or the expediency of any enforcement action should breaches of planning control be identified.
11. In any case, the appellant seeks to use the barn for personal storage of various items including his private collection of cars. This is said to be a hobby and no trade or business is intended to take place. The use can be limited as such by planning condition and would result in a very small traffic generation. The Council has provided no substantive evidence that it would be materially greater than previous traffic generation and I see no reason that it would be.
12. Furthermore, the access has been in use for many years, including for commercial equestrian purposes, and there is no evidence of any collisions at its junction with the lightly trafficked Orestan Lane. Whether or not the barn itself was used for equestrian purposes, the equestrian uses at the wider site would likely have

involved large vehicles and some trailers. The Parish Council have commented that the equestrian use resulted in a notable increase in traffic.

13. However, despite local concerns about that traffic, there is no substantive evidence that the previous equestrian use, caused any highway safety problems. Therefore, I have no reason to conclude that the appellant's occasional movement of old cars, potentially on trailers, would.
14. For the above reasons, I conclude that the development causes no harm to highway safety. There would be no conflict with those aims of Policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2019 that seek to ensure that development maintains the safe operation of the highway network. While I have had regard to the appellants own intended use, it is the storage of personal items and hobby use, as opposed to a trade or business use, that leads me to that conclusion rather than the appellant's personal circumstances. Accordingly, I see no reason to further restrict any planning permission to make it personal to the appellant.

Other Matters

15. Concerns have been raised that a septic tank serving a toilet in the barn is discharging to a watercourse. Internal works do not ordinarily require planning permission and drainage facilities do not form part of this application. There are also suggestions that commercial activities have been undertaken within an office that has been installed in the barn and that a meeting of car enthusiasts has taken place on the appellant's land. This and other matters have caused local residents to question the veracity of some of the statements made in respect of past and proposed uses. However, I must consider this appeal on the basis of what is applied for. In the event that the building or land is subsequently used in a manner that results in a breach of planning control, that would be for the Council to investigate at that time.
16. It has been suggested that pollutants from vehicles and associated products stored in the barn could potentially escape into the surrounding environment. However, there is no substantive evidence that the change of use poses a materially greater risk in this regard than the agricultural activities that could otherwise be undertaken within the building. With controls external activities in place, no effect on the character and appearance of the area would arise.

Conditions

17. Conditions are required limiting the scope of the permission and use of the barn to ensure that there are no adverse effects on highway safety, the openness of the Green Belt and character and appearance of the area. The appellant has suggested that a condition could restrict the use to storage of personal items and the maintenance and repair of his personal vehicles. While it is possible that some vehicle maintenance and repair may be incidental to storage activities, formal use as such has not been applied for. Referring to such in a condition would be a deviation from the use. It could cause uncertainty as to what was permitted as well as potential injustice to those who did not foresee it as a proposed use. In reflection of the application, my condition will, therefore, refer only to storage uses.
18. Controls should be placed on external lighting to protect ecological interests along with a scheme of biodiversity enhancements. While the appellant has suggested

that the enhancements described in the PEA could be secured, these are generic concepts rather than a specific scheme. Therefore, I have imposed a condition that requires the submission of a detailed scheme along the lines of that suggested by the Council.

19. The Council has suggested a condition requiring details and laying out of a parking and turning area. However, the barn is a considerable distance from the public highway and adjacent to yard areas. There is ample space to turn vehicles and, therefore, such a condition is unnecessary. As I have found that there would be no increase in traffic, there is no need to impose a condition relating to visibility at the junction with Orestan Lane, even if improvements could be made.

Conclusion

20. For the reasons given above, the development does not conflict with the development plan. There are no material considerations that otherwise indicate that permission should be refused. Therefore, the appeal is allowed.

M Bale

INSPECTOR

Schedule

1. This permission shall be limited to the use of the larger, southernmost barn edged red on the site plan and described as "The Barn" only. No change of use of any other building or part of the site is permitted and no external storage or associated activity shall be undertaken at any time.
2. The barn shall be used for the storage of personal items and vehicles only and not for commercial use and for no other purpose (including any use in Class B2 or B8 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent in any statutory instrument revoking and re-enacting that Order with or without modification).
3. No external lighting shall be installed unless details including height, design, location and intensity have previously been submitted to and approved in writing by the local planning authority. The lighting shall be installed strictly in accordance with the approved details and no other lighting shall be installed on the site.
4. Within one month of the date of this permission, details shall be submitted to the local planning authority for a scheme for the enhancement of biodiversity on the site. Once approved, the scheme shall be implemented in accordance with the approved details within 3 months of the date of its approval and shall thereafter be maintained as such.

End of conditions.