
Appeal Decisions

Site visit made on 9 March 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2026

Appeal A Ref: APP/Y3615/W/25/3376205

Valentines Farm, Rose Lane, Ripley, Surrey GU23 6NE

- 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 Lasch Limited against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01014.
 - The development proposed is change of use of the land for external open storage.
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Appeal B Ref: APP/Y3615/W/25/3376206

Valentines Farm, Rose Lane, Ripley, Surrey GU23 6NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Alexander Stewart-Clark against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00975.
 - The application sought planning permission for the enclosure of Barn B and change of use of the whole barn building (comprising Barn A and Barn B) from light industrial use (B1(c)) to a mix of general industrial (B2) and storage and distribution (B8) uses, the sub-division of the barns into 8 No. separate units (4 No. units in Barn A and 4 No. units in Barn B) and the installation of 2 No. extractor fan chimneys on the south-west facing roof of Barn A without complying with a condition attached to planning permission Ref 19/P/01881, dated 12 November 2021.
 - The condition in dispute is No 8 which states that: The uses hereby approved shall occur only within the barn and shall not take place externally. No open storage of materials, products, plant, equipment or temporary buildings or structures shall take place within the site.
 - The reason given for the condition is: so that the proposal does not have an unacceptable effect on the character of the area and so that neighbouring residents are not unacceptably affected.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is allowed and planning permission is granted for application under section 73 of the Town and Country Planning Act 1990 for the enclosure of Barn B and change of use of the whole barn building (comprising Barn A and Barn B) from light industrial use (B1(c)) to a mix of general industrial (B2) and storage and distribution (B8) uses, the sub-division of the barns into 8 No. separate units (4 No. units in Barn A and 4 No. units in Barn B) and the installation of 2 No. extractor fan chimneys on the south-west facing roof of Barn A at Valentines Farm, Rose Lane, Ripley, Surrey GU23 6NE in accordance with the terms of the application, Ref 24/P/000975, subject to the conditions in the attached schedule.

Preliminary Matters

3. The appeal form for Appeal B indicates it is against the refusal of planning permission. I note the application was made under s73 of the Town and Country Planning Act 1990 to remove a condition and I have determined the appeal on that basis. I have taken the name of the appellant company for Appeal A from the information provided by the appellant.
4. At my site visit, I observed elements of open storage on both appeal sites. Nonetheless, given the nature of open storage, I have assessed the proposals on the basis of the submitted plans.
5. The written evidence before me includes discussion about the planning unit, the planning status of the Appeal A site and the role of previous permissions in determining the use of that land. For the avoidance of doubt and notwithstanding the plans submitted with the appeal, the red line for the Appeal B site is the same as that on the permission the appeal seeks to vary.
6. The parties were given the opportunity to comment on the red line plan for appeal A. While the appellant provided an additional plan indicating further land within their control, this would represent a material change from the plans which were before the Council when it made its decision. Furthermore, this is not consistent with the ownership certificate signed at the submission of the application and the details accompanying Appeal B. I have therefore not taken this plan in to account when reaching my decision.

Main Issues

7. The main issues for Appeal A are the effect of the proposal on; and for Appeal B whether condition 8 is reasonable and necessary with respect to:
 - highway safety;
 - the character and appearance of the area;
 - designated heritage assets;
 - the living conditions of surrounding occupiers with respect to noise and disturbance.
8. A further main issue for Appeal A is the effect of the proposal on protected species.

Reasons

Highway Safety

9. Appeal B proposes the use of the hardstanding around the building for open storage. The supporting documentation is clear that this would be for the occupiers of the existing units on the site. Consequently, any increase in vehicle movements is likely to be limited.
10. Appeal A seeks to allow open storage on a specific parcel of land and which would be available to businesses not located within the building. The Framework is clear at paragraph 118 that transport statements or assessments will be required for developments that will generate significant amounts of movement. This area of

land is relatively small. Consequently, it is unlikely that this proposal would result in a significant amount of movement.

11. However, the site for Appeal A (excluding the access road) is a relatively small area of land. While at my site visit there were no physical or visual barriers to separate this land from the wider site, I must assess the appeal on the basis of the plans before me. These show only the appeal site within the red line. No other land is indicated as lying within the appellant's control. While the supporting evidence refers to the ability to park elsewhere on the wider site, it would not be possible for this to be secured given none of that land is shown as being within the appellant's control.
12. The evidence refers to storage containers being sited on the Appeal A site. It is not clear to me how this could be achieved within the land available and ensure that there was sufficient parking and turning space for users of the site. Given the site lies immediately adjacent to the access for the wider site, it would be necessary for the Appeal A site to operate in a way that would not affect this access. On the basis of the evidence before me, I cannot be certain that this would be the case.
13. The site access to Rose Lane serves the existing development. It is wholly unclear why an assessment of sufficient visibility would be required given the permission that Appeal B seeks to vary was granted relatively recently. Access to the site is taken from Rose Lane via a fairly long track. There is good visibility both at the junction and along the access road. There is sufficient space for vehicles to pass each other. There is no evidence before me that the wider highway network in and around Ripley is under such pressure that it could not accommodate the limited additional movements that would likely arise from this proposal.
14. There is no planning reason heavy goods vehicles could not access the site at present. There is no substantive evidence of alterations to the access track or of accidents in the area. Other remedies exist for illegal parking, or should a route no longer be suitable for large vehicles.
15. It has not been demonstrated that Appeal A could be carried out in a way that would not have an adverse effect on highway safety. Appeal B would have an acceptable effect on highway safety. The reason for refusal in both appeals refers to Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 25 April 2019) (GBSS) Policy ID3. This is more concerned with providing sustainable transport options rather than ensuring that there would be effective servicing space. However, the Framework is clear at paragraph 109b) that transport considerations are integral to the design of schemes.

Character and Appearance

16. Appeal A relates to a rectangular area of land adjacent to the rear garden of The Cottage. Appeal B relates to land around the employment unit building. In close proximity to the building and towards the boundary with the allotment gardens is hardstanding. Other than that, the majority of the land is unmade ground which has largely been compacted. The site is bounded by Ripley Bowling Club, allotments, The Cottage, and an enclosed space which appeared to be used for grazing. Beyond a bund to the east of the site lies the A3 and there is considerable tree planting along the road which largely screens the site from view. The access to the site runs along the length of the rear garden of The Cottage and passes a caravan site which appears to have permission for permanent residential use.

17. Both appeals propose open storage which would not necessarily be by the occupiers of the units on site. This would inevitably give rise to an increase in levels of activity both on the site and in terms of vehicle movements. However, given the limited size of the site, this increase would be unlikely to be so significant as to materially harm the character of the area.
18. The combined site for both appeals has the appearance of an employment site given the nature of the building and the informal car parking arrangement. The addition of external open storage on either appeal site would not make the site appear materially more industrial than the presence of the existing building indicates. It may be that open storage may appear as cluttered and is likely by its very nature to appear as industrial. However that would not be uncharacteristic of this site.
19. Furthermore, the appeal sites are visually contained due to the bunds, landscaping and position of highways infrastructure around them. Consequently, they are not visually prominent. Further controls could also be provided by the hours condition and other conditions which I will come on to later.
20. The proposals would therefore have an acceptable effect on the character and appearance of the area. They would therefore be in accordance with GBSS Policies E5 and D1, Guildford Borough Local Plan: Development Management Policies (adopted 22 March 2023) (GBDMP) Policy D4 and Lovelace Neighbourhood Plan LNPBE1 which taken together require employment opportunities to be of a scale appropriate to the character and appearance of the immediate area and respond to local character.

Heritage Assets

21. The Cottage is a Grade II listed building. It has a timber frame core and likely dates from the early 18th century. It was further extended in the 20th century. Its special interest is derived from its architectural interest as a vernacular dwelling illustrating changing design considerations and its historic interest in illustrating development within Ripley. Special interest and significance also stem in part from its setting, which includes its spacious garden and the surrounding pattern of development.
22. The site lies immediately adjacent to the Ripley Conservation Area (CA). Its character and appearance and thus special interest and significance are mainly derived from its historic interest as a rural, historic village with additional interest as a settlement along the London to Portsmouth coaching route. The ability to appreciate rural nature of the village is supported by its wider countryside setting.
23. The wider site is clearly in employment use and its appearance reflects this. Consequently, the introduction of open storage would not fundamentally change the relationship of the appeal sites with the heritage assets. Nor would it harm the ability to appreciate the special interest of the listed building or the character and appearance of the CA.
24. The proposals would have a neutral effect on, and so would preserve, the setting of the Cottage and the CA. The proposal would therefore comply with the requirements of sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural

or historic interest which it possesses; and be in accordance with the provisions of the Framework. It would also comply with GBSS Policy D3 and GBDMP Policies D18, D19 and D20 which taken together require the historic environment to be conserved in a manner appropriate to its significance and for development proposals to conserve the setting of listed buildings and to preserve or enhance the setting of a Conservation Area.

Living Conditions

25. Both appeals relate to the use of land for open storage. There is no substantive evidence before me that such use would be classed as a noise generating use, save for occasional noise during movement of goods being stored.
26. Furthermore, the open storage proposed in relation to Appeal B would be to serve the existing units on site. Those premises would be having those goods delivered in any event and the effect of that noise would have been considered when assessing that proposal. Appeal A relates to a relatively small area of land. Conditions which control the hours of operation at the existing site are in place, and these could be replicated on any permission for Appeal A.
27. The proposals would therefore have an acceptable effect on the living conditions of surrounding occupiers. It would be in accordance with GBDMP Policies D5 and D11 which require development proposals to avoid having an unacceptable impact on the living environment of existing residential properties.

Protected Species

28. Natural England's standing advice for bats confirms that a survey should be asked for if a development proposal is likely to negatively affect bats or their roost, foraging or commuting habitats. While I am cognisant of the requirements of the Conservation of Habitats and Species Regulations 2017, there should be a credible reason to require an ecological survey to be carried out as part of the application process.
29. At my site visit, the land contained within the site of Appeal A comprised compacted, unmade ground. The remainder of the Appeal B site involved a mixture of similar compacted land and hardstanding. The site was clearly in active, ongoing employment use. Given the proximity of the wider employment site and the very limited size of the Appeal A site, there is no substantive evidence before me to demonstrate that the proposal would affect the foraging or commuting habitats of bats.
30. There are mature trees immediately adjacent to the site which may be capable of containing bat roosts. However, given the limited size of the appeal site, the nature of the proposal and the levels of activity on the wider site at present, the proposal would be unlikely to affect any bats roosting in the trees. Controls over the height of storage at the site would ensure this remains the case.
31. The proposals would therefore not have an adverse effect on protected species. It would therefore be in accordance with GBSS Policy ID4 and GBDMP Policy P6 which taken together seek to maintain biodiversity and protect protected species.

Other Matters

32. The site lies within the Metropolitan Green Belt. The officer report for both Appeals sets out that the proposal meets the exception set out in paragraph 155 of the Framework and therefore is not inappropriate development. While the appellant disputes the Council's findings in relation to paragraph 154, it is not necessary for me to consider this matter further. Both parties have concluded both appeal proposals would be not inappropriate development and I have no reason to reach a different conclusion. The mechanism by which this conclusion is reached would not alter my assessment of the main issues. Nor would the fact there are retrospective aspects to both appeals, be of sufficient weight to reach a different conclusion on the proposals.
33. These decisions are specific to this site and these proposals. Any subsequent proposals would fall to be considered on their own merits. It is not within the remit of this appeal to address drainage concerns or the effects of idling vehicles arising from the approved development.

Conditions

34. The Planning Practice Guidance¹ (PPG) confirms that a permission granted under s73 takes effect as a new independent condition and that the decision notice should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. I have followed this approach. As I have no information before me about the status of the other condition(s) imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. Where conditions are to be removed, I have retained the same condition numbering for ease of understanding.
35. The appeal seeks to remove condition 8. However, the red line for the appeal site as shown on the approved plans is expansive and the planning statement clearly indicated it was intended that open storage would only take place on the concrete hardstanding. I have therefore amended Condition 8 rather than remove it to specify that open storage shall only take place on concrete hardstanding associated with Barns A and B. Condition 8 also prohibits the siting of temporary buildings or structures within the site. There is nothing in the evidence before me to indicate that this prohibition should be removed. It is also necessary to prohibit any B2 activities from taking place in the open to ensure there would not be an adverse effect on the living conditions of surrounding occupiers.
36. It is reasonable and necessary to ensure that any open storage is for the occupiers of the existing units on the site in the interests of highway safety. The previous appeal decision discounted the need for specific provision to be made for parking and servicing space within the site. However, this was on the basis that there would not be open storage within the site. I therefore consider that it would be necessary for such details to ensure that sufficient parking and turning space will remain available. I have added an additional condition to this effect. In the interests of the character and appearance of the area, including the setting of designated heritage assets, I consider it is reasonable and necessary to control the height of any open storage to no more than 3m.

¹ Flexible Options for Planning Permissions Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014

Conclusions

37. Appeal A: The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.
38. Appeal B: For the reasons given above, the appeal is allowed.

Jennifer Wallace

INSPECTOR

Appeal B: Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: WS V-1010 REV A, WS-V1002 REV A and WS-V1011 REV A.
- 2) The use of the units and any associated external storage hereby permitted shall not operate other than between the hours of 8am to 6pm Mondays to Fridays (inclusive), 8am to 2pm on Saturdays and shall not operate at all on Sundays or Bank or National Holidays.
- 3) The building shall not be subdivided any further than the subdivision shown on drawing WS-V1011 REV A.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) no mezzanine floor(s) shall be constructed within any of the eight units hereby approved.
- 5) No deliveries shall be taken at or dispatched from the site except between the hours of 7am to 8am; 10am to 3pm and 5pm to 7pm Mondays to Fridays (inclusive), 8am to 2pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 6) Within 3 months of this decision, a scheme for the provision of at least three fast charge sockets on the site shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of receiving the written approval of the Local Planning Authority, the approved scheme shall be implemented in full and made available for use. Thereafter the approved scheme shall be retained and maintained in the approved form.
- 7) There shall be no floodlighting or external lighting erected on the building or the site at any time.
- 8) The B2 uses hereby approved shall occur only within the barn and shall not take place externally. Open storage of materials, products, plant or equipment shall only take place on the concrete apron associated with the barn, by occupiers of the units within the barn. There shall be no siting of temporary buildings or structures within the site.
- 9) Within 4 months of the date of this decision a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how all eight units will be treated and managed to control the escape of noise. This could involve physical works to the building (such as internal soundproofing) and / or management techniques to minimise noise and disturbance. Within 3 months of receiving the written approval of the Local Planning Authority, the approved scheme shall be implemented in full. The scheme shall be adhered to in full for the lifetime of the development.
- 10) The two extractor units shall be removed from the building and the structure made good unless, within 3 months of the date of this decision a scheme which successfully mitigates the potential impacts of noise, odour and fumes from the units is submitted to and approved in writing by the Local Planning Authority. Within 3 months of receiving the written approval of the Local Planning Authority,

the approved scheme shall be implemented in full. The scheme shall be adhered to in full for the lifetime of the development.

- 11) The eight units hereby approved shall be used only for purposes falling within Classes B2, B8 and light industrial use within Class E and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 12) Within 3 months of the date of this decision, a scheme showing parking, turning and servicing space to serve the eight units within the barn shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 1 month of its approval and thereafter retained for the approved use.
- 13) No materials, products, equipment, waste or other objects stored in the open shall be stacked or deposited to a height that exceeds 3 metres.