



## Appeal Decision

Hearing Held on 26 June 2019

Site visit made on 26 June 2019

**by David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

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**Appeal Ref: APP/R3650/W/19/3221996**

**South Side Of The Street, Dockenfield GU10 3EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Kathy Edgington against the decision of Waverley Borough Council.
  - The application Ref WA/2018/0580, dated 13 June 2018, was refused by notice dated 3 September 2018.
  - The development proposed is erection of a temporary rural workers dwelling together with commercial stables, an administration/store building and associated works; change of use from agricultural to commercial equestrian use.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. During the hearing the appellant and Council agreed that this description was appropriate. I shall determine the appeal on this basis accordingly.

### Application for costs

3. An application for costs was made by Mrs Kathy Edgington against Waverley Borough Council. This application is the subject of a separate Decision.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the site's location within the Surrey Hills (Waverley Borough) Area of Great Landscape Value.

### Reasons

5. The appeal site comprises an open agricultural field on the south side of The Street close to its junction with Old Lane within an open countryside location. The appeal proposal lies within the northernmost part of the field, which rises gently towards its southern edge.

6. The appeal site is situated between a cluster of buildings centred on Dockenfield Farm to the north, the village of Dockenfield to the west, open fields to the south and a narrow country lane running along the eastern boundary of the site. The topography of the site slopes gently up from The Street and a mature hedgerow interspersed with mature trees is located along the boundaries of the site, which adds to the open spacious rural character of the area. This is further enhanced by the presence of mature landscaping and established trees within the surrounding open countryside.
7. The proposal would involve the change of use of agricultural land to commercial equestrian use including the erection of a temporary static three bedroom mobile home, an American Style barn and an administration building. These would be centred around a vehicular access via The Street and new hardstanding including small car parking area for commercial use.
8. The proposed barn of about 24.9m in length and about 5.6m in height would provide 10 stables with a tack room and feedstore and would be predominantly constructed with Yorkshire timber boarding above concrete block walls and grey Eternit corrugated roof sheeting. The administration building of about 21.5m in length and 3.5m in height with an office and feed store would be built in local brick and grey Eternit corrugated roof sheeting. The buildings would be set back from the site boundaries and would be stepped down to utilise the natural sloping topography of the site. In addition, there would be a horse walk area and sand school paddock enclosure. This enclosure would be 50m by 25m and surrounded by low fencing.
9. A main objective of the National Planning Policy Framework February 2019 (the Framework) is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 170 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced.
10. The appeal site is located within the Surrey Hills (Waverley Borough) Area of Great Landscape Value (AGLV). The Surrey Landscape Character Assessment April 2015 (LCA) states that the area lies within the locally defined Dockenfield to Millbridge Open Greensand Hills landscape character type, defined by its undulating landform of predominantly pastoral landscape with paddocks and woodlands, linear settlements along rural lanes and roads and scattered farmsteads. The LCA states that the relatively rural landscape and woodlands in the area aids the sense of tranquillity and remoteness in some areas, particularly away from the road<sup>1</sup>.
11. It is clear from the evidence including the appellant's landscape and visual appraisals (LVAs)<sup>2</sup> and from my observations during my site visit that, given the topography of the site and the immediate surroundings, the appeal site, in visual terms, would not be highly visible in the wider landscape. The main views of the site from the viewpoints 1, 2 and 3 in the LVAs in the wider area from the north and north-east of the site would be largely obscured by the intervening boundary trees and vegetation and buildings on the adjacent

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<sup>1</sup> Edp Landscape and Visual Appraisal May 2018 Section 3.5 and Appendix 2 and Surrey Landscape Character Assessment for Waverley Borough April 2015

<sup>2</sup> Edp Landscape and Visual Appraisal May 2018 and Edp Landscape Appeal Statement February 2019

- residential development at Dockenfield Farm and result in limited visibility of the proposed development on the lower part of the site.
12. My daytime site visit indicated that the area was fairly busy, experiencing some noise and disturbance particularly associated with traffic movements along the main road and the residential uses and current construction activities on the adjacent Dockenfield Farm. Given the location of the proposed development at the front of the site, the relationship with the adjacent residential development and the road, I consider based on the evidence provided and observations on my site visit, that the noise and disturbance associated with the introduction of the new activities would not significantly erode the sense of tranquillity in this particular rural location.
  13. Nonetheless, on a more local level, the overall scale and form of the proposed development would nevertheless be substantial in this location. The appellant's LVAs categorise that the proposal would have a major/moderate level of effect on the visual amenity of the area over the short section of the road in passing the site<sup>3</sup>. Whilst I recognise that the boundary trees and vegetation provide some visual containment, the degree of visibility will vary according to the seasons. The appeal site in its current open and undeveloped form, together with the adjoining fields, provides a contribution to the visual quality of and an important contribution to, the rural open landscape setting of the area. Although they would be set back and stepped down, the proposed buildings and related structures cumulatively would result in an increased built form on the site that would compromise the sense of space and openness of the area.
  14. These shortcomings would be exacerbated by the appeal site's elevated position above the road where the proposal would be visible over short distances along The Street and Pitt Lane. This harm would occur, regardless of whether or not the buildings could be more effectively screened from the road, through the provision of additional landscaping along the roadside boundary, that would take some time to mature to provide effective screening in this location.
  15. I have considered the appellant's arguments that the design and layout of the proposed development have been carefully considered in order to minimise any impacts on the area and has been redesigned following the Council's pre-application advice and the previously refused application at the appeal site in January 2018<sup>4</sup>. However, whilst I recognise that the impacts of the development could be mitigated to some degree through the use of materials, lighting and by the retention and enhancement of the landscaping around the boundaries of the site, these aspects do not overcome the adverse effects arising from the proposal. As such, I consider the proposed development would adversely harm rather than positively contribute to the open rural character and appearance of the area.
  16. Whilst the site is not within the Surrey Hills Area of Outstanding Natural Beauty (AONB), it is within the AGLV which is recognised and protected by Policy RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (WBLPP1). This policy requires all development to respect and, where appropriate, enhance the distinctive character of the landscape in which it is

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<sup>3</sup> Edp Landscape and Visual Appraisal May 2018 Para.6.7 and Edp Landscape Appeal Statement February 2019 Para. 2.47

<sup>4</sup> WA/2017/1332

located. It seeks to protect the character and quality of the AGLV by retaining it for its own sake and as a buffer to the AONB. It seems to me that the proposal would fail to do this.

17. However, the weight to be given to WBLPP1 Policy RE3 is a matter of dispute between the parties. The appellant considers that the approach that the same principles for protecting the AONB will apply in the AGLV which will be retained for its own sake is contrary to the underlying presumption in favour of sustainable development in the Framework. However, whilst the policy does not appear to reflect fully the positive approach in the Framework, the underlying aims of WBLPP1 Policy RE3 that new development should respect and enhance the landscape character remains consistent with the aims of the Framework and the policy forms part of recently adopted Local Plan.
18. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policies D1, D4 and RD14 of the Waverley Borough Local Plan 2002 (LP) and Policy TD1 of the WBLPP1. These policies seek, amongst other things, to ensure all proposals for new development should achieve a high quality design that is appropriate in scale and design which integrates well with the site and its surroundings, responding to the local distinctiveness of the area and respecting and where appropriate, enhancing the landscape character. Policy RD14 of the LP specially relates to new commercial equestrian developments and seeks to ensure that such proposals do not harm the character and appearance of the area. The proposal would also conflict with WBLPP1 Policies RE1 and RE3 for the reasons indicated above. The proposal would be harmful to the landscape designated as an AGLV and the intrinsic character and beauty of the countryside, contrary to the overall aims of these policies.

### **Other Matters**

19. The appellant considers the appeal site and its wider context fall below what would be considered a valued landscape and the provision of paragraph 170 (b) of the Framework should apply to this area. However, both parties during the hearing agreed that the appeal site lies within an AGLV, a statutory locally landscape designation. As such, I consider it would fall under the auspices of Paragraph 170 (a) of the Framework, in that it is recognised as a valued landscape that should be protected and enhanced.
20. I note the comments made regarding the appeal site forming part of a candidate area recommended for re-designation as part of the AONB<sup>5</sup>. Whilst this may be so, the main parties outlined during the hearing, that no formal process on any modifications to the AONB had been commenced and consequently can only be afforded limited weight.
21. I have noted the other development in the area drawn to my attention by the appellant and the Council. However, the equestrian scheme on the land to the west of the appeal site relates to a different scale and form of development to the appeal proposal<sup>6</sup>. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with this other case. I therefore accord it limited weight.

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<sup>5</sup> HDA Surrey Hills AONB Areas of Search Natural Beauty Evaluation October 2013

<sup>6</sup> APP/R3650/W/17/3189622 and APP/R3650/W/17/3189623

22. I have noted the issues raised by the appellant regarding the Council's pre-application advice, the revised scheme produced and the way in which the application was processed by the Council. The Council, however, are not bound by the officer's pre-application advice in making their final decision. Whilst I appreciate the appellant's willingness to bring forward a workable solution to develop the site, these are matters to which I can attach only limited weight in making this decision.
23. I have noted the letters of support from third parties on the basis that the proposal would provide a small rural family business and high quality equine facilities, that would make good use of and improve the site and would be in keeping with the locality, meet a need for equine facilities in the area and result in more people enjoying the countryside. However, in light of my findings on the main issue above, my decision does not turn on these matters.
24. During the hearing, the appellant questioned the robustness of the Council's latest five year housing land supply and whether the tilted balance in favour of sustainable development in Paragraph 11 of the Framework applies. The appellant considers that this proposal would boost the housing supply in line with the requirements of the Framework. However, there is little substantive evidence before me to contradict the Council's statement that it has the required five year supply.
25. I have also considered the various other benefits that the proposal would bring, including helping to diversify the local economy, creating new employment opportunities as well as providing recreational opportunities to support the social and economic wellbeing of the local communities. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. I found above that taken overall the development would cause harm to the area's character and appearance and the valued landscape in which it is located.
26. Therefore, even if I were to conclude that there is a shortfall in the five year land supply as suggested by the appellant and that the relevant policies for the supply of housing could not be considered up to date, this harm would conflict with the environmental objectives of sustainable development. This harm, in my view, would be sufficient to outweigh the scheme's benefits when assessed against the policies in the Framework read as a whole. The Framework is a material consideration. However, in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.

### **Conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANTS:

|                 |                       |
|-----------------|-----------------------|
| Kathy Edgington | Appellant             |
| Janine Banks    | Janine Banks Planning |
| Mike Joffe      | edp Limited           |
| Richard Sturt   | Sturt & Company       |
| Lily Hiscock    | Anderson Midlands     |

### FOR THE LOCAL PLANNING AUTHORITY:

|                |                         |
|----------------|-------------------------|
| Graham Speller | Senior Planning Officer |
| Brian Adams    | Local Ward Councillor   |

### INTERESTED PARTIES:

|                  |                                     |
|------------------|-------------------------------------|
| Colin Hall       | Dockenfield Parish Council and CPRE |
| Peter Barratt    | Local resident                      |
| Paul Edgington   | Local resident                      |
| Will Edgington   | Local resident                      |
| Janice Edgington | Local resident                      |
| Sarah Watson     | Local resident                      |
| Ania Konwersa    | Local resident                      |
| Anne Tutt        | Local resident                      |
| Owen Tutt        | Local resident                      |
| Adam Tutt        | Local resident                      |
| Angie Emery      | Local resident                      |
| Gary Lee         | Local resident                      |
| Annabelle Sutton | Local resident                      |
| Sarah Stirling   | Local resident                      |

DOCUMENTS SUBMITTED DURING THE HEARING

- Doc 1 Appeal Decisions Ref. APP/R3650/W/18/3210257 and APP/R3650/W/18/3210257 Dockenfield Farm, Pitt Lane, Frensham, Farnham submitted by the appellant.
- Doc 2 Updated List of suggested conditions submitted by the Council.
- Doc 3 New suggested condition on floodlights and other forms of external lighting submitted by the Council.