
Appeal Decision

Hearing held on 14 July 2015

Site visit made on 14 July 2015

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2015

Appeal Ref: APP/A3655/W/15/3004236

Blanchards Hill Farm Stud, Blanchards Hill, Jacobs Well, Guildford, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Madeline Weightman against the decision of Woking Borough Council.
 - The application Ref PLAN/2014/0466, dated 3 April 2014, was refused by notice dated 3 December 2014.
 - The development proposed is the erection of an equestrian worker's dwelling.
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Procedural matters

1. The application was submitted in outline with all matters reserved for future determination, though a number of details are given in the Design and Access Statement. These include a site area of around 0.1 hectare and the likelihood of the dwelling being 2 storeys in height with a detached double garage.
2. A signed and dated Section 106 Unilateral Undertaking (UU) was submitted by the appellant. This establishes a covenant whereby a SAMM contribution would be made to the Council prior to commencement of any development to be calculated on the basis of the Thames Basin Heaths Special Protection Area Interim Mitigation Strategy. I return to this matter below.
3. The Council confirmed that in the light of the provisions of the UU and suggested condition 9 in respect of achieving a high standard of sustainability from the development, it would no longer be pursuing refusal reasons 4 and 5 respectively. I have dealt with the appeal on this basis.
4. The now cancelled Planning Policy Statement 7 (PPS7) and its associated Annex set out guidance on what factors should be considered when assessing essential need in a particular case. However, the approach set out in the National Planning Policy Framework (NPPF) paragraph 55 differs from that of PPS7 and its associated Annex, in that new isolated homes in the countryside should be avoided unless there are special circumstances such as; *the essential need for a rural worker to live permanently at or near their place of work in the countryside*. Given the status and up-to-date nature of the NPPF, I shall apply its test in this case along with any specific development plan policy on this matter.
5. This appeal is related to another nearby appeal ref APP/A3655/W/15/3004253 for which there is a separate decision.

Decision

6. I dismiss the appeal.

Application for costs

7. At the Hearing an application for costs was made by Ms Madeline Weightman against Woking Borough Council. This application is the subject of a separate Decision.

Main Issues

8. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as it would not fall to be considered within any of the exceptions set out in NPPF paragraphs 89 and 90. I concur with that position.
9. In which case, I consider the main issues to be the effect of the proposal on the openness of the Green Belt; the effect on the setting of nearby heritage assets and whether the development would preserve or enhance the character or appearance of the Sutton Park Conservation Area; whether, having regard to the aims of national and local planning policies that seek to resist new dwellings in the countryside, there is an essential need for a rural worker to live permanently at the site, and whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

10. The appeal site is an open field that is situated within the Sutton Park Conservation Area and the Metropolitan Green Belt. It stands next to a stable block and a ménage, and comprises part of the Blanchards Hill Farm Stud. Proposed is the erection of a single dwelling to be used in connection with the operation of the farm stud.

Green Belt

11. The NPPF states in paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The appellant accepts that the proposal is not listed in paragraphs 89 and 90 of the NPPF as an exception to this. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. Furthermore, taking a global assessment of the impact of the proposal on openness, I consider that a dwelling and detached garage at the proposed location would be a conspicuous development that would serve to make an intrusive addition to the area. Accordingly, the proposal would lead to a moderate reduction in the openness of the Green Belt equating to moderate harm. In this regard, I note the appellant's argument that the qualitative improvement to the overall equestrian facility which is necessitated by the needs of the business, ought to outweigh the relatively small quantitative impact on openness.

13. However, the NPPF makes clear that the essential characteristics of Green Belts are their openness and permanence so any reduction in these characteristics would be harmful. The NPPF goes on to make clear that substantial weight should be given to any harm to the Green Belt. This is reflected in Policy CS6 of the adopted Woking Core Strategy.

The effect on the heritage assets

14. The appellant's Heritage Statement identifies a number of nearby heritage assets, the closest being *Site of Old Manor House, West of St Edwards R C Church*, a Scheduled Ancient Monument (SAM) and the *Church of St Edward the Confessor*, a Grade II listed building. The proposal would not have any direct physical impact on the heritage assets as it would be situated around 80m and 130m distant respectively. The principal impact would be on the experience of the heritage assets within their wider landscape context which relates to their setting.
15. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. Historic England guidance; *The Setting of Heritage Assets*, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.
16. The significance of an asset is defined in the NPPF as its value to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development. As a designated SAM, the Old Manor House site is clearly of national importance. NPPF paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
17. I observed that there would be a considerable degree of inter-visibility between the proposal and the heritage assets through existing vegetation, across land that rises gently towards the assets. This would be apparent from close quarters on the footpath which passes between the assets and the appeal site. I consider that the scale and position of the church make it a notable feature in the landscape which means its setting would have a high sensitivity to change. The proposal would form a major element within this setting, exerting a strong visual dominance over the heritage asset, thereby having an adverse effect on its significance.
18. The church and the SAM derive some of their significance from their settings which would be adversely affected by the proposal. This would be contrary to CS Policy CS20 and would equate to less than substantial harm (for the purposes of paragraph 134 of the NPPF). No public benefits have been put forward under NPPF 134 to weigh against this harm and the proposal would not result in securing the optimum viable use for the heritage assets.

19. In addition, the proposal would be situated within the Sutton Park Conservation Area. This is characterised by open parkland associated with Sutton Place, interspersed with groups of trees and isolated specimen trees. In my judgement, the proposal would introduce further built development into this context that would detract from its open character. It would stand remote from the main focus of buildings at the Farm Stud in an open position. In addition, as described above, it would detract from the setting of 2no. heritage assets which are an integral part of the character and appearance of the Conservation Area. Accordingly, I consider that the proposal would fail to preserve or enhance the character or appearance of the Sutton Park Conservation Area and would conflict with saved Policy BE9 of the Woking Borough Local Plan (1999).

Other considerations

20. In supporting sustainable development, the NPPF seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in NPPF paragraph 55 and include reference to situations where there is an essential need for a rural worker to live permanently at, or near, their rural place of work. In addition, NPPF paragraph 28 explicitly supports a strong and prosperous rural economy. Among other things, it promotes the development and diversification of agricultural and other land based rural businesses.
21. The appellant operates an equestrian business at the appeal site where planning permission ref PLAN/2005/0992 was granted in 2005 for the construction of an agricultural storage barn, stable block, ménage, and associated yard. The appellant confirmed that the site currently has 11 working stables.
22. Due to changes in personal circumstances, the appellant lives around 2.7km from the stables in Stoughton. She claimed that this distance makes managing the growing business difficult and the proposal has been located adjacent to the stables due to the practicalities and functional need for a person to be close to the horses, especially during foaling.
23. In this regard, there have been 3 recent assessments of the need for a rural worker's dwelling at the site. The first of these was prepared on the Council's behalf by Chesterton Humberts, dated April 2013. It relates to a previous withdrawn application and concluded, using the guidance contained in the Annex to PPS7, that a rural worker's dwelling was not required. A further assessment was commissioned by the Council in respect of this proposal from Humberts with 2 reports being submitted in September and October 2014.
24. The conclusion reached in the assessment for the proposal subject to this appeal was that there was a need for a worker to live at the site. A letter dated 10 October 2014 from Humberts to the Council explains that the assessor was aware of the previous report but viewed the facts of this case objectively, as presented. It goes on to state that it is considered that the business has continued to evolve and there is now a real risk to horses of considerable value, particularly during foaling.
25. The assessment report noted the intention to increase the number of brood mares and stallions so that 18 mares would be available to foal over the period running approximately from February to October. The report considered the labour requirements of the business, the functional need for a permanent

- presence on site for supervisory purposes and the financial status of the business now and in the future.
26. In terms of labour, the Humberts assessment concluded that there were 3 full time workers at the facility. It also found that as a breeding and training facility, the keeping, breeding and rearing of horses generated a functional need for an on-site residential presence of a skilled equine worker. The report pointed out that a core component of the business, the importation of high value horses from Europe, meant that there was a risk that horses would suffer travel stress and sickness and would require monitoring. As for financial stability, Humberts did not see up to date accounts but noted that 2 staff members are effectively self-employed.
27. As a separate exercise, the view of the Council's Planning Policy section was sought on 29 April 2014, in respect of an Equine Appraisal submitted as part of the planning application. In a comprehensive response, the Planning Policy Section made it clear that it was accepted on the basis of the Appraisal, that there was a compelling case for the need for an occupational worker to live permanently at or near the business. This took account of letters from local vets and potential clients of the business. In conclusion it was accepted that the farm stud was an established business that was likely to expand.
28. Against this background, and on the basis of the submitted evidence, I have no reason to doubt that the business is financially viable. The Humberts assessment demonstrates that the equine enterprise is permanent and that there is a need for an equine worker to be present at the site, particularly at night. It also demonstrates that it has been planned on a sound financial basis and there is a firm intention and ability to develop the enterprise. Moreover, from the evidence and what I observed on site, I am satisfied that the essential need would be permanent.
29. While full details of the dwelling itself have not been submitted as the proposal is made in outline, in my judgement, the need for a person to be in attendance on the site to run the business on a full time basis has been demonstrated and matters of appearance and design could be determined at a future date were planning permission to be granted. Accordingly, in this regard, the proposal would not conflict with NPPF paragraphs 28 and 55 and this consideration attracts substantial weight in favour of the proposal.
30. The appellant pointed out that the proposal would be adjacent to an existing range of buildings and not isolated. However, taking this outline proposal on its merits, I have found that it would stand alone in a conspicuous position that would reduce the openness of the Green Belt and detract from the setting of 2 no. heritage assets, and fail to preserve or enhance the character or appearance of the Sutton Park Conservation Area. In which case, I give this consideration little weight in favour of the appeal.
31. A UU under Section 106 has been submitted which makes a contribution to the Thames Basin Heaths Special Protection Area Interim Mitigation Strategy. While I have found that the proposal is unacceptable for other reasons, the UU would nevertheless provide a benefit and I give this consideration moderate weight in favour of the proposal.
32. I note from the officer report that the Council considers that the proposal would be acceptable in terms of highway safety, living conditions and ecology.

However, these are considerations that do not add further harm rather than being positively in favour of the proposal.

Conclusion

33. The proposal would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
34. The proposal would also result in less than substantial harm to the significance of 2 no. heritage assets as a development within their settings and would fail to preserve or enhance the character or appearance of the Sutton Park Conservation Area. I give great weight to the conservation of the SAM in line with NPPF Paragraph 132, and considerable weight to the desirability of preserving the setting of the listed building and to paying special attention to preserving or enhancing the character or appearance of the Conservation Area, in line with Sections 66(1) and 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. Against this, the provision of a dwelling for occupation by a worker engaged with the running of the equestrian business, of which the appeal site forms part, attracts significant weight in favour of the proposal. In addition, the submitted signed and dated UU attracts moderate weight in favour. However, the NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt, the settings of the heritage assets and the failure to preserve or enhance the character or appearance of the Sutton Park Conservation Area. Therefore, the very special circumstances necessary to justify the proposal do not exist.
36. For the reasons given above, and noting the letters in support of the proposal, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr R Brogden MRICS FAAV

Partner, Bruton Knowles

Mr P Barton MRTPI

Associate Partner, Bruton Knowles

Ms M Weightman

Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr J Hutchinson MRTPI

Planning Consultant

INTERESTED PERSONS

Mrs L Lines

Local resident

DOCUMENTS

- 1 Council's letters of notification of the Hearing
- 2 Equine Centre Accounts for year ending 31 March 2014
- 3 List of suggested conditions
- 4 Signed and dated Unilateral Undertaking