

22/P/01326 | The erection of an agricultural storage barn and chicken house together with the retention of the existing boundary fencing and gates (part retrospective) | Plot F, Land East of Wanborough Woods, Westwood Lane, Wanborough, Guildford, GU1 2JN

Wanborough Parish Council objects to this application on the following grounds:

The proposed structures are significantly larger than those refused in the same plot in 2018 as inappropriate in the Green Belt and therefore contrary to the Local Plan and NPPF

The following application was refused on 5th April 2018 and rejected on appeal on 24th January 2019:

18/P/00044 Change from Agricultural to Equestrian for the use of keeping horses for pleasure. Erection of 3 units of mobile field shelters/stables, gate and fencing (retrospective)

On refusing the application the case office ruled the development inappropriate for the Green Belt, within the rules laid out in the Guildford Local Plan and the NPPF. It would also impact the character of the AONB, contrary to the Local plan and NPPF:

The above application is hereby refused for the following reason(s):

- 1. The proposed development does not fall within the exceptions of 'not inappropriate' development within the Green Belt, and therefore constitutes inappropriate development in the Green Belt which is harmful by definition. No very special circumstances have been demonstrated that would outweigh the harm to the Green Belt and it is not considered that any exist. The proposed development would therefore fail to comply with policy RE2 of Guildford Borough Local Plan (as saved by CLG Direction 24/09/2007) and Chapter 9 of the NPPF 2012.*
- 2. The proposed development, by virtue of the subdivision of the field in this isolated and open location, would adversely impact on the character of the existing site and surrounding area, including the Area of Great Landscape Value, contrary to policy G5 and RE6 of the Guildford Borough Local Plan (as saved by CLG Direction 24/09/2007) and the NPPF 2012.*

The decision was upheld at appeal, with the procedural note confirming that the new NPPF (in force subsequent to the original refusal but prior to appeal) had been taken into account in the decision:

- 2. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and replaces the first NPPF published in March 2012. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of this appeal. References to the NPPF in this decision therefore reflect the revised document.*

The (retrospective) proposal in 2018 was for three units with a combined volume (including overhang) of around 282m³:

1. 3.6m x 5.4m, height 2.9m (volume roughly 56m³)
2. 10.8m x 3.6m, height 2.9m (volume roughly 113m³)
3. 10.8m x 3.6m, height 2.9m (volume roughly 113m³)

This proposal is for two sheds with a combined volume somewhere in the region of 750m³:

1. 12m x 9m, height 6.6m (volume roughly 713m³)
2. 7.5m x 2.4m, height 2.1m (volume roughly 37.8m³)

This application is for a development which comprises buildings of more than two and a half times the volume of the previous application and more than double the height, positioned just a few metres from the location proposed in the previous application.

The application specifies that it is 'part retrospective' but does not state which part that is. If we assume that this refers to the fences and gates, which appear similar to the previous application, and we consider the officer's statement that "*The proposed development, by virtue of the subdivision of the field in this isolated and open location, would adversely impact on the character of the existing site and surrounding area*" it is clear that these were specifically refused.

Given that the previous request was refused, and that the current application mitigates none of the concerns raised, it is only right that the new application be refused on the same grounds.

The proposed development would impact the openness of the AONB and AGLV and be counter to the Guildford Local Plan and the NPPF

The proposed barn would be 12m x 9m wide and 6.6m high. The chicken house 7.5m x 2.4m wide and 2.1m high. These structures, located centrally in the lower AGLV field, would be highly visible from the Hog's Back AONB.

The barn, in particular, is 2.3m (or 35%) higher than a barn refused in plot A1 in the same field under application 19/P/01980 for the following reason:

"The development proposed, by virtue of the scale of the buildings required and the likely intensity of the proposed use, would result in a development which would detract from the distinctive landscape character of the Area of Great Landscape Value and would be harmful to the setting of the Surrey Hills Area of Outstanding Natural Beauty. Accordingly, the development is contrary to Policy P1 of the Guildford Local Plan: Strategy and Sites 2015-2034 and would conflict with the objectives of the paragraph 170 of the National Planning Policy Framework. The proposal would also be contrary to the objectives of the Guildford Landscape Character Appraisal"

Policy P1 (5) of the Guildford Borough Local Plan (2015-2034) states that "*Development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself*"

The development, by being highly visible from the Hog's Back would impact the setting of the AONB and by its subdivision of the AGLV field would damage the character of the AGLV.

Policy 13 (137) of the NPPF 2021 states that "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*"

Policy 148 of the NPPF 2021 states that "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*"

The proposal, by the size of the development, would result in harm to the Green Belt and by its size and the subdivision of the field will impact the openness of the Green belt. The development is therefore contrary to Policies 13 and 148 of the NPPF.

The Field in which Plot F is located is valuable for its natural beauty, which would be harmed by this development

Plot F sits in an open field of around 20 acres in an Area of Great Landscape Quality, designated by Surrey County Council. Paragraph 4.3.4 of the Guildford Local Plan states the following:

"Whilst the AGLV has acted as a buffer to the AONB, it also has its own inherent landscape quality and is significant in conserving the landscape setting of some towns and villages. The AGLV remains an important contributor to the quality of the environment in the borough in its own right as well as supplementing the high landscape quality of the surrounding areas."

In February 2018 Guildford Borough Council, petitioned by local residents, created an Article 4 Direction over Wanborough Fields, which includes Plot F, stating that *"the subdivision of this AONB/AGLV land would interfere with the visual amenity, and open quality and special nature of the land"*.

Whilst the Article 4 places no restriction on planning application, its creation, and the AGLV classification, demonstrates the considerable value placed on the landscape by the Council and the local population, in particular for its openness and visual appeal.

A number of other plots in the field have constructed fencing, introduced caravans and shipping containers, and constructed sheds - thereby reducing the visual appeal and quality of the landscape. However, all of these developments were made contrary to planning regulations and are subject to enforcement notices and are therefore expected to be removed. Once the other plots are restored the only significant development in the field will be within Plot F.

The field, and Plot F, form part of the panoramic vista afforded by the Hog's Back, which is within the Surrey Hills AONB. It is also itself within the candidate area for AONB designation in the ongoing Surrey Hills AONB review due to complete this year. The bulk of the sheds, and the fact that they are positioned close to the centre of the field, unshielded by trees or bushes, ensures that they are highly visible from the AONB. The AONB officer, objecting to application 19/P/01980 on an adjacent plot that included a barn 2.3m lower in height than this proposal, and, less visible from the AONB, stated:

"Further, development of the application site in the way proposed and were it to happen similarly on other adjacent land would impact upon views into and out of the AONB, I consider, to an extent that would spoil its setting."

The owners have not complied with an existing enforcement case on the same site

The present owners purchased Plot F in August 2019 with enforcement notice EN/18/00220 in effect:

EN/18/00220 - Alleged unauthorised change of use of the land from agricultural to equestrian, including the erection of mobile field shelters, fence and keeping of horses.

The owners claim to have been unaware that the plot had an existing enforcement notice and have signed affidavits to that effect. Whilst it is regrettable that they made the purchase without performing the usual searches and one might have sympathy with purchasers in this situation, whether they were aware of the enforcement notice at time of purchase or not has no bearing on the requirement for them to comply.

Rather than fulfilling their legal obligation to remove the structures, the owners left them in place, requiring GBC to pursue costly action, eventually resulting in a court date for 8th August 2022. It is only due to absence at GBC that the plot owners have not been prosecuted.

In section 2.3 of the Planning Statement the owners state *"In this case the applicants are committed to removing the mobile field shelters and paving slabs from the site"*. They have had three years to remove the development from the site, only offering to comply now that they wish to legitimise the development. They should be required to remove the existing structures before any further application be considered.

Even if we consider that the units are a new application and we consider the fencing and gates in isolation, the application is for retrospective planning permission for a development that is subject to an enforcement notice following refusal of retrospective planning permission and rejection of subsequent appeal.

The owners do not have safe and appropriate access to the site

The site is accessed via a gate on a sharp 90-degree corner of Westwood Lane. Due to the number of plots on the field there is often more than one vehicle queued at the gate with the result that vehicles are backed up on to Westwood Lane. Drivers approach this corner at some speed which has resulted in several accidents at this location in recent years. Any increase in the frequency of visits to the site is likely to result in further accidents.



Once on the field, access to the plot is via a track along the south side of the field and through an adjacent plot. As an unmade track over heavy clay, it is unsuitable for all but light traffic in the summer months and therefore unsuitable for commercial traffic. It should be noted that, although the track is currently partially made with imported material and impacted soil, it is subject to an enforcement notice to remove this material:

EN/20/00121 Without planning permission, the importation of materials and engineering operations/earth works to create a track

Similarly, no provision for parking is requested, meaning that any parking will be in an open field. Although the applicant has stated that the field is not in a flood risk area, the field, being dense clay located close to natural springs, is waterlogged for much of the year. In this case vehicles are obliged to park at the entrance gate or on the surrounding verges of Westwood Lane. This obliges traffic to veer on to the wrong side of the road on the inside of a blind corner, into oncoming traffic, greatly increasing the risk of collision.

It should also be noted that the owners of the adjacent plot, D1, have objected to the certificate of lawfulness (CLEUD) requested for plot F (22/P/01052) on the grounds that the proposed access through the field, as well as the fence, traverses their property. The legitimacy of the proposed access to the site is therefore in doubt.

No clear evidence of existing business

The owners claim that they have an egg business producing 31,200 eggs per annum plus commercial farming of fruit and vegetables. They have not provided evidence of this activity on site. Wanborough Parish Council encourage GBC to undertake a site visit, and to request historical accounts, to verify the claim.

Risk of contamination of local water courses

As noted, the plot is on heavy clay soil which is prone to waterlogging and standing water for much of the year. Two hundred or more chickens are likely to result in a significant run-off of effluent. Although not all mapped, the field and surrounding fields, being situated on the boundary between layers of chalk on the higher ground and heavy clay at lower levels, include multiple springs and water-courses. The run-off will inevitably find its way into both ground- and freshwater resulting in contamination, a punishable offence under the Environmental Permitting (England and Wales) Regulations 2010: regulations 38(1) and 12(1). The proposal includes no mitigation for the potential for water pollution.

Light pollution

The matter of lighting has not been addressed in the application. As already stated, the plot is highly visible from the Hog's Back AONB and light pollution will impact the setting of the AONB.

Policy P1 (5) of the Guildford Borough Local Plan (2015-2034) states that *“Development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself”*

If the application is approved, conditions should be set concerning the hours, location and visibility of any lighting.