

WA/2020/1685 – Change of use from agricultural barn to light industrial (use class E) and storage and distribution at Barn, Yard Farm Stables, North Breache Lane, Ewhurst

Committee: Eastern  
Meeting Date: 8<sup>th</sup> September 2021

Ward: Ewhurst and Ellens Green  
Case Officer: Kate Edwards  
Expiry Date/ Extended Date: 12/05/2021  
09/09/2021

Neighbour Notification Expiry Date: 30/07/2021

RECOMMENDATION That, permission be GRANTED subject to conditions and informative.

1. Summary

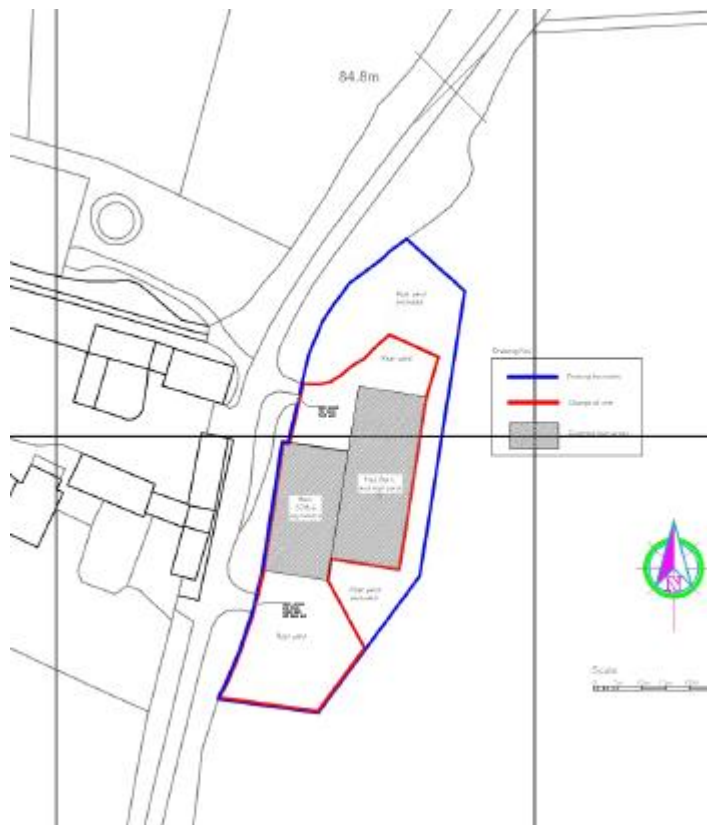
The application has been brought before the Area Committee at the request of the Local Member. The reasons for referral relate to concern about the environmental impact of the construction process, that the development would be uncharacteristic in the AGLV and countryside and that it would be unsustainable due to the remote location and impact on rural roads.

The proposal is acceptable in planning use class terms, subject to a number of other criteria being met, as the redevelopment of a disused agricultural building. The visual impact of the proposal and impact on neighbours would be acceptable, subject to a condition limiting the use to light industrial and storage/distribution only rather than any use within class E. The transportation impacts of the proposed development would be acceptable subject to conditions.

The application is therefore recommended for approval.

2. Location Plan

PTO



### 3. Site Description

The application site is located outside of the village of Ewhurst to the eastern side of North Breache Lane, which is a narrow and unmarked country lane. It is occupied by two barns, with that nearest the road currently enclosed with corrugated metal and that furthest from the road currently open as a pole barn. The site is roughly flat, although the buildings sit at a slightly higher level than the Highway.

The current or last use of the building has not been established through a certificate of lawful development, but it is evident that both buildings have been vacant or under-utilised for a number of years and that they have an agricultural and equestrian history. The applicant has advised that business rates have been paid on the buildings as storage.

The surrounding area is highly rural, with an equestrian business including stabling opposite the site representing the nearest buildings.

### 4. Proposal

Full planning permission is sought for change of use from agricultural barn to light industrial (use class E) and storage and distribution.

The floorplans show that four units would be created within the two existing buildings.

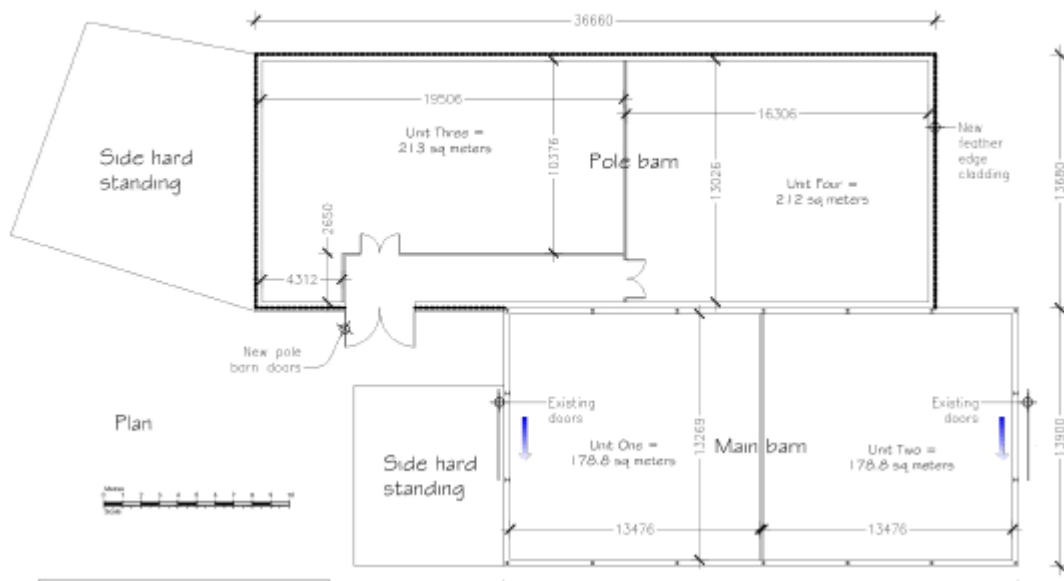
The principal change to the elevations would be the enclosure of the pole barn with softwood cladding to all sides.

The forecourts would be used for parking and deliveries, from existing access points to either side of the barns.

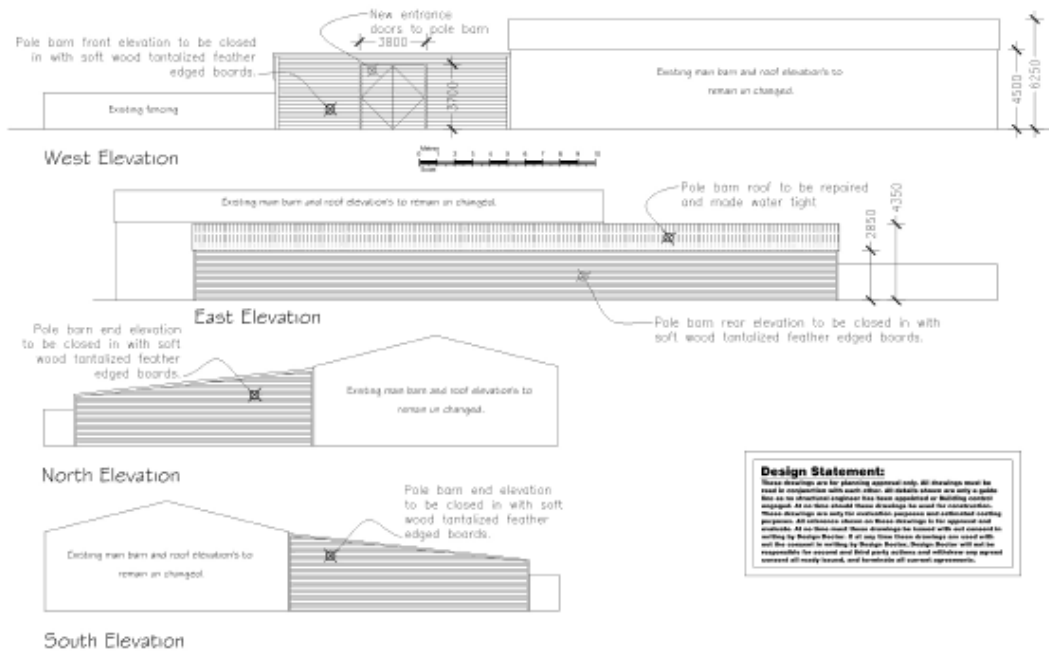
### Proposed site plan



### Floor plans



**Elevations**



The key annotations on the plans state: “Existing main barn and roof elevations to remain unchanged” and “Pole barn to be closed in with soft wood tantalized feather edged boards.”

**Relevant Planning History**

WA/2019/0131	Alterations from stables to agricultural barn as amended by plan and document received 18/02/2019 and 22/02/2019.	Full permission 11/04/2019
WA/2017/0965	Change of use and alterations to existing barn to provide 2 dwellings together with demolition of lean to barns.	Refused 05/10/2017. Subsequent appeal dismissed.
WA/2016/0659	Erection of two dwellings following demolition of existing barns.	2Appeal for non determination. Appeal dismissed 0/01/2017

## 5. Planning Policy Constraints

Countryside beyond Green Belt  
AGLV  
Ancient Woodland 500m buffer  
Agricultural Grade 3 land

## 6. Development Plan Policies and Guidance

The relevant development plan policies comprise:

- Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018): TD1, NE1, RE1, RE3, EE1
- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D4, D6, RD7

In accordance with the National Planning Policy Framework (NPPF) due weight has been given to the relevant policies in the above plans.

Other guidance:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- Statement of Community Involvement (2019 Revision)
- Strategic Flood Risk Assessment (2015/2016)

- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2018)
- Surrey Hills Management Plan (2014-2019)
- Dunsfold Design Statement (2001)

## 7. Consultations and Town/Parish Council Comments

Surrey County Council Highway Officers	No objection subject to condition
Ewhurst and Ellens Green Parish Council	Objection, due to unsustainable and inappropriate development in this location, impact on building opposite, impact on rural road, area under cover doubled, designated quiet lane in Draft Neighbourhood Plan.
Surrey Wildlife Trust	No comments received.

## 8. Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2019” the application was advertised by neighbour notification letters.

Amended plans have been received showing visibility splays. Neighbours have been notified and their time frame for comment is on going, expiring on 26<sup>th</sup> July. Any comments received will be assessed and reported upon within an Update Sheet prior to the committee meeting.

28 letters have been received raising objection.

Objections are outlined for the following reasons:

- Light industrial inappropriate in rural area with single track access.
- No mains drainage, sewerage or other infrastructure available.
- Watercourse within 20m.
- Works have commenced on site.
- Increased traffic and risk to current road users, including horse riders, children, cyclists and dog walkers.
- Noise and disturbance.
- No parking and turning space available.
- Harm through pollution.
- Road designated as a quiet road.
- No traffic survey.
- Threatens the viability of livery and bed and breakfast businesses opposite.

- Questions over impact on bats, white doves and pigeons.
- Previous appeal found houses to be detrimental to the area.
- Noise and environmental concerns at other site owned by applicant.
- Detrimental to rural character through impact on soundscape.
- Detrimental to the setting of Yard Farm House, which is Grade II Listed.
- Noise from the development may startle horses.
- Criticism of Traffic Assessment due to presumptions and inconsistencies, as no specific proposed use is given.
- May be used for a disruptive car business.
- No planning notice put up.
- Uncertainties regarding number of traffic movements.
- Urbanising effect of hardstanding.
- Concerns regarding future compliance

## Planning Considerations

### 9. Principle of development

Retained Policy RD7 of the Local Plan (2002) supports the re-use and adaptation of buildings in rural areas, subject to a number of detailed considerations. The 5 criteria are –

- The building is capable of supporting the proposed use without substantial reconstruction or enlargement.
- Would not detract from character or appearance
- Would not introduce an activity which would detract from the character or amenities of the area.
- No detract from the amenities of nearby properties.
- New commercial uses should not be of such a scale as to detract from the viability of the village/settlement.

The barns in question are capable of supporting the proposed use without substantial reconstruction or enlargement. The scale of the new commercial facility would not be such as to detract from the viability of nearby settlements. The other matters outlined in the Policy are discussed further in relation to the detailed considerations outlined below.

In relation to new economic development, Policy EE1 part d of the Local Plan (Part 1) 2018 states that the Council will be “promoting a strong rural economy through the re-use and conversion of existing buildings and well-designed buildings for economic development and promoting the development and diversification of agriculture and other land based rural businesses.”

Given the above Policies, the proposal is acceptable in principle, subject to compliance with the above policies and the detailed matters considered below.

## 10. Planning history

The planning history is a material consideration.

Consent WA/2019/0131 is extant and included works to enclose the pole barn with timber. The approved plans are substantively the same as those proposed within this application with regards to elevations, with cladding in soft wood timber boards having been previously approved.

Appeal decision following refusal WA/2017/0965 included two substantive refusal reasons, in relation to the creation of isolated dwellings and the impact of the previous proposal upon the visual amenity.

The consideration of whether a development is isolated under Paragraph 79 of the NPPF 2019 relates to new homes only.

The refusal of the previous application on ground of impact on character and visual amenity related to the specific proposal which was for a substantial rebuild to provide dwellings with windows. This is not proposed within the current application, where the barn nearest the road would be retained in its current form and the pole barn to the rear would be clad in timber.

The test for Members is whether having regard to the changes, the current proposal has overcome the objections to the previously refused scheme and is acceptable in its own right in accordance with the provisions of the development plan and all other material planning considerations..

### Impact on visual amenity, AGLV and intrinsic character and beauty of the countryside

Policy RE1 of the Local Plan (Part 1) 2018 states that development proposals in the countryside should preserve the intrinsic character and beauty of the countryside. Policy RE3 states that within areas with special landscape designations, such as the Area of Great Landscape Value within which the site lies, special regard should be had to preserving the landscape features of value. Policy RD2 states that extensions in countryside should not appear proportionately large, should have an appropriate design and should respect landscape and rural character.

Policy TD1 of the Local Plan 2018 (Part 1) requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2019.



The proposed exterior changes relate to the cladding of the pole barn with timber and the laying of hardstanding. The cladding of the pole barn would result in a final appearance typical of a rural barn type building which is acceptable within this location, resulting in no harm to the intrinsic character and beauty of the countryside or the special landscape value of the AGLV. Further, the timber cladding would be the same as that consented with the extant 2019 consent.

The proposed laying of hardstanding would be over an area of land which currently has the appearance of an overgrown farm utility area. Given that the area of land in question is already divided into a small land parcel, which in itself has no special visual or landscape value, it is considered that the laying of hardstanding would be acceptable. This would likely have the affect of tidying and regularising the appearance of the site.

The proposal would therefore have an acceptable impact upon the visual amenity, AGLV and intrinsic character and beauty of the countryside. It is in accordance with the Policies stated above.

#### Impact on residential amenity and noise conditions for users of the adjacent Lane and livery

Policy TD1 of the Local Plan 2018 (Part1) seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2019.

Given that no extensions are proposed, it is not considered that the proposal would have an adverse impact on the light, outlook or privacy of adjacent properties.

Light industrial use should not, by definition, cause harm to adjoining properties by reason of such factors as noise and pollution, being suitable for residential areas. Storage/distribution uses are unlikely to generate significant levels of noise in themselves. In this respect, there are no significant concerns with regards to the level of noise generated.

However, the new use class E within which light industrial falls is very broad, containing a number of uses which may have significantly different disturbance and transport impacts. In this respect a condition limiting the use to light industrial or storage and distribution is considered necessary.

Representations have noted that the development may be detrimental to the peaceful enjoyment of the countryside for users of both the Highway and the adjacent and

nearby livery businesses. Given the restraints of light industrial and business uses, the proposal is expected to not lead to detriment.

All other neighbouring properties would be unharmed by the proposal..

The proposal would therefore preserve suitable amenity for neighbouring properties and is in accordance with Policy TD1 of the Local Plan (Part 1) in this regard.

### Transportation considerations

Policy ST1 of the Local Plan (Part 1) 2018 states that development proposals should encourage the use of sustainable transport. The Surrey Parking Guidance for Development, 2018, outlines parking standards.

The transportation impacts of the development are the key area of concern within representations and also key to the assessment of whether the proposal is locationally sustainable.

Following the submission of additional information at Transport Officer request, the Highway Authority has confirmed that it has no objection to the proposal, subject to the imposition of conditions. These conditions would ensure that further details of visibility splays are provided and retained in the form specified, that parking is provided in accordance with the drawing, that vehicles larger than a 7.5 tonne rigid lorry do not use the site and that an electric vehicle charging point is provided.

It is noted that representations have been received from the Highway Authority stating that it appears that there is a small area of land between the application site and the Highway, which could potentially impact upon visibility splays if owned by another party. It has asked that the applicant confirm their ownership of the relevant land at condition stage (i.e. post determination.) Requests to provide this information prior to determination have not yielded confirmation that the splays can be provided solely within the applicants and highway land.

The situation presented is similar to that recently considered by the Inspectorate in relation to an appeal at Grayswood Beeches, Highercombe Road, Haselmere (WBC reference WA/2019/1784). In that decision, the Inspector concluded that because the applicant has previously maintained the land between the Highway and the site there was no reason to expect that they wouldn't do so in the future and this did not represent a highway safety risk.

The assessment of the risk proposed by the narrow area of unregistered land in relation to the current application is as follows –

- The Highway Authority has stated that “Due to the rural nature of North Breache Lane, vehicles are likely to be travelling at speeds lower than the

posted 60mph speed limit and, as such, visibility splays lower than those which are usually required for a road with such a posted speed limit are likely to be acceptable.”

- The accesses, although proposed to be modified, are existing. Although the building appears to have been vacant for some years, when operated for agricultural use it is likely that large vehicles would have utilised the accesses.
- It is considered that there is a low risk that the unregistered land has an alternative owner. After careful consideration of the highway maintainable land plan and applicants title the Council’s Legal Services team has advised that it can reasonably be presumed that the unregistered land is Highway land, with an anomaly in the plotting on the plan in relation to the maintainable highway.
- The unregistered land is unmarked and indistinguishable on site and is highly unlikely to be common land given its limited extent.
- The applicant has confirmed that there has been:- no claim on the land during their ownership; no one has sought to control it or bring items onto it; no one has sought to maintain the land or remove vegetation and no boundary issues were brought to their attention by the previous owner when the site was purchased.
- Given all of the above, it is therefore considered that there is a low risk that visibility splays could not be provided and maintained.

Given all of the considerations outlined above, the proposal is acceptable with regards to transportation considerations.

#### Impact on the historical significance of the Grade II Listed Yard Farm House

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraphs 193, 194, 195 and 196 of the NPPF are of particular relevance and are provided below:

“193. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration, or destruction or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be founding the medium term through appropriate marketing that will enable its conservations; and
- c) Conservation by grant-funding or some for of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application of the statutory duties within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and weight.

Local Plan Part 1 2018 Policy HA1 states that the Council will safeguard and enhance all heritage assets within the Borough. Saved Policies HE3 and HE5 of the Local Plan 2002 states that developments which meet high design standards and ensure that the new development is compatible will be permitted.

The significance of Yard Farm House is as mid 16<sup>th</sup> century with 19<sup>th</sup> century extension timber framed building with part brick and part hanging tile detailing and an original T-shaped range.

The proposed development includes minimal external changes, including the cladding to the rear building and laying of hardstanding. It is not considered that these changes would have an adverse impact on the Listed building and its significance would be preserved. The proposal therefore complies with the above state Policies and

legislative requirements.

### Biodiversity

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

The current application is not accompanied by an Ecological Survey, but it is noted that the previous application was accompanied by a report detailing a walkover which took place in March 2019. This report and methodology was found to acceptable to Surrey Wildlife Trust in relation to that application. Activities are currently taking place on site which amount to refurbishment works which do not come within the control of the planning system. Were it the case that there were protected species on site it is likely that they would have been disturbed by these works.

Notwithstanding this, it is recommended that the pre-development condition applied to the previous consent in relation to protected species is also applied to this application.

On this basis, it is considered that the proposed development is unlikely to have an adverse impact on biodiversity or protected species.

### Conclusion

The proposal is considered to be in accordance with the Development Plan, given that the proposal complies with the criteria outlined in retained Policy RD7, including respecting residential amenity, the rural character and the AGLV. The proposal would not lead to transport network detriment, subject to condition. As such, it is recommended that planning permission is granted.

### RECOMMENDATION

That permission is granted subject to the following conditions:

1. Condition

The development shall be provided entirely in accordance with the following approved plans: 001C; 002A; 003A; 004B; 005; 006B; 007; 008 B and Sign lines Jan 2021.

Reason

To provide an acceptable standard of development in accordance with the Policies of the Local Plan (Part 1) 2018.

2. Condition  
Prior to the commencement of the development, the applicant should submit to the Local Planning Authority additional bat emergence surveys and associated mitigation strategy if required to be approved in writing. The approved development shall provide all mitigation and enhancement measures identified within the report Ecological Constraints and Opportunities Assessment Report submitted in relation to application WA/2019/0131.

Reason

To ensure an acceptable impact with regards to biodiversity in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

3. Condition  
The development shall in perpetuity be used for storage and distribution and/or light industrial purposes only and no other purpose within Use Class E.

Reason

In the interests of the amenities of nearby residents and highway safety in accordance with Retained Policies D1 and D4 of the Local Plan 2002 and Policies TD1 and ST1 of the Local Plan (Part 1) 2018.

4. Condition  
The materials used in the construction of the new exterior parts of the buildings shall be fully in accordance with the details approved within the application.

Reason

To prevent harm to the intrinsic character and beauty of the countryside and special landscape of the AGLV in accordance with Policies RE1, RE3 and TD1 of the Local Plan (Part 1) 2018.

5. Condition  
The proposed modified accesses hereby approved shall be constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction above 1m in height.

Reason

To provide safe and secure access in accordance with Policies TD1 and ST1 of the Local Plan (Part 1) 2018.

6. Condition  
The development hereby approved shall not first be occupied for trading unless and until space has been laid out within the site in accordance with the

approved plans I008 Rev B0 for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave in a forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose for the lifetime of the development.

Reason

To ensure sufficient parking provision in accordance with the Surrey Parking Guidance 2018.

7. Condition

The development hereby approved shall not be accessed by vehicles any larger than a 7.5 tonne lorry at any time.

Reason

To ensure the vehicles using the site have sufficient safe and secure access and turning space for their respective size in accordance with Policies TD1 and ST1 of the Local Plan (Part 1) 2018.

8. Condition

The development hereby approved shall not be first opened for trading unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement 7KW Mode 3 with type 2 connector – 230 v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be retained and maintained in full working order for the lifetime of the development.

Reason

To ensure a provision of electric cars in accordance with Policy ST1 of the Local Plan (Part 1) 2018.

INFORMATIVES:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2019.
2. 'IMPORTANT' This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

3. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

4. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail [waverley.snn@waverley.gov.uk](mailto:waverley.snn@waverley.gov.uk)

For further information please see the Guide to Street and Property Naming on Waverley's website.

5. Community Infrastructure Levy (CIL)

The development hereby permitted is CIL liable.

'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).

Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.

For further information see our webpages ([www.waverley.gov.uk/CIL](http://www.waverley.gov.uk/CIL)) or contact [CIL@waverley.gov.uk](mailto:CIL@waverley.gov.uk)

6. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>.



7. In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management/permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. The developer is advised that Public Footpath Number 432 runs opposite the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
10. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types