

WA/2024/00807 – Erection of an agricultural building with ancillary staff welfare facilities and workshop (retrospective). at LAND AT WINTERSHALL COTTAGE THORNCOMBE STREET BRAMLEY GUILDFORD GU5 0LT

Applicant: Mrs H Fiddian- Green - Wintershall Valley Farm LLP
Case Officer: Sam Wallis
Neighbour Notification Expiry Date: 20/05/2024
Expiry Date/Extended Expiry Date: 12/07/2024
Committee Meeting Date: 10/07/2024
RECOMMENDATION That, subject to conditions, permission be **GRANTED**

1. Executive Summary

The application is referred to the Planning Committee at the request of the ward councillor in relation to impact on the Surrey Hills National Landscape.

The application site is within the Green Belt outside a defined settlement boundary and within the Surrey Hills National Landscape and Area of Great Landscape Value (AGLV). The adjacent site had prior approval granted under AG/2020/0021 for the erection of an agricultural barn (20m in depth x 25m in width x 6m in height) but did not implement in line with plans.

This proposal seeks to regularise a substantially complete building (30.58m in depth x 35.175m wide x 9.65m in height). Whilst the development was not constructed in line with the permitted development scheme, this does not mean that the principle of the development proposed is unacceptable. The agricultural justification report highlights the need for main barn for use by 200 ewes whilst the ancillary worker facilities that include temporary accommodation are for vets who are required for overnight periods to assist in the care of the livestock during the lambing period. Officers consider this can be suitably conditioned and the development as detailed is reasonably necessary for the farmstead.

Furthermore, since the original permitted development scheme was granted, the General Permitted Development Order Part 6 Class A in relation to agricultural development has been amended, most recently on 21/05/2024 to increase the ground area coverage of new agricultural buildings from 1000 sqm up to 1500 sqm.

As will be detailed below, the applicant could build a lambing barn 2.3m taller and 425sqm larger than this proposal situated just 25m to the north-east of this building without the need for planning permission. Whilst mindful of comments in relation to impact on the Surrey Hills, this is a viable fallback option available to the applicant and should be given substantial weight in the planning balance.

In addition to this, Paragraph 88 of the NPPF and Policy EE1 of the Local Plan (Part 1) 2018 has a presumption in favour of the development and diversification of agricultural and other land-based rural businesses. Officers consider for these reasons, the development would be in line with the Development Plan and are recommending approval of the application.

2. Site Description

Wintershall Valley Farm is accessed off Thorncombe Street, a single-track public road which runs to the southwest of the site. The 93-hectare farmstead comprises largely open pastureland, set within an undulating valley with small pockets of woodland. Wintershall is a typical grassland farm largely comprising beef and sheep production. The proposed building, which is substantially complete as evidenced on the officer' site visit, is accessed via a gravel track that runs up the valley to the wider Wintershall Estate before splitting off and heading north along the greensand hill towards the lambing barn. Site levels steeply slope down the valley to the west with a bank of mature trees immediately to the west of the building with a parcel of ancient woodland located around 200m to the south-east.

3. Proposal

The application seeks permission for the erection of an agricultural lambing barn (30.58m in depth x 35.175m wide x 9.65m in height). The barn is flanked by two large canopies for external storage with side additions that include a workshop area and ancillary staff welfare facilities. The staff area includes kitchen / WC / office area and temporary overnight accommodation. Elevations of the main building are in vertical timber weatherboarding with corrugated metal roofing.

4. Relevant Planning History

Reference	Proposal	Decision
AG/2020/0021	General Permitted Development Order 2015, Schedule 2 Part 6; Application for prior notification for an agricultural building	PRIOR APPROVAL REQUIRED AND GRANTED (15/01/2021)
AG/2020/0019	General Permitted Development Order 2015, Schedule 2 Part 6; Application for prior notification for an agricultural building.	REFUSE NOT PERMITTED DEVELOPMENT (06/10/2020)
AG/2020/0015	General Permitted Development Order 2015, Schedule 2 Part 6; Application for prior notification for an agricultural building.	PRIOR APPROVAL REQUIRED AND REFUSED (24/08/2020)

5. Relevant Planning Constraints

- Green Belt (outside defined settlement area)
- Surrey Hills Area of Outstanding Natural Beauty (AONB) & Area of Great Landscape Value (AGLV)
- Ancient Woodland 500m Buffer Zone

6. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, TD1, NE1, NE2, RE2, RE3, CC1, CC2, EE1
- Waverley Borough Local Plan (Part 2) 2023: DM1, DM2, DM4, DM5, DM14, DM15

Other guidance:

- The National Planning Policy Framework 2023 (NPPF)

- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- Surrey Hills AONB Management Plan (2020-2025)
- National Design Guide (2019)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

7. Consultations and Parish Council Comments

Statutory Consultees:

Bramley Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Building which has been constructed on a hill is 3m higher than that permitted under agricultural building regulations and is clearly visible at a distance from the hill and constitutes an unsightly intrusion into the landscape. • Appears to have already been converted into and used as residential accommodation by a family member.
Hascombe Parish Council	<p>Objection.</p> <ul style="list-style-type: none"> • The retrospective planning application does not preserve the openness of the Green Belt, but forms a huge blot on the landscape that is highly visible for miles as it stands on the top line of the Greensand Hills. • The change of use to part ancillary living accommodation certainly does not maintain the agricultural appearance of the buildings as by the very nature, the use is far more intensive. • The proposal is retrospective development that does not respect the rural character of the area. • There are no legal agreements put in place to mitigate the harm caused to the Surrey Hills National Landscape or the biodiversity. • not respected the Town and Country Planning (General Permitted Development Order 2015) in terms of siting, design and external appearance. • breaches Bramley Neighbourhood Plan that seeks to preserve Dark Night Skies (Policy BNP-E3 Lighting and Maintaining Dark Skies) within this Surrey Hills National Landscape. • On the Application Form it states that this Site does not relate to an Agricultural Holding.
Surrey Hills AONB Advisor	<p>Objection.</p> <ul style="list-style-type: none"> • Height and massing is conspicuous in an otherwise unspoilt nationally protected landscape. • Risk that in future years it may be used to justify a lawful use for permanent residential use that

	<p>may lead to associated development proposals for a dwelling.</p> <ul style="list-style-type: none"> • Justification of size of building inadequate. • Twenty large skylights do not respect Dark Skies.
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Non-Statutory Consultees:

<p>Campaign for the Protection of Rural England (CPRE)</p>	<p>Objection.</p> <ul style="list-style-type: none"> • The building as constructed is in conflict with the openness and natural beauty of the area and the proposals are clearly contrary to the AONB planning policies.
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Officers comments: Comments in relation to the Surrey Hills National Landscape, Green Belt and permitted development are discussed below. Points were raised by Hascombe Parish Council questioning why the application form has not stated that the site does not relate to an ‘agricultural holding’. “Agricultural holding” has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Town and Country Planning Act 1990. As far as officers are aware, the applicant has full land ownership and is not an agricultural tenant under this definition.

8. Representations

14 letters from 13 addresses have been received raising objection on the following grounds (as of 21/06/2024):

- Development not in keeping with the Surrey Hills National Landscape.
- Building has a 360 aspect from the top of the hill.
- Barn did not need to be sited in this prominent location.
- Larger barn built than previously consented.
- Increased traffic around Thorncombe Street.
- Increased noise disturbance.
- Impact on ancient woodland and wildlife habitats.
- Accommodation should only be for temporary use.
- Intentional unauthorised development.

33 letters from 30 addresses have been received expressing support for the following reasons (as of 21/06/2024):

- Would not be highly visible as stated by objectors.
- Very limited glimpses of building from Public Footpath and Winkworth Arboretum.
- Need to support working farms and agricultural businesses.
- Supports long-term maintenance of the land.
- Farming is part of the beauty of the Surrey Hills National Landscape as custodians of the land.
- Development would be crucial to accommodate ewes in lambing season.
- Development supports animal welfare on the farm.
- Enhance local food production.
- Building blends in with treed setting.
- Wider farm supports local businesses and important for educational purposes.
- Constructed with best intentions of owners.
- Lambing requires 24 hour on site attention.
- Barn needed for protection of lambs from foxes and badgers.

- Regenerative farm that has planted new trees to screen the development.

Officers comments: These comments are addressed below.

Planning Considerations:

9. Principle of development

Policy SP1 of the Local Plan (Part 1) 2018 sets out the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Paragraph 88 of the NPPF and Policy EE1 of the Local Plan (Part 1) 2018 makes clear that planning policies and decisions should support a prosperous rural economy through allowing the development and diversification of agricultural and other land-based rural businesses.

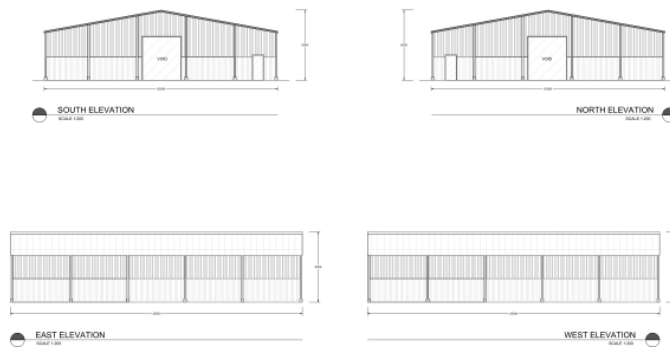
Wintershall Farm is located in a highly protected landscape within the Green Belt (outside a defined settlement area) and Surrey Hills National Landscape. Thus, the presumption of support for development of a farming business must also be balanced against the great weight to be given to conserving and enhancing landscape and scenic beauty and substantial weight to protect the Green Belt from inappropriate development.

It is highly material, however, that farming businesses are afforded extensive permitted development rights and this will be discussed below.

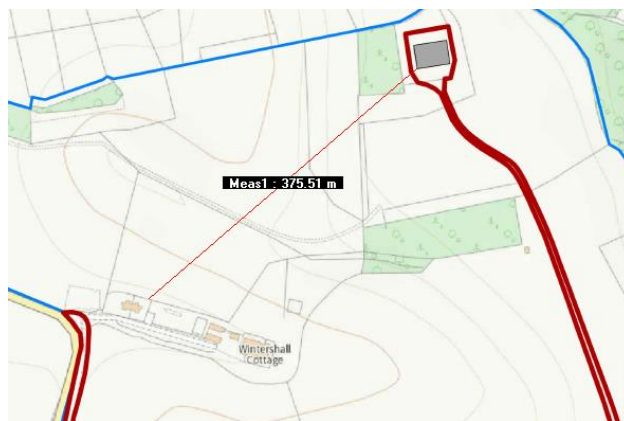
10. Planning History / Agricultural Permitted Development

A prior approval application under the General Permitted Development Order 2015, Schedule 2 Part 6 for prior notification for an agricultural building (AG/2020/0019) was refused 06/10/2020. Whilst the building was considered reasonably necessary for the purposes of agriculture on the holding, the proposal would have been within 400m of the curtilage of a protected building (391m from the curtilage of Valley Cottage) and therefore did not meet prior approval criteria. For the purposes of Part 6, Classes A, B and C of the GDPO, “protected building” means any permanent building which is normally occupied by people or would be so occupied but does not include— a building within the agricultural unit.

Following this, an application for prior notification for an agricultural building (AG/2020/0021) was granted on 15/01/2021. This amended proposal located the building exactly 400m away from the curtilage of Valley Cottage. The elevation plans for the approved permitted development scheme are shown below:



The applicant has not implemented the proposal in line with that permitted development scheme. It is noted that the substantially complete building proposed here for retrospective permission would not be permitted development as it would fall within 400m of Valley Cottage (375.5m away as shown below) and had not notified the Council before beginning the development in line with Condition 2 (i) of the Part 6 Class A prior approval procedure.



Notwithstanding, this is a planning application and therefore just because a development may not fall within PD, it does not mean it is unacceptable. It is highly material that the General Permitted Development Order 2015, Schedule 2 Part 6, Part A allows an agricultural business to erect a building which is reasonably necessary for the purposes of agriculture within that unit up to 12m in height (subject to not being within 3km of an aerodrome) and 1500sqm in size (ground area coverage). The size of agricultural buildings that can be erected under permitted development has increased from 1000 sqm to 1500 sqm under a recent amendment to the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 that took effect from the 21/05/2024.

Therefore, whilst mindful of comments in relation to size of the structure made by the AONB Officer, CPRE and Parish Council', the applicant could build a lambing barn 2.3m taller and 425sqm larger than this proposal situated just 25m to the north-east of this building without the need for planning permission. Such an option would represent a viable fallback option available to the applicants and members should consider whether this proposal would be materially worse than that option.

11. Impact on Green Belt

The site is located within the Green Belt outside any defined settlement area. Policy RE2 of the Local Plan (Part 1) 2018 outlines that the Green Belt will continue to be protected from inappropriate development. Inappropriate development will not be permitted unless very special circumstances can be demonstrated.

Certain forms of development are considered to be appropriate and will be permitted provided they do not conflict with the exceptions listed in paragraphs 154 and 155 of the NPPF 2023. Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.

Paragraph 154 a) of the NPPF outlines buildings for agriculture and forestry as an exception, which would be considered appropriate development.

Permitted development for agricultural development can only be used when their land is in use for purposes of a trade or business. Officers are satisfied that the land is being used for agricultural purposes based on a site visit, it is undisputed that the wider Wintershall Farm site is agricultural and does function as a trade or business and has done for some time.

However, GDPO legislation does specify that development should be reasonably necessary for the purposes of agriculture. Such a test provides a qualitative and sound way of assessing agriculture use especially in the absence of any other criteria.

The applicant has therefore submitted an Agricultural Justification Statement (Savills dated 27/03/2024). As detailed in the report, Wintershall Valley Farm extends to approximately 93 hectares (230 acres) and is a predominantly grassland farm with the majority of the land being permanent pasture with a traditional mixed farming model consisting of beef and sheep production. This includes 50 Sussex suckler cows with calves and bull and 200 ewes with lambs at foot.

The proposed building includes a large, vaulted barn area which houses ewes and lambs during lambing season in hayed pens. In addition to the main livestock area, two side additions and canopies include staff area with accommodation, a workshop area and external areas for storage / machinery. The staff area includes a kitchen / WC / seating area and temporary overnight accommodation on the first-floor. Officers are mindful that with 200 ewes in lambing season, this will necessitate vets on site for 24-hour periods over the March / April period given the distance from the main farm buildings (approximately 10 minutes along the track and through two sets of gates).

The justification report and on site meeting detailed how the farm employs 8 part-time staff consisting of an Apprentice and veterinary students from the near-by School of Veterinary Medicine at the University of Surrey during this period. Staff, usually students, are therefore required to be on hand during the night when lambing and this will often involve a shift starting in the early evening and finishing the following morning. Given the size and scale of the farm, such temporary overnight accommodation is considered appropriate and reasonable to provide the highest welfare for the farm' livestock. However, officers are mindful of concerns that such accommodation could be used for alternative purposes and a suitably worded condition to ensure the accommodation is only used as temporary seasonal accommodation for agricultural workers would be appropriate in this respect.

Officers therefore consider the development would fall under the exemption Paragraph 154 (a) buildings for agriculture and forestry and therefore would be appropriate Green Belt

development. The proposal would therefore accord with Policy RE2 of the Local Plan (Part 1) 2018, Policy DM14 of the Local Plan (Part 2) 2023 and the NPPF.

12. Design and impact on visual amenity, Surrey Hills National Landscape and AGLV

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. Policy DM4 of the Waverley Borough Local Plan (Part 2) is attributed substantial and full weight respectively due to its level of consistency with the NPPF 2023.

The site is located within the Surrey Hills National Landscape and AGLV. Policy RE3 of the Local Plan (Part 1) 2018 sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located.

The Surrey Hills Management Plan 2014 – 2019 sets out the vision for the future management of the Surrey Hills National Landscape by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important landscape.

It is noted the site is located in the Bramley West Open Greensand Hills designated GO6 in the Surrey 2015 Landscape Character Assessment. With the exception of small areas to the north and east, the character area is within the Surrey Hills AONB with high vantage points that allow views across the character area, including views of woodland on the greensand hills to the west.

Officer' note comments from Hascombe and Bramley Parish Council, the Surrey Hills AONB Advisor and the CPRE who have objected to the application citing harm to the character and intrinsic landscape quality of this tranquil rural setting specifically from views from key public vantage points such as Winkworth Arboretum (NT) to the west and Public Footpath 262 to the north of the barn. The Surrey Hills Advisor notes the height and massing is conspicuous in an otherwise unspoilt nationally protected landscape and concern is raised as to the number of rooflights given Policy P2 of the Surrey Hills Management Plan seeks to protect the dark skies characteristic and ensure development respects potential impacts on ridgelines.

It is noted that the main farmhouse and office buildings at Wintershall Farm are largely sat within the valley, with cattle buildings to the south along Thorncombe Street. The lambing barn is separated from these on top of a hill and consequently would afford some distant views. Notwithstanding, the siting of the building is screened by a bank of trees to the west that largely exceed the height of the main structure.

As such, officers consider any views from Winkworth Arboretum, situated 1.4km away to the west, would be fleeting. Views from Public Footpath 262, situated 400m to the north, would be more open separated by an open pasture with no intervening screening. Officer' consider the building, which is agricultural and would be read as such, is still relatively set down in wider landscape views from the footpath looking south and does take a barn appearance with vertical timber weatherboarding and metal corrugated roof in line with many farmsteads across the wider Surrey Hills.

In terms of rooflights, there would be potential for light spill, albeit this would be more limited with an agricultural use rather than residential. Furthermore, by the nature of a livestock building, the structure will be isolated to a degree in its setting. There is also an

appreciation that the farm lies within a valley wherein there is limited flat ground available on which to erect a building of this size.

Concern has been raised that the accommodation could be used for residential purposes which would be materially harmful. Officers are satisfied from their site visit and supporting information, that the accommodation is used for temporary purposes for employees related to the welfare of livestock and will condition that such accommodation is used for agricultural workers only.

Overall, there is some policy tension as the proposal would not be said to directly accord with Policy P2 of the Surrey Hills Management Plan in relation to impact on ridgelines and the dark skies characteristic. However, officers overall consider this a limited harm given the agricultural use and appearance of the building surrounded by pasture land, intervening 400m distance from public vantage points notably Public Footpath 262 and screening to the west with a bank of high trees (16m away). Furthermore, officers consider the development accords with Policy P4 in that it would assist the future of an agricultural business.

In addition, a key consideration, as detailed above, is the realistic permitted development fallback position of the applicant who could readily build a structure 425 sqm larger in size (1500sqm in total) and 2.3m taller (12m in height) just 25m to the north-east, which would be closer to the public footpath and would not be screened to the west with mature trees. It is of note that article 2 (3) land is not a consideration within Part 6 Class A of Permitted Development.

On balance therefore, officers consider the development would be acceptable in relation to its design and impact on the Surrey Hills National Landscape and AGLV in accordance with Policies RE3 of the Local Plan (Part 1) 2018, Policy DM15 of the Local Plan (Part 2) 2023 and Policy P4 of the Surrey Hills Management Plan.

13. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 seeks to protect future and existing amenities for occupant and neighbours and 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.

The closest residential property from the agricultural barn outside Wintershall Farm is Valley Cottage situated 375m to the south-west. Given this significant separating distance, there would be no unacceptable harm by way of overbearing development, loss of light or loss of privacy.

The proposed development would not result in harm to the residential amenity of neighbouring properties in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) 2023 and the Residential Extensions SPD.

14. Biodiversity and compliance with Habitat Regulations 2017

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.

Further, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application site does not fall within a designated SPA, SAC, SNCI or SSSI and does not include changes to an existing agricultural building or barn. The building is substantially complete and situated to the centre of pastureland set a suitable distance from hedgerows or veteran trees (98m from broadleaved woodland to the east and 185m to parcel of ancient woodland to the south-east). The parcel of trees to the west are not mature having only been planted approximately twenty years ago as seen on Council aerial imagery and are set a suitable distance from the development (16m). Having regard to this, and the completed biodiversity checklist, it is considered that a biodiversity survey is not required in this instance.

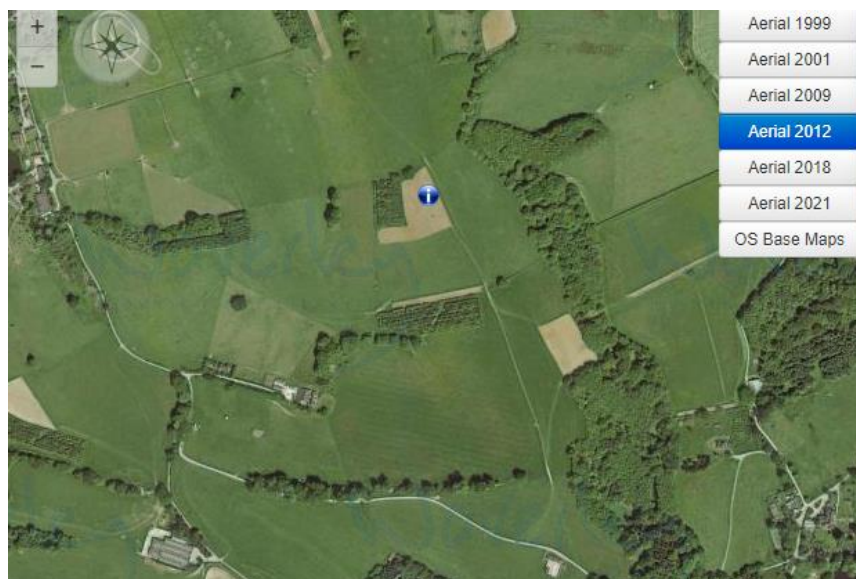
15. Ancient Woodland

The application site is within 500m of ancient woodland. As the proposal is well separated from the woodland itself, it is not considered to be materially harmful and would be in accordance with Policy NE2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023 and paragraph 186 of the NPPF.

16. Access

The access and hardstanding do not form part of the description of development.

Nevertheless, access towards the lambing barn includes a historic track off Thorncombe Street towards the wider Wintershall Estate before splitting off and heading north along the greensand hill towards the building. Whilst the southern track appears more formalised, both tracks can be seen clearly in an aerial view below in 2012, so officers are satisfied these are historic and lawful private ways.



17. Climate Change & Sustainability

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The Council's Climate Change and Sustainability SPD (October 2022) is relevant.

A Climate Change and Sustainability Checklist has been submitted in support of the application. The proposal is for a livestock building to support a regenerative farm which would help reduce over grazing of the land. Overall, no concern is raised.

18. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, planning permission is recommended for approval.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition:

The plan numbers to which this permission relates are A.001, A.002A, A-03-101, A.004, A.005, A.006 and A.008. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1 and DM4 of the Local Plan (Part 2) 2023.

2. Condition:

The ancillary staff facilities within the barn shall only be used for temporary overnight accommodation between February 1st and June 1st each year and shall be limited to a person solely or mainly employed, in the locality in agriculture. The building shall not be used for overnight accommodation outside this period.

Reason:

To protect the Surrey Hills National Landscape from domestication in accordance with Policy RE3 of the Local Plan (Part 1) 2018.

Informatives

1. 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) or contact CIL@waverley.gov.uk

Appendix 1 (Plans)

