App No: 12/P/00415  Type: F  8 Wk Deadline: 04/05/2012
Appn Type: Full Application
Case Officer: Daniel Ledger
Parish: Worplesdon  Ward: Worplesdon
Agent: Chris Wilmhurst  Applicant: Mrs Holton
Vail Williams
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Location: Whipley Farm, Aldershot Road, Normandy, GUILDFORD, GU3 2BE
Proposal: Change of use of existing building to a mixed use of agriculture, storage, vehicle, plant and machinery repair. Construction of earth bund, two security gates and areas of hard standing for storage and parking (retrospective application).

This application has been referred to the Planning Committee because more than 10 letters of support have been received, contrary to the officers' recommendation.

Site description.

The application site comprises a large agricultural building and area of hardstanding on agricultural land accessed off Aldershot Road. To the south of the site there is a scrap yard, depot for waste/recycling vehicles and a residential mobile home park. The land to the north, east and west is generally open agricultural land. The site is located within the green belt and is outside any identified settlement area.

The lawful use of the land is for agricultural purposes and prior to the erection of the building and laying of the hard surfacing was part of a larger open field.

Proposal.

Change of use of existing building to a mixed use of agriculture, storage, vehicle, plant and machinery repair. Construction of earth bund, two security gates and areas of hard standing for storage and parking (retrospective application).

The building was erected following the grant of planning permission for the construction of an agricultural building. At that time the land was purely in agricultural use. The non-agricultural activities began in the building almost immediately after completion and therefore it is considered that the original permission for an agricultural building was not implemented. The current application should therefore be more properly assessed as the construction of a building for a mix of agricultural and non-agricultural uses including storage and vehicle, plant and machinery repair. The associated hardsurfaced area provides an access from the A323 and infills the area between the building and the earth bund.
The earth bund runs across the entire site frontage up to the entrance gate and is constructed up to five metres high in places. This figure is based on the information set out in the applicants design and access statement.

Both sets of gates are of a solid metal construction up to a height of 2.5 metres, the first set is at the boundary with the highway. The second set has been constructed within the site providing a definitive boundary between the agricultural field and the non-agricultural land.

**Relevant planning history.**

10/P/01573 - Prior notification under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 for the erection of a steel portal frame building - Refused.

10/P/02053 - Erection of structure for storing agricultural items - Approved. This permission was subject to the following condition requiring the removal of the building if not used for agricultural purposes:

If the agricultural building hereby approved should cease being used for agricultural purposes within 10 years from the date of substantial completion or first use, whichever is the later, then the approved building shall be removed from the land and the land shall be restored to its condition before the development took place within 3 years of the date that the agricultural use ceased in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: The building(s) hereby approved would constitute inappropriate development in the countryside if it were not for the proposed agricultural use. In accordance with the following policy number(s), RE2 and RE13 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/09/07).

**Consultations.**

**County Highway Authority:**

The county highway authority has undertaken an assessment in terms of the likely additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The county highway authority therefore has no highway requirements.

**Worplesdon Parish Council:** Objects as the application represents a creeping industrialisation of the green belt between Worplesdon and Normandy.

**Head of Environmental Health and Licensing:**

No mention of any environmental impact of the development and in particular noise. It is difficult to assess the impact without knowing the operation, hours of use, or structural integrity of the building. If this information is not provided recommend conditions in relation to operation behind closed doors, restricted hours of use and noise condition - (officers note - following this consultation response the applicant has submitted information which expresses that the suggested conditions are not acceptable to the applicant)
Third party comments:

20 letters of support have been received outlining the following positive comments:

- site does not generate noise;
- no harm to green belt or agricultural use;
- supports continued farming of the land;
- current economic climate requires diversification;
- the gates provide additional security for the site;
- will provide continued employment;
- provides repairs to vehicles for local firms.

17 letters of representation have been received raising the following objections and concerns:

- inappropriate use in green belt;
- increase in traffic;
- noise disturbance issues;
- dust pollution issues;
- never any intention for building to be used for agricultural purposes;
- impact on neighbouring amenity;
- out of character with the area;
- traffic using the site is a hazard to the animals also using the land;
- steel gates are unsightly;
- it is a retrospective planning application (officers note - the fact that the application is retrospective is not a material planning consideration);
- the application should have been registered as a major application as it is part of the larger Sanitrux site (officers note - the case officer visited the site there is no physical connection with the adjoining site to the south therefore it is a distinct site);
- highway safety issues.

Planning policies.

The following policies are relevant to the determination of this application.

National Planning Policy

National Planning Policy Framework (NPPF):

Chapter 3 - supporting a prosperous rural economy

Chapter 9 - Protecting green belt land

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1 General Standards of Development
G5 Design Code
RE2 Development Within the Green Belt
Planning considerations.

The main planning considerations in this case are:

• the principle of development in the green belt,
• the impact on the openness of the green belt,
• the impact on the character of the area
• the impact on neighbouring amenity
• highway considerations

The principle of development in the green belt

The local plan policies which relate to appropriate development in the green belt in respect of this application are policies RE2, RE8 and RE9. Since the introduction of the NPPF existing local plan policies must be assessed to consider whether they conform with the principles of the NPPF. Paragraph 89 of the NPPF sets out that new buildings in the green belt will be inappropriate unless for specific purposes. The purposes specified offer some minor differences to RE2, however, these are not considerable and do not affect the approach taken in respect of the current development. Policy RE8 supports the diversification of agricultural activities, however, it is a prescriptive policy when compared to paragraph 28 of the NPPF. Therefore whilst the broad principle accords with the NPPF only moderate weight should be afforded RE8 as a whole. Policy RE9 considers the re-use of existing rural buildings, both the principles of re-use and the criteria set out within the policy reflect the principles of the NPPF, therefore full weight remains afforded to this policy.

This application follows a recently approved application for an agricultural building at the site which was substantially completed in February 2011. Policies RE8 and RE9 support farm diversification and the re-use and adaptation of rural buildings. However, planning enforcement investigations have found that non-agricultural activities started in the building as early as April 2011. Such a close time frame between the completion of the building indicates that there was never any intention for the building to be agricultural. The chronology of events has been such to circumvent normal planning policies which would not have permitted such a large building on the site if not wholly for agricultural purposes. This application should therefore not be considered under policies RE8 and RE9 as the use of the building has never been in accordance with the original planning permission. The application should more correctly be assessed as seeking permission for the retention of the building for the uses set out. As such policy RE2 is the relevant policy and this specifies that new buildings in the green belt will be deemed inappropriate by definition unless for specific purposes. The current uses of the building are not specified in policy RE2 as appropriate forms of development. Therefore the building is considered to represent an inappropriate form of development in the green belt and is harmful in this respect.

In addition to the existing building the application also seeks permission to retain the associated hardsurfaced area, the two sets of entrance gates to the site and an earth bund to the front of the site.

The area of hard surfacing is currently used for the parking of vehicles in connection with the non-agricultural uses and results in an encroachment of built development on the countryside. It is therefore considered to represent an inappropriate form of development in the green belt. The applicant has stated that the hardstanding is no more than required to serve the agricultural purposes of the building. However, the case officer’s site visit clearly observed that non-agricultural parking was taking place and that the hard surfacing area was being increased further.
The applicant has justified the erection of the two pair of gates at the site as being necessary for security purposes. They have stated that these would be required no matter how the site was being used. Whilst gates can be considered appropriate they must accord with normal development control policies and considerations which will be assessed in the course of this report. Simply requiring such developments for security purposes is not sufficient to outweigh other material considerations.

The justification of the bund is that it provides screening of the site, and also the adjoining industrial site, bringing about an improvement to the visual qualities of the green belt. Paragraph 90 of the NPPF sets out that engineering operations can be considered appropriate in the green belt providing that they preserve the openness of the green belt and do not conflict with the purposes of including land within the green belt. These matters will be assessed in the following section.

The impact on the openness of the green belt

The previous application for an agricultural building set out that the building would reduce the openness of the green belt but that this was mitigated by the appropriate nature of the development. As set out above the building cannot now be considered as an appropriate development form. Therefore the reduction to the openness of the green belt must now be considered harmful and gives rise to a further objection in this regard. Furthermore the non-agricultural activities taking place at the building have increased vehicular movements to and from the site and also result in additional external storage and repair works which also causes harm to the openness of the green belt. The applicant's design and access statement considers that the development forms part of an enclave of built development when taken in context with the neighbouring industrial uses. However, this is not correct, the adjoining industrial uses are historic yet have a definitive boundary beyond which is open countryside. Introducing new industrial uses onto adjoining land would represent an encroachment into the countryside conflicting with one of the five purposes of including land in the green belt.

The hardsurface area itself causes little impact on the openness of the green belt, however, its association with the non-agricultural uses currently operating allows for additional vehicle parking and external storage which does affect the openness of the green belt. Therefore the formation of the hardsurfacing is considered detrimental to the openness of the green belt.

The entrance gates erected at the site measure approximately 2.5 metres in height and are of a solid metal construction. At such a height they intrude into the openness of the green belt enclosing a previously open landscape and are therefore considered harmful. The applicant has stated that they would be required no matter what use was being undertaken on the site. However, such gates are not common for agricultural land and this is statement does not outweigh the harm to the openness of the green belt.

The bund that has been constructed encloses the frontage which benefits from tree and vegetation screening. The bund now provides a solid barrier across the front of the site which is an alien feature in the area and harmful to openness. It therefore fails to meet the test set out at paragraph 90 of the NPPF and in addition to the harm to the openness is considered to be inappropriate development in the green belt.
Assessment of very special circumstances

The applicant has put forward potential very special circumstances for the existing gates and hard surfaced area. It is suggested that the gates are required for security purposes and would be necessary no matter the use of the land. It is difficult to use this argument for justification as all items kept on the site are within the building which is clearly substantial and offers a significant level of security itself. Also the presence of the non-agricultural uses increases the items stored within the building thereby increasing the security issue. The design and height of the gates used are not typical of an agricultural site and one would not normally expect such a utilitarian and industrial design in such a location. Furthermore in constructing two sets of gates the applicant has created a self contained, non-agricultural, portion of the site clearly different to the open agricultural land surrounding, this is unlikely to have been the case if the building had been erected purely for agricultural purposes. Furthermore simply stating that they are required for security purposes is not a legitimate material consideration to outweigh the planning harm caused by these structures. Therefore this statement is not considered to provide very special circumstances in favour of the gates.

In terms of the hardsurfaced area, the applicant has specified that this area would have been required for any agricultural purpose. However, no such area was indicated on the earlier application. Furthermore the area now covered by a hard surface infill's the whole area between the building and the earth bund at an area of more that 2,500 square metres. It is difficult to envisage how that entire area could be required for the agricultural purposes, a small strip to provide access to the road maybe have been reasonable but no more beyond that amount. The justification provided by the applicant for the hardsurfacing area is not considered to carry sufficient weight to be considered a very special circumstance.

The applicant has not argued any specific very special circumstances in respect of the barn as they contend that it represents an appropriate form of development in the green belt under policies RE8 and RE9. As has already been set out officers consider this not to be the case, and that the building has effectively been in used of non-agricultural purposes since its completion. As such the development must be considered as the erection of a new building under policy RE2 and fails to accord with policy RE2 in this respect. Issues of farm diversification and re-use of buildings should not be considered here as there has been a clear attempt to subvert normal planning policy and construct a building for repair and storage purposes that is not acceptable in the green belt. The matters put forward by the applicant cannot be considered as very special circumstances in terms of the construction of the building.

The impact on the character of the area

The applicant argues that the developments do not represent an unacceptable encroachment in to the green belt but are part of an enclave of built development. However, as has previously been set out this is not the case. The introduction of industrial uses on this agricultural land represents a clear encroachment beyond the historic boundaries of the adjoining uses. Those uses are themselves isolated in the surroundings and are not representative of the local character which is rural with open fields to the north, east and west. The resulting industrial building therefore represents a harmful change to the character of the area which is exacerbated by the large area of hardstanding around the building. Furthermore the enclosure of the land by the utilitarian gates simply adds to the industrial appearance of the site and causes further harm to the local character. The argument that they are required for security purposes does not outweigh the harm identified in this respect.
The impact on neighbouring amenity

The corner of the land subject to the developments does not immediately adjoin any residential properties. Therefore there is little direct impact on neighbouring amenity and no objections are raised in these respects. Conditions could also be applied to any permission restricting hours of operation and limiting working to inside the building only which would also limit any potential harm from noise. The applicant has submitted information suggesting that these conditions would not be appropriate to the usage, whilst this is unfortunate the distance from neighbouring dwellings and the intervening industrial uses to the south means that the absence of such conditions should not give rise to a specific reason for refusal.

Highway considerations

The county highway authority has not raised any objection to the development and therefore it is considered that the increase in vehicular movements would not be detrimental to local highway conditions. Furthermore visibility from the access point is not considered to be an issue in this respect.

Conclusion

No suitable justification has been put forward for the retention of the building and no very special circumstances can be demonstrated. The building, use, associated hardstanding, gates and earth bund are inappropriate in this sensitive green belt location and should be removed.

RECOMMENDATION:

Refuse for the following reason(s) :-

1. The development of the building for a mix of agricultural and non-agricultural uses represents an inappropriate form of built development within the green belt and is harmful by virtue of its inappropriateness. Furthermore the hardsurfacing, gates and bund all conflict with the purposes of including land within the green belt and are therefore also considered to represent inappropriate development in the green belt. There are no very special circumstances to outweigh the substantial harm caused by inappropriateness. The developments therefore fail to accord with policies RE2 of the of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07) and would conflict with one of the core planning principles of the NPPF and paragraphs 79, 80, 89 and 90 of the NPPF.

2. The retention of the existing building for a mix of non-agricultural and agricultural purposes would, by virtue of its size and height, diminish the openness of the green belt and introduces additional vehicle parking and storage which impacts on the openness of the green belt. It is therefore considered that the impact on the openness of the green belt is harmful. Furthermore the two sets of entrance gates and bund, by virtue of their heights and enclosure of the land, harms the openness of the green belt. The developments therefore fail to accord with policies RE2 of the of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07) and would conflict with one of the core planning principles of the NPPF and paragraphs 79 and 80 of the NPPF.
3. The development of the building for non-agricultural purposes introduces a form of development not characteristic of the rural area. Furthermore the associated external vehicle parking, storage and other activities would increase the intensity of these uses causing further harm to the character of the area. In addition the retention of the gates would, by virtue of their height and solid utilitarian design, increase the industrialised appearance of the site which encroaches on to the rural character of the area and is harmful in this respect. The developments therefore fail to accord with policies G5 and RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/9/07) and would conflict with core planning principles of the NPPF.

Informatives:
1. You are advised that the following policies and/or proposals in the development plan are relevant to this decision:

   Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 07) policies - G1, G5, RE2,

2. This decision relates expressly to drawings 11273.01.01 Rev E and 11273.01.02 Rev D and additional information received on 9 March 2012.