

LOCATION:	Burnside Nursery, Philpot Lane, Chobham, Woking, Surrey, GU24 8HE,
PROPOSAL:	Erection of a replacement dwelling and ancillary buildings comprising a stable and barn and manege area for purposes incidental to the enjoyment of the associated dwellinghouse following the demolition of existing agricultural workers' dwelling and nursery buildings.
TYPE:	Full Planning Application
APPLICANT:	Mr G Dixon
OFFICER:	Mrs Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee by Cllr. P. Tedder because of concerns about water displacement and because the proposal is considered to be inappropriate development in the Green Belt, with the site tied to an agriculture tenancy.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 The application site is a former nursery site, which lies outside the settlement area of Chobham, within the Green Belt and within Flood Zone 3. The site comprises a residential dwelling and glasshouses which are in a dilapidated state, along with open fields, and the residential dwelling is subject to an agricultural occupancy restriction. The proposal is to replace the dwelling with a slightly larger dwelling on the same part of the site, and to replace the glasshouses with stables and storage buildings. There would also be a manege for horse exercising and the fields would be used as horse paddocks. The proposed equestrian use of these buildings would be for the personal and private use of the occupiers of the dwelling only. The agricultural occupancy condition is also proposed to be removed as part of the proposal.
- 1.2 The replacement dwelling would not be materially larger than the existing building to be replaced. The provision of appropriate facilities (in connection with the use) for outdoor recreation and engineering operations are not inappropriate development, provided that openness is preserved and there is no conflict with the purposes of the Green Belt. The stables and storage building would be appropriate sizes facilitating the proposed equestrian use of the fields. In addition, there also would be a beneficial impact on openness, given the large reduction in built form across the site of around a 65% in floorspace terms, comparing the existing glasshouses to the proposed stables and storage building. The proposal would therefore not be inappropriate development within the Green Belt.
- 1.3 With regard to the agricultural occupancy condition, it is noted that an application to remove this condition was refused in 2020, and no additional marketing details have been provided with this application. However, the Council's Agricultural Consultants consider that there is limited demand in this area for such a property with an agricultural use. It is also noted that the property has been extended in the past and as such given its size is likely to be too expensive for an agricultural worker. The existing owner does not have access to previous marketing

details and considers it would be unreasonable to ask him to market the property again given that he does not wish to sell. As well as purchasing the property, significant investment would be required by any future owner to the glasshouses if they were to be brought back into use.

- 1.4 Whilst there is no guidance in the NPPF regarding agricultural occupancy conditions, previous government guidance stated that dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. While there is still limited information regarding the marketing of the site, as this proposal is for redevelopment of the site as a whole rather than just removal of the condition, the potential disbenefits of removing the condition should be considered against the benefits of the proposal as a whole. These benefits include the large reduction in built form and character and visual benefits of removing the dilapidated glasshouses, which can be seen from outside the site.
- 1.5 The proposal is considered to be acceptable in other regards, in terms of impact on character, residential amenity, highways and parking, and flooding. The application is therefore recommended for approval, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a nursery of approximately 2.4ha in size, located on the southern side of Philpot Lane, close to the bridge over the Mill Bourne. The application site is a triangular shape and borders the Mill Bourne on the north-eastern side, with open fields adjacent to the south-eastern side, and two farms on the western side. The access to the site is from Philpot Lane to the north, and the access road leads to a single dwelling on the western side of the site, which has some hardstanding driveway and patio areas around the building itself, and a tennis court to the eastern side. To the north and south of the house are enclosed residential garden areas, defined by hedgerows.
- 2.2 At the end of the access road, in the southern corner of the site, are a number of dilapidated glasshouses, and a large area of hardstanding where a previous glasshouse stood. In between the glasshouses is grass, and a number of brick built raised nursery beds. Along the boundary of the southern corner is a brick built single storey storage building with corrugated metal roof. The remainder of the site is laid to grass, with a drainage channel leading from the Mill Bourne along the southern boundary and partly enclosing the glasshouse area.
- 2.3 The site is located outside the settlement area of Chobham and within the Green Belt. The site lies mostly in Flood Zone 3 with some small areas within Zone 2. Adjacent to the Mill Bourne on the southern side is public footpath 113.

3.0 RELEVANT PLANNING HISTORY

- 3.1 BGR 7137 Outline application to erect one house. Granted 10.11.70, Reserved matters granted 11.5.71
Condition 1 of the above permission states:
“The occupation of the dwelling hereby permitted shall be limited to persons employed or last employed in agriculture as defined in Section 221 (1) of the Town and Country Planning Act 1962 or in forestry or the dependants of such persons.”
- 3.2 78/0003 Two-storey extension Granted 15.3.78
- 3.3 82/0637 Alterations and two-storey extension (kitchen). Granted 11.10.82

- 3.4 82/0825 Greenhouse. Granted 20.12.82
- 3.5 86/0277 Replacement storage shed. Granted 5.6.86
- 3.6 19/0706 Removal of Condition iii of BGR 7137 requiring agricultural occupancy of the dwelling at Burnside Nursery.

Refused 9.3.20 for the following reason:

- 1. The application dwelling and its holding has not been marketed for any period of time at an appropriately reduced price to reflect the restriction on its occupancy, and; a full assessment of the viability of the site, including quotes for replacement nursery buildings, has not been undertaken. As such, it has not been demonstrated to the satisfaction of the Local Planning Authority that there is no longer demand and an exceptional need i.e. that the dwelling cannot be occupied by a person employed or last employed in agriculture as defined in Section 221 (i) of the Town and Country Planning Act 1962 (and as amended by Section 335 of the Town and Country Planning Act 1990), or in forestry or the dependents of such persons. The removal of condition iii of BGR 7137 is therefore unjustified and would conflict with the very special circumstances for permitting the dwelling in the Green Belt, contrary to the National Planning Policy Framework and associated Planning Practice Guidance.*

4.0 THE PROPOSAL

- 4.1 The proposal is for the erection of a replacement dwelling and ancillary buildings comprising a stable and barn, and manege area for purposes incidental to the enjoyment of the dwellinghouse, following the demolition of the existing agricultural worker's dwelling and nursery buildings. As part of the development, the existing agricultural occupancy condition is proposed to be removed.
- 4.2 The new dwelling would be located on approximately the same footprint as the existing dwelling, and would be two-storey with five bedrooms. The property would have a dual-pitched roof of 7.95m in height with eaves of approximately 5.3m. There would be a gabled projection to the front of the property and a single storey element to the side. The internal finished floor level would be approximately 0.5m above ground level for flooding reasons. Around the property, a boundary fence would be situated in the same location as existing to define the curtilage of the property from the adjacent horse paddocks. The existing hardstanding driveway area would also be re-shaped to provide four parking spaces, and a turning area in front of the dwelling.
- 4.3 In place of the existing glasshouses and glasshouse base, two single storey buildings are proposed. One would be stables, and the other vehicle and hay stores, which are proposed on the southern site boundary. The stables would be an L-shape and would be 20.6m x 20.6m, with a 4m width. The roof would extend a further 1.8m in width, resulting in a covered area outside the stable doors. Internally the stables would comprise 3 stable rooms, a tack room, a birthing room, a feed/storage room, and a lobby leading to a kitchen/rest room, WC and shower. The eaves of the stables would be 2.6m and the ridge approximately 4.2m. In front of the stables would be a paved courtyard, and to the rear there would be soft landscaping.
- 4.4 The vehicle and hay store would be 28.8 x 9.3m approximately with three separate compartments. Two of these would be enclosed with a ridge height of 4.9m and the central one would have a ridge height of 5.9m and would be open with a security barrier to the front. The building would have a dual pitched roof. The existing storage buildings along the southern boundary would remain.

- 4.5 A manege area of 40m x 20m would also be located behind the stables for exercising the horses. This would have a post and rail fence around the outside of 1.4m in height. The base of the manege would be 100mm washed silica sand on geotextile membrane, located on 150mm of well compacted clean stone. The remainder of the site would be open and would be used for horse paddocks.
- 4.6 The application states that the owner's daughter will be using the stables for stabling her own horses, of which she currently has three, and the horses will be exercised using the local bridleways within hacking distance from the property. The owner's daughter also competes in novice competitions and one-day events and plans to breed horses as a hobby but not of a scale that would be considered commercial. The stables are for the personal and private use of the family occupying the dwelling on the site.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection, subject to conditions for space to be laid out for parking and turning, and for a fast charge socket for electric vehicles. *See Annex A for a copy of this response.*
- 5.2 Environment Agency No objection, subject to a condition requiring the finished floor levels of the building to be as shown on the plan, for floodplain compensation and for any new fencing to be post and rail
- 5.3 Reading Agricultural Consultants (RAC) Considers that there is not a need within the locality for agricultural workers dwellings; and that the provision of stables including ancillary facilities is appropriate, and the size and layout of the stables appropriate for the land available and number of horses to be kept on site. Considers size of manege appropriate for the private use. Considers the storage building acceptable for its intended use. Considers that if the Council consider the proposed development acceptable in other regards, then the imposition of the occupancy condition would not be appropriate. *See Annex B for a copy of this response.*
- 5.4 Council's Arboricultural Officer No objection, subject to conditions for tree protection and for a landscaping scheme to replace trees lost
- 5.5 Surrey Wildlife Trust No objection, subject to the applicant undertaking the actions detailed in the Method Statement to support a mitigation licence from Natural England.
- 5.6 Chobham Parish Council Object to the removal of the agricultural workers condition with insufficient information and evidence to demonstrate that the requirement no longer exists. Lifting the condition would conflict with the NPPF in respect of Green Belt development. If the Council is minded to approve then conditions are recommended.

6.0 REPRESENTATION

- 6.1 A total of 7 letters of notification were sent out on the 15 October 2020 and the application was advertised in the local press on the 14 January 2022. At the time of preparation of this report, one objection letter has been received which raises the following issues:
- Conflicts with local plan and no very special circumstances to build in the Green Belt (see Inspectorate decision Jan 2020 regarding 18/1118 Castle Grove) *[Officer comment: see section 7.2 below]*

- Increased danger of flooding – a recent new house building in Philpot Lane on the edge of the flood plain has caused road closure and severe flooding for the first time in 40 years affecting existing houses on Philpot Lane [*Officer comment: see section 7.8 below*]
- The nursery was a viable business until the previous owner retired and sold to the current owner. It was sold as a nursery business and not a property development site. Removing the agricultural occupancy condition has been refused and there is no proof again of lack of viability [*Officer comment: see section 7.3 below*]
- The stables/barn and staff accommodation are excessive in size, they could be turned into houses in the future [*Officer comment: see section 7.2 below*]

7.0 PLANNING CONSIDERATION

7.1 The application is considered against the relevant policies, which are Policies CP1, CP2, CP11, CP14A, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), the Surrey Heath Residential Design Guide 2017, the National Design Guide and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Impact on the Green Belt;
- Removal of the agricultural occupancy condition and change of use;
- Impact on character and trees;
- Impact on residential amenity;
- Highways and parking;
- Impact on ecology;
- Flooding impacts; and,
- Other matters - Impact on infrastructure and the Thames Basin Heaths SPA

7.2 Impact on the Green Belt

7.2.1 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and 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. Paragraph 138 states that the Green Belt serves five purposes, which are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.2 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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.

7.2.3 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Another exception under this paragraph is the provision of appropriate facilities (in connection with the existing use or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.2.4 Policy CP1 of the CSDMP seeks to direct development to sustainable locations, largely in the western part of the borough. Policy DM3 states that equestrian related development in the Green Belt will be supported, provided that in the first instance, priority is given to re-use of existing buildings; where new buildings are justified, these are well-related to existing buildings and small in scale; where replacement buildings are justified, the replacements are well-related to existing buildings and not materially larger; the overall size, siting and scale of development, including any cumulative impact should not be harmful to the overall character and openness of the Green Belt.

7.2.5 The existing dwelling is to be replaced on approximately the same footprint by another dwelling, and as such the use of the buildings can be considered to be the same. The size of the existing and proposed dwellings, are set out in the table below:

	Existing Dwelling	Proposed Dwelling	Percentage increase
Footprint	111m ²	147m ²	32.4%
Floorspace	191m ²	265m ²	38.7%
Volume	622m ³	906m ³	45.6%
Average			38.9%

7.2.6 There is no adopted policy that sets a percentage threshold for replacement builds in the Green Belt and so an assessment must be made on a case-by-case basis. In the officer's opinion this percentage increase in size is at the limits as to what would normally be considered not to be materially larger. However, a visual assessment also needs to be made by comparing the design and form of the proposed dwelling to the design and form of the existing dwelling. Whilst there would be an increase in height by approximately 0.6 metres and the proposed dwelling would have a greater depth it would not be as wide as the existing. The architectural designs of the existing and proposed dwellings are also comparable, and the addition of a proposed front gable would not result in a dominant appearance. On balance, therefore, it is considered that the proposed dwelling would not be materially larger than the existing. The slight height increase, and the resultant increase in volume, is also to allow for a higher internal finished floor level to overcome flooding concerns, together with compliance with building regulations for the internal floor to ceiling heights.

7.2.7 The glasshouses are proposed to be replaced by stables and a vehicle/storage building, which are both proposed to be used for purposes incidental to the residential occupation of the dwelling, and not for any commercial use. The vehicle and storage building shows that it would be used for horse carriers and accessories, tractors and attachments and a hay store.

7.2.8 As set out above, paragraph 149 (b) of the NPPF states that the provision of appropriate facilities (in connection with the existing use or a change of use) for outdoor sport and recreation, is not inappropriate, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case, the proposed stable and storage building will be used in connection with outdoor recreation purposes, as they are to facilitate the use of the adjoining fields for equestrian purposes. The NPPF does not differentiate between outdoor recreation facilities for personal or commercial use and as such it is considered that these facilities can be considered under paragraph 149 (b).

7.2.9 The Council's Agricultural Consultants (RAC) consider the provision of the stables as appropriate for the site. Their initial comments were that the stables were too large, and as such they have been reduced in size by the applicants. RAC state that the stables and foaling box are now of the appropriate size for their intended use, in line with the DEFRA Code of Practice for the Welfare of Horses, and provide the appropriate amount of

accommodation for up to four horses proposed to be stabled on site. RAC have stated that the rest area and toilet/shower facility may be larger than is necessary but accepts such facilities are appropriate. There is one room proposed for a WC and another for a shower which are small in size, along with one rest room. The applicant has explained that they would like these facilities in the stables to keep the new house clean and free of horse paraphernalia, and should they be away from their dwelling and ask friends to tend to the horses, these facilities will be able to be used by their friends without having to have access to the residential property. They have also noted that incidental buildings, for example home gyms, have such facilities and these are considered appropriate in those cases. Officers consider therefore that these facilities are reasonable and are not excessive in size.

- 7.2.10 With regard to the storage building, this is proposed to be divided into three sections to provide storage for a horse lorry, horse trailer, tractor and hopper, as well as a separate area for hay storage. RAC notes that the storage of machinery when left outside and open to the elements can result in its deterioration, and it is also liable to theft. RAC note that there has been an increase in rural crime and the theft of agricultural machinery is of concern to police and insurers. The amount of storage space is considered appropriate for its purpose.
- 7.2.11 Paragraph 149 also requires that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is not considered that this part of the proposal conflicts with the purposes of the Green Belt, given that the facilities are proposed for outdoor recreational use, in association with the adjoining fields. They do not result in any built development on parts of the site where there is not already built form and as such do not encroach any further into the countryside.
- 7.2.12 In terms of preserving openness, the existing and proposed sizes of the built form, which is the glasshouses and the proposed stable and vehicle/storage building, are set out below:

EXISTING	Footprint/floorspace	Volume
Glasshouse 1	396m ²	1229m ³
Glasshouse 2	275m ²	985m ³
Glasshouse 3	238m ²	707m ³
Glasshouse 4	66m ²	145m ³
Glasshouse 5	150m ²	467m ³
TOTAL Existing	1125m²	3533m³
PROPOSED		
Stables	156m ²	586m ³
Vehicle/hay store	243m ²	1112m ³
TOTAL Proposed	399m²	1698m³
TOTAL difference	65% reduction	52% reduction

7.2.13 In terms of hardstanding, the existing and proposed amounts are set out below:

	EXISTING	PROPOSED
Hardstanding	1656m ²	694m ²
Hardcore/Gravel	2074m ²	2147m ²
Manege	-	800m ²
TOTAL	3730m²	3641m²
TOTAL difference	2.4% reduction	

7.2.14 The proposal would therefore result in a large reduction in built form over and above the existing development on the site, and as such would have a beneficial impact and net improvement on openness. It is considered therefore that the stable and storage buildings are not inappropriate development in the Green Belt as they meet the tests of paragraph 149 (b). It is considered that they also meet the tests of Policy DM3, as it is considered that the new buildings are justified, are well-related to existing buildings in terms of their location and are appropriate in scale.

7.2.15 The manege, whilst not a building, would be for the purposes of exercising the horses to be kept on site and as such is for the purposes of outdoor recreation. This is also considered appropriate by RAC in terms of its use and size, and at 40m x 20m is smaller than the standard 60m x 20m size, however, this would provide sufficient space for daily exercising and training for equestrian disciplines such as showjumping and dressage.

7.2.16 Paragraph 150 of the NPPF states that engineering operations are not inappropriate if they preserve openness and do not conflict with the purposes of including land within the Green Belt. In this case, the manege would result in additional hardstanding, which is an engineering operation and given its flat surface, would have a limited impact on openness. In addition, the overall amount of hardstanding on the site would be reduced as set out above. The manege would have a post and rail fence surrounding it, which is considered to have a lesser impact on openness than a close-boarded fence, and given its height and location, a fence around this area could be installed under permitted development rights in any case. The use of the manege would facilitate the recreational use of this part of the site and as such it is considered that the manege would be an exception under paragraph 150 of the NPPF and as such, not inappropriate.

7.2.17 It is noted that the objection raises the Inspector's Decision on Castle Grove Nurseries (reference 18/1118), which is also a former horticultural nursery site. In this case, the Inspector considered that replacing the glasshouses with residential dwellings with a large reduction in built form would not constitute very special circumstances, given that the glasshouses were not inappropriate development in the Green Belt, and the residential dwellings were inappropriate. However, in this case it is not considered that the stables and storage barn are inappropriate and as such no very special circumstances are required. Whilst there will be an overall reduction in built form which is beneficial to openness, this is not relied upon to justify a grant of permission. It is also noted that the objection states that the stables and storage building could be converted to houses in the future, however this is the case for many buildings in the Green Belt and would not be a reason to refuse development which is otherwise not inappropriate.

7.2.18 In terms of the change of use, the applicant states that the horticultural use of the land ceased many years ago, and the buildings are not of a standard which would allow the use to recommence, without significant investment. There are no planning policies which seek to protect the horticultural use nor require the applicant to demonstrate that there is a lack of need for the facilities. It is noted that there have not been objections raised to the

loss of similar nursery sites in the borough, given that they are not in employment (B class) uses and nor do the buildings readily lend themselves to conversion. No objection is therefore raised to the loss of the horticultural use.

- 7.2.19 It is therefore considered that the proposed development is not inappropriate in the Green Belt, as it falls under the exceptions in paragraphs 149 and 150. It is considered that the stables and storage building should be limited by condition to the incidental residential use for equestrian purposes as proposed, to ensure that the use remains appropriate for the site, and as such any future proposal to redevelop these buildings would be considered via a planning application rather than being permitted development. It is also considered necessary to remove permitted development rights for the replacement dwelling in the interests of the Green Belt.

7.3 Removal of the agricultural occupancy condition and change of use

- 7.3.1 The NPPF does not have any specific guidance relating to agricultural occupancy conditions. Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, and enforceable, precise and reasonable in all other respects. As set out above, paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt, however this excludes buildings for agriculture and forestry. Paragraph 79 also requires special circumstances to allow a dwelling against the general restriction of isolated dwellings in the countryside, and as such it is considered that this implies the opposite must also be true, in that special circumstances should be demonstrated to allow a restricted property to enter the open market.
- 7.3.2 The building was constructed in 1971 with an agricultural occupancy condition as set out in paragraph 3.6 above, restricting the occupation of the dwelling to only agricultural workers or their dependents. The reason for the condition was because the site lay in the Green Belt and as such, development was only to be permitted in accordance with Green Belt policy.
- 7.3.3 An application (19/0706 as set out above) to remove the condition was refused in March 2020. That application was accompanied by an Agricultural Assessment by Quintons which stated that the nursery has not traded economically for many years; the glasshouses are old, small and separated rather than being in one economic block; the services are elderly and in need of either a complete overhaul or replacement; the majority of ancillary buildings are inappropriate and partly derelict; the house is considerably larger than the average dwelling tied to an agricultural use and as such even with the tie, the price is out of reach of most horticulturalists; the nursery is too small and disjointed for a commercial use.
- 7.3.4 The application was refused due to a lack of information on the marketing of the property for an appropriate length of time, at a value commensurate with the agricultural occupancy condition. It was also considered that a full assessment of the viability of the site, including quotes for replacement nursery buildings, should have been submitted to demonstrate that there is no longer a functional need for an agricultural worker's dwelling on the site.
- 7.3.5 The difference between the application refused in 2020 and this application, is that the previous application was for the removal of the agricultural occupancy condition only, and given the lack of marketing information, this was not considered to be acceptable. Whilst the level of marketing information has not changed, the application now submitted is for the redevelopment of the site as a whole, and the benefits of this, which are a large reduction in built form across the site, have to be weighed against the loss of the agricultural occupancy condition. We also now have a further response from Reading Agricultural Consultants which further indicates that there is unlikely to be a need for the agricultural workers dwelling in this location.

- 7.3.6 No further information on viability or marketing has been submitted with this application, as the applicant explains that the site was bought in 2018 after an unsuccessful marketing and auction campaign by the previous owners. Given that the applicant was not the owner at the time of marketing the property, the applicant does not have any details of the previous marketing and it is not known when Burnside Nursery ceased trading or under what circumstances. The applicant also considers that marketing the property now would not be appropriate given that he does not wish to sell the site. It is known that the site was marketed at auction with a guide price of £1.2 million, and that valuations of the site provided with the 2019 application were for £945,000 and £835,000. There is no evidence that the site has been marketed at these lower prices, nor is it known whether either of these lower values took the agricultural occupancy condition into account in the valuation.
- 7.3.7 The Planning Statement accompanying the application refers to now out of date guidance Planning Policy Statement 7 (PPS7), given that the former PPS7 did specifically address agricultural occupancy conditions and provided direction for consideration of their variation or removal. This policy document is no longer in force (it was replaced in 2012 by the NPPF), however the NPPF does not specifically address this issue and as such there is no current detailed guidance, so given that the applicant has included this in their argument, the guidance in the former PPS7 is set out for Members to note. PPS7 stated that changes in the scale and character of farming may affect the longer-term requirement for dwellings subject to an agricultural occupancy condition, and that dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.
- 7.3.8 The guidance states that local planning authorities should therefore set out their policy approach to the retention and removal of agricultural occupancy conditions, based on an up-to-date assessment of the demand for farm dwellings in the area and that applications for removal of occupancy conditions should be determined on the basis of information provided by the applicant and other parties, including the opinion of agricultural consultants where necessary. In Surrey Heath, Policy DM1 of the CSDMP relates to the re-use of agricultural buildings and states that the conversion or re-use of buildings for residential purposes will be considered after having established that the use for economic purposes is not feasible or appropriate. In terms of demand for farm dwellings, a search of applications for agricultural dwellings in Surrey Heath has also revealed only one application, at Hook Meadow in Philpot Lane, which was refused; as well as a number of previous dwellings with agricultural occupancy conditions which have been removed, although there were individual circumstances justifying these in each case. It is noted that Reading Agricultural Consultants concur that there is not a need within the locality for agricultural dwellings, based on this information.
- 7.3.9 It is also noted that PPS7 advised that extensions to a property with an agricultural occupancy condition could affect the continued viability of maintaining the property for its intended use. The applicant asserts that this is relevant to this case in that the property is now too large and thus expensive for an agricultural worker, through extensions allowed by the Local Planning Authority in the 1980s. It is also noted that in addition to purchasing the property, the site is likely to require significant additional investment if the glasshouses were to be brought back into use.
- 7.3.10 It is considered therefore that, given the conclusions of the Council's Agricultural Consultant, there is unlikely to be a substantial need for agricultural dwellings in the locality. It is also possible that previous extensions to the property may have made it more unaffordable for an agricultural worker. However, current and previous national guidance, as well as Policy DM1, requires the establishment of the fact that the agricultural use is no longer viable and the dwelling could not be sold and used for its intended purpose. It remains the fact that no further information has been provided on this point and it is not known whether the property was marketed at an appropriate price, considered to be

25-30% less than its open market value, for an appropriate period of time, considered to be 6-12 months. However it is also difficult, as the applicant was not the owner of the property at the time of marketing, to be able to request any further information on this point.

- 7.3.11 In the officer's opinion whilst, therefore, there is only limited justification to remove the condition, this application is not solely for the condition's removal but proposes redevelopment of the site and as set out above, the built form proposed is considerably less than existing. This lack of information on this issue therefore should be considered against the merits and benefits of the proposal as a whole.

7.4 Character and trees

- 7.4.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not discouraging appropriate innovation or change.
- 7.4.2 Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 7.4.3 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.4 Principle 7.4 of the RDG states that new residential development should reflect the spacing, heights and building footprints of existing buildings, especially when these are local historic patterns.
- 7.4.5 The site is not clearly visible from the road or any public viewpoints other than the public footpath adjacent to the Mill Bourne on the north-eastern boundary of the site. The existing dwelling does not have any particular architectural merit and as such its loss is not considered harmful to character. The replacement dwelling will be on approximately the same footprint as existing and as such maintaining the existing irregular spacing between farm buildings in this area. The replacement dwelling would be of a similar two-storey, gabled-end design with a single storey element. Although its ridge height is 0.6m higher than the existing dwelling, this is so as the internal finished floor level can be raised to overcome flooding issues, whilst still meeting building regulations for internal floor to ceiling heights. The replacement dwelling therefore not considered to be harmful in character terms.
- 7.4.6 The proposed stables and storage building are of traditional design and would be single storey with dual pitched roofs. They are not excessive in size or height and have the appearance of traditional equestrian buildings. The existing glasshouses are in a fairly dilapidated state, and in character terms their replacement, including removal of the hardstanding glass house base and raised beds, and replacement with a stable and storage building is likely to be a significant improvement in character and visual amenity terms.
- 7.4.7 There are a number of trees within the site, most of which are Categories B and C. Seven trees are proposed to be removed, five of which is to facilitate the proposals which are all Category C trees, and comprise cypress, silver birch, and fruit trees. Two trees will be removed which are unsuitable for retention due to their condition (Category U). The trees to be removed are mainly in the southern corner of the site or close to the proposed replacement dwelling.

- 7.4.8 The Council's Arboricultural Officer has not objected, subject to a condition for tree protection for the remaining trees during the course of the construction period, and for a comprehensive landscaping scheme which includes at least 7 trees to make up for those lost.
- 7.4.9 The proposal is therefore considered to be acceptable in terms of its impact on character and trees, subject to the proposed conditions.

7.5 Impact on residential amenity

- 7.5.1 Paragraph 130 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.5.2 Principles 8.1 – 8.3 of the RDG require new development not to affect existing properties in terms of being overbearing, causing overshadowing or affecting privacy.
- 7.5.3 The application site shares a boundary with Sunfield Farm to the south-west. The proposed vehicle and hay store would be around 19m from the western site boundary, with farm buildings on the opposite side of the boundary. The stables would be around 23m from the boundary, with the residential property at Sunfield Farm around 54m away. The existing storage building and boundary vegetation would be in between the development and the neighbouring farm buildings. The replacement residential property would be around 17m from the western boundary, with the residential property at Goldbridge Farm around 48m away, again with vegetation along the boundary. Given the significant distances between the new buildings and the nearest neighbouring properties, no adverse impacts on amenity are likely to occur.
- 7.5.4 The proposal is therefore considered acceptable in terms of its impact on residential amenity, and in line with the above policies.

7.6 Impact on highways and parking

- 7.6.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location; that safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 7.6.2 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.3 The replacement dwelling would have five bedrooms, and four parking spaces are laid out to the front of the site. This is in excess of the minimum parking requirement for a property of this size, and in addition, given the size of the site and the access drive, any parking on the street is very unlikely to occur as a result of the development. There would be no change to access and given the property would be residential rather than a nursery, the level of vehicular traffic is very likely to be less than when the site was in use as a nursery.

7.6.4 The County Highway Authority has been consulted, and has not objected, requiring a condition for parking and turning space within the site so that vehicles can exit in forward gear, and for a charging socket for an electric vehicle. It is considered that these can be secured by condition. The proposal is therefore considered acceptable in this regard.

7.7 Impact on ecology

7.7.1 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on, and provide net gains for, biodiversity. Paragraph 175 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

7.7.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath, and that development that results in harm to or loss of features of interest for biodiversity will not be permitted.

7.7.3 The applicant has submitted an Ecological Appraisal with the application, which looked at the habitat types on site and assessed the existing buildings for potential bat roosting features. A small number of bats were found to be roosting in the loft of the existing dwelling, but not the outbuildings. Further bat surveys were carried out and the Ecological Appraisal advises that a licence from Natural England will be required for demolition of the dwelling.

7.7.4 A survey for Great Crested Newts (GCN) was also carried out which found that it is unlikely that ditches within the site are being used by GCN, and that while the site has some suitable habitat for the species, the development can proceed using Reasonable Avoidance Measures during construction.

7.7.5 Surrey Wildlife Trust has been consulted and has stated that the Local Planning Authority should advise the applicant that a mitigation licence from Natural England will be required, and that they should undertake all the actions that will be detailed in the Method Statement which will accompany the application for a licence, which is expected to be based on the mitigation, compensation and enhancement actions presented within the bat report. It is considered that informatives should be added to the decision notice in this regard, as Natural England will assess the suitability of the Method Statement and decide whether to grant the licence.

7.7.6 In terms of GCN, a condition is proposed to ensure that the development proceeds in accordance with the Reasonable Avoidance Measures as set out in the GCN survey report.

7.8 Impact on Flooding

7.8.1 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime, without increasing flood risk elsewhere. Policy DM10 of the CSDMP states that development within Zones 2 and 3 will not be supported unless it can be demonstrated that the proposal would reduce risk to and from the development and where risks are identified through an FRA, flood resilient and resistance design and appropriate mitigation and adaptation can be implemented.

7.8.2 The site lies mainly within Flood Zone 3, and the applicant has submitted a Flood Risk Assessment with the application which includes an Exception Test. The Environment Agency initially objected to the application and a further Technical Note was submitted. The proposed dwelling will have raised finished floor levels to protect the property from flooding. Whilst the footprint of the replacement dwelling will be slightly larger than existing, overall the removal of other impermeable structures in the site will see an overall increase in floodplain storage as a result of the development.

- 7.8.3 The Environment Agency subsequently removed their objection and are satisfied that the development can proceed with a condition that it is carried out in accordance with the submitted Flood Risk Assessments. The condition includes that any new fencing on the site should be post and rail, so as not to impede flood waters. In terms of water displacement on the site, which has been raised as a concern, overall the amount of hardstanding, including building footprints, is reducing by 779m² and being replaced by soft landscaping, and as such should offer a benefit in terms of the site's permeability and reduce surface water run-off. The new manege area and paved area outside the stables are also both proposed to be permeable. It is therefore considered that the proposal is acceptable in terms of flooding.

7.9 Other matters

CIL

Although the new floorspace would be over 100m², given that overall there would be a reduction in floorspace, CIL would not be payable.

Thames Basin Heaths SPA

As a replacement dwelling, the proposal would not be liable for a SAMM or SANG payment.

8.0 POSITIVE/PROACTIVE WORKING & PUBLIC SECTOR EQUALITY DUTY

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included 1 or more of the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

- 9.1 The proposal would not be inappropriate development in the Green Belt, as it is considered to fall under the exceptions in paragraphs 149 and 150 of the NPPF, and to comply with Policy DM3 of the CSDMP. The proposal is not considered to cause any harm in terms of character, residential amenity, highways and parking or flooding.
- 9.2 In terms of the agricultural occupancy condition, weight is given to the consultee response from the Council's Agricultural expert. It is considered that there are a number of factors which weigh in favour of removing this condition and that its

removal should be considered against the overall benefits to the Green Belt of the site's redevelopment, plus the character and visual benefits of the proposal. The application is therefore recommended for approval, subject to conditions.

10.0 RECOMMENDATION

GRANT, subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The proposed development shall be built in accordance with the following plans:

- Proposed Site Plan 694-P-11-2 Rev B received 2.3.21
- Proposed Stables Plans and Elevations 694-P-11-5 Rev A received 2.3.21
- Proposed Vehicle and Hay Stores Plans and Elevations 694-P-11-6 Rev B received 2.3.21
- Proposed Dwelling Plans and Elevations 694-P-11-4 received 3.9.20
- Proposed Structures and Hardstanding and manège details 694-P-11-12 received 3.12.21

Reason: For the avoidance of doubt and in the interests of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. The stables and storage building hereby permitted shall be used for equestrian purposes only as set out in the application, and the equestrian use shall be incidental to the use of the residential property only and shall not involve any commercial use. The buildings shall not be used for any other purpose without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that there is no harm to the integrity of the Green Belt or to character, in accordance with Policies CP2, DM3 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and paragraphs 126, 130, 137, 138 and 149 of the National Planning Policy Framework.

4. No external facing materials shall be used on or in the development hereby approved until details of them have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. Prior to the commencement of any works (including site clearance, demolition and construction works) and prior to any equipment, machinery or materials being brought onto the site, the protection of any retained tree and any other protection specified shall be installed in accordance with the Tree Protection Plan by LandArb Solutions dated October 2020 and received 7.10.20.

Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those protected areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. The tree protection shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositions without the prior approval in writing of the Local Planning Authority. The development shall be carried out in complete accordance with the Arboricultural Method Statement by LandArb Solutions dated October 2020 and received 7.10.20.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Prior to first occupation of the development hereby permitted, full details of all soft landscaping works are to be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

a) a detailed soft landscaping plan to a recognised scale, clearly illustrating the location of all trees to be planted and areas of turf to be laid. The number of trees shall be at least the same as the number proposed be removed as set out in the LandArb Arboricultural Survey dated October 2020 and received 7.10.20.

b) a detailed soft landscaping specification detailing the quantity, density, size, species, position and the proposed time or program of planting of all trees. The species shall be of local provenance and include suitable species for local wildlife. The specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with tree establishment.

c) details of ecological enhancement measures proposed such as nesting boxes and log piles

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance to ensure a form of development that maintains, and contributes positively to, the character and appearance of the area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies and the National Planning Policy Framework.

7. The development shall be carried out in accordance with the Flood Risk Assessment Technical Note D101A by Syntegra dated 2.6.21 and the following mitigation measures:

- Finished floor levels of the replacement dwelling shall be set now lower than 22.625 metres above Ordnance Datum (AOD)
- The site shall be redeveloped in accordance with the floodplain compensation and storage assessment detailed within the Flood Risk Assessment Technical Note D101A dated 2.6.21
- Any new fencing on site will be post and rail

The mitigation measures as set out above shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the site is redeveloped

to ensure no losses in floodplain storage and impedance of flood flow paths, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework

8. The development shall proceed in accordance with ecological impact avoidance and mitigation measures as set out in paragraph 6.1 of the submitted Preliminary Ecological Appraisal.

Reason: To avoid harm to protected species, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. The development hereby approved shall not be occupied unless and until the dwellinghouse has been provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. No external lighting shall be installed on the site without a lighting scheme first being submitted to and approved in writing by the Local Planning Authority. Any external lighting shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and the Built Environment Series".

Reason: In the interests of not harming protected species in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. Notwithstanding the provisions of Class A, Class B, Class C, Class D, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof alterations, porches or outbuildings shall be erected on the dwelling, or within its curtilage, without the prior approval in writing of the Local Planning Authority.

Reason: To retain controls in the interests of the openness of the Green Belt and to comply with the National Planning Policy Framework.

Informative(s)

1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.
2. 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>
3. The developer is reminded that it is an offence under Part 1 of the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild bird, or to intentionally damage, take or destroy its nest whilst it is being built or in use. Tree felling and vegetation clearance should be timed to avoid the bird nesting season of early March to August inclusive. If this is not possible, the site shall be inspected for active nests by an ecologist immediately prior to clearance works. If active nests are found they shall be left undisturbed with a buffer zone around them until confirmed by an ecologist that it is no longer in use.
4. The bat report has confirmed the presence of active bat roosts within the development site and therefore the applicant will be required to:
 - Obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing
 - Undertake all the actions detailed in the Method Statement which must support a mitigation licence, which is expected to be based on the mitigation, compensation and enhancement actions presented within the bat report.