

ITEM 4.3

Application: 2022/1255
Location: Blue Meadow, Birchwood Lane, Chaldon, Caterham, Surrey, CR3 5DQ
Proposal: Erection of an Agricultural Barn for livestock accommodation
Ward: Chaldon

Constraints – Green Belt, Area of Special Advertising Control, Area of Great Landscape Value, Ancient Woodland within 500m.

RECOMMENDATION: Authorise Delegated Authority to the Chief Planning Officer to Grant Planning Permission subject to the completion of a Section 106 Agreement that secures:

- The prevention of the implementation of the development granted planning permission under the terms of application 2022/1255 if the development approved under the terms of application 2021/2220 is implemented; and
- The prevention of the implementation of planning permission 2021/2220 if this planning permission is implemented.

1. This application is being reported to planning committee as it requires the entering into a Section 106 agreement to secure this application as an alternative permission to that approved at appeal under reference 2021/2220.

Summary

2. The proposal is for the erection of an agricultural barn for livestock accommodation. When considered in isolation, an agricultural justification has been provided for the building which, in light of the appeal decision set out below, satisfies Officers that the development is not inappropriate development in the Green Belt. The proposal would also not adversely affect the amenities of neighbouring properties nor would the proposal have a detrimental impact upon the character and appearance of the site or the surrounding area. No harm is identified in any other respect.
3. However, as mentioned above, following the refusal of application 2021/2220, planning permission was granted at appeal for a similar building at an alternative position at the wider site. A copy of that appeal decision is attached as an Appendix to this Officer Report. The agricultural need justification that was provided in respect of that development is the same that has been presented for this application. Therefore, no justification is known to exist for the erection of both buildings on the site. On the basis that erecting both buildings would not be acceptable, the applicant has indicated that they would be willing to enter an agreement pursuant to Section 106 of the Town and Country Planning Act to provide a control over the implementation of either the existing permission or the development that is subject of this application, but not both. This would ensure that the built form at the site would remain in accordance with Green Belt policy.
4. As such, it is recommended that planning permission be granted subject to conditions and S106 agreement.

Site Description

5. The site comprises open fields bounded to the south by Willey Farm Lane and on all other sides by field boundaries. There is a vehicular access to the north of the site off Birchwood Lane. The site is located within the Green Belt area of Chaldon. The site contains living accommodation and two agricultural buildings.

Relevant History

6. The relevant planning history is as follows;

2012-423- Certificate of Lawfulness (Existing) for the stationing of a mobile home. Granted.

2014/942- formation of an access track to Willey Farm Lane. (Appeal Allowed 19/02/15)

2015/2181- Certificate of Lawfulness- 'Erection of replacement caravan'. Granted 16.2.16

2017/1725- Application for removal of condition (cond. 3 of upheld appeal approval of 2012/423- requiring development to be in accordance with approved drawings) to allow for a hardcore sub-base to be used to support the chalk covering. Approved 09/10/17

2017/1760 – Re-grading of land adjacent to mobile home – Approved 18/10/2017

2018/355- Planning application for erection of agricultural barn with access track. Approved 22/03/19.

2018/1649/N – Erection of agricultural barn and access track (Prior Notification) – Not lawful – planning permission required

2021/734/N – Erection of an agricultural building – Planning permission required 17/05/2021

2021/2220 - Erection of agricultural building- Refused (Appeal Allowed 06/04/2023)

2022/844 - Erection of an agricultural building. Prior Approval Not Required. 14/07/2022.

Key Issues

7. The site is located within the Green Belt where the key issue is whether the proposal constitutes inappropriate development in the Green Belt and, if so, whether 'very special circumstances' are demonstrated that clearly outweigh the harm by definition and any other harm. Other key issues relate to character and appearance, landscape character, residential amenity, highways and biodiversity.

Proposal

8. Planning permission is sought for the erection of an agricultural building measuring 12m x 18m with a ridge height of 5.6m. The applicant's submissions identify that the proposed building is a functional requirement of the operation of a goat farm at the application site. In support of this a Veterinary Report has been

provided along with details of the registration of the business. This is the same evidence that has previously been considered by the Planning Inspectorate and deemed to be adequate to demonstrate a need for a building of the size proposed at the application site.

Development Plan Policy

9. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP21
10. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP22
11. Woldingham Neighbourhood Plan 2016 – Not applicable
12. Limpsfield Neighbourhood Plan 2019 – Not applicable
13. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – CCW4, CCW5
14. Emerging Tandridge Local Plan 2033

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

15. Tandridge Parking Standards SPD (2012)
16. Tandridge Trees and Soft Landscaping SPD (2017)
17. Surrey Design Guide (2002)

National Advice

18. National Planning Policy Framework (NPPF) (2019)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)

Statutory Consultation Responses

21. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, whilst the highway authority were consulted on this application, it is not considered that their comments are necessary for the determination of this application.
22. Chaldon Village Council – No representation received.
23. Gatwick Airport Safeguarding- The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Non-statutory Consultation Responses

24. Surrey Wildlife Trust - Advise PEA be prepared by a suitably qualified ecologist

TDC advice

26. None requested

Third Party Comments

27. Third Party Comments – Objection received in relation to development within the Green Belt.

Assessment

Procedural note:

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.
29. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.
30. This application has been submitted as an alternative to that submitted under 2021/2220 which at the time of submission was subject to a pending appeal. That appeal has since been allowed. The inspectors' conclusions will therefore form a material planning consideration in this application. As will be set out elsewhere, there is not an established need for both the proposed building and the approved building and, as such, this proposal is to be considered as an alternative development to that which has been approved under the terms of application 2021/2220. This will be secured through an appropriate planning obligation.

Green Belt

31. Paragraph 147 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 148 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
32. Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt constitutes inappropriate development but goes on to list exceptions to this rule, which includes a) buildings for agriculture and forestry.
33. Local Plan Policy DP10 advises that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where 'very special circumstances' exist that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. Local Plan Policy DP13 similarly sets out the exception to new buildings in the Green Belt constituting

inappropriate development including the construction of new non-residential buildings directly related to agriculture or forestry.

34. As set out above this application is an alternative to the agricultural building proposed under 2021/2220, proposing a building of the same scale but in an alternative position at the site. The supporting information submitted with this application is the same as was considered as part of the appeal including the Greendale Brook food business registration and correspondence from a veterinary surgeon as mentioned by the inspector. The inspector concluded at paragraph 6 that, based on their observations and the substantive evidence before them, there is clear evidence of a farming enterprise of some size was operating from this site and that the proposed building was needed for and directly related to agriculture. Therefore, for the same reasons set out above the proposed development falls within the exception at paragraph 149a) of the Framework.
35. Given the same circumstances exist for this alternative application it can only be reasonable to reach the same conclusion for this alternative proposal. However, as there is only justification for a single building, and the proposals are in different locations, this permission should be secured as an alternative to that previously allowed by way of a Section 106 agreement.
36. As such, the exception defined by the NPPF and Local Plan Policies DP10 and DP13 is applicable, and the proposal does constitute an inappropriate form of development in the Green Belt.

Character and Appearance

37. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
38. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
39. Caterham, Chaldon and Whyteleafe Neighbourhood Plan Policy CCW4 relates to the character of development and states that development is expected to preserve and enhance the character area in which it is located. Policy CCW5 relates to the design of development which is expected to be of high quality integrating well with its surroundings.
40. The proposal would result in the erection of a large, substantial building on the site with a ridge height of 5.6m. Its overall scale and general appearance are however dictated by its use, with the inspector for 2021/2220 accepting a building of this scale was required for the proposed use. This application seeks to locate the building further east within the site, away from the cluster of existing barn and mobile home. The proposed barn would be approximately 40m east of the

existing cluster of buildings and therefore, whilst not clustered to the same degree as the previously permitted barn, it would not appear isolated or unduly detached from the hub of the agricultural activities occurring at the site. In this instance, whilst more visible from Birchwood Lane to the north and Willey Farm Lane to the south east, the changing ground levels and the distance from those roads would enable the building to have a lesser visual impact than the impact that would arise from the visual impact of the approved development in views from Pilgrims Lane. Therefore, it is considered that, if sited in the position now proposed rather than the approved position, there would be a benefit to the wider landscape arising from undertaking the development in this position.

41. In terms of appearance, the barn would be of a similar appearance to that approved at appeal, retaining the timber cladding considered by the inspector to mitigate its form. There are some minor changes to the appearance by providing gates to the lower section of the open frontage, however, this does not alter the appearance of the building to any significant degree.
42. For the reasons set out above, the proposed development would on balance be in keeping with and would not be harmful to the character and appearance of the area. It would not conflict with the aims of Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7 of the TLP and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021).

Area of Great Landscape Value

43. The site is located within a designated Area of Landscape Value (AGLV). The Area of Outstanding Natural Beauty (AONB) is located to the south and south west of the application site. Policy CSP20 relates primarily to the AONB but also applies to the AGLV, including 6 criteria that are required to be met. It is particularly relevant in this case that requirement b) is to conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB. In this regard, it is noted that the building is located to the opposite side of a substantial tree belt from the AONB and, as such, is far more discreetly positioned relative to the AONB than the approved development that would be sacrificed under the terms of the Section 106 agreement that is referred to above. The lower setting of the building in the landscape, as a result of the topography of the area, would also reduce the impact on the skyline from within the AONB. It is considered that the impact on the AGLV would be slightly greater as a result of it being more visible from Birchwood Lane and Willey Farm Lane but, given the alternative development which was found acceptable within the AGLV by the Planning Inspector, it is considered that the proposal should be found acceptable in relation to its impact on the AGLV. The proposal would, therefore, accord with the abovementioned development plan policy.

Residential Amenity

44. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan: Part 2 has the same objectives of protecting neighbouring amenity embodied in criterions 6-9.
45. The proposed building would be located approximately 85m away from the built form of the existing mobile home on the site at Blue Meadow. Given this separation distance and as the mobile home itself forms part of the application

site, it is not considered that the proposed building would be appear unduly overbearing or having an overpowering impact upon the amenity to warrant a refusal reason. Given the separation distances involved, it is not considered that the proposal would adversely impact the amenities of any other neighbouring properties in relation to the built form of the proposed agricultural building.

46. The proposal would not result in significant harm to residential amenities. As such no objection is raised in relation to Core Strategy CSP18 or Local Plan Policy DP7.

Ecology

47. Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
48. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
49. The site does not lie within an area of ecological designation however it does lie within 300m or more of several areas of ancient woodland. The position of the proposed barn is a field to the east of the main farmstead which appears to have been cultivated in recent years. As such it is unlikely to contain any protected species. No ecological or biodiversity requirement were stipulated within the appeal decision and is not considered justified in this case.

Other Considerations

50. The proposal would not impact access arrangements which would remain unaltered as part of the proposal. The proposal would not have a material impact upon the safety and operation of the public highway.

Conclusion

51. The proposed building is not an inappropriate form of development in the Green Belt as it falls within the exception at defined by the NPPF and Local Plan Policies DP10 and DP13. It is not considered to be harmful to character of the area, residential amenity or other relevant considerations. Planning permission should therefore be approved.
52. However, for the reasons set out above, it is considered that appropriate steps should be taken to ensure that two buildings are not erected at the site where there is no justification to do so. This can and should be secured through the agreement of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
53. The recommendation is made in accordance with the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with

paragraph 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

54. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the following conditions and S106 agreement to secure the following:

- **The prevention of the implementation of the development granted planning permission under the terms of application 2022/1255 if the development approved under the terms of application 2021/2220 is implemented; and**
- **The prevention of the implementation of planning permission 2021/2220 if this planning permission is implemented.**

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans/drawings: Site Location Plan and Plans and Elevations received 27th September 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved plans.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the building shall only be used for agricultural purposes and no change of use occur without planning permission first being obtained.

Reason: To ensure the development would meet the identified agricultural need established within this application.

5. No part of this permission shall be implemented if any part of the permission granted under application 2021/2220 has been commenced.

Reason: To ensure there remains an agricultural need justification for the development in the interest of the openness of the Green Belt.

Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraphs 214 and 215 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP21, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP22, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW4, CCW5 and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.