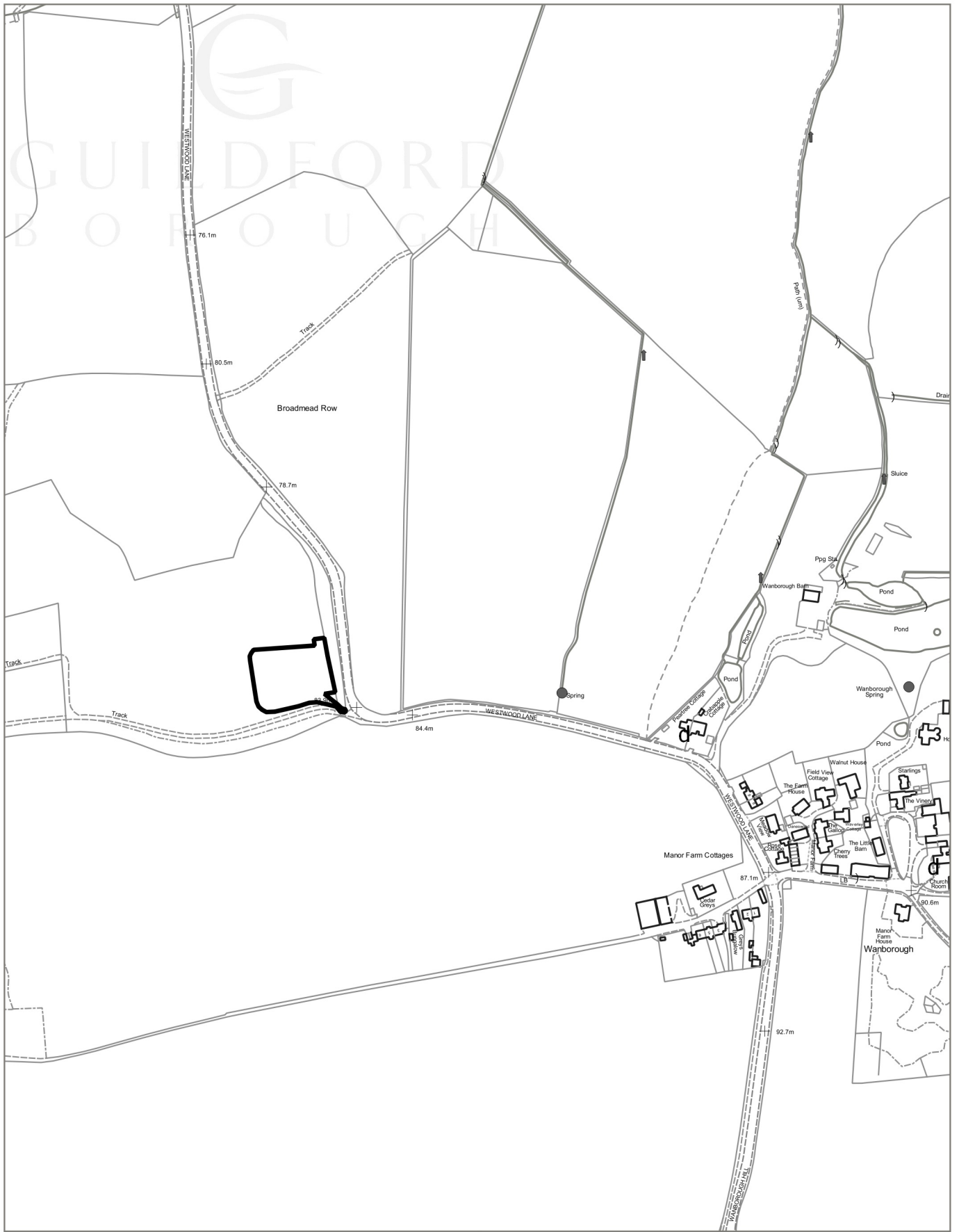


# 19/P/01980 - Land Off Westwood Lane, Wanborough



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Print Date: 07/05/2020

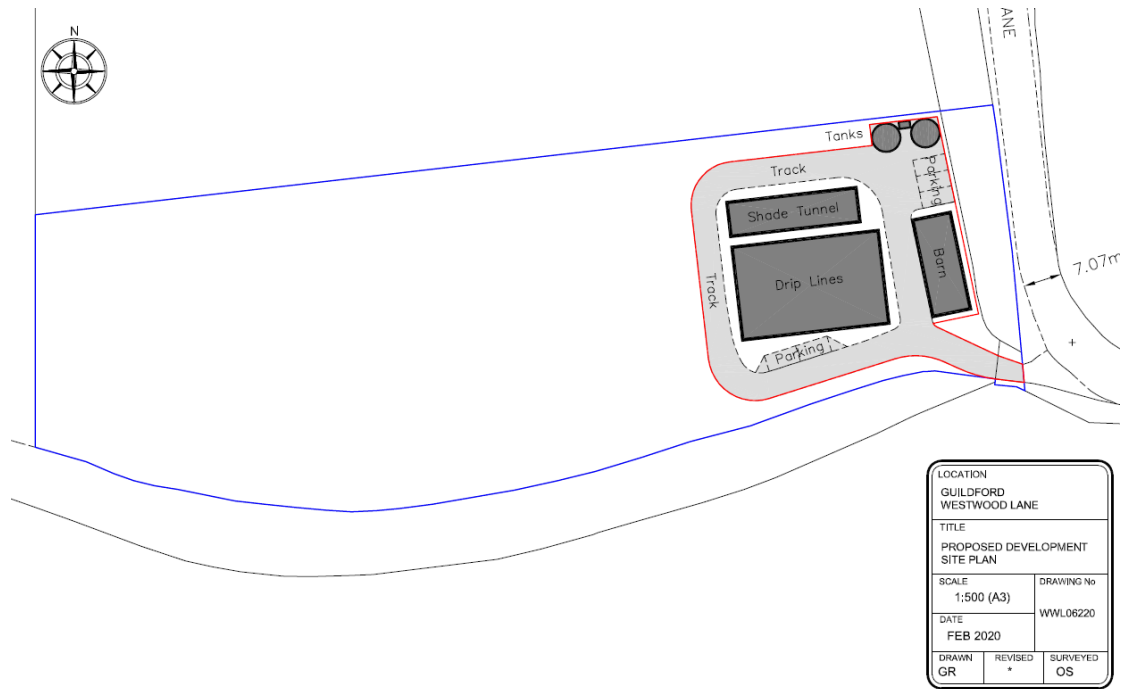


Not to Scale



GUILDFORD  
BOROUGH

# 19/P/01980 – Land off, Westwood Lane, Guildford



Not to scale

**App No:** 19/P/01980  
**Appn Type:** Full Application  
**Case Officer:** Lisa Botha

**8 Wk Deadline:** 31/01/2020

**Parish:** Wanborough  
**Agent :** Mr. John Hunt  
Pike Smith & Kemp Rural &  
Commercial Ltd  
The Old Dairy  
Hyde Farm  
Marlow Road  
Maidenhead  
SL6 6PQ

**Ward:** The Pilgrims  
**Applicant:** Mr. Varga  
Cupids Green Ltd  
3 Old Dairy Cottages  
Ibstone  
High Wycombe  
HP14 3YW

**Location:** Land off, Westwood Lane, Wanborough, Guildford  
**Proposal:** Erection of agricultural (horticultural) barn and shade tunnel (on land referred to as Berry Farm by the applicant) (Additional and amended plans received on 06/02/2020 and 07/02/2020).

### **Updated report**

This application was taken to the 26th February planning committee and referred for a site visit which was planned to take place. Due to the current Covid-19 crisis the March and April planning committee were cancelled and due to the ongoing situation regarding Covid-19 committee site visits cannot currently take place. As such committee members will need to vote on whether they are happy to determine the application without the benefit of a site visit, or whether the application should be deferred once again until such a time that a committee site visit can be undertaken.

At the 26th February planning committee additional information / consultee comments were requested. These can be found below:

In response to Cllr Bilbe's concern that the proposed horticultural use would not fall within the definition of agriculture:

*Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land.*

As such the proposed horticultural use would fall within the definition of agriculture and would therefore represent appropriate development in the Green Belt.

Concern was also raised at the Committee meeting regarding drainage on the site and as such a condition is recommended to ensure that details are submitted for approval to ensure that the development can be adequately drained.

### Additional consultee responses:

Surrey Wildlife Trust: The applicant should be required to undertake all the recommended actions in section 5 of the Report, "Recommendations and Enhancements" including the "Opportunities for biodiversity enhancements detailed. This will help prevent adverse effect to legally protected species resulting from the proposed development works and help to off-set adverse effects to the biodiversity value of the site resulting from the proposed development.

We would further advise that the Local Authority, should the development be granted, takes the opportunity to;

- Approve a Construction and Environmental Management Plan (CEMP) to help control the development process and prevent adverse effect to adjacent 'sensitive' habitat including ancient woodland.
- Ensure that the development does not have an adverse effect on local hydrology, which could impact adjacent habitats.
- Support the proposed new hedgerows with 'buffer zones' of uncultivated land where wildflowers can grow to support invertebrate populations and add biodiversity value to new hedgerows.

AONB Officer: Objects. The site lies within the AGLV and not far from the AONB boundary to the south. The site was identified as an AONB candidate area in the Hankinson Duckett Landscape Character Assessment 2013 to inform Natural England's forthcoming Surrey Hills Boundary Review.

I consider that the proposed development by virtue of its location near the road, its scale, nature and form and the intensive use of the land would be incongruous and would spoil the character of this protected landscape.

Further, development of the application site in the way proposed and were it to happen similarly on other adjacent land would impact upon views into and out of the AONB, I consider, to an extent that would spoil its setting. Although a line of trees exists along the southern site boundary I still consider there would be some impact upon public views from the AONB.

Further, it is dangerous to base a planning decision upon an existing line of trees that during the life of a development may well be lost for natural or man induced reasons. The same applies to views from the north into the AONB.

Tree Officer: There are no major arboricultural concerns. All trees would appear to be retained and will provide screening. To ensure no trees are harmed during the development an Arboricultural Method Statement and Tree Protection Plan should be provided. The details should show the need for ground protection at the entrance and protective fencing around the site.

### Additional planning consideration:

#### Ecology report:

An ecology report has been submitted by the applicant. It's findings are summarised below and take into account the proximity of Sites of Nature Conservation Interest to the application site:

The proposed development would impact directly upon habitats of low and negligible ecological value and as such no mitigation or compensation is considered necessary.

The relative small size and scale of the proposals is unlikely to have a significant impact on the neighbouring tree lines, however these habitats have been identified to offer opportunities for roosting bats and nesting birds.

The ecological assessment of the site revealed opportunities for foraging and commuting species within the grassland habitat, however, the limited size of this habitat limits its likelihood to support dependent populations of protected and/or notable species. It is more likely that species would commute through the site in search of forage or whilst naturally dispersing through the landscape. As such a precautionary approach to work should be adopted and maintained to ensure any potential ecological impacts are minimised.

The ecological assessment reveals opportunities for bat roosting within mature trees of the neighbouring treeline habitat to the east of the site, as such, measures to ensure the protection of this neighbouring habitat should be implemented during the construction phase of works.

Any proposed lighting, both during construction and post development should be sensitively designed to ensure any impacts to neighbouring habitats are limited.

Further detailed recommendations are detailed within section 5 of this report.

#### Impact on the AONB

Although the AONB Officer states that the site was identified as an AONB candidate area in the Hankinson Duckett and Landscape Character Assessment 2013 to inform the forthcoming Surrey Hills Boundary Review, the site is not currently designated as AONB land and as such it cannot be assessed as such.

Whilst the visual impact on the AONB would be mitigated to some extent due to the adjacent tree belt, this is not to say that the visual impact of the proposal would be materially harmful without the tree belt being present. Whilst the proposal would introduce built form and structures on the site, these are small in scale and tightly contained on the site close to Westwood Lane, and so not located in a more open part of the site which would require a greater area of hardsurfacing to be laid to access it and which would have a greater and harmful visual impact. Furthermore, the site is not located on an elevated position and is in fact located at or towards the bottom of the slope which falls from the Hogs Back; and so the visual impact of the proposal would be reduced. Furthermore, such horticultural activity would not be anomalous in a rural landscape such as this.

Should further development be proposed on adjacent land this would be assessed on its own merits

#### Additional conditions recommended:

- No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority.

The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.

- The development hereby approved shall be carried out in accordance with the recommendations and enhancements including the opportunities for biodiversity enhancements detailed in Section 5 of the Ecological Impact Assessment Project Reference: LWL0001 prior to the first occupation of the development and in accordance with the approved timetable detailed in the ecological assessment.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

- No development shall take place until a scheme for the provision of surface water drainage works from the site (including surface water from the access), including measures to prevent the discharge of water onto the public highway and incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be brought into first use until the approved surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

#### Late sheet information from the 26th February planning committee

Condition 3 should be amended to that below:

No development above ground level shall take place until details and samples of the proposed external facing and roofing materials (including colour and finish) as well as details for the areas of hardsurfacing have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

An additional condition should be imposed:

No development above ground level shall take place on site until: (a) details of floodlighting or other form of external lighting scheme has been submitted to and approved in writing by the local planning authority in writing. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. (b) (b) the floodlight or external lighting scheme has been installed, maintained and operated in accordance with the approved details. Any lighting, which is so installed, shall thereafter be maintained and operated and shall not be altered other than for routine maintenance that does not involve changing the approved details.

Reason: In the interests of visual and/or residential amenity and/or highway safety.

The following two informatives should be added:

- The applicant should note that the site is located on land covered by an Article 4 Direction which prevents the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 to the Order and also prevents the temporary use of land comprised within Class B of Part 4 of Schedule 2.

- This permission is for agricultural use. Any material change of use from agricultural to retail use will require planning permission in its own right.

## **Executive Summary**

### **Reason for referral**

This application has been referred to the Planning Committee because more than 20 letters of objection have been received, contrary to the Officer's recommendation.

### **Key information**

The site is located in the Green Belt, within an Area of Great Landscape Value and is covered by an Article 4 Direction. The area is outside of a floodzone. The vehicle access to the site is an existing access located on the western side of Westwood Lane on a bed in the road.

shade tunnel: 23.77m deep x 6.71m wide x 2.92m high

barn: 18.29m deep x 9.14m wide x 4.34m high

### **Summary of considerations and constraints**

Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this however, include buildings for agriculture and forestry. The proposed development is defined as horticulture and as such falls within the definition of agriculture. The proposed development therefore represents appropriate development in the Green Belt.

The proposed buildings would be consolidation on the site and would be appropriately designed and sited to limit their impact on the rural character of the area and the distinctive characteristics of the AONB and AGLV.

No adverse impact on neighbouring amenity would occur.

No objection has been raised by the County Highway Authority with regard to highway capacity, safety or policy grounds.

The proposed development is therefore recommended for approval.

## **RECOMMENDATION:**

### **Approve - subject to the following condition(s) and reason(s) :-**

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

Reason: To comply 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 development hereby permitted shall be carried out in accordance with the following approved plans:

BF/JH/1040 V1.1 received 20/11/19 and 2001003-01 and 2001003-TK01 received 09/01/20, BF/JH/1030 received 18/11/19, and WWL06220 and WWL05220 received 06/02/20 and Pump Shed BF/JH/1040 Version: 1.0 received 07/02/20.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

4. Should the use of the buildings, hereby permitted, for the purpose of agriculture within the agricultural land identified within the red and blue lines on plan WWL06220 received 06/02/20 permanently cease, within 9 months it shall be removed and the land restored to its former condition, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: In order to preserve the openness and permanance of the Green Belt.

5. No part of the development shall be first occupied unless and until the proposed vehicular access to Westwood Lane has been constructed and provided with visibility zones in accordance with the approved plan, Drawing No.2001003-01, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

6. 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, Drawing No. WWL 06220, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / 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.



7. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) measures to prevent the deposit of materials on the highway
  - (h) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning *Authority*. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. The development hereby approved shall not be occupied unless and until 20% of spaces are provided with a fast charge socket (current minimum requirements - 7 kw 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: To encourage the use of electric vehicles.

9. No part of the development shall be first occupied unless and until the following highway improvements have been implemented:

- i) Advisory slow carriageway marking westbound to slow traffic approaching the site
- ii) The chevron signs on the south side of the access should be replaced in order to improve road condition information and safety.

in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

## **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission, but the application was considered acceptable following the submission of additional plans relating to vehicle accessing and existing the site and movement around the site.

2. If you need any advice regarding Building Regulations please do not hesitate to contact Guildford Borough Council Building Control on 01483 444545 or [buildingcontrol@guildford.gov.uk](mailto:buildingcontrol@guildford.gov.uk)

## **Officer's Report**

### **Site description.**

The site is located in the Green Belt, within an Area of Great Landscape Value. The area is outside of a floodzone. The area is characterised by open fields. The vehicle access to the site is and existing access located on the western side of Westwood Lane on a bed in the road.

The site is covered by an Article 4 Direction removing permitted development rights relating to fences, gates, walls and any other means of enclosure and temporary uses of the land as the subdivision of the land would interfere with the visual amenity, open quality and special nature of the land.

Semi-ancient woodland is located further east on the eastern side of Westwood Lane and further to the north.

### **Proposal.**

Erection of agricultural (horticultural) barn and shade tunnel (on land referred to as Berry Farm by the applicant).

shade tunnel: 23.77m deep x 6.71m wide x 2.92m high

barn: 18.29m deep x 9.14m wide x 4.34m high

pump shed: 2.28m wide x 1.53m deep x 1.98 high

water tanks: each having 5.48m diameter x 1.52 deep

The applicant seeks to specialise in growing ornamental trees and shrubs which will be supplied wholesale to local garden centres and landscape gardeners. It is not anticipated to conduct any retail sales from the site.

### **Relevant planning history.**

None.

### **Consultations.**

County Highway Authority: No objection with regard to safety, capacity or on policy grounds subject to the imposition of conditions relating to visibility zones, layout, a construction management plan, the imposition of highway improvements and the provision of an electric vehicle charging point.

Wanborough Parish Council: Strongly objects to this planning application for the following reasons:

- loss of attractiveness derived from open, uninterrupted views by virtue of the nature, size and extent of the proposed development.
- there is an Article 4 Direction on the land recognizing that the subdivision of the AONB/AGLV land would interfere with the visual amenity, open quality and special nature of the land.
- harm the distinctive and protected character of the AONB and AGLV
- the agricultural use is of a scale and size that is disproportionate to the size of the plot and does not allow for necessary utilities, or facilities to support the proposal
- the land itself is not well draining and is prone to flooding.
- the impact of the proposed hardstanding and structures proposed, will be visible from near and afar.
- Access to the site is via a sharp hairpin bend on the B3000. Traffic needing to access the plot of land, including commercial vehicles will need to pull in and out of the main road at a dangerous point. There is already significant concern locally about this bend, with a history of accidents

### **Third party comments:**

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

- inappropriate development
- loss of openness to the Green Belt
- adverse impact on the AONB and AGLV
- excessive scale for the plot
- increase in traffic movement on a dangerous bend
- noise and disturbance
- concern over potential for later change of use to an industrial use or residential dwelling
- flooding
- concern over contamination of the site
- the development would cut off access to other plots in the field
- excessive hardsurfacing
- impact on the semi-ancient woodland (Officer note: the site is not located within 15m of semi-ancient woodland)
- impact on protected species
- no details provided regarding the water tanks
- only one vehicle at a time would be able to access the site due to the narrow entrance

## **Planning policies.**

### National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development  
Chapter 3: Plan-making  
Chapter 4: Decision-making  
Chapter 6: Building a strong, competitive economy  
Chapter 13: Protecting Green Belt land  
Chapter 15: Conserving and enhancing the natural environment

### The Guildford Borough Council Local Plan: Strategy and Sites 2015 - 2034

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

As a recently adopted plan and in accordance with paragraph 74 of the NPPF, the Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 5.93 years based on most recent evidence and referred to in the Local Plan Inspector's Report at paragraph 45. In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2018 measurement is 75%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (25%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

S1 Presumption in favour of sustainable development  
P2 Green Belt  
D1 Place Shaping  
E5 Rural economy

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

NE4 Species protection  
G1(3) Protection of amenities enjoyed by occupants of buildings

## **Planning considerations.**

The main planning considerations in this case are:

- the principle of development
- the impact on the character of the area
- impact on the AGLV and views from the AONB
- Impact on neighbouring amenity
- semi-ancient woodland
- highway/parking considerations

### Principle of development

The NPPF states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this however, include buildings for agriculture and forestry. The proposed development is defined as horticulture and as such falls within the definition of agriculture. The proposed development therefore represents appropriate development in the Green Belt and the principle of development is acceptable.

Policy E5 of the Local Plan 2019 also seeks to support economic growth in rural areas.

### Impact on the character of the area

The site is currently undeveloped and forms part of a larger open field. The proposed development would be sited just off Westwood Lane and use an existing vehicle access. The proposed buildings and water tanks would be set back slightly from the road and would be appropriately designed for agricultural buildings. They would be positioned within close proximity to each other and as such would not result in a spread of buildings across an undeveloped field. The proposed hardsurfacing would also be limited in scale and would also be closely aligned to the proposed buildings.

The buildings are not considered excessive when considering their proposed use and also have restrained heights.

The proposed buildings and tanks would only be visible from within the open field on which the buildings are proposed to be erected, due to the semi-ancient woodland which borders the open field to the north and west and the tree belt which exists along the western side of Western Road and just to the south of the application site. The proposed buildings and tanks would only therefore be visible from close views. Due to their consolidated layout and the scale and design of the buildings proposed, it is not considered that any adverse impact on the character of the area would result.

### Impact on the AGLV and views from the AONB

The site is located within an AGLV. The land is located on lower ground levels which rise up from just to the south of the application site and slope up towards the Hogs Back to the south. The AONB is located approximately 230m further to the south of the application site. As the site is located on lower ground levels and is largely screened from view due to the tree screen along the boundaries of the open field, the impact of the development would only be visible from close views.

The proposed buildings and tanks would also be appropriate in terms of their visual impact having an appropriately agricultural design and appearance and as such would not be out of place in this rural context. The associated access road would be closely aligned to the buildings and as such would not spread development unnecessarily across the landscape. The proposed development has therefore been designed in order to limit its impact on the distinctive landscape character of the AGLV and views into and from the AONB.

### Impact on neighbouring amenity

Whilst the proposed development is likely to result in some levels of noise and disturbance in comparison to the existing situation, the nearest residential dwelling is located at a distance of approximately 300m as the crow flies and is located on a relatively busy road leading up to the A31. As such, due to this distance, it is not considered that any unreasonable impact would occur.

### Semi-ancient woodland

Ancient woodland is irreplaceable. The NPPF 2019 states that development resulting in the loss or deterioration of irreplaceable habitats should be refused. The application site is located further than 15m from semi-ancient woodland and as such it is not considered that any adverse impact on the roots of these trees would occur. As such no objection is raised in this regard.

### Highway/parking considerations

The proposed development would use the existing vehicle access to the site and five parking spaces are proposed on site.

The applicant is not intending to conduct any retail sales from the site and as such the vehicle movements to and from the site would be limited to that related to the functioning of the site as a wholesale supplier to local garden centres and landscape gardeners.

Additional plans were submitted during the course of the application to show the visibility splays to ensure that vehicles can enter and exit the access safely as well as a swept path analysis to show how the vehicles proposed to access the site would be able to manoeuvre into and out of the site. The County Highway Authority has assessed the proposed development and has raised no objections, subject to the imposition of conditions requiring visibility zones to be maintained, space to be maintained on site to allow manoeuvring into and out of the site, the submission of a construction management plan and the provision of highway safety improvements in the form of replacement signs and carriageway markings to slow traffic approaching the site.

### **Conclusion.**

The proposed development represents appropriate development within the Green Belt. It would not result in any adverse impact on the character of the area, the AONB or the AGLV and would have no adverse impact on neighbouring amenity or highway safety. The proposed development is therefore recommended for approval.