

## 20 JULY 2021 PLANNING COMMITTEE

**6C PLAN/2021/0455**

**WARD:** HO

**LOCATION:** Deep Pool Farm, Deep Pool Lane, Chobham, Woking, Surrey, GU24 8AS

**PROPOSAL:** Change of use of land from agricultural use to a mixed agricultural and private equestrian use

**APPLICANT:** Mr Simon Howard

**OFFICER:** David Raper

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### **REASON FOR REFERRAL TO COMMITTEE:**

The proposal site is over one hectare in size and therefore falls outside the scope of delegated powers as set out by the Management Arrangements and Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Change of use of land from agricultural use to a mixed agricultural and private equestrian use.

### **PLANNING STATUS**

- Green Belt
- Flood Zone 2
- Flood Zone 3
- Surface Water Flood Risk
- Thames Basin Heaths SPA Zone A (within 400m)
- Thames Basin Heaths SPA Zone B (400m-5km)

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The proposal site is approximately 16 hectares of land (39.5 acres) and comprises open Green Belt land with trees and hedgerows. There are existing barns on the proposal site in a horseshoe arrangement. The site is bordered by the River Bourne to the south and is surrounded predominately by open Green Belt land. Neighbouring land to the north-west is used for the keeping of horses.

### **RELEVANT PLANNING HISTORY**

- PLAN/2020/0669 - Erection of buildings comprising stabling facilities and a carriage / hay store following demolition of existing buildings – Not yet determined
- PLAN/2020/0346 - Erection of an agricultural building – Permitted 28.08.2020
- PLAN/2019/1049 - Erection of replacement barns following demolition of existing barns and erection of a stable building and sand school – Refused 31/01/2019 for the following reasons:

## 20 JULY 2021 PLANNING COMMITTEE

01. *The proposed development would result a significant new building in the Green Belt and replacement buildings which are materially larger than the buildings they would replace. The proposal therefore represents inappropriate development in the Green Belt, which would be harmful by definition and would impact detrimentally on the openness of the Green Belt, would conflict with one of the five purposes of the Green Belt and would be detrimental to the visual amenities of the area. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness and other harm. The proposal would therefore be contrary to Woking Core Strategy (2012) policies CS6 'Green Belt', CS21 'Design' and CS24 'Woking's landscape and townscape', Woking DMP DPD (2016) policies DM3 'Facilities for Outdoor Sport and Recreation' and DM13 'Buildings Within and Adjoining the Green Belt', and the NPPF (2019).*
  02. *It has not been demonstrated that the proposed development would not cause harm to protected species or habitats or that the proposed development would not result in a net loss of biodiversity on the proposal site. The proposed development is therefore contrary to Woking Core Strategy (2012) policy CS7 'Biodiversity and Nature Conservation' and the NPPF (2019).*
  03. *In the absence of an adequate site-specific Flood Risk Assessment, it has not been demonstrated that the proposed development would not be at risk from flooding or increase the risk of flooding in the area. The proposed development is therefore contrary to Woking Core Strategy (2012) policy CS9 'Flooding and water management' and the NPPF (2019).*
  04. *The proposed development would be in close proximity to mature trees of public amenity value and in the absence of arboricultural information in line with BS5837;2012, it has not been demonstrated that the proposed development could be accommodated on the proposal site without resulting in a detrimental impact on the health and longevity of these trees. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's landscape and townscape', Woking DMP DPD (2016) policy DM2 'Trees and Landscaping' and the NPPF (2019).*
- PLAN/2020/0591 - Prior Approval for a proposed change of use of an agricultural building to one dwelling (Use Class C3) and associated operational development under Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) – Prior Approval Granted

### **CONSULTATIONS**

- **Drainage and Flood Risk Engineer:** No objection.
- **Environment Agency:** No comments received.

### **REPRESENTATIONS**

None received.

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (NPPF) (2019):

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

## 20 JULY 2021 PLANNING COMMITTEE

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### Woking Borough Core Strategy (2012):

CS6 – Green Belt

CS9 – Flooding and Water Management

CS21 – Design

CS24 – Woking's landscape and townscape

### Woking Development Management Policies DPD (2016)

DM3 – Facilities for Outdoor Sport and Recreation

DM13 – Buildings Within and Adjoining the Green Belt

### Supplementary Planning Documents:

Parking Standards (2018)

Outlook, Amenity, Privacy and Daylight (2008)

## **PLANNING ISSUES**

### Impact on Green Belt:

1. The proposal site is in designated Green Belt and as such Woking Core Strategy (2012) policy CS6 'Green Belt', DMP DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and section 13 of the NPPF (2019) apply and these policies seek to preserve the openness of the Green Belt. The NPPF (2019) sets out what constitutes 'appropriate development' in the Green Belt; Paragraph 146 of the NPPF sets out that the material change of use of land (such as changes of use for outdoor sport or recreation) is appropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The proposed change of use
2. The proposal relates to approximately 16 hectares of land (39.5 acres). The applicant suggests that the land has historically been used for both agriculture and for the keeping of horses however there is no planning permission for this use and the lawful use of the land is considered to be agricultural use. The proposal is for a change of use of the land to a mixed use of agriculture and for the keeping of horses on a private basis (i.e. not a commercial livery or other business); this is considered to constitute a 'sui generis' use.
3. No buildings or operational development is proposed; there are existing stables/barns on the proposal site. There is a pending planning application for the erection of larger replacement stables (PLAN/2020/0669) which is still under consideration.
4. The British Horse Society recommends that horses are provided with a minimum grazing area of 1 to 1.5 acres per horse. The submission indicates that the applicant owns nine horses and the size of the proposal site is therefore sufficient to provide adequate grazing for the proper care of horses. The proposal is not considered to result in the undue loss of agricultural land because the proposal is for a mixed use which would allow grazing on a rotational basis. The use of the land as private equestrian use is not considered to give rise to undue additional activity which could result in a detrimental impact on the Green Belt. A condition can be attached to ensure that the use of the land is for the private recreational keeping of horses.

## 20 JULY 2021 PLANNING COMMITTEE

5. Overall the proposal is considered an acceptable form of development in principle and would constitute appropriate development in the Green Belt which would preserve the openness of the Green Belt.

### Impact on Flood Risk:

6. Parts of the proposal site are designated as Flood Zones 2 and 3 as well as being at risk from surface water flooding. The proposal does not involve any operational development and the National Planning Practice Guidance (NPPG) identifies outdoor sport and recreation as 'water compatible development'. The NPPG states that water compatible development is appropriate in Flood Zones 2 and 3a and in Flood Zone 3b where a Flood Risk Assessment is provided. The application is accompanied by a Flood Risk Assessment note and the proposal is not considered to increase the risk of flooding on the proposal site or to the surrounding area. The Council's Drainage and Flood Risk Engineer raises no objection.

### Impact on Neighbours:

7. The surrounding area is sparsely populated with residential dwellings however there are residential neighbours on Deep Pool Lane. The proposal involves no operational development and the change of use of from agricultural use to a mixed agricultural and private equestrian use is not considered to give rise to an undue increase in vehicle movements and activity compared to the current use and the proposed use would be consistent with the character of the area. Overall the proposal is considered to have an acceptable impact on the amenities of surrounding neighbours.

### Impact on Character:

8. The change of use of the land to a mixed agricultural and equestrian use is not considered to result in a harmful impact on visual amenity; the keeping of horses is relatively common in the surrounding area and the proposal is therefore considered to have an acceptable impact on the character of the surrounding area.

### Transportation Impact:

9. The proposal site is served by a private access track and the site includes areas for parking and turning. The proposed mixed use of the site is not considered to give rise to an undue increase in activity or vehicle movements compared to an agricultural use. The proposal is therefore considered acceptable in transportation terms.

## **CONCLUSION**

10. The proposal is considered an acceptable form of development in principle and would constitute appropriate development in the Green Belt which would preserve the openness of the Green Belt. The proposal is considered to have an acceptable impact on the character of the area and on the amenities of neighbours and is considered acceptable in transportation and flood risk terms. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions.

## **BACKGROUND PAPERS**

1. Site visit photographs
2. Consultation responses
3. Site Notices

## 20 JULY 2021 PLANNING COMMITTEE

### RECOMMENDATION

PERMIT subject to the following conditions:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) 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 and documents listed below:

Unnumbered plan named 'Site Location Plan' received by the LPA on 22/04/2021  
Unnumbered plan named 'Site(Block)Plan' received by the LPA on 22/04/2021  
Planning Statement dated April 2021 received by the LPA on 22/04/2021  
Flood Risk Assessment Note received by the LPA on 22/04/2021

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The land which is the subject of the change of use hereby permitted edged in red on the approved plans listed in this notice shall only be used for agriculture and/or the private recreational keeping of horses and must not be used for commercial equestrian purposes including for, or in connection with, any form of riding or livery establishment or any competitive equestrian event or demonstration including shows or gymkhanas.

Reason: To ensure that the development hereby permitted will not cause harm to the Green Belt or the general rural character and amenity of the surrounding area through the generation of unacceptable activity or loss of amenity by reason of intensification of use and associated noise, traffic (and associated fumes) or other general disturbance.

4. No floodlighting or other forms of external artificial lighting shall be installed on the land which is the subject of the change of use hereby permitted without planning permission first being granted by the Local Planning Authority.

Reason: In the interests of visual amenity, the general amenity of the area, neighbouring amenity and ecology.

5. Notwithstanding any indication otherwise given by this permission, no stables buildings, structures, managers or arenas shall be erected or formed on the land the subject of the change of use hereby permitted without planning permission first being granted by the Local Planning Authority.

Reason: To ensure that the development hereby permitted will not cause harm to the Green Belt or the general rural character and amenity of the surrounding area through the generation of unacceptable activity or loss of amenity by reason of intensification of use and associated noise, traffic (and associated fumes) or other general disturbance.

## 20 JULY 2021 PLANNING COMMITTEE

### Informatives

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2019).
2. The proposal site includes a Public Right of Way and the applicant is advised of the following:
  - While development is underway, safe public access must be maintained along the public footpath at all times. Drivers should be reminded that public users have the right of way.
  - Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
  - There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
  - Should the applicant feel they are unable to ensure public safety while work is underway, a temporary closure may be necessary. A minimum of 3 weeks' notice must be given and there is a charge. Please contact the Rights of Way Access Officer if this is required.
  - Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group. Please give at least 3 weeks' notice.
  - Access along a public right of way by contractors' vehicles, plant or deliveries can only be done if the applicant can prove that they have a vehicular right. The applicant must consult with Countryside Access should they propose any change to the surface of the right of way.
  - If the applicant is unsure of the correct line and width of the public footpath, the Countryside Access department will mark out the route on the ground. Applicants are reminded that the granting of planning permission does not authorise obstructing or interfering in any way with a public right of way. This can only be done with the prior permission of the Highway Authority (Surrey County Council, Countryside Access Group).