

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

18th March 2022

21228/pgm/letters/L6
peter.morgan@osparchitecture.com

Dear Sir/Madam

Re: The Glen, Mill Lane, Pirbright, GU14

Please accept this letter and the enclosures as an application seeking full planning permission for the demolition of barn with prior approval for conversion to no.3 dwellings, and the erection of three dwellings, parking and associated works, at The Barn on Land at The Glen, Mill Lane, Pirbright, GU14.

The application has been submitted via the Planning Portal and in addition to this covering letter and statement consists of:

- Completed Application Form
- Application Drawings:
 - 21228 – P101 Site Plan Roof Level
 - 21228 – P110A Proposed Floor Plans
 - 21228 – P111A Proposed Elevation
 - 21228 – S101 Site Location Plan
 - 21228 – S102 Existing Site Plan
 - 21228 – S103 Existing Plans
 - 21228 – S104 Existing Elevations
 - 21228 – S105 Existing Site Survey

The application fee of £0.00 will be paid under separate cover.

Prior Approve was granted, subject to condition, under application 20/W/00001, for the change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to dwelling house Class C3 under Class PA of Part 3, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This current application is now seeking Full Planning Permission for the demolition of

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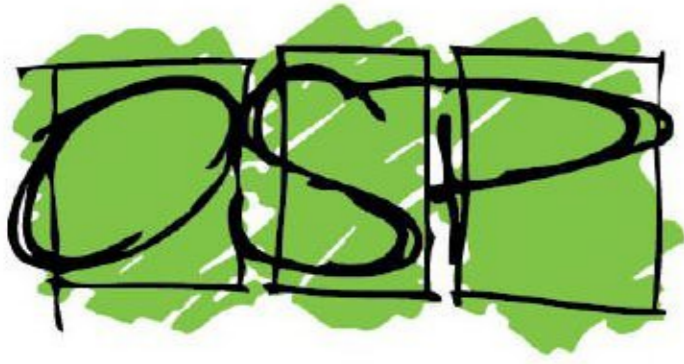
Company Registration No. 2878091

Partners:

Julian Bohling
Paul Dallain BA (Hons) Dip Arch RIBA

Directors:

Quentin Andrews BA (Hons) Dip Arch RIBA
Roger Beach BA (Hons) Dip Arch RIBA
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the existing building and for the erection of 3 dwellings (as per the Prior Approval) car parking and associated works.

The Site

The site is part of a barn complex accessed via a farm track off Mill Lane, Pirbright. The site includes a barn used for light industrial purposes within a wider barn complex which also includes a stable block, livery yard and manege as well as other farm buildings used for hay storage and other farm related and equestrian activities. The land falls gently from north to south. The surrounding land is mainly laid to grazing and hay.

The site constraints includes a Green Belt location and the siting within 400m-5km Thames Basin Heath Special Protection Area.

Relevant Planning History

- **20/W/00001** – Change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to dwelling house Class C3
- **18/W/00063** – Prior Approval for a change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to dwellinghouse (Class C3). Refused 06/07/18.
- **16/P/01032** – Erection of a stable block on the site of the former pigsty buildings. Approve;
- **09/P/01361** – Change of use of redundant pig farm to commercial riding school and livery including the conversion of two existing pigsty blocks into stables and one existing feed building into an office with toilet, and the construction of an out-door manege following the demolition of 52 existing pigsties Approved 30/10/09.
- **12/07/16.02/P/01437** – Change of use of building from Agricultural to B1(C) (light industrial) approved. 24/09/02.
- **20/W/00001** – Prior Approval for the change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to dwelling house – granted

The Application Proposal

The application proposal is seeking to demolish an existing barn to create a terraced of 3no. two storey dwellings.

Prior Approval was granted under application reference 20/W/00001 using Prior notification under Schedule 2, Part 3, Class PA of the GPDO 2015 for a proposed change of use from Premises in Light Industrial Use (Class B1(c)) and any land within its curtilage to 3 Dwellinghouses (Class C3).

This application proposal would occupy the exact footprint and volume dimensions of the existing barn. The proposed dwelling proposes to use the external facing materials of the extant approval to ensure similar appearance.

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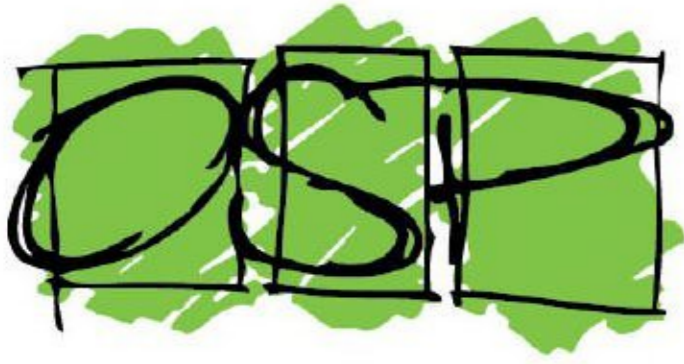
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Planning Policy Framework

Under s70(2) of the Town and Country Planning Act 1990 and S.38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the relevant policies in the development plan for the area, unless other material considerations indicate otherwise. Considerations include the relevant policies of the **Guildford Borough Local Plan: strategy and sites 2015 – 2034 (2019)**, National Planning Policy Framework 2019 (NPPF), Planning Practice Guidance and relevant Supplementary Planning Guidance.

National Planning Policy Framework 2019

Chapter 2 – Achieving sustainable development

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 13 Protecting the Green Belt

Guildford borough Local Plan: strategy and sites 2015 – 2034 (2019)

Policy S1: Presumption in favour of sustainable development

Policy S2: Planning for the borough - our spatial development strategy

Policy P1: Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value

Policy P2: Green Belt

Policy P3: Countryside

Policy P5: Thames Basin Heaths Special Protection Area

Policy D1: Place shaping

Policy D2: Climate change, sustainable design, construction, and energy

Supplementary Planning Guidance

- Climate Change, Sustainable Design, Construction and Energy SPD
- Vehicle Parking Standards SPD
- Thames Basin Heaths Special Protection Area SPD
- Residential Design Guide (Adopted 2004)

Policy Considerations

The National Planning Policy Framework (2019) (NPPF) sets out national guidance with respect to development within the Green Belt. The NPPF attaches great importance to Green Belt and considers all development within the green belt as inappropriate development (paragraph 147). However, whilst paragraph 149 requires the LPA to regard the construction of new buildings as inappropriate within the Green Belt, it lists exceptions to

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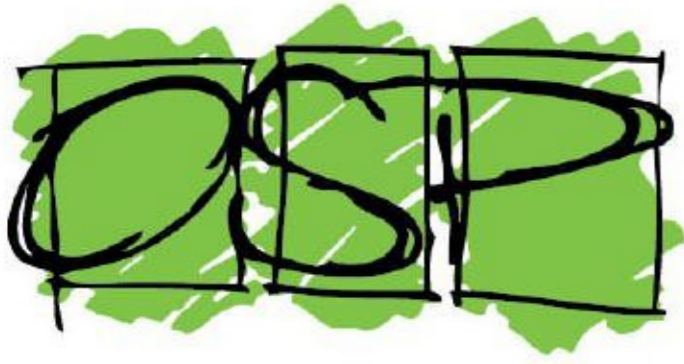
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inappropriate development, and including and of relevance to this development, paragraph 149 (d) allows *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*.

The application site lies within the Green Belt and is subject to policy P2 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (2019), which states that

POLICY P2: Green Belt

"(1) The Metropolitan Green Belt, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the NPPF. Inappropriate development will not be permitted unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

(2) The construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of exceptions identified by the NPPF. For the purposes of this policy, the following definitions will apply to those exceptions:"

Paragraph 149 (d) is of relevance to this development, it states that *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*

Policy P2 states that: - *"(b) A new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building, unless it can be clearly demonstrated that an alternative position would not increase the overall impact on the openness of the Green Belt."*

The submitted drawings indicate that there will be no change to the scale and appearance of the residential dwellings, and that the proposed building will conform to the dimensions, siting and external appearance of the approved residential development as approved within application reference 20/W/0001, that granted Prior Approval, subject to condition, for the change of use from premises which is in light industrial use (Class B1(c)) and any land within its curtilage to a dwelling house (Class C3).

In this regard, it is considered that the proposed development would, therefore, conform to Policy P2 of the Guildford Local Plan 2019 and paragraph 149(d) of the NPPF (2021).

Fall Back Position

The residential development of the site is established through the granting of Prior Approval under application 20/W/00001. However, the applicant is now seeking the demolition and clearance of the existing building and the full construction of 3 dwellings.

The principle benefit being that the clearance of the site and the construction of the new dwellings would allow the erection of a new portal frame structure to achieve a greater solidity and structural soundness that would negate the need for the adaptation and strengthening of the existing portal frame. Furthermore, the ground floor of plot 3 of the terraced of dwellings is part raised above ground level and requires the use of steps in order

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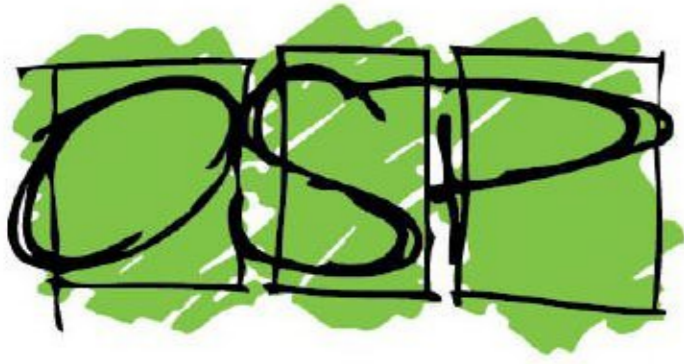
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to access all parts of the ground floor, and, as a consequence the first floor forms an undesirable mezzanine floor and gallery.

The proposed development would allow the removal of the raised section, and the levelling off of the ground level, allowing a better ordered interior.

It is accepted that it is a matter for the decision maker to consider what weight should be given to a material consideration. However, a reasonable expectation of the outcome of the balancing exercise would be that the more beneficial and less impactful development would be weighted more favourably than the more impactful fall-back position. In this instance the proposed development is **no more impactful** than the fallback position, it is *in the same use and not materially larger than the one it replaces* and identical in all respects to the approved development thereby would not be considered to be harmful to the Green Belt, when compared to the approved development scheme.

As to whether the extant approval is a realistic fallback position, according to *R. v Secretary of State for the Environment Ex p. PF Ahern (London) Ltd [1998] Env. L.R. 189*, to weigh the fallback position in the planning balance the decision-maker should consider 3 things: -

- i. is there a legal fallback use, i.e. can the applicant lawfully undertake the use without any new planning permission;
- ii. is there a 'real prospect' of the use occurring; and
- iii. if the answer to (ii) is "yes", compare the proposed development to the fall-back use.

To be realistic the fallback does not need to be probable or likely, but a possibility of the fallback is sufficient (*Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council [2020] UKSC 3 (5 February 2020)*). According to Christopher Lockhart-Mummery QC in Ahern "The question for the decision-maker, is whether the proposed development in its implications for impact on the environment, or other relevant planning factors, likely to have implications worse than, or broadly similar to, any use to which the site would or might be put if the proposed development were refused".

Prior Approval having been granted under application reference 20/W/00001 under Schedule 2, Part 3, Class PA of the GPDO 2015 for a proposed change of use from Premises in Light Industrial Use (Class B1(c)) and any land within its curtilage to 3 Dwellinghouses (Class C3), has established that the fall-back position is more than a 'mere possibility' and by extension is a realistic prospect capable of consideration as a fall-back position. Should the need arise it is considered that very special circumstances in the form of the fallback position does exist, therefore the relative impacts upon the openness of the Green Belt should be taken into consideration, and the least impactful development weighted more favourably.

Impact on residential amenity

There would be no harm to the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts, the nearest residents are located a substantial distance away from the application site and the proposed development would be read within the context of the existing barn stead of buildings and structures.

Ecology Enhancement

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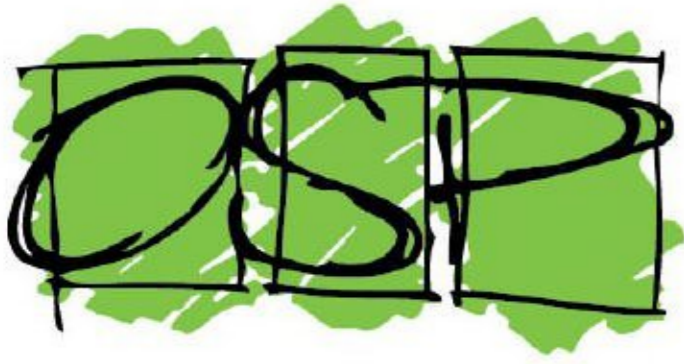
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This application is supported by a Preliminary Ecological Appraisal, the findings and evaluation of which are outlined within an accompanying report. In summary, the application site is not a designated site, and the proposed development would not result in any make adverse impact on designated sites. The proposed development would result in no impact on notable habitat or flora due to the modest scale of development proposed and the distance from such habitat. The report acknowledges that development will be restricted to the footprint of the barn which has negligible ecological value.

However, in order to achieve a net gains in biodiversity to enhance the ecological value of the site, the report makes recommendations in respect of bats, nesting birds and invertebrates. Such recommendations would not be permitted under the current Prior Approval, therefore, the approval of this current development proposal would result in the ecological enhancement of the site that would not otherwise occur.

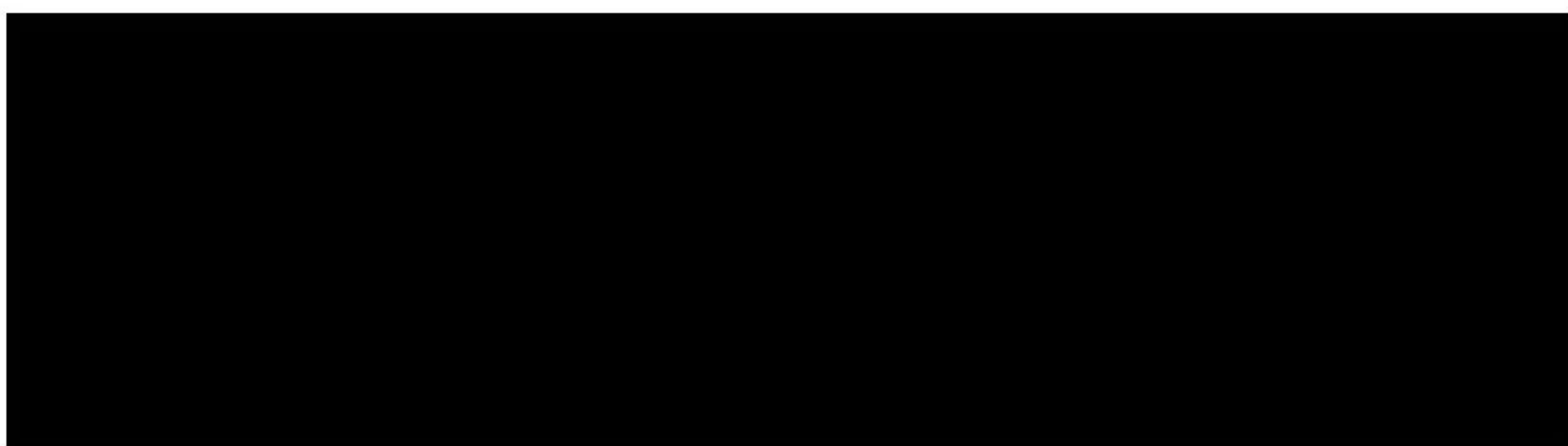
Conclusion

The proposed development would comply with the exception test outlined within paragraph 149 (d) of the NPPF and P2 (2) (b) of the Guildford Borough Local Plan: strategy and sites 2015 – 2034 (2019), which permitted replacements building subject to the criteria set out in the policy. As such the proposed development would not constitute inappropriate development within the Green Belt or conflict with the policies of the Local Plan as outlined above.

Accordingly, we submit that planning permission be approved.

We look forward to receiving acknowledgement that the application has been validated and registered in due course. However, should you require any further information or clarification, please do not hesitate to contact me.

Your sincerely



Peter Morgan MA PG Dip TP Cert EUD MRTPI
Planning Manager
Signed on Behalf of OSP Architecture Ltd

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