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25 March 2024

Dear Sirs

**RE: Planning application for change of use of land for siting of camper van for residential use for a temporary period of 2 years
Land at Frensham Meadows, Bacon Lane, Churt, Farnham, Surrey, GU10 2QB**

This planning application has been submitted on behalf of our clients, Ms Julie Hanley and Mr Terry Shubrook, for the above proposed development.

The clients own and manage a well-established private equestrian facility which is situated a short distance between the villages of Frensham and Churt, The facility straddles the administrative boundary of East Hants DC and Waverley BC.

The main equestrian building gained planning permission back in February 2014 and lies just within the administrative boundary of Waverley BC. However, much of the associated land lies within the boundary of East Hants DC to the south-west.

Since that permission, applications have been submitted to Waverly BC to retain a part of the main building as living accommodation for our clients and for the retention of an additional lean-to structure for covered storage purposes. The Enforcement Appeal relating to the Lean-to structure has been allowed. A Certificate of Lawfulness application for the retention of the residential use was refused by the Council and subsequently dismissed at appeal. This use was therefore found to be unlawful.

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However, a further application was submitted to the Council, in the form of a planning application, which sought to argue that this use could be acceptable under policies for the reuse of buildings in the countryside. This was also refused by the Council.

The application, for the reuse of part of the building for residential purposes, is now the subject of an appeal.

With the use of part of the main building being deemed to be unlawful, the applicants have expressed the need for there to be some form of residential presence on site – both in respect of security and in respect of the welfare of the horses.

On 17 January 2023, the applicants brought a camper van on site which has been positioned on the edge of the field to the immediate south-west of the main equestrian building. This is used by the applicants as residential accommodation.

On 4 January 2024, the applicants were served a Planning Contravention Notice (PCN) in relation to this breach of planning control (reference EC/59469). That PCN has subsequently been responded to by the applicants with the appropriate information provided.

This PCN offered an opportunity to make representations in response to the Notice. Hence, this formal planning application to regularise the use for a temporary 2-year period. This period has been sought on the basis that it is hoped that there would be positive outcomes in respect of the outstanding planning appeal, in respect of the part residential use of the main building.

This application is accompanied by a completed copy of the relevant planning application form, certificate of ownership and fee, and a location plan showing the land which is the subject of this proposal.

DESCRIPTION OF SITE AND LOCALITY

The application site lies in a rural location to the south of the village of Frensham and the town of Farnham. The site forms part of a private equestrian facility on land which straddles the administrative boundary of East Hants DC and Waverley BC.



Location Plan

The land is occupied by a single storey U-shaped building which has permission for equestrian purposes, comprising a barn, stables, tack room and feed store. Attached to this north-western part of the building is a recently added open-sided lean-to structure. An eastern section of the building was the subject of the recent applications for this to be used for residential purposes but is now only used for storage and utility purposes in conjunction with its lawful use.

The building is of timber-clad brick construction with a slate roof. There are roof overhangs within the inward facing courtyard areas. It has a low-pitched roof with both hipped and gabled ends.

The land holding extends to some 6.9 ha (17 acres) with much of the land in use as paddocks with a smaller treed area located further to the east. There are some field shelters serving the paddocks. The applicants currently have a total of 8 horses on the land, noting that the numbers are limited by the planning history on the land.

The application building is sited some 150 metres to the south-east of Bacon Lane. This is one of a series of typical rural lanes in the area. Vehicular access is gained via an unmetalled track across the land off Bacon Lane to the far south-west of the site. Within

the site, there is a parking/turning area to the front together with some landscaped areas to either side of the access gate.

The immediate area is very much rural in character and appearance, with sparse residential development and much of the surrounding land in equestrian use with pockets of woodland. A short distance to the north of the site is the Frensham Ponds Hotel, the Frensham Sailing Club and Streamside Kennels. There are some individual residential properties in the vicinity of the site.

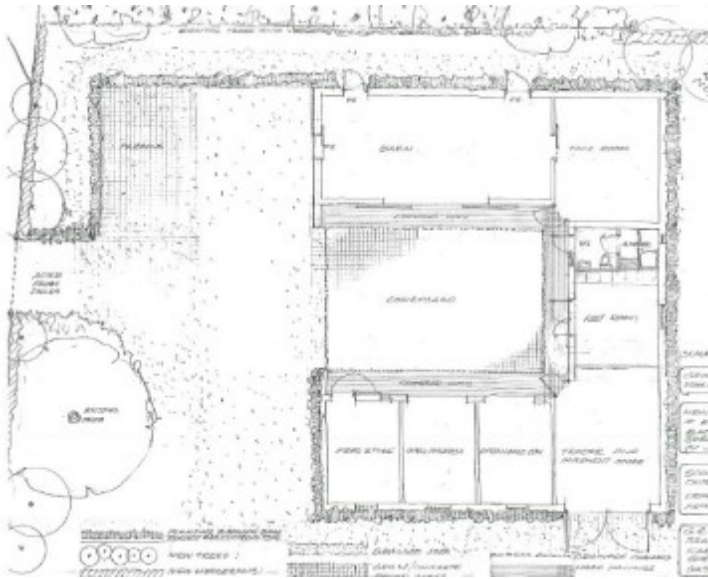
To Bacon Lane the boundary is defined by mature hedging interspersed with trees which significantly screen the development from public view. There are no public rights of way in the vicinity of the site.

PLANNING HISTORY

The land at Frensham Meadows has been the subject of various planning applications over the years, both in relation to the mixed use of the land for both agricultural and private equestrian purposes and for the erection of buildings and field shelters.

The land has a lawful use for agricultural and private equestrian purposes. The earliest applications go back to 2006 and 2008. The applicant has over the years sought to care, maintain, and regenerate the land to provide high quality horse pastures on the application site as well as maintain the land and woodland that is not used for equestrian purposes. The most relevant applications are reviewed below.

In February 2014, planning permission (reference WA/2013/1129) was granted by Waverley BC for the erection of the main equestrian building on the land. This building was sited within the northern part of the land holding and just within the administrative boundary of Waverley BC. This building was built in accordance with the approved plans. This new building essentially replaced the three existing structures/buildings on the site as these were deemed to be inadequate to serve the land and additional space was required for the storage of machinery and equipment. The approved floor plans showed the provision of a barn, tack room, a tractor/implement store, feed store, two stables and a rest room with shower and toilet facilities.



Approved Site/Floor Plan – Application Reference WA/2013/1129



Approved Elevations – Application Reference WA/2013/1129

The details and impact of that development was considered to be acceptable by Waverley Council. The Council also considered there was sufficient justification for the size of building and the extent of facilities provided to serve and assist in the general land management of the site.

However, part of the rear section of the building was altered to provide a 2-bedroom self-contained dwelling and which was subsequently the subject of enforcement action by the Council (reference EN/2020/08) and a subsequent enforcement appeal decision. It was argued by the applicant that this section of the building had been used for residential purposes for at least 4 years, and was therefore lawful for planning purposes, but this was not accepted by the Inspector on the evidence provided. The Inspector upheld the enforcement notice requiring the residential use of part of the building to cease within 12 months of the decision date (by 17 January 2023) and that the relevant part of the building be modified such that it goes back to its permitted use. The applicants have since complied with the notice.

The 2014 planning permission for the original stable building (apart from the subsequent residential use, now ceased) was constructed and implemented in accordance with the permission. All the relevant conditions were also discharged. It was therefore lawful as a building. This point was confirmed by the Planning Inspector as part of the recent enforcement appeal decision.

In mid-2019, the applicants erected a modest lean-to structure on the north-western side of the stables building. In April 2022 a retrospective planning application was submitted for consideration by the Council (reference WA/2022/01302) and which was subsequently refused by the Council in November 2022.

However, in late June 2022, the Council served an enforcement notice (reference EN/2022/08) seeking the removal of this lean-to structure within 3 months of the date of the notice taking effect (by 7 August 2022). Notwithstanding the fact that there was a formal planning application before the Council at that time for the same development, the action taken by the Council seemed unreasonable. An appeal was lodged against the enforcement notice and subsequently the Appeal was allowed June 2023.

In late 2022, a further planning application (reference WA/2022/02570) was submitted for the change of use and alteration of part of the stable building to provide a dwelling. This related to the same section of the building that was the subject of the earlier residential use enforcement notice. However, notwithstanding the case presented by the applicant, the Council subsequently refused this application in February 2023. An appeal has since been lodged against this refusal of planning permission.

It should be noted that this recent planning application and subsequent appeal addressed the planning merits of the proposed part residential use of the stable building, which was unlike the earlier enforcement case, which simply addressed the lawfulness of the use. We are strongly of the view that the application has significant planning merit.

THE PROPOSAL

This application seeks permission for the change of use of part of the land for the siting of a camper van for residential purposes, having been brought onto the site and occupied by the applicants since 17 January 2023.

The camper van provides self-contained living facilities, but clearly in a restrictive manner.



The camper van has been sited on land to the immediate south-west of the main stables building, at the end of the access track and just before the entrance to the area of the main building. This siting, together with much of the other to the south-west, lies within the administrative boundary of East Hants DC.

A temporary two-year period is sought. This is to enable for some on-going residential presence on site, for both security purposes and for the welfare of the horses, and to allow sufficient time for the outstanding appeal to be determined. This should also allow time for the applicants to reconsider their options should the appeal be dismissed.

PLANNING POLICY AND GUIDANCE BACKGROUND

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 38(3) states that the Development Plan includes any other Development Plan documents.

As previously highlighted, the landholding at Frensham Meadows straddles the administrative boundary of East Hants DC and Waverley BC. Whilst the main stable building lies within Waverley BC, the site the subject of this development and most of the landholding lies within East Hants DC. This is illustrated on the following map extract:



The current application site lies within the Countryside beyond the Green Belt, outside any settlement area, but is not subject to any national or local landscape designations.

Within the Waverley part of the landholding lies within the Green Belt, the Surry Hills AONB and the Area of Great Landscape Value (AGLV) and is therefore considered to place more restraint on and to be more sensitive to development.

The policy differences simply follow the administrative boundary.

Local Planning Policy

In addition to the NPPF 2023 and the NPPG 2014, the Local Development Plan policies relevant to the consideration of this planning application are contained within Council's Joint Core Strategy 2014 and the 'saved policies of the Local Plan Second Review 2006.

We understand that the Council is working on its new emerging Local Plan. Although work started in May 2017, it has been delayed for various reasons. According to the latest Local Development Scheme (July 2023) there is likely to be a Regulation 19 public consultation in July 2024 with adoption unlikely until September 2025. Therefore, no weight can be afforded to this emerging Plan.

Part of the District lies within the South Downs National Park. This area is now the subject of a separate Local Plan adopted in July 2019.

The most relevant policies are deemed to be as follows:

Joint Core Strategy 2014

- CP1: Presumption in favour of sustainable development
- CP2: Spatial strategy
- CP6: Rural economy and enterprise
- CP19: Development in the countryside
- CP20: Landscape
- CP21: Biodiversity
- CP22: Internationally Designated Sites (Wealden Heaths SPA)
- CP29: Design
- CP31: Transport

Local Plan Review 2006:

- CP12: Equestrian uses

The following guidance may also be of relevance:

- Vehicle Parking SPD 2018
- Climate Change and Sustainable Construction SPD 2022
- Joint Wealden Heaths Phase II SPA SPD 2018

National Planning Policy

The NPPF 2023 states a strong presumption in favour of sustainable development. Paragraph 7 states the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). However, paragraph 9 states these are not criteria against which every decision can or should be judged. Decisions should also take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 states the following:

‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)’.

Paragraph 11 goes on to state that plans and decisions should apply a presumption in favour of sustainable development.

‘For decision-taking this means:

- c) approving development proposals that accord with an up to date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.’**

Paragraph 12 states the following:

‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’

The most relevant sections of the NPPF in relation to this proposal are deemed to be 2 (Achieving sustainable development); 12 (Achieving well-designed places); and 15 (Conserving and enhancing the natural environment).

Therefore, the above provides the appropriate policy framework for the assessment of the proposal.

MAIN PLANNING ISSUES

Principle of development

Policy CP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. It also states that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the area.

Policy CP2 sets out the spatial strategy and states that new development growth will be directed to the most sustainable and accessible locations in the district. The policy sets out the housing and employment requirements over the Plan period.

The Plan sets out a settlement hierarchy which is based on various factors, and where the majority of development will be focused in or adjoining the most sustainable towns and larger villages where it is consistent with maintaining and enhancing their character.

In this case, the site lies within the Countryside beyond the Green Belt outside of any urban areas or village settlements. The proposal relates to a well-established private equestrian enterprise which, by its nature, are commonly found within countryside locations.

The proposal involves the siting of a camper van on land which forms part of the equestrian enterprise. The proposal does not involve permanent residential built development which would normally be deemed to be unacceptable and contrary to policy, unless it was for specific purposes which could form an exemption to policy.

The application is presented on the basis of providing a temporary solution to the residential accommodation needs of the applicants. The applicants have no other residential accommodation.

As highlighted earlier in this Statement, the applicants are awaiting the outcome of a planning appeal in respect of using part of the stable building as a residential unit of accommodation. The applicants are hopeful that the appeal proposal will be allowed, and which will allow them to live on site without the need for any further new development.

Countryside

Policy CP19 states that the approach to sustainable development in the countryside, defined as the area outside settlement policy boundaries, is to operate a policy of general restraint in order to protect the countryside for its own sake. The only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming forestry or other rural enterprises (see Policy CP6).

Supporting paragraphs 7.4 and 7.6 state the following:

‘7.4 The countryside (the area outside of settlement policy boundaries as defined on the Proposals Map) needs to be protected for the sake of its intrinsic character and beauty, the diversity and qualities of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.

7.6 It is therefore recognised that some development can take place which is beneficial to the countryside and the people that live and work there. The emphasis in the Local Plan: Joint Core Strategy is therefore to allow development in the countryside where it can be demonstrated that a countryside location is both necessary and justified. Such an approach will preclude development for which a rural location is not essential. Inappropriate types and scales of development will not be permitted in order to maintain the landscape character and quality of the countryside. The countryside will continue to be protected for its intrinsic value.’

Therefore, it is possible for certain developments to take place in the countryside where it can be justified, and even outside of those types of development set out under Policy CP6.

Policy CP6 states that certain types of development will be permitted in the countryside. These include farm diversification schemes and enterprises, including equine enterprises, the reuse of rural buildings for appropriate uses, and for meeting the reasonable extension of existing firms in the countryside, provided they do not harm the character of the site or the surrounding area.

It is acknowledged that the proposal would not fall within any of these types of development. However, the development is put forward to support an existing rural enterprise, a well-established equine use in the countryside.

Paragraph 180 of the NPPF states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside. It is argued that the proposal complies with this overall policy objective.

The application proposal relates to a well-established equestrian enterprise and landholding, which includes a main stable building and some field shelters. The application does not include any permanent new built development, but only the temporary siting of a camper van on the site. It would be parked in proximity to the main stable building and its associated parking area.

In view of the nature of the application involved, it is argued that any visual impact would be very limited and given its immediate context, it would not harm the character and beauty of this part of the countryside.

Landscape

Policy CP20 states that the special characteristics of the district's natural environment will be conserved and enhanced. Amongst other things, the policy makes reference to the character and setting of the South Downs National Park, to protect and enhance the local distinctiveness and sense of place, to protect and enhance settlements within the wider landscape, and to protect and enhance natural site features.

Paragraph 180 of the NPPF states that policies and decisions should protect and enhance valued landscapes.

The application proposal relates to a well-established equestrian enterprise and landholding, which includes a main stable building and some field shelters. In addition, there is some settlement and other development nearby, such as the hotel, dog kennels and yacht club.

It is argued that the site is not remote and does not form part of a sensitive or highly valued landscape. Whilst it is recognised that the adjoining land to the north-east which falls within Waverley and lies within the Green Belt and the Surrey Hills AONB and the AGLV, this proposal avoids being sited within that area. Given the siting and nature of development involved, the setting of this more sensitive landscape would not be materially affected.

The siting of the camper van would be seen within the context of the main stable building and the activities associated with that building and the associated land. Such a use would normally attract certain vehicles, such as cars and horse transporters and trailers. Whilst these could be parked within the area immediately adjacent to the building, there would be nothing to prevent such vehicles from being parked in the location of the proposed camper van.

It is acknowledged that the site is visible from certain points along Bacon Lane. Some views are obscured by trees and other vegetation along the lane. However, this would be from a considerable distance and although visible, the visual impact arising from the siting of a single camper van would be little different from other vehicles which could be associated with the equestrian use of the land.

The proposal would not affect any natural site features.

The site is not considered to be in a highly prominent landscape position and therefore, given the nature of development involved, any harm caused would be transient and temporary in nature.

Layout and design

Policy CP29 states that all development will be required to respect the character, identity and context of the district's towns, villages and countryside and must help create places where people want to live, work and visit. The policy is generally geared towards the consideration of new built development which seeks to ensure, amongst other things, that the layout and design of development contributes to local distinctiveness and sense of place, is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features.

This application simply involves the use of some land for the siting of a camper van. The van is very modest in size and its presence would only have a temporary visual impact on the area.

Highway safety and car parking

Policy CP31 covers several aspects of transport planning, but essentially seeks to promote sustainable means of transport and less reliance of the private car. It seeks to ensure that adequate and safe access is achieved and seeks to ensure that the type and volume of traffic generated would not harm the countryside or the rural character of local roads.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon on highway safety.

The application proposal involves the temporary siting of a camper van on the site for residential purposes. There would be few traffic movements associated with the development. Use would be made of the existing vehicular access entrance located off Bacon Lane further to the south-west and the access track which crosses the landholding. These access arrangements have proved satisfactory in respect of the equestrian use of the landholding which would otherwise attract other vehicle movements.

It is argued that by having a residential use on site, this is likely to reduce traffic movements to and from the site.

As such, there are unlikely to be any increased traffic or highway safety implications arising from the development.

Neighbouring amenity

Paragraph 135 of the NPPF states that policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The nearest neighbouring properties are located to the north of the site. Any views of the development from these properties would be very limited, particularly given the separation distance involved and intervening screening. The development involved would not materially affect the levels of activity which would already exist on site, being associated with the equestrian use of the landholding.

Nature conservation and biodiversity

Policy CP21 states that development proposals must maintain, enhance and protect the districts biodiversity and its surrounding environment.

The application proposal relates to the temporary siting of a camper van on part of the landholding, located at the end of a track close to the main stables building. No permanent built development is involved, and no buildings are affected.

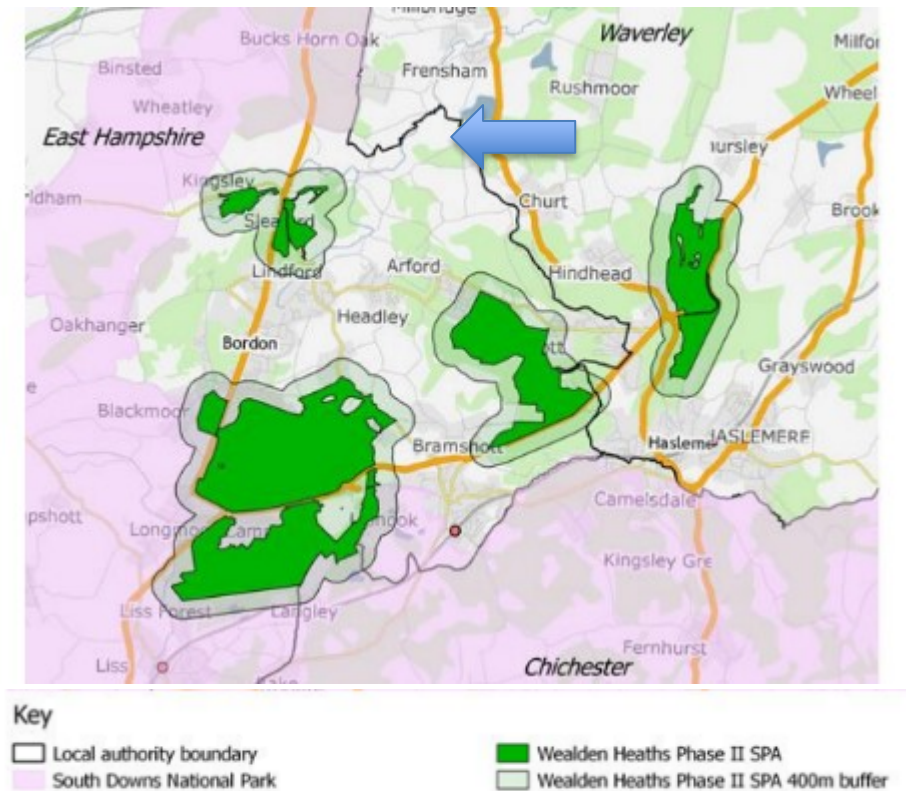
Given the nature of the development involved, it is considered that the biodiversity interests of the site would at least be maintained, and certainly not harmed by the proposal.

Biodiversity enhancements would not be seen to be necessary or appropriate for this application.

Wealden Heaths SPAs

Policy CP22 states that any new housing that is proposed to be located within 400m of the boundary of the Wealden Heaths Phase II SPA will be required to undertake a project-specific Habitats Regulations Assessment (HRA). This must form a part of the planning application process to demonstrate that either no adverse effect on the ecological integrity of the SPA will occur or that adequate measures will be put in place to avoid or (as a secondary solution) adequately mitigate any adverse effects. Such measures must be agreed with Natural England and the planning authority to undertake such an assessment, it is likely that information on the distribution of birds for which the SPA is designated would be required.

The above policy is supported by the Council's 'Joint Wealden Heaths Phase II SPA' SPD issued in July 2018. This SPD has a policy of limiting the number of dwellings that can be granted permission within 400metrees of the Wealden Heaths II SPA, which covers four areas around Kingsley Green, Bordon/Liphook, Grayshott/Bramshott and at Hindhead. It advises that such applications will be refused unless material considerations dictate otherwise. The relation of the site (blue arrow) to these areas is shown on the map extract below:



Location of Wealden Heaths II SPAs – and 400 metre zones

As the site the subject of this application lies outside of the 400metre zones of these areas, the proposal would not be affected by this policy. Further, although the site lies within the 5km buffer zones of this SPA, this does not restrict new residential development.

This application only involves the change of use of a small area of land on the holding for the siting of a camper van for residential purposes. A temporary two-year permission is sought, being related to the outcome of a planning appeal application which involves alternative provision for some residential accommodation to be provided on site.

The proposal would not involve a permanent building or dwelling being provided on the land. As such, in view of the nature of development involved, it is contended that the proposal is unlikely to have any significant effects upon the Wealden Heaths II SPA and that no Appropriate Assessment is required.

CONCLUSIONS

This application seeks planning permission, for a temporary two-year period, for the change of use of some land for the siting of a camper van for residential purposes.

The background to the application and the need for the camper van by the applicants has been set out within this Statement.

Whilst it is acknowledged that such a proposal is likely to be deemed to be contrary to the overall aims of countryside policy, it is contended that that the specific circumstances of this case justify the proposed development.

The applicants are in need for some form of residential accommodation and that this preferably needs to be provided on site, in the interests of the security and welfare of the horses on site. The applicants have no other residential accommodation.

The proposed development would only be temporary and transient in nature and its impact would be little different from other vehicles and horse-related equipment which could lawfully be located on the land.

The visual impact of the development would be very limited and would not be materially harmful to the character and appearance of the area.

We would therefore welcome the support of the Council for this very modest proposal.