

Executive Report

Ward(s) affected: The Pilgrims

Report of Director of Planning and Regeneration

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## **Land to the West of Manor Farm Cottages, Wanborough Hill, Wanborough: Confirmation of Article 4 Direction**

### **Recommendation to Executive**

To authorise the Director of Planning and Regeneration to take all necessary steps to confirm the Article 4 Direction on land to the west of Manor Farm Cottages, Wanborough Hill, Wanborough, currently in effect to remove permission granted by the General Permitted Development Order 2015, relating to Schedule 2 Part 2, Minor Operations, Class A, relating to fences, gates, walls and any other means of enclosure and Schedule 2, Part 4, Temporary Buildings and Uses, Class B, relating to temporary uses of the land.

#### Reason for recommendation:

Due to an objection having been received and following the serving of the Article 4 Direction, the matter no longer remains delegated to officers and it is considered necessary to confirm the Direction in order to protect local amenity.

### **1. Introduction**

- 1.1 A report was written in February 2018, to consider a request for an Article 4 Direction on land at Wanborough Hill, Wanborough. Due to the urgency of the matter, the report was considered by the Leader of the Council, who agreed to the making of the Article 4 Direction with immediate effect. This report recommends that the Article 4 Direction now be confirmed.

#### **The land subject to the Article 4 Direction and background information**

- 1.2 The land the subject of the Article 4 Direction is located to the north of the main A31, Hogs Back trunk road and to the west of Wanborough Hill. The land is within the Green Belt, an Area of Great Landscape Value (AGLV) and with the southern area of the site, adjacent to the A31, being within an Area of Outstanding Natural Beauty (AONB). The land comprises agricultural land, which is currently not in any active use. To the east, the land adjoins a small number of residential properties, which form the village of Wanborough, which are within the Wanborough conservation area. There is also an isolated residential property located on the northwest boundary of the site. To the north of the site is an area of woodland, which forms the northern boundary of the site.

- 1.3 There are two existing accesses, one from Wanborough Hill, giving access to the southern part of the site and one from Westwood Lane, giving access to the northern part of the site. The land consisting of approximately 240 acres, has been separated into 25 individual plots for sale.
- 1.4 The site has been advertised for a number of uses, including recreational or amenity or for paddock conversion. The sales particulars also suggest that there may be a potential for development. The particulars also refer to the emerging Local Plan, with reference to a potential development site within 2 miles of the land. The emerging Local Plan is currently being independently examined, by a planning inspector, and the examination commenced on 5 June 2018. To date six of the smaller plots have been sold, with the remaining 19 plots, currently still shown as being available.
- 1.5 Currently, one of the plots, Plot F, is being used for an equestrian use, and a planning application 18/P/00044, was submitted, prior to the Article 4 Direction being made, which was subsequently refused. An Appeal has been lodged with the Planning Inspectorate, against this refusal. Another plot, Plot G, has had a fence and gates erected, which will require planning permission and a planning application will be submitted. The land is currently not in use. A third plot, Plot D, has had hedging planted around its boundary and a field shelter has been placed on the land, but none of these elements are restricted by the Article 4 Direction. The remainder of the land is currently not in use, but has 'agricultural use', in planning terms.
- 1.6 The Direction applies to the following development;
- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and not being development comprised within any other class; and
  - The use of the land for any purpose for not more than 28 days in total, in any one calendar year, of which not more than 14 days in total may be used for holding of a market or motor car and motorcycle racing, including trials of speed, and practising for these activities, and the provision on the land of any moveable structure for the purpose of the permitted use, within Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and not being development/use comprised within any other class.
- 1.7 On 12 February 2018, an Article 4 Direction was made (served) and came into effect on that date, for a period of 6 months. This Direction will expire on 12 August 2018 unless the Direction is confirmed by the Council, in the meantime.
- 1.8 There have been 20 representations made in support of the Article 4 Direction to date and one objection to the Direction being confirmed. These shall be reviewed later in the report.

## **Planning Policy**

### National Policy

- 1.9 The NPPF states that Article 4 Directions to remove permitted development rights should be limited to situations where this is necessary to protect local amenity or the well being of the area.

## Local Plan Policy

- 1.10 The site is within an area of Green Belt and policy RE2, of the 2003 Guildford Borough Local Plan seeks to resist new buildings in the countryside unless for agricultural or forestry, essential for outdoor sport and recreation, limited extensions or replacement dwellings (to/of) existing dwellings, infilling within villages or affordable housing for local needs.
- 1.11 This is undeveloped land within the Green Belt and development of these plots would not fall within the above-mentioned categories. As such, there would be conflict with the Development Plan and Planning Policy Guidance Notes. If planning applications were to be submitted to develop any of these plots, it is likely that they would be refused on the grounds that it was inappropriate development in the Green Belt. Small-scale development for agriculture, forestry or outdoor recreation will normally be acceptable provided they conserve the natural beauty of the landscape. Any uncontrolled development that is likely to affect the view to and from the AONB would most likely be resisted.
- 1.12 The subdivision of the land, by means of fencing, gates or other means of enclosure, would not normally constitute development, but may lead to pressure from new owners to fence their plots or use the land for leisure uses, which would have a potentially adverse impact on the current open aspects and natural appearance of the land.
- 1.13 The site is also within an area designated as an Area of Great Landscape Value (AGLV) and policy RE6 seeks to ensure development within the AGLV is consistent with the intention of protecting the distinctive landscape character of the area.
- 1.14 The site is adjacent to a major trunk road (A31) and forms part of a highly visible landscape extending to the north of the site. Any development on this site could impact on the character and openness of this landscape, unless consideration has been given with regard to the conservation and enhancement of the existing landscape.
- 1.15 The southern area of the site is also adjacent to the A31 and to the west of Wanborough Hill and the land is within the Surrey Hills Area of Outstanding Natural Beauty. Policy RE5 seeks to ensure that any development conserves the existing landscape character of the land, both inside and outside the AONB area.

## **2. Strategic Framework**

- 2.1 One of the strategic priorities is around Environment and the Council has pledged to protect and improve our Environment, making it a clean and attractive borough and to actively protect green spaces sustainability.

## **3. Considerations**

- 3.1 The majority of the 25 plots are still being advertised for sale by Vantage Land, with only six of the plots currently having been sold.
- 3.2 As established above, this parcel of land is within the Green Belt, AGLV and part is within the Surrey Hills AONB. It is bordered by the A31 trunk road, to the south, with Wanborough Hill and the village of Wanborough to the east, seven of which are Listed Buildings. To the north and west, the land is bordered by woodland and open agricultural fields. The land is highly visible, sensitive in landscape terms and is relatively free from all forms of development. Potential development in the form of fencing and other permitted uses would result in irrevocable harm to the openness

and visual amenity of the Green Belt, AGLV and AONB and lead to the subdivision of agricultural land other than for purposes reasonably necessary for agriculture.

- 3.3 The Town and Country Planning (General Permitted Development) Order 2015 grants planning permission for certain types of development. Part 2 of Schedule 2, Class A, of the Order, allows fences up to 2 metres high to be erected on the land and this is a serious cause for concern in respect of this open and visual landscape. Part 4 of Schedule 2, Class B would allow the plots to be used on a temporary basis for any purpose for not more than 28 days in any one calendar year, restricted to 14 days in the case of a market, fair or motor sport. This is also cause for strong concern as it is considered that such use would be a threat to the amenity of the area. Article 4 of the 2015 Order permits the Local Planning Authority to remove by direction some of the development rights otherwise granted by the Order.
- 3.4 As stated above, the sub-division of this land may result in wholly inappropriate fencing, or other means of enclosure, or uses harmful to the openness of the Green Belt and the visual amenities of this rural landscape and will impact on the AGLV and AONB in relation to the land.

**Considerations of representations made in support and against confirmation of the article 4 direction.**

20 letters in support making the following observations

- Direction should be confirmed to prevent future parcelling of land into smaller paddocks.
- Without Article 4 controls the view from the Hogs Back would no longer be one of beautiful, rolling, open fields, but an ugly scene of mismatched fencing, hard standing, stabling and vehicles.
- The Article 4 Direction must be confirmed as without it the whole aspect of the north side of the Hogs Back will be ruined forever.
- This is an Area of Outstanding Natural Beauty providing stunning views over open countryside from the Hogs Back. Article 4 Direction to be upheld indefinitely.
- Article 4 Direction to be retained permanently. If the use of the land not very strictly controlled, the paddocks offered for sale could potentially be a dreadful eyesore on the AONB.
- The fields in Wanborough are a beautiful part of the local scenery and must be protected.
- The land is already marked as AGLV and AONB however as this land is now up for sale to be sold off in small lots I fear that the existing protections will be insufficient to protect this land and retain its unique qualities.
- The fields are within an AGLV awaiting review as an AONB and contributes significantly to the openness of the Green Belt and are understood to include the largest unfenced field in Surrey.

1 letter of objection making the following observations.

- The land owner has not broken any planning rules, nor has he subdivided any of his 240 acres with fencing.

- Local pressure does not merit or justify restricting our clients land with an Article 4 Direction.
- The Article 4 Direction has been unjustly placed on our clients land with no merit and based purely on what could 'potentially' happen.
- Our clients land is sufficiently protected by Greenbelt, AONB & AGLV policy so with all due respect please cancel this Article 4 Direction with immediate effect.

3.5 Following careful consideration of these representations it is considered that there is strong justification and merit for the Direction to remain in place and to proceed with confirmation of the Direction as it is necessary to protect local amenity.

#### **4. Financial Implications**

4.1 The withdrawal of permitted development rights by an Article 4 direction may give rise to a liability to compensate. Any person interested in the land may seek compensation for abortive expenditure, or other loss, or damage directly attributable to the withdrawal of the permitted development rights. This can include the difference in the value of the land, if the development had been carried out, and its value in its current state, as well as the cost of preparing the plans for the works. The Act does require that a planning application should first have been made and permission refused or only granted subject to conditions, more limiting than those, which would have been imposed by the General Permitted Development Order.

#### **5. Legal Implications**

5.1 By making a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015, a Local Planning Authority (LPA) can restrict the scope of permitted development rights in relation to defined areas. The effect of withdrawing such rights is that express planning permission will be required for development normally permitted by the Order, but specified in the Direction. If that permission is refused, or granted, subject to conditions other than those in the Order', a person with an interest in the land is entitled under s107 and s108 of the 1990 Act, to claim compensation for abortive expenditure and any loss or damage directly attributable to the withdrawal of permitted development rights, provided the claim is submitted within certain time limits.

#### **6. Conclusions**

6.1 Having regard to the strong justification for making the Direction and taking account of the representations made during the consultation process the confirmation of the Article 4 Direction is considered necessary in order to protect local amenity.

#### **7. Appendices**

Appendix 1: Copy of the Article 4 Direction, dated 12 February 2018.

Appendix 2: Map outlining the area of land subject to the Article 4 Direction.

Appendix 3: Plans showing land divided into plots.