



Appeal Decision

Site visit made on 10 January 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/R3650/W/22/3300307

Vintners, Guildford Road, Alfold, Cranleigh GU6 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dominic Haigh against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0463, dated 25 January 2021, was refused by notice dated 7 December 2021.
 - The development proposed is described as the 'demolition of existing dwelling and garages and erection of 9 dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and garages and erection of 9 dwellings at Vintners, Guildford Road, Alfold, Cranleigh GU6 8HF in accordance with the terms of the application, Ref WA/2021/0463, dated 25 January 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was made in outline with all matters reserved for future consideration. A site plan and street scene elevations have been submitted which show details of the access, layout and elevations of the proposed development. However, the Design and Access Statement confirms that these are indicative only, so I have treated them as such in my assessment.
3. A Landscape and Visual Appraisal (LVA) and Bat Emergence and Re-entry Surveys have been submitted as part of the appeal. Given that the Council has had the opportunity to comment on these documents, I am satisfied that no injustice would occur should I determine the appeal on the basis of this information.
4. The Council has brought to my attention the adoption of its Climate Change and Sustainability Supplementary Planning Document (adopted October 2022) and its 5 Year Housing Land Supply Position Statement published November 2022, which indicates a supply of 4.9 years. The appellant has been given the opportunity to comment on these documents.

Main Issues

5. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) protected species.

Reasons

Character and appearance

6. The appeal site lies on the edge of the settlement of Alfold Crossways and includes a detached bungalow and its garden. The dwelling is located in the corner of the plot and fronts Guildford Road. Whilst the existing bungalow differs in appearance to the adjoining 2 storey semi-detached properties, due to its siting and orientation it appears as a continuation of the built form to this side of the road. The existing residential development in the village beyond the site can be seen in views across the land from the highway to the front in gaps to the front boundary treatment.
7. The existing garden area consists of a lawn with some domestic paraphernalia, including a garage and detached outbuilding. The site has a largely open interior, however, due to the mature trees and hedges to the side, front and rear boundaries, the site is relatively visually contained and has a strong sense of enclosure compared to the open countryside and more sparse residential development beyond it. As a result, the appeal site has a strong physical relationship to the existing built development.
8. The introduction of up to 9 dwellings and associated infrastructure would change the appearance of the site. However, the indicative plans show the retention of trees and hedges to the site boundaries, together with additional planting, which would provide screening to soften and mitigate the proposed development to a degree. Whilst the appeal site lies at the end of a row of frontage development, there are examples of cul-de-sac development in the village nearby the site, including that at Brockhurst Cottages and the recently approved development at Brockhurst Farm¹. As such the proposed layout would accord with the prevailing pattern of development elsewhere within the village. Furthermore, the resulting plot sizes would not be dissimilar to those in the vicinity.
9. The appeal site is modest in scale and of an enclosed appearance. Moreover, given the existing use of the land as residential garden space, it could be subject to a degree of visual and spatial encroachment due to associated domestic paraphernalia. As such the proposed development would have a similar degree of visual and spatial encroachment into the wider open countryside as the host dwelling in that regard.
10. This is supported by the findings of the LVA which highlights that the site is perceived as being separate from the surrounding open countryside and so does not contribute to its character. It also highlights that the proposal would not give rise to any effects that would result in a total or substantial loss, upon the other landscape elements and features such as topography, hedgerows and trees. The LVA concludes that the proposal would not materially change the perception of the landscape character, with key elements, including the existing settlement pattern, comprising of woodland and medium to large scale agricultural fields which contain the site to be maintained, and I agree with these findings.
11. My attention is drawn to the appeal at Brockhurst Farm² which was dismissed in relation to an outline planning application for up to 39 dwellings. Like the

¹ APP/R3650/W/18/3201576

² APP/R3650/W/18/3193390

appeal site before me, the site in that case was smaller than some of the surrounding fields, being enclosed and without woodland and as such it was not typical of the landscape beyond its northern boundary. However, whilst I note the details of the scheme, it differs from the appeal proposal which would be of a smaller scale and on land which is visually contained by the existing boundary treatment. Furthermore, I have found that the proposal would be comparable in terms of layout and density to the nearby residential development. Even if I had found otherwise, I have limited details of the Brockhurst Farm scheme before me and therefore have considered the appeal proposal on its own planning merits.

12. Therefore, for the reasons given above, I conclude that the proposal would not harm the intrinsic character or beauty of the countryside. In that regard the proposal would accord with Policy RE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) which sets out that within areas of countryside, the intrinsic character and beauty of the countryside will be recognised and safeguarded. It would also comply with paragraph 174 of the Framework which requires that development should contribute to and enhance the natural and local environment by, among other things, recognising the intrinsic character and beauty of the countryside.

Protected species

13. The second refusal reason relates to the absence of adequate information required in order to establish the extent that protected species, including bats and reptiles, may be affected by the proposed development.
14. Bat Emergence and Re-entry Surveys, together with further details relating to reptiles, were submitted as part of the appeal. The Council has indicated that it is satisfied the recommendations and enhancements suggested would be appropriate and that it has no objection to the proposal on ecological grounds, and I have no reason to disagree. Therefore, subject to suitable planning conditions, I find that the proposal would accord with Policy NE1 of the LPP1, which seeks to conserve and enhance biodiversity.

Other Matters

15. Several concerns have been raised by interested parties, including the lack of need for additional housing in the area having regard to the number of properties available to buy and rent, as well as existing housing developments under construction. However, the Council is unable to demonstrate a 5 year housing land supply. The proposal would also contribute towards the Council's objective to make provision for at least 11,210 net additional homes in the period from 2013 to 2032 (equivalent to at least 590 dwellings a year) including a minimum number of new homes in each parish as set out in Policy ALH1 of the LLP1.
16. Moreover, I am not persuaded that the proposal would lead to unacceptable pressure on the local drainage system, or exacerbate flooding in the locality, subject to conditions to secure any necessary upgrading work and an appropriate drainage strategy. Nor is there any convincing evidence before me to suggest that the proposal would lead to an unacceptable increase in noise, pollution, light pollution or litter.

17. The proposal falls below the threshold for affordable housing provision and the specific housing mix would be for future consideration as part of a reserved matters application in relation to the scale and appearance of the dwellings. In relation to concerns regarding the lack of local amenities and infrastructure to meet the needs of future occupiers of the development, the Inspector in the Brockhurst Farm appeals³ concluded that the village was a suitable location for new residential development having regard to accessibility to day-to-day facilities and services.
18. In addition, I have limited evidence before me to indicate that the proposal would put an excessive strain on existing services such as doctors or schools within the area. Moreover, the Council has not raised an objection on these grounds, and I have no reason to reach a different conclusion.
19. Notwithstanding that access is reserved for future consideration, the highway authority has raised no objection to the proposal on highway safety or capacity grounds. Furthermore, it has indicated that there is no reason why the access as shown from Guildford Road would not be acceptable to serve the development, subject to details to be submitted as part of the reserved matters and I have no reason to disagree with their findings. I note interested parties concerns regarding the effect of the development, including the access, on living conditions of the occupiers of neighbouring properties, however such details, which would include layout and scale are reserved for future consideration.
20. Reference has been made to a previous planning application on the site, which was refused in 2017⁴. However, the application was determined some time ago and in a different policy context.
21. Whilst I acknowledge comments regarding the limited consultation carried out by the Council during the determination of the planning application, however this is not a determinative factor in the appeal before me.

Conditions

22. I have considered the Council's suggested conditions against Paragraph 56 of the Framework and the Planning Practice Guidance. For certainty I have attached standard conditions relating to the submission and timing of reserved matters application(s) and the commencement of development. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. In particular, the suggested drainage condition which includes a detailed list of information requirements. I have omitted this so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed. I also note that the Council has suggested a condition which requires confirmation that the approved drainage scheme has been properly implemented. However, such is not required to ensure that the scheme is properly implemented, or to make it precise or enforceable. I have not, therefore, included that requirement in my condition.
23. Conditions relating to appropriate investigation of any contamination on the site and appropriate remediation works if required are also necessary to avoid any risk to human health. To ensure the well-being of protected species,

³ APP/R3650/W/18/3193390 and APP/R3650/W/18/3201576

⁴ WA/2016/1966

conditions are imposed that require the development to be carried out in accordance with the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal and the submission of a Construction Environmental Management Plan.

24. A condition to secure tree protection measures is also necessary in order to safeguard the existing trees on the site. A condition to ensure the dwellings will achieve a maximum water use of no more than 110 litres per person per day is reasonable and necessary in accordance with relevant Policies CC1 and CC2 of the LPP1.
25. In the interests of highway safety, a condition is imposed that requires the submission and approval of a construction management plan. The Council has suggested a condition regarding the construction of the vehicular access, however, given that such details are a reserved matter I have not imposed the condition.
26. To minimise air pollution, a condition is attached to secure the provision of electric vehicle charging points. A condition is required to ensure there is adequate capacity for all wastewater generated from the development to be disposed of appropriately, either prior to the first occupation of the development or in accordance with a phasing plan. A condition to secure appropriate climate change and sustainability measures is necessary in accordance with the Council's Climate Change and Sustainability Supplementary Planning Document (October 2022).

Conclusion

27. For the reasons given above, the appeal is allowed subject to the conditions set out in the attached schedule.

Emma Worley

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby approved details of a surface water drainage scheme shall be submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The approved scheme shall be fully implemented prior to the first occupation of the development and shall operational for the lifetime of the development.
- 5) Prior to the commencement of the development hereby permitted, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) An investigation and risk assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.
 - b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include:
 - (i) All works to be undertaken
 - (ii) Proposed remediation objectives and remediation criteria
 - (iii) Timetable of works
 - (iv) Site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.
- 6) Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out

- in accordance with Condition 5 shall be completed and submitted to the Local Planning authority for approval prior to occupation of the development.
- 7) Following commencement of the development hereby permitted, if unexpected contamination (other than that identified in accordance with Condition 5) is found on site at any time, the Local Planning Authority shall be immediately notified in writing and all works shall be halted. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:
- a) An investigation and risk assessment, undertaken in the manner set out in Condition 6 of this permission.
 - b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 5.
 - c) Following completion of approved remediation works, a verification report, in accordance with the requirements set out in Condition 6.
- 8) The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal (Arbtech, Issue 4, dated 3rd December 2021) and Bat Emergence and Re-entry Surveys (Arbtech, Issue 2, dated 31st May 2022). Prior to the first occupation of the development, a bat sensitive lighting scheme based on the measures listed at section 4.2 of the latter document shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the development and the measures therein maintained as such in perpetuity.
- 9) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to:
- a) Map showing the location of all of the ecological features
 - b) Measures to protect habitat immediately outside of the application site, such as the woodland to the north.
 - c) Risk assessment of the potentially damaging construction activities
 - d) Practical measures to avoid and reduce impacts during construction
 - e) Location and timing of works to avoid harm to biodiversity features
 - f) Responsible persons and lines of communication
 - g) Use of protected fences, exclusion barriers and warning signs
- The approved CEMP shall be adhered to throughout the construction period for the development.
- 10) The development hereby approved shall be carried out in strict accordance with the tree protection measures outlined in the shall be carried out in strict accordance with the arboricultural information provided by Martin Dobson Associates (report and tree protection plan dated January 2021).
- 11) Prior to the commencement of any above ground works in connection with the dwellings hereby permitted, written evidence shall be submitted to and approved in writing by the local planning authority (LPA) demonstrating that the dwellings will achieve a maximum water use of no more than 110 litres per

person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition with 2016 amendments). Such evidence shall be in the form of a Design Stage water efficiency calculator. Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity.

- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- (a) parking for vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding behind any visibility zones
 - (e) delivery, demolition and construction working hours;
 - (f) vehicle routing;
 - (g) wheel washing facilities;
 - (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; and
 - (i) on-site turning for construction vehicles

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) Prior to the first occupation of the development hereby permitted, each of the proposed dwellings shall be provided with a fast-charge Electric Vehicle charging point (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 to and approved in writing by the local planning authority. The charging points shall thereafter be retained and operational in perpetuity.
- 14) Prior to the first occupation of the development hereby permitted, confirmation shall be provided to the Local Planning Authority in writing that either:
- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - 2. A development and infrastructure phasing plan (which shall have been submitted to and agreed in writing by the Local Planning Authority in consultation with Thames Water) is in place to allow the development to be occupied. Where a development and infrastructure phasing plan has been agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 15) Prior to the commencement of the development hereby permitted a scheme of climate change and sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to the Council's Climate Change and Sustainability SPD (2022). The approved scheme shall be

implemented prior to first occupation of the development and shall be retained thereafter.

*******end of conditions*******