

Appeal Decision

Site visit made on 9 August 2016

by Nicola Gulley MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 September 2016

Appeal Ref: APP/Y3615/W/16/3147580

Send Hill Farm, Potters Lane, Send, Surry, GU23 7JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Elrick against the decision of Guildford Borough Council.
 - The application Ref 16/P/00265, dated 28 January 2016, was refused by notice dated 31 March 2016.
 - The development proposed is the phased partial redevelopment of an area of brownfield land to include: the demolition and removal of certain existing buildings and areas of hard standing; the erection of a single dwelling; retention of the existing access; and such other works as may reasonably be required.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline and all matters except for access have been reserved.
3. Since the determination of the application, the appellant has submitted ecological information which demonstrates that the proposed development would not be likely to have an adverse impact on protected species. The Council accepts the findings of the assessment and has withdrawn the first reason for refusal.
4. I note that the Council has concluded that the proposed development would not be inappropriate development in the Green Belt and would comply with the requirements of paragraph 89 of the National Planning Policy Framework (NPPF). I see no reason to disagree with the Council's assessment.

Main Issues

5. The main issues are the impact of the proposed development on the living conditions of future occupiers of the dwelling by virtue of noise and disturbance and on the Thames Basin Heaths Special Protection Area.

Reasons

6. The appeal site forms part of a much larger site, which contains a variety of uses including a commercial joinery business, and is located at the junction of
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Send Hill and Potters Lane. The site comprises a metal storage container, part of the existing workshop / office building and an area open land used in part for storage purposes. The site is located in a designated Green Belt and within the 400 metre (m) to 5 kilometre (klm) buffer zone of Thames Basin Heaths Special Protection Area (TBHSPA).

Noise and disturbance

7. Policy G1(3) of the adopted Guildford Borough (LP) Local Plan (2003) seeks to ensure that the amenities enjoyed by existing and future residents are not adversely effected by, amongst other things, noise and disturbance. This approach accords with the requirements of paragraph 123 of the NPPF and the guidance contained in Planning Practice Guidance – Noise (PPG) (2014). The PPG makes clear that in assessing proposals for new development consideration should be given to the acoustic environment and the actual or potential impact of a proposal on ambient noise levels.
8. In this instance, the development proposes the construction of a single, detached dwelling which, on the basis of the submitted indicative layout (reference SHF/OA/62), would be located in close proximity to the existing joinery workshop. Whilst I note the appellants comments that the workshop is not a highly intensive use and has a dust extraction plant. I am nevertheless mindful that there are no planning restrictions placed on the hours of operation at the workshop, that the level of manufacturing activity at the joinery could intensify without requiring planning permission and that no evidence has been presented that demonstrates that levels of noise, disturbance and dust omitted from the existing and future use of the joinery workshop would not adversely effect the living conditions of the future occupiers of the proposed dwelling. As a consequence, I consider that the proposed development would be contrary to the objectives of LP Policy G1(3) and the NPPF.

Thames Basin Heaths Special Protection Area

9. LP Policies NE1 and NE4 seek to ensure that proposals for new development do not have an adverse effect on the Special Protection Area (SPA), and protected species of animals or plants and their habitats. Additional guidance is contained in the Council's TBHSPA Avoidance Strategy (2015) which requires that all new residential development located between 400 m and 5 klm away from the SPA would, when considered alone or in combination with other plans or projects, be likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures.
10. The development proposes the construction of a single dwelling within the 400m to 5 klm buffer zone of TBHSPA. As a result, a financial contribution is towards the provision of suitable alternative natural green space (SANG) and strategic access management and monitoring (SAMM).
11. At the time that application was determine no agreement had been reached with the appellant about the requirement for a financial contribution towards the SANG or the SAMM. However, a signed unilateral undertaking dated 12 July 2016 has subsequently been submitted by the appellant which makes appropriate provision for financial contributions to the SANG and SAMM. As a consequence, I consider the issue has been satisfactorily resolved and the proposed development would comply with the objectives of LP Policies NE1 and NE4 and the TBHSPA Avoidance Strategy (2015).

Other Matters

12. I note that the Council is unable to demonstrate a 5 year housing land supply and, as a consequence, the provisions of paragraph 49 of the NPPF apply. However, whilst I recognise that the proposed development would make a contribution to the supply of housing, I consider that the benefits of this provision would not significantly and demonstrably outweigh the adverse impact the proposal would have on the living conditions of future occupiers of the development.

Conclusions

13. In reaching my decision I have had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would not have an adverse impact on the TBHSPA, this does not outweigh my concerns regarding the effect of the proposed development on the living conditions of future occupiers of the proposed dwelling.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley
INSPECTOR