
Appeal Decision

Site visit made on 4 June 2018

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2018

Appeal Ref: APP/A3655/W/18/3194680

Land at Copthorne Meadows Farm, Chobham Road, Knaphill, Woking GU21 2TU

- 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 W Dunphy, WJ Dunphy Developments Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2017/0735, dated 26 June 2017, was refused by notice dated 15 December 2017.
 - The development proposed is the construction of 2 no. detached houses on site of existing buildings to be demolished.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 no. detached houses on site of existing buildings to be demolished on land at Copthorne Meadows Farm, Chobham Road, Knaphill, Woking GU21 2TU in accordance with the terms of the application, Ref PLAN/2017/0735, dated 26 June 2017, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary matter

2. While the Council's reason for refusal concerns only the effect of the proposed development on the openness of the Green Belt, it is clear from its statement that this is in the context of identifying whether the proposal is an exception to inappropriate development as set out in the 6th bullet point of paragraph 89 of the National Planning Policy Framework (the Framework).

Application for costs

3. An application for costs was made by Mr W Dunphy, WJ Dunphy Developments Ltd against Woking Borough Council. This application is the subject of a separate Decision.

Main issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The appeal site appears as an enclosed tract of land in the countryside, between a golf course and open agricultural fields and opposite a scattering of houses across the Chobham Road. Around half the land appears as a paddock;
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the other half contains 2 large former barns and 2 dwellings and a large area of hardstanding, including Use Class B2 (general industrial) and Use Class B8 (storage or distribution). It is proposed to demolish the buildings and build 2 houses on that part of the site presently occupied by buildings and hardstanding, leaving the remainder of the area for a paddock.

6. Being located in the Green Belt, policy CS6 of the Woking Core Strategy (CS) applies. It provides that the Green Belt will be protected from inappropriate development as outlined in the Framework. This sets out a presumption against the construction of new buildings, subject to a number of exceptions, including the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
7. It is common ground between the main parties that the site contains previously developed land. There is also no dispute that the development of 2 houses, save an increase in height of half a metre, would reduce the built footprint and volume of buildings on the site by 213m² and 891m³ respectively. In addition, the hardstanding area of 1,734m² which contains numerous heavy machines, plant and vehicles, would be removed, whereas the driveways and patio areas of the new houses would amount to around 574m².
8. In purely volumetric and superficial terms therefore, the proposed development would have a substantially lesser effect on the openness of the Green Belt than the existing development. Furthermore, the development would include native hedgerow enclosures, lawns and new tree planting. Compared to the impact of the large machines, the tightly parked vehicles and the metal fences, this development would have a significantly lesser visual impact on the openness of the Green Belt.
9. I acknowledge that the highest ridges of the houses would be taller than the ridges of the barns, but only marginally so. When the reduction in volume and footprint of the proposal is taken into account, together with the space between the houses, the low height of their eaves and the modelling of their roofscapes, the additional height does not undermine the compelling positive effect on openness.
10. One barn appears open on 3 of its 4 sides; however, it stands alongside the other, enclosed barn and has infill gable panels which diminish any benefit from the lack of enclosed sides. Moreover, its eaves are not so high that the lack of enclosure makes a significant difference to the overall effect on openness from the structure. The effect of its open sides is insufficient to outweigh the positive visual impact from the development identified above, even when taking into account the enclosure of the houses.
11. I acknowledge that the footprint of the proposed houses would extend laterally beyond the footprints of the barns. However, much of the over-sailed area would be compensated for by the space between the houses, and their footprints would not extend beyond the rears of the barns. Given this, and the bearing of the L-shaped building on openness which is some distance from the barns and which would be demolished, I give little weight to the argument that the more dispersed siting of the proposed houses would have a greater impact on the openness of the Green Belt than the compact siting of the existing barns.

12. The development would be clearly contained within the existing developed area of the site which would safeguard the countryside from encroachment, one of the purposes of the Green Belt. Given the site's location remote from neighbouring towns and built-up areas, and that it concerns redevelopment of previously developed land, I can identify no conflict with the other purposes of the Green Belt.
13. While I have had regard to the Council's findings on openness, they do not lead me to an alternative conclusion; that the partial redevelopment of this previously developed site would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It would not be inappropriate development in the Green Belt. There would be no conflict with the Framework or with CS policy CS6.

Other matters

14. The development would use the existing access from Chobham Road. There is no substantive evidence that the traffic movements associated with the proposal would raise any risk to highway safety more than the existing use of the site. In fact, the highways authority considers that there may be fewer trips than before.
15. I have noted the appellant's reference to the housing land supply position of the Council, however, I have found no adverse impacts from the proposal, which is in accordance with the development plan, and in which circumstances, should be approved without delay.

Conditions

16. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance, and adjusted their wording to reduce the burden of unnecessary submissions and processing of further applications where sufficient information has already been provided or is covered by other conditions.
17. I have imposed a condition specifying the approved plans to provide certainty. Given the previous use of the site, a precautionary condition to deal with contamination is necessary. Conditions for tree protection and for the details of services routes are necessary to protect the existing trees during the development. Details required by these conditions should be resolved prior to commencement of the development. Given the conclusions of the bat survey, a condition for details of working methods is unnecessary, however a performance condition to protect vulnerable species during development would be a proportionate measure to protect bio diversity during construction.
18. To safeguard the character and appearance of the area, a condition for materials, which should be resolved before works above ground commence is necessary. For similar reasons, pre-commencement details of levels are also necessary, as are the implementation of the soft and hard landscape schemes and the boundary treatments.
19. To reduce the impact of the development on the environment as well as its occupiers, conditions to minimise carbon emissions and water usage, for sustainable drainage and for flood mitigation are reasonable and necessary. These conditions do not need to be resolved before commencement, but should, save for the soft landscape element, be cleared prior to occupation.

The landscaping scheme already addresses some of the biodiversity enhancement suggestions; a further condition to provide more measures is unnecessary.

20. To prevent parking on a busy road with restricted vision, a condition to secure the car-parking area and access is necessary. Given the subdivision of the site, its location in the Green Belt, and the location of the existing development which weighed in the considerations of openness, for clarity, I agree a condition defining the extent of the residential curtilage is necessary.
21. Given the scale of the building and the spatial and landscape sensitivity of the area, the potential to enlarge the dwellings and erect outbuildings, fences and further access without adversely affecting the openness and character of the buildings and the area is limited. While the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I agree that the withdrawal of permitted development rights for enlargement, including roof development, outbuildings, fences etc. would be necessary. The removal of rights under these classes would be reasonable, as restrictive conditions would not prevent development, but would bring it under planning control. Accordingly, I have imposed conditions restricting development under classes A, B, and E of Part 1 and class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11A SITE LOCATION PLAN; 75 PROPOSED NEW DWELLINGS SITE ARRANGEMENT; 101 SITE LOCATION; 102 PROPOSED 2 NEW DWELLINGS SITE BLOCK PLAN; 91 SCHEME FOR 2 NEW DWELLINGS IN REPLACEMENT OF EXISTING BUILDINGS WEST HOUSE TRADITIONAL OAK FRAME CONSTRUCTION FLOOR PLANS ELEVATIONS; 92 SCHEME FOR 2 NEW DWELLINGS IN REPLACEMENT OF EXISTING BUILDINGS EAST HOUSE TRADITIONAL OAK FRAME CONSTRUCTION FLOOR PLANS ELEVATIONS; 93 SCHEME FOR 2 NEW DWELLINGS IN REPLACEMENT OF EXISTING BUILDINGS PROPOSED NEW HOUSES ROOF PLANS; 94 SCHEME FOR 2 NEW DWELLINGS IN REPLACEMENT OF EXISTING BUILDINGS EXISTING DETACHED DWELLING FLOOR PLANS AND ELEVATIONS; 95 SCHEME FOR 2 NEW DWELLINGS IN REPLACEMENT OF EXISTING BUILDINGS EXISTING SHEDS AND ACCOMMODATION FLOOR PLANS AND ELEVATIONS; 00273 Proposed Landscaping Scheme.
- 3) No development shall commence including demolition and groundworks preparation until a finalised version of the TSP1-01 Rev1 Tree Removals and Tree Protection Plan' incorporating the underground service runs for the development, shall have been submitted to and approved in writing by the local planning authority. All works shall be carried out in strict accordance with the revised Tree Removals and Tree Protection Plan and with the Arboricultural Report.
- 4) All the retained trees as shown on drawing 'TSP1-01 Rev1 Tree Removals and Tree Protection Plan' as well as existing hedges and shrubs shown on the landscaping plan '00273 Proposed Landscaping Scheme' and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type as set out in the Arboricultural Report and Tree Condition Survey dated May 2017 by Ruskins Tree Consultancy Ref: 0517-2122-JGS. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 6) No development shall commence until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) No development above ground level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 8) Prior to the occupation of the development, details of a sustainable drainage scheme for disposing of surface water from the development shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved drainage details before the occupation of the development.
- 9) Prior to the occupation of the development, a Design Stage Standard Assessment Procedure Assessment by an accredited Assessor showing how the development will achieve a minimum improvement of 19% in its dwelling emission rates over the target emission rates in the Building Regulations (AD L1A 2013 ed.), shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the Design Stage Standard Assessment Procedure Assessment.
- 10) Prior to the occupation of the development, the optional requirement for water efficiency of 110 litres per person per day as set out in regulations 36 and 37 of the Building Regulations 2010, as amended, shall have been complied with.
- 11) Prior to the occupation of the development, the accesses to the development shall have been formed and space shall have been laid out within the site in accordance with drawing no. 00273 Proposed Landscaping Scheme, for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking of vehicles.
- 12) The hard landscaping works and boundary treatments as indicated on drawing '00273 Proposed Landscaping Scheme' shall be carried out before any part of the development is first occupied.
- 13) The mitigation measures as set out in the Flood Risk Assessment by Nijhuis H2OK Ltd dated 16 November 2017 Ref: J-12109-01-HS shall be carried out before any part of the development is first occupied.
- 14) The soft landscaping works as indicated on drawing '00273 Proposed Landscaping Scheme' shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 15) The development shall be carried out in accordance with the precautionary working methods as set out in the consultation response from Surrey Wildlife Trust dated 9 October 2017 Ref: 967601/14984/HL.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, additions to the roofs and incidental buildings, as provided for within Schedule 2, Part 1, Classes A, B and E of that Order, shall be constructed.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no means of enclosure other than those expressly permitted under the hard landscaping and boundary treatments condition above, as provided for within Schedule 2, Part 2, Class A of that Order, shall be constructed.
- 18) The curtilages of the dwellings hereby approved shall not be extended beyond the lines shown on drawing no.00273 Proposed Landscaping Scheme.

END OF SCHEDULE OF CONDITIONS