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## Appeal Decision

Site visit made on 23 July 2019

**by Sarah Dyer BA BTP MRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> August 2019**

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**Appeal Ref: APP/R3650/W/18/3215310**

**Land rear of Penlan, Cranleigh Road, Ewhurst**

**Grid Reference Easting 508782 Northing 139919**

- 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 Thakeham Homes Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2018/0255, dated 22 January 2018, was refused by notice dated 2 May 2018.
  - The development proposed is the erection of 9 residential dwellings with associated Parking, Landscaping and amenity space following the demolition of Penlan.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework (the 2018 Framework) was published. The 2018 Framework has been revised by a version published in February this year (the 2019 Framework). Both parties had the opportunity to comment on these documents as part of their appeal submissions. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the 2019 Framework into account in my assessment of the appeal's merits.
3. Amended plans have been submitted since the application was determined and the Council has had the opportunity to comment on the revisions. The appellants submitted an Ecological Impact Assessment Addendum (EIA Addendum) as part of their Appeal Statement which the Council has also had the opportunity to consider. On this basis I have regarded the amended plans and the EIA Addendum in my determination of the appeal.
4. The Council highlighted an inconsistency between the site layout plan and the street elevation plan with regard to the garages associated with Plots 3 and 4. This discrepancy has been resolved by the submission of a revised plan. Given that third parties would not be prejudiced as a result of this amendment, I have had regard to it in my consideration of the appeal.

## **Main Issues**

5. The revised plans omit a gate which was proposed to be erected on the access drive which would serve the development. The Council has confirmed that in view of this alteration to the appeal scheme, the reason for refusal relating to the gated nature of the scheme has been addressed (reason for refusal 3). Therefore, the main issues are:

- Whether the site is an appropriate one for residential development, with particular reference to the Council's Spatial Strategy.
- The effect of the development on:
  - The character and appearance of the site and the surrounding area;
  - The setting of the dining hall and kitchen within Sayers Croft which is a 'designated heritage asset'; and
  - The site as a habitat for wildlife.

## **Reasons**

### *Spatial Strategy*

6. The Council acknowledges that the site abuts the settlement boundary of Ewhurst. Policy SP2 of the Waverley Borough Local Plan (Part 1 – Strategic Policies and Sites) 2018 (the Local Plan – Part 1), which is in general accordance with the 2019 Framework) allows limited levels of development in/around Ewhurst and recognises that villages which are not in the Green Belt or the Surrey Hills Area of Outstanding Natural Beauty, such as Ewhurst, offer more scope for growth.
7. Policy SP2 of the Local Plan is to be delivered by site allocations in the Local Plan Part 2: Site Allocations and Development Policies (Local Plan Part 2), by Neighbourhood Plans (NP) and by decisions made on planning applications. The Council has stated that the site is not planned to be allocated in the Local Plan Part 2 or the NP. However, neither of these documents has reached an advanced stage in the process of adoption, consequently they attract very limited weight at this time.
8. Although the Council is confident that it can deliver the necessary housing development on allocated sites, Policy SP2 does not rule out other sites coming forward. For that reason, I conclude that the site is an appropriate one for residential development, with particular reference to the Council's Spatial Strategy and that the appeal scheme accords with Policy SP2 of the Local Plan Part 1.

### *Character and appearance*

9. The majority of the appeal site lies to the rear of the houses and bungalows which front Cranleigh Road and the access to Sayers Croft Outdoor Learning Centre. There is a public footpath running along part of two edges of the site which follows a route adjacent to the fences and planting which form the boundaries to the rear gardens of the road facing dwellings. Penlan is a typical example of the type of bungalow which faces Cranleigh Road.

10. Whilst the views of the land to the rear of Penlan from Cranleigh Road and the Sayers Croft drive are restricted by the existing built form, it is highly visible from the footpath. As such the site, in combination with the playing fields on the opposite side of the Sayers Croft Drive make an important contribution to the sense of openness on this edge of Ewhurst. The heavy planting adjacent to two sides of the site, including that which provides a setting for the Sayers Croft Outdoor Centre, further serve to characterise the site as part of the countryside.
11. The appeal scheme would result in the removal of Penlan to accommodate a new access to serve nine bungalows which are proposed to be constructed on the land to the rear. Although the size and style of the new buildings would be compatible with the existing development in the wider area, the width and length of the access driveway, the number of dwellings and associated garage buildings and the layout of the appeal scheme would have an urbanising impact on the site.
12. Given the importance which I have placed on the contribution which the undeveloped site makes to the countryside around Ewhurst and the highly visible nature of the site from the public footpath, the appeal scheme would appear incongruous and harmful to the character of its surroundings.
13. The appellant argues that smaller settlements such as Ewhurst are less visually intrusive in the wider landscape than they might be in a less wooded landscape. Whilst there are significant areas of woodland in the area more generally, which result in the edges of some settlements being obscured from view, this does not outweigh the harm in this case which arises from the visibility of the development from the immediate vicinity of the site and the contribution which the open area makes to the setting of this part of Ewhurst.
14. Both main parties refer to a previous application for 27 dwellings on the site (Council Ref: WA/2014/2471) (the 2014 Scheme) which was dismissed at appeal (Appeal Ref: APP/R3650/W/14/3000887). The current appeal scheme is for considerably fewer dwellings and is therefore not directly comparable with the 2014 Scheme. However, it would also have an urbanising effect on the currently undeveloped land which would be harmful to the character and appearance of the site and the surrounding area.
15. I conclude that the appeal scheme would have a harmful impact on the character and appearance of the site and the surrounding area. The development is therefore contrary to Policies RE1 and TD1 of the Local Plan – Part 1 and Policies D1 and D4 of the Waveley Borough Local Plan 2002 (the 2002 Local Plan). These policies jointly amongst other things recognise and safeguard the intrinsic character and beauty of the countryside, require development to be of a high quality and to respond to the distinctive local character of the area and resist development which harm the visual character and distinctiveness of a locality, in relation to its surroundings. For similar reasons the development would not accord with the 2019 Framework with particular regard to achieving well designed places.

#### *The setting of Sayers Croft*

16. Sayers Croft, which lies adjacent to the site, is a former World War II evacuee camp which is currently used as an education centre. It comprises a group of buildings within a wooded area and includes a dining hall and kitchen which is a

Grade II listed building. The significance of the listed building lies in both its interior and its exterior and the surrounding huts which are visible from the appeal site are of a similar design and construction. Sayers Croft as a whole retains its character as a rural setting for educational activities and provides an appropriate setting for the listed building.

17. Penlan and its rear garden do not affect the listed building or its setting. However, the undeveloped nature of the majority of the site contributes to the wider setting of Sayers Croft. In particular views across the site towards Sayers Croft from the public footpath serve to separate the open areas around the huts on the former camp, including the listed building, from the enclosed rear gardens of the dwellings fronting Cranleigh Road and the access road to Sayers Croft. This degree of separation and openness is essential to the setting of the listed building and the wider Sayers Croft site.
18. Part of the site would be laid out as a landscaped area and play space. However, the construction of the bungalows and their associated garage blocks would have an urbanising effect and would result in the significant degradation of the sense of openness of the site and the contribution which it makes to the setting of Sayers Croft and consequently the listed building. Given the importance which I have attributed to the site as part of the setting of Sayers Croft and the listed building, the nature and scale of development would amount to harm.
19. I conclude that the appeal scheme would have a harmful impact on the setting of the dining hall and kitchen within Sayers Croft which is a designated heritage asset. The development is therefore contrary to Policy HA1 of the Local Plan – Part 1 and Policy HE3 of the 2002 Local Plan. These policies jointly, safeguard heritage assets and their settings and resist development which would harm the setting of a listed building.
20. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its urbanising effect, the appeal scheme would have a harmful impact on the setting of the listed building. However, the proposal would not lead to the loss of the building or any of its special features. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the 2019 Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
21. The appeal scheme would contribute towards the provision of housing which would have a positive impact on the supply of housing. The development would also benefit the local economy in both the short term during the construction phase and in the long term as a result of new residents using local shops and services. These outcomes weigh in favour of the scheme albeit that they would be limited by the scale of the development. However, these public benefits would not outweigh the harm to the designated heritage asset that I have found in this instance.

#### *Wildlife habitat*

22. The site is undeveloped and covered in a variety of types of plants. There are mature trees and hedge planting on the boundaries. As such the site falls to be considered as a potential habitat for wildlife. As a consequence of the

development much of the existing planting would be removed, however new hedges would be planted. In addition to this a new wetland habitat would be created and bat and bird boxes provided. These features could be secured by planning condition.

23. Reason for refusal 2 is based on insufficient information being provided in the form of survey work to highlight the presence of bats and reptiles. The EIA Addendum provides further information and concludes that necessary mitigation measures can be employed through planning condition or licensing. I have very limited evidence before me to demonstrate that such an approach would not be successful or that it would not facilitate compliance with legal obligations in relation to protected species.
24. I conclude that the appeal scheme would not have a harmful effect on the site as a habitat for wildlife. Therefore, the development would not be contrary to Policy NE1 of the Local Plan – Part 1 which requires that new development contributes to the protection, management and enhancement of biodiversity. For similar reasons the development would accord with the 2019 Framework in respect of the conservation and enhancement of the natural environment.

### **Other matters**

25. The appellants consider that the Council cannot demonstrate a five-year supply of housing land (5YHLS). They have produced a 5YHLS Position Report by RPS, which amongst other things cites appeal decisions to support their view including Appeal Ref: APP/R3650/W/17/3171409 Land West of Folly Hill, Folly Hill, Farnham and Appeal Ref: APP/R3650/W/16/3165974 Longdene House, Hedgehog Lane, Haslemere. The Council contends that it has a 5YHLS.
26. Notwithstanding the apparent dispute between the main parties, even if I were to conclude that there is a shortfall in the 5YHLS and that relevant policies for the supply of housing should be considered out-of-date, the adverse impact of the development which would arise from the harm to the character and appearance of the site and the surrounding area and to a designated heritage asset would significantly and demonstrably outweigh the benefits which I have identified, in terms of the contribution towards the supply of housing and to the local economy.

### **Conclusion**

27. For the reasons set out above, the appeal is dismissed.

*Sarah Dyer*

Inspector