
Appeal Decision

Site visit made on 15 May 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/R3650/W/18/3215505

**Gorsepatch, Land adjacent to 44 Crooksbury Road, Farnham, Surrey
GU10 1QE**

- 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 Ms Kay Mawer against the decision of Waverley Borough Council.
 - The application Ref WA/2017/0111, dated 21 December 2016, was refused by notice dated 9 July 2018.
 - The development proposed is erection of a new dwelling and garage.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 30 October 2019.

Decision

1. The appeal is allowed, and planning permission granted for a new dwelling and garage at Gorsepatch, land adjacent to 44 Crooksbury Road, Farnham, Surrey GU10 1QE in accordance with the terms of the application Ref WA/2017/0111, dated 21 December 2016 subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the development on (a) highway safety in respect of visibility at the access with Crooksbury Road and (b) the integrity of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Highway safety

3. The appeal site is located on the northern side of an unmade track which is part of the North Downs Way and a public bridleway. It comprises undeveloped land which is largely wooded but in which there is a clearing where the proposed house and garage would be erected. It was historically part of the curtilage to 44 Crooksbury Road to the east of the site, which also fronts the unmade track and has a vehicular access on to it. Beyond this is 42 Crooksbury Road which has a side access on to the track (now blocked up) and a main front access directly on to Crooksbury Road.
4. The proposed house and garage would have a vehicular access on to the unmade track approximately 180m to the west of its junction with Crooksbury Road. The Council, having regards to comments from Surrey County Council

(the Local Highway Authority), contends that the visibility in both directions along Crooksbury Road from this junction is so poor that any additional traffic movements would be likely to be prejudicial highway safety.

5. The appellant has undertaken two traffic speed surveys, one to the north and one to the south of the junction, to ascertain traffic speeds approaching the junction from both directions. These recorded an 85%ile speed of 42 mph for northbound traffic and 40mph for southbound traffic. There is disagreement between the parties on the length of the consequently required visibility splays, the degree of reliance on different sources of technical guidance¹, the precise position where the splays should be measured from on site and on the consequent visibility achievable at the junction.
6. Crooksbury Road does not have a footway on either side of its carriageway. To the south of the junction, the road is straight and on gently rising land. To the north of the junction there is a gentle fall in land levels and the beginning of an inward curve to the road. There is another access track that joins Crooksbury Road, a little to the south of that of the unmade track. The alignment of Crooksbury Road's western edge splays out slightly wider at the position of these two access tracks and the flow of traffic follows the straight alignment of the main carriageway, 1m away. As such, I am inclined to accept the appellant's assertion that the 'x' dimension for the visibility splay can be measured from the running line and not the edge of the tarmac.
7. The appellant's drawing 4931/001/C shows visibility for the 'y' dimension to the south towards leading traffic to be 110m. Whilst noting that vegetation on the highway verge outside the appellant's control could act as a constraint, I consider that there would be sufficient visibility in this direction in relation to known traffic speeds for vehicles to egress the junction with reasonable safety. Visibility is not so good northwards in the direction of trailing southbound traffic. The Council disputes the 70m 'y' dimension shown on the appellant's drawing as this is to the far side of the carriageway. Notwithstanding this and disagreement on the precise position from which the visibility splay should be measured, it would be possible for a driver to ease out a little into the carriageway when the nearside is clear to achieve better visibility of trailing traffic from the north.
8. The proposal is not for a new access on to Crooksbury Road. Regardless of the outcome of the appeal the access would continue to be used by vehicles at 44 Crooksbury Road. At one time there was an access on to the unmade track from the garden at 42 Crooksbury Road, but this has been blocked in favour of a front access directly on to Crooksbury Road. Nonetheless, at the time when this was in use there would have been two properties using the unmade track to access Crooksbury Road which is what the current proposal envisages.
9. There are several dwellings in the immediate vicinity with access either directly on to Crooksbury Road or on to the access to the south of the unmade track. The impression from my site visit was that in the absence of a footway alongside the carriageway that visibility from several of these points is less than optimal but not dissimilar to that at the junction of the unmade track. Representations from local residents have referred to 'near misses' involving speeding traffic along Crooksbury Road, but the Personal Injury Accident data

¹ Design Manual for Roads and Bridge (DMRB) and Manual for Streets volume 1 & 2.

submitted shows that there have been no injury accidents that have occurred within the immediate vicinity of the site during the past 7 year period.

10. Paragraph 109 of the National Planning Policy Framework (the Framework) states, "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". The total of vehicle movements on the unmade track associated with one additional dwelling would be low and would not result in a high volume of egress movements at the junction of the unmade track with Crooksbury Road. Whilst acknowledging that visibility at this junction is less than ideal, I do not consider that the impact of the additional turning movements on highway safety would be "severe".
11. Policy FNP30 of the Farnham Neighbourhood Plan (2017) (FNP) relates to the transport impacts of development and lists criteria to be met including (a) "*safely located vehicular and pedestrian access where adequate visibility exists or could be created*". Policy ST1(4) of the Waverley Borough Council Local Plan Part 1 (2018) (WLP) seeks to ensure that development schemes are consistent with and contribute to the implementation of the Surrey Local Transport Plan. Having regard to the site circumstances and to the guidance in the Framework outlined above my findings are that any conflict with Policies FNP30 and ST1(4) would not be so great as to warrant dismissal of the appeal proposal on highway safety grounds.

Special Protection Area

12. The site is located within the 400m-5km buffer zone of both the Thames Basin Heath and Wealden Heaths 1 Special Protection Areas (SPAs). The Council's second refusal reason considers insufficient information has been submitted to enable the carrying out of an Appropriate Assessment in relation to likely adverse effects on the integrity of the SPAs. Subsequent to the refusal of the appeal application, the appellant has submitted an Additional Ecological Summary (AES) to inform an Appropriate Assessment.
13. The AES notes that the SPAs are sites of international importance for regularly supporting numerous pairs of breeding Nightjar, Woodlark and Dartford Warbler, and also notable for kingfisher and wintering hen harriers. Policy NE3 of the WLP requires new residential development which is likely to have a significant adverse effect on the ecological integrity of the SPAs, either alone or in combination with other proposals, to demonstrate that adequate measures are put in place to avoid or mitigate these effects. The AES points out that the site is approximately 4km from both SPAs and therefore within the zone relating to recreational pressure. It contends that as the proposal is for a single additional dwelling located towards the outer edge of the buffer zones that the resultant recreational pressures are likely to be low. Given the separation to the SPAs, the AES considers that there are unlikely to be significant adverse effects in relation to urbanisation, hydrology, atmospheric pollution or light disturbance.
14. Natural England has confirmed that it has no objection to the proposal subject to appropriate mitigation being secured in compliance with the requirements of the Council's Avoidance and Mitigation Strategy for the SPAs. The appellant has submitted a Unilateral Undertaking to provide a financial contribution of £3,939 in accordance with the strategy. This would comprise £3,032 towards a

Suitable Alternative Natural Green Space (SANG) and £907 towards Strategic Access Management and Monitoring (SAMM).

15. Having regard to the AES, I consider that there is now sufficient information to carry out an Appropriate Assessment and my findings are that the likely adverse effects on the integrity of the SPAs from recreational pressures is low. Moreover, noting the comments from Natural England, I am satisfied that the proposal's impacts can be mitigated through measures in the submitted Unilateral Undertaking. This planning obligation would meet the three tests set out in Regulation 122(2) of the Community Infrastructure Regulations (2010) in that it would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposal would thereby be in accordance with WLP Policies NE1 and NE3 and FNP Policies 12 and 13 that require new residential development to provide appropriate mitigation for impacts on the SPAs and to protect and enhance biodiversity.

Other Matters

16. The site has a verdant appearance and setting but is nonetheless within the settlement area for Farnham and the proposal would be in keeping with the character of the adjacent low density residential area. There would be sufficient separation to the nearest dwellings to not adversely affect the living conditions of adjoining occupiers. The house would have a modern design but there are a variety of built styles in the locality and retained boundary screening would limit public views and ensure respect for the Area of Great Landscape Value in which the site is located. The proposal would be in accordance with WLP Policies TD1 and RE3 and FNP Policies 1 and 8 that require development to create an attractive environment that respects the informal rural character and wooded appearance of the area.
17. I have noted the objections to the proposal from local residents and the Farnham Society. Many of the points raised have been addressed above. Some have referred to conflict between vehicles associated with the development and walkers, cyclists, horse riders and other users of the unmade track which is part of the North Downs Way. Given the limited width of the track, that it already acts as a vehicular access and the low number of additional vehicle movements likely to arise, the proposal is unlikely to result in significant conflict with other users of the unmade track. Others have referred to alterations made to the track on land not in the appellant's ownership; this is not a matter for my consideration.

Conclusion

18. For the reasons given and having regard to all other matters raised the appeal is allowed subject to conditions. In addition to a condition relating to the statutory time period for commencement of work, a condition is necessary to list the plan numbers in the interests of certainty and to enable submission of minor material amendment applications should this be necessary.
19. A pre-commencement condition is necessary to approve a construction management plan given the sensitivity of using the unmade track for access as this is shared by other users of the North Downs Way. Given the large number of trees around the site and unmade track, pre-commencement conditions are also necessary to identify those trees to be retained, ensure measures are in

place for their protection during construction and to ensure that the provision of services to the site and drainage arrangements does not unduly impact on retained trees.

20. Conditions are necessary to approve details of the external materials for the buildings and landscape measures for the site to ensure a satisfactory appearance to the development. Details relating to the size, layout and materials to be used for hard surfaced areas at the site need to be approved by conditions to ensure that vehicles can safely enter the unmade track and in the interests of sustainable drainage. Adherence to the recommendations relating to habitat surveys should also be secured by conditions in the interests of biodiversity.
21. The site is relatively flat, and the buildings separated from adjacent dwellings; as such a condition detailing finished floor levels is not necessary in this instance. Neither is a condition requiring details of electric charging arrangements for vehicles necessary to make the proposal acceptable in planning terms.

Rory MacLeod

INSPECTOR

Schedule of 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: 1230/OS-01, 1230/P-01, 1230-P/02, 1230/P-03 and 4935/001/C.
- 3) 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:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management to ensure the safety of users of Public Bridleway No. 186 at all times)
 - v) HGV deliveries and hours of operation;
 - vi) on-site turning for construction vehicles
 - vii) measures to prevent the deposit of materials on the highway;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of any services to be provided or repaired including drains and soakaways, on or to the site, shall have been submitted to and approved by the local planning authority in writing and shall be carried out as shown. This requirement is in addition to any submission under the Building Regulations. Any amendments to the approved details shall be agreed with the local planning authority in writing.
- 5) No development shall take place until cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees shall be submitted and approved in writing by the local planning authority.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning

authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 7) No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the development 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.
- 8) Prior to the occupation of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of all proposed screen walls, or fences, or other means of enclosure. All planting, seeding or turfing comprised in the approved details of landscaping 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.
- 9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 10) Prior to the occupation of the development, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the local planning authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 11) The proposed development shall be carried out in complete accordance with the recommendations set out in Section 8 of the Phase 1 Habitats and Protected Species Survey dated July 2016 and the Bat Roost Potential Evaluation Report dated May 2017, both prepared by ERAs Consultancy.
- 12) The proposed construction works shall be carried out using precautionary working methods for reptiles. Precautionary working methods should follow best ecological practice and should include:
 - (a) Maintenance of the amenity grassland to deter colonisation by reptiles
 - (b) Clearing of logs, brash, stones, rocks or piles of similar debris to be undertaken by hand
 - (c) Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped

(d) Any building materials such as brick, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips similar to containers rather than piles on the ground.

(e) Should any common reptiles be discovered during construction, which are likely to be affected by the development, works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.