



Appeal Decision

Hearing Held on 17 December 2019

Site visit made on 17 December 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/R3650/W/19/3234716

Land at Alfold Garden Centre, Horsham Road, Alfold, Cranleigh GU6 8JE

- 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 Mark Randall of Alfold Real Estates Ltd against the decision of Waverley Borough Council.
 - The application Ref: WA/2018/2264, dated 20 December 2018, was refused by notice dated 9 May 2019.
 - The development proposed is the erection of 56 dwellings including 30% affordable units with associated parking and open space.
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Decision

1. The appeal is allowed and planning permission is granted for 56 dwellings including 30% affordable units with associated parking and open space at land at Alfold Garden Centre, Horsham Road, Alfold, Cranleigh GU6 8JE in accordance with the terms of the application, Ref: WA/2018/2264, dated 20 December 2018, subject to the schedule of conditions to this decision.

Application for costs

2. At the Hearing an application for costs was made by Mr Mark Randall of Alfold Real Estates Ltd against Waverley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Prior to the hearing, the appellants tabled a number of revised plans. These included drawing nos, 1807_152 Rev 01 Proposed site roof floor plan; 1807_204 Rev01 Proposed 3b HA House (Type E); 1807_205 Rev01 Proposed Plan & Elevations – House Type F1; 1807_206 Rev01 Proposed Plan & Elevations – House Type F3; 1807_207 Rev01 Proposed 3B House (Type F-3); 1807_161 First Floor Level SE Corner – Privacy & Overlooking Mitigation; 1807_162 First Floor Level NE Corner – Privacy & Overlooking Mitigation; 1807_163 First Floor Level SW Corner – Privacy & Overlooking Mitigation; 1807_164 First Floor Level NW Corner – Privacy & Overlooking Mitigation; 1807_151 Rev 01 Proposed Site First Floor Plan. A number of revised documents had also been provided to and accepted by the Council following their consideration of the planning application. These included documents titled Appendix B Summary of criteria for local and neighbourhood play area; Appendix 18 Acoustic Assessment; Appendix 19 Air Quality Assessment; Appendix 33 Plot 43 FFL+56.050 (Handed). I am satisfied that the resultant changes, which principally relate to a number of windows being obscure glazed

and the removal of the rooflight and end window to storage space within the F-type dwellings to ensure that they remain as three-bed dwellings, are not substantial and do not materially alter the scale or nature of the development proposed, neither is the description of the development affected by them. As such, I am satisfied that no party's case in the appeal would be prejudiced by my consideration of the revised plans and documents, which also formed part of the discussion at the hearing.

4. The original application was refused for six reasons. In light of the revised plans and documents, prior to the hearing the Council confirmed it would not defend reasons for refusal numbers 3 and 5 relating to the proposed mix of market housing and the living conditions of future occupiers of the proposed dwellings and the existing and future occupiers of Medland House.
5. The Council were also minded not to defend reason for refusal no.4 which concerned the adequate provision of space within the site for play and recreation. The appellant provided plan no 1807_171 Rev 1 'Village Green – Identifying capacity to accommodate a 'LAP' and a 'LEAP'. This demonstrates that a Local Equipped Area of Play (LEAP) and a Local Area for Play (LAP) could both be accommodated onsite. However, whilst the appellant confirmed a willingness to provide both LEAP and LAP, it is the appellants preference to provide only a Local Landscaped Area for Play (LLAP) as identified on plan 1807-172 Village Green – Identifying capacity to accommodate a LLAP (Local Landscaped Area for play – Fields in Trust). The Council are not agreeable to the sole provision of a LLAP and accordingly it confirmed at the hearing that it would defend this reason for refusal.
6. The Council are in the process of replacing the Waverley Borough Local Plan (2002)(LP) with the Waverley Borough Local Plan Part 2: Sites Allocations and Development Management Policies. It was anticipated that Pre-Submission Consultation would be undertaken in Autumn 2019, however, the Council confirmed that this had been delayed. Alfold is designated as a Neighbourhood Plan area. The Parish Council are in the process of preparing the Alfold Neighbourhood Plan (ANP), however, I am advised that preparation of the ANP is at a very early stage and that no draft has yet been submitted to the Council. Within the statement of common ground the main parties agreed that these emerging plans are at an early stage of preparation and therefore carry only very limited weight in the determination of this appeal. Having regard to the Planning Practice Guidance, I agree with the conclusions of the main parties as to the weight to be afforded to these emerging plans.
7. A completed planning obligation in the form of a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) was submitted in draft form at the hearing. Consequently, the hearing was adjourned to allow the appellant to obtain a fully attested and executed planning obligation. The hearing was subsequently closed in writing on the 23 December 2019. Subsequently, the appellant provided a revised UU dated 5 February 2020 to remedy an omission of the definition of 'open space'. I deal with the provisions of the planning obligation below.
8. There is an extant outline permission¹ (the extant permission) for matters of access and layout, granted in February 2018 for 10 dwellings, including 2 affordable dwellings, together with associated access works following

¹ Planning Ref: WA/2016/0114

demolition of the existing garden centre buildings and associated works. I shall have regard to this matter below.

Main Issues

9. The main issues are:-

- i) the effect of the proposed development on the character and appearance of the surrounding area;
- ii) whether the Borough of Waverley has an adequate supply of land for housing;
- iii) whether the appeal site is a suitable location for the proposed development having regard to the settlement strategy;
- iv) whether the appeal site is a suitable location for the proposed development having regard to the accessibility of services and facilities;
- v) whether the proposed development makes adequate provision for play and recreation space.

Reasons

Character and appearance

- 10. The appeal site lies outside of the settlement boundary and is therefore designated as countryside beyond the green belt. It has no national or local landscape designation and is not considered a valued landscape under the National Planning Policy Framework (the Framework). Policy RE1 of the Waverley Borough Local Plan Part 1 – Strategic Policies and Sites (2018)(LPP1) states that in this area the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the Framework.
- 11. The appeal site comprises a large, irregular shaped and relatively flat parcel of land. Presently, it is a mix of dilapidated buildings, canopies, polytunnels and areas of hardstanding and gravel together with areas of rough grassland. Whilst part of the boundary to the former parking area to the rear of the petrol station is relatively open, the majority of the appeal site is contained by mature tree and vegetation belts, rear gardens to nearby dwellings and the petrol filling station.
- 12. As a consequence, the appeal site is relatively well enclosed and secluded from the farmland and countryside that lies beyond it. The former paddock towards the northeast corner is more rural in character. However, this is concealed by the existing close boarded fencing and as such is not readily visible from the highway. Moreover, the redundant buildings, dilapidated structures and car parking areas associated with the former garden centre use divide this area from the wider countryside that lies beyond the appeal site. Given the physical characteristics of the site, I find that it is not an intrinsically open or undeveloped parcel of land. As such, I consider that the appeal site makes a modest contribution to the rural character of the surrounding area.
- 13. The existing bell mouth access adjoining Horsham Road would be retained although reduced in size and improved as part of the proposal. It is flanked to each side by existing built form, a petrol filling station and Medland House. Medland House is a relatively large detached two storey dwelling with a

sizeable enclosed rear and side garden. When viewed from the highway, the proposal would be relatively obscured by the existing built form and vegetation. Any partial views would be seen as a backdrop to the existing built environs and as such would not appear out of keeping with the semi-rural edge of village character. Notwithstanding the presence of vegetation and a line of Poplar trees at the northeast corner, the proposed dwellings would be visible, albeit seen in the context of filling an existing gap between the dwellings of Hatch Close and the garden curtilage of Medland House.

14. Generally, dwellings along Horsham Road are set within spacious plots and follow a linear pattern of development. However, development becomes less sporadic at the point of the appeal site. It also adjoins and is in close proximity to the cul-de-sac layouts of Hatch Close and Stone Hatch. Given the inward-looking character of nearby cul-de-sac developments which consist of a more densely positioned layout, the proposed dwellings would relate more closely to this denser pattern of development than the prevailing linear pattern within the wider area. When seen from the road, the appeal site is viewed in the context of other dwellings' and the proposal would not appear out of context with the neighbouring pattern and quantum of development.
15. The Council alleges that the proposal amounts to a cramped and contrived overdeveloped scheme. I do not share this view. The layout of dwellings at the entrance roughly follows the existing hard boundaries and building line of the former garden centre and projects no closer to the highway. Albeit the gable end to plot 43 would present towards the highway, it is partially set back behind the boundary of Medland House and as such any impact is reduced. The relatively wide entrance way leading on to the area of open space would provide an attractive sense of place, accessible by a number of footways shown on the plans. Albeit bounded to all sides by highway, this is often a common arrangement with village green areas of open space. Furthermore, I am not persuaded that the layout would be used as a roundabout. The route in front of plot Nos 50-56 would be no shorter nor anymore convenient than the main estate roads.
16. Notwithstanding the above, the proposal would introduce dwellings with ridge heights in the region of 9.84 metres. These would appear significantly taller and a greater density than the existing buildings and structures. As such, the proposed dwellings would be perceived as prominent features when viewed from the wider countryside and neighbouring dwellings, albeit this would be limited to glimpses through trees and vegetation. Visibility would be greater during winter months when foliage is less dense. Consequently, the proposed scheme would have a significantly greater visual impact than the former garden centre.
17. As a consequence, the proposal would inevitably lead to a significant urbanisation of this area of land when viewed from the south and south west. I am mindful that part of the appeal site that adjoins open farmland to the south has the benefit of an extant permission for 10 dwellings. However, the appellant confirmed at the hearing that the approved scheme was unlikely to be brought forward due to viability issues and as such I do not find this represents a valid fall-back position.
18. Taking everything into account, I find that the proposal would tidy up a presently unattractive area of land. The proposal would not intrude beyond the

existing boundary to the former garden centre. Nevertheless, the introduction of a substantial number of dwellings together with garages, parking areas and domestic paraphernalia would have a significant urbanising effect and would be viewed as an encroachment and an unacceptable intrusion into the wider countryside when viewed from the south and south-east.

19. As such, I find that the proposal would be materially harmful to the character and appearance of the countryside and surrounding area. Thus, the proposal fails to accord with LPP1 Policies SP2, RE1 and TD1 and Policies D1 and D4 of the Waverley Borough Local Plan (2002)(LP) insofar as these policies require developments to be of high quality design, well related in size, scale and character to its surroundings and safeguard the intrinsic character and beauty of the countryside. The proposal would also fail to comply with the Framework insofar as it requires development to contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside.

Supply of land for housing

20. As per the statement of common ground, it is the Council's case that it can demonstrate a five-year supply of housing equivalent to 5.19 years. This figure is based on the updated housing land supply position statement dated 19 September 2019, however, the figure is adjusted to take account of errors and double counting. The appellant disputes this and has drawn to my attention two recent appeal decisions². In those instances, the respective Inspector's each considered the Council's five-year housing land supply position and concluded that it was inadequate.
21. With particular regard to the most recent of these appeal cases at Windacres Farm³, the Inspector concluded that the projected supply stood at 4,297 dwellings which equated to a housing land supply of 3.9 years.
22. At the hearing, the Council advised of the up to date position for a number of schemes since the Windacres appeal decision. For the Land at West Cranleigh Nurseries and North of Knowle Park, for 224 dwellings, a reserved matters application relating to the Country Park element had been submitted after the Windacres appeal. I was advised at the hearing that this was likely to be approved. However, no reserved matters application relating to the dwellings has yet been submitted, nor is the timeframe for submitting it known to the Council. As such, I find there is no clear evidence before me that there is a realistic prospect or clear evidence that the remaining 151 dwellings would be delivered within 5 years.
23. The land opposite Milford Golf Course has an outline permission for 200 dwellings. The Council and developer have entered into a Planning Performance Agreement (PPA), dated 30 September 2019. There is little corroborative evidence from the site's current developer before me as to when the reserved matters application will be brought forward. Furthermore, there is nothing to indicate that issues concerning the restrictive covenant have been resolved. I accept that this particular issue will not prevent the Council's ability to consider the reserved matters application, however, it presents as a constraint to the

² APP/R3650/W/19/3227970 Land to the South of Cox Green Road, Rudgwick and APP/R3650/W/19/3230164 Land at Windacres Farm, Rudgwick

³ APP/R3650/W/19/3230164 Land at Windacres Farm, Rudgwick

proposed development. Taking everything into account, I am not persuaded that the figure of 130 units should be increased.

24. Dunsfold Park is a strategic allocation for 2,600 dwellings, with an outline permission for 1800 dwellings. The Council and developer have been working towards a PPA, however, this remains in draft form and is yet to be signed. The Council were unable to provide any indication as to when a reserved matters application would be forthcoming. Accordingly, I concur with the previous Inspector's findings and I am not persuaded to increase the number of units which are deemed to be deliverable within the five-year period.
25. Moreover, I am advised that schemes at Woodside Park, for 100 units and Haslemere Preparatory School, for 19 units have both been recently refused.
26. I accept that the circumstances above do not mean that it is impossible for these sites to contribute to housing land supply. However, it is a requirement of the Framework that for a site to be included within the supply figure it must be 'deliverable' as set out within the Framework's glossary and further clarified by the Planning Practice Guidance. As such, sites for more than minor development can only be considered deliverable where there is clear evidence that housing completions will be achieved within the relevant 5-year period.
27. Overall, I have taken into account the Council's additional evidence which was not available to the previous Inspectors in relation to the appeals at Cox Green Road and Windacres. However, on the basis of what has been provided to me, I am unable to conclude for those sites mentioned above that there is clear evidence and a realistic prospect of housing being delivered within 5 years over and above that previously deemed deliverable. As such, I conclude that the projected supply for the Borough is in or around 4297 dwellings and thus the 5-year housing land supply is around 3.9 years.
28. I note that the Housing Delivery Test:2019 measurement was released on the 13 February 2020. However, as my conclusions in relation to the deliverable supply falls short of the housing requirement before any buffer is applied, this matter does not alter my conclusions above.

Settlement strategy

29. The development plan for the area comprises the Waverley Borough Local Plan Part 1 – Strategic Policies and Sites (LPP1) which was adopted in February 2018 together with retained policies of the Waverley Borough Local Plan (2002)(LP). LPP1 Policy SP2 sets out the Council's spatial strategy for the district in order to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner. It seeks to focus the majority of development within four main settlements, with moderate and limited levels of development directed at second and third tier villages.
30. Alfold falls to be considered as an 'other village' within the third tier of the settlement hierarchy. This positively worded policy is permissive of limited levels of development in and around 'other villages'. The appeal site is outside of the settlement boundary, albeit adjacent to it, in an area known as Alfold Crossways. The policy goes on to recognise that those villages not within the Surrey Hills AONB or Green Belt offer more scope for growth. The appeal site does not lie within either of these areas but is considered to be countryside beyond the green belt.

31. LPP1 Policy SP2 does not define 'limited growth'. However, LPP1 Policy ALH1 distributes the amount and location of housing, identifying that at least 11,210 net additional homes are required. Additionally, it indicates that within the plan period 2013 to 2032 the parish of Alfold is required to accommodate a minimum number of 125 new homes. Whilst the policy does not establish a ceiling on the number of new dwellings to be accommodated, I accept that it does not allow for unlimited development. Development materially in excess of the figures would distort the spatial strategy, thus resulting in disproportionate development at an inappropriate level of the settlement hierarchy.
32. The proposal would introduce 56 dwellings, including a number of affordable units. It is the Council's position that the figure for net additional homes stands at 112 new dwellings. However, this figure includes 10 dwellings permitted by the extant permission, which I agree should not be counted twice, together with a dwelling at Cherry Cottage which the Council agreed at the hearing fell outside of the parish of Alfold. Accordingly, this figure reduces to 101 dwellings. Whilst there is disagreement between the parties as to whether this figure should be further reduced by the exclusion of additional dwellings from other sites, even if I were minded to accept the Council's position, if permission were to be forthcoming for this development, it would increase the figure to 157 dwellings. As such, this would amount to 32 dwellings over the minimum threshold set for Alfold.
33. In terms of what constitutes 'limited development', I am mindful that within Alfold, a development of 55 dwellings, including 22 affordable homes has commenced at Sweeter's Copse. To my mind, this figure is commensurate with the number of dwellings proposed within the appeal scheme.
34. I do not consider that an additional 32 dwellings over and above the minimum threshold of 125 new dwellings for Alfold would be at such a level as to compromise the policy of spatial strategy. This follows the recent appeal decision at Firethorn Farm⁴. Accordingly, I find that the proposal would amount to a limited level of development.
35. I am mindful that there are a number of years left within the plan period and that early satisfaction may restrict opportunities for future development over the remainder of the plan period. However, to my mind the broader spatial strategy and policies enable flexibility and sufficient capacity within the settlement hierarchy such that future growth would not be impeded. Accordingly, I do not find that the strategy or policy would be undermined.
36. It therefore follows that the proposal would fall within the type and scale of development that LPP1 Policy SP2 permits and it would broadly accord with the provisions of LPP1 Policy SP2 and Policy ALH1, the requirements of which are set out above.

Accessibility of Services and facilities

37. For the purposes of LPP1 Policy SP2 Alfold is considered as a 'Rural Community with very limited services'.
38. Alfold Crossways contains a petrol filling station, next to the appeal site, which incorporates a convenience store, café and cash point that operate relatively extensive hours. In addition, there are a small number of restaurant/public

⁴ APP/R3650/W/18/3203951

houses, a sports and social club, a recreation ground with equipped play area and a golf and country club. An Independent Special School is also located within Alfold Crossways. Within Alfold, there are a number of places of worship, a veterinary surgery and a village shop which is inclusive of a post office. Given the distances involved, the furthest being approximately 1.2 miles away, and the availability of a footpath from the appeal site, I do not find that the distance involved in accessing these services and facilities would be unreasonable.

39. However, in order to access employment, education, health and recreation opportunities, future residents of the proposed dwellings would need to travel further afield, for instance, a number of primary and secondary schools are available within Cranleigh, approximately 5 miles away.
40. I am advised of the availability of a bus service, which the Council described at the hearing as being 'infrequent'. However, evidence suggested that one service operated roughly hourly, albeit the last bus to depart from Guildford was around 17:30hrs, which would not be suitable to individuals working a shift pattern. I am mindful that the bus service was described as busy and often being 'at capacity' and this taken together with an infrequent service with limited hours of operation may dissuade the use of the bus service for some users, however, some day to day trips would be capable by sustainable means.
41. It is the Council's case that the proposed development in conjunction with developments at other locations within Alfold would put undue strain on the existing limited facilities, such as the bus service described above. I accept that there would be increased use of the services and facilities by the proposed occupants of the dwellings, however, the Framework suggests that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and recognises that development in smaller settlements may support services in a village nearby. As such, taking into account the aims of the Framework together with the level of growth allocated for Alfold, which is not significantly exceeded by the proposal, I am not persuaded that the proposal would overstretch the existing services and facilities to the detriment of existing residents of Alfold.
42. Although I am told that the development at Dunsfold aerodrome would be likely to lead to an improved bus service operating at half hourly intervals that would pass in close proximity to the appeal site, there is limited evidence before me as to when this service will be brought into use and therefore I attach only very negligible weight to this matter in favour of the proposal.
43. The Framework recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Albeit future residents would be likely to depend on a private motor vehicle to reach some essential day to day services and facilities in nearby larger settlements, there would at least be some choice to use accessible modes of transport to access local services and facilities. Whilst a large proportion of trips from the proposed development would be likely to be by private car, I am mindful that there would have been a number of vehicular trips generated from the use of the garden centre when it was in operation and that such a position could be reinstated if the use of the garden centre were to be resurrected.
44. Accordingly, taking everything into account, I find that the proposal would not significantly undermine the aims of LPP1 Policies SP1 and SP2 and LP Policy D1

insofar as these policies seek to direct new development towards sustainable locations to avoid undue reliance on the private motor vehicle. In addition, the proposal would broadly accord with paragraphs 77 and 78 of the Framework insofar as these require housing to be located where it will enhance or maintain the vitality of rural communities and reflect local needs.

Whether the proposed development makes adequate provision for play and recreation space

45. LPP1 Policy LRC1 requires new development to make provision for play space in accordance with the Fields in Trust standard, which for a development of this size expects a LAP and a LEAP to be provided. It is common ground that the open space within the appeal site would be capable of accommodating a LEAP and a LAP.
46. However, it is the appellant's preference to provide a LLAP which would be simply treated given the rural location of the appeal site. The appellant advised that it would be a more open and flexible space which would be capable of including features such as benches, mounds of earth and natural features such as logs and boulders to encourage creative play and imagination.
47. Reference was made to an email from Fields in Trust (Appendix 16), which I have had regard to. However, rather than providing justification for the sole provision of a LLAP, the author confirms that the category of LLAP was not included in their most recent guidance. It goes on to state that a LEAP can be designed as a landscaped area for play.
48. I am mindful that the scheme has support from Design for Homes (DFH). DFH comment that good practice is moving away from the idea of a single dedicated play area. Notwithstanding this, the requirement of the development plan is clear in requiring the provision of a LAP and a LEAP and given that there is little detailed information before me as to the precise content of the LLAP save for the illustrative Landscape Masterplan, I find that the provision of a LLAP would not provide sufficient space for play and recreation. Thus, the proposal would be harmful to the amenities of future occupants of the proposed dwellings if it were to merely provide a LLAP. In such circumstances, the proposal would fail to accord with LPP1 Policy LRC1 insofar as this policy encourages the provision of new open space and recreation facilities that accord with the Fields in Trust standards. In addition, the sole provision of a LLAP would conflict with the aims of the Framework to provide healthy communities with high quality open spaces and opportunities for sport and recreation to make an important contribution to the health and well-being of communities.

Other Matters

49. There remains a difference of position between the parties as to whether the site constitutes, in its entirety, Previously Developed Land (PDL). The Council acknowledges that part of the site is PDL. This is evidenced by the extant permission, which covers the southern part of the site containing the majority of the buildings associated with the former garden centre. It is the Council's case that the remainder of the site does not constitute brownfield land. However, even if I were to concur with the Council, the spatial strategy within LPP1 Policy SP2 is not limited to PDL and as such my findings in relation to that matter would not be altered if the site were to be, or were not, PDL.

50. At the hearing the Council introduced an additional reason for refusing the proposal, specifically that it was not satisfied with the location of the affordable housing units. Affordable dwellings would be concentrated within one area to the rear of the petrol filling station, rather than more sporadically placed throughout the site. It is the Council's case that the proposed layout would preclude a mixed community and thus would be contrary to LPP1 Policy TD1. This policy requires development to be of a high quality and inclusive design that creates a safe and attractive environment that meet the needs of future occupants of the affordable housing units.
51. I have taken into account that the affordable dwellings would be largely similar in terms of scale, proportions and materials as the market housing units, with adequate sized rear gardens. Future occupants would have access and use of the play and recreation space and notwithstanding their proposed position to the rear of the petrol filling station, there is an absence of any adverse noise or air quality impact. The proposed boundary treatment would further improve any visual impact and provide an acoustic screen. As such, in the absence of any specific policy provision which precludes the siting of the affordable housing units in the manner proposed, I find that the proposal maximises opportunities to improve the quality of life and health and well-being of future residents. Overall, I find no conflict with LPP1 Policy TD1, the requirements of which are set out above.

Planning Obligation

52. A completed signed unilateral undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 23 December 2019 was provided before the close of the hearing. By reason of an omission of the definition of 'open space' a replacement obligation was provided after the close of the hearing. I allowed the Council to comment on the inclusion of the additional definition within the replacement UU.
53. The UU secures the provision of 17 affordable housing units to be provided as affordable, as a mix of affordable rent and shared ownership. This accords with the policy requirement of LPP1 Policy ANH1 for a minimum provision of 30% affordable housing.
54. The proposal identifies an area of open space, to include a LAP and a LEAP, or, as an alternative, a LLAP, and the UU secures its ongoing management. In addition, the UU provides for the management of the estate roads in addition to a Sustainable Urban Drainage System strategy and management plan.
55. In my view, the obligations provided would comply with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. I therefore take account of these obligations in my decision.

Planning Balance

56. An absence of a 5-year housing land supply triggers paragraph 11(d) of the Framework. As such, the Framework dictates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

57. I have concluded that the proposed development would broadly accord with the Council's spatial strategy and not significantly undermine the aims of the development plan which seeks to avoid undue reliance on the private motor vehicle. The provision of a LLAP would not provide sufficient space for play and recreation and would therefore be harmful to the amenities of future occupants. However, at the hearing the appellant confirmed a willingness to provide a LEAP and a LAP if a LLAP were found to be inadequate. As such, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
58. In terms of benefits, given my finding that the Council can only demonstrate a housing land supply of 3.9 years, the contribution of 56 dwellings, including 17 affordable housing units, weighs significantly in favour of the proposal. The additional housing would support the vitality of Alfold and the surrounding rural communities through spending within the local economy and its support for services and facilities and is a matter that weighs significantly in favour of the proposal. Costs and jobs associated with the construction of the dwellings would be for a temporary period and therefore are a modest benefit of the proposal.
59. In terms of adverse impacts, the proposal would have a moderate negative effect on the character and appearance of the area. This harm would conflict with the environmental objective of sustainable development, however, in my view, it would be insufficient to outweigh the scheme's benefits when assessed against the Framework when read as a whole. The proposal would therefore amount to sustainable development in the terms of the Framework and LPP1 Policy SP1 which sets out the presumption in favour of sustainable development in line with the Framework. The Framework is a material consideration and in the circumstances of this appeal, the other material considerations justify making a decision otherwise than in accordance with the development plan.

Overall Conclusion and Conditions

60. A draft list of conditions was provided by the Council and discussed at the hearing. I have considered these against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency or clarity and added others. Where new conditions have been added or appear as pre-commencement conditions, I have sought the comments of the parties.
61. I have added the standard time condition relating to the commencement of development. A condition specifying the plans is necessary as it provides clarity.
62. Conditions requiring the agreement and verification of a SuDS are necessary to ensure adequate drainage of the site.
63. I have imposed a condition specifying external materials in order to safeguard the character and appearance of the area. Conditions relating to facilities for refuse and recycling collection and finished building floor levels are necessary to safeguard the surrounding landscape character.
64. Contamination conditions are necessary to safeguard the interests of the environment and public safety. Furthermore, in the interests of ecology and

biodiversity, conditions are required to restrict the clearance of vegetation, provide a sensitive lighting management plan and ensure supervision of the development by a suitably qualified ecologist.

65. To encourage more sustainable modes of transport, conditions are required to ensure the provision of sustainable travel information packs, cycle storage, electric vehicle charging points and pedestrian links. So that the development efficiently uses energy and resources, I have imposed conditions about a water use target.
66. To ensure a satisfactory level of living conditions for future occupiers of the dwellings, conditions are required restricting certain permitted development rights. To protect the living conditions of neighbouring occupiers, a condition restricting construction, demolition and delivery working hours is necessary.
67. To ensure adequate play provision is incorporated into the proposal, a condition is necessary relating to the Local Area of Play and Locally Equipped Area of Play.
68. Approval of a landscape environmental management plan and a tree protection plan is required to ensure no harm to trees and ecology nor the environment.
69. Given the nature and location of the proposed development, I have imposed pre-commencement conditions to secure a Construction Transport Management Plan in the interests of neighbouring residents living conditions and the safety and free flow of pedestrian and vehicular traffic on the highway. Conditions concerning the construction of the access and pedestrian footway and the provision of parking and turning space is needed in the interest of highway safety and the free flow of traffic.

Overall Conclusion

70. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed subject to the schedule of conditions.

E Brownless

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Carl Gulland	Architect, John Pardey Architects
Gillian Hanson	Planit Consultancy
Graeme Keen QC	Landmark Chambers
Joanna Lee	Peter Brett Associates
Mark Randall	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jessica Robinson	Senior Planning Officer
Kathryn Pearson	Area Team Leader Planning

INTERESTED PERSONS:

Kevin Deanus	Alfold Borough Councillor
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification of appeal dated 10 October 2019
- 2 Notification of hearing dated 19 November 2019
- 3 Notification of amended plans/documents dated 26 November 2019
- 4 Notification no longer able to comment on amended plans/documents dated 28 November 2019
- 5 Appellant's Costs Application dated 16 December 2019
- 6 Appellant's Unilateral Undertaking undated
- 7 Planning Performance Agreement dated 30 September 2019

PLANS SUBMITTED AT THE HEARING

- A 1807_151 Rev 01 Proposed Site Plan – First Floor Level
- B 1807_152 Rev 01 Proposed Site Plan – Roof Level
- C 1807_161 First Floor Level – South Est Corner – Privacy and Overlooking Mitigation
- D 1807_162 First Floor Level – North East Corner – Privacy and Overlooking Mitigation

- E 1807_163 First Floor Level – South West Corner – Privacy and Overlooking Mitigation
- F 1807_164 First Floor Level – North West Corner – Privacy and Overlooking Mitigation
- G 1807_204 Rev01 Proposed 3B.HA House (Type E)
- H 1807_205 Rev01 Proposed Plan & Elevations – House Type F1
- I 1807_206 Rev01 Proposed Plan & Elevations – House Type F3
- J 1807_207 Rev01 Proposed 3B House (Type F-3)
- K 1807_171 Village Green – identifying capacity to accommodate a ‘Lap’ and a ‘Leap’

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: 1807_100; 1807_101; 1807_150; 1807_151 Rev1; 1807_152 Rev 1; 1807_161; 1807_162; 1807_163; 1807_164; 1807_171 Rev1; 1807_200; 1807_201; 1807_202; 1807_203; 1807_204 Rev1; 1807_205 Rev1; 1807_206 Rev1; 1807_207 Rev1; 1807_208; 1807_209; 1807_210; 1807_211; 1807_250; 1807251; 1807_300; 1807_301; 1807-302; 1807_303; 2809-LA-02 RevP1; 2809-LA-03 RevP1; 2809-LA-04 Rev P1; 2809-LA-05 Rev P1; 2809-LA-06 RevP1; 2809-LA-07 RevP1; IDL/927/07/100-02; IDL/927/07/101; TPP1 RevA; TPP2 RevA; 662062-10-03; IDL/927/DS Addendum /001; IDL/927/07/100/1/A; IDL/927/07/102; IDL/927/05/001; 1807_805; 1807_806; 1807_804; 1807_800; 1807_801; 1807_802.
- 3) Notwithstanding condition 2 no above ground works shall take place until the following details shall have been submitted to and approved in writing by the local planning authority:-
 - i) samples or specification of all external materials and surface finishes (including roads, paths and boundary treatments/walls; and
 - ii) samples of all exterior finishing materials of the dwellings, garages or other structures hereby permitted; and
 - iii) specifications of window frames and finish.Development shall be carried out in accordance with the approved details.
- 4) No machinery or plant shall be operated, no demolition or construction carried out and no deliveries taken or dispatched from the site except during the following hours:

08:00 -17:30 Mondays to Fridays

09:00 – 13:00 Saturdays

Not at any time on Sundays, Bank or Public Holidays
- 5) No site or vegetation clearance shall be undertaken during the bird breeding/nesting season during March to August inclusive.
- 6) Prior to the commencement of development details of a sensitive lighting management plan shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP) including the following details, shall be submitted to and approved in writing by the local planning authority:-
 - i) description and evaluation of features to be managed and created including measures to compensate for loss of trees and hedgerow;
 - ii) numbers and location of bat and bird boxes, including provision integral to the design of the new buildings;

- iii) aims and objectives of management;
- iv) appropriate management options to achieve aims and objectives;
- v) prescriptions for management actions;
- vi) preparation of a work schedule for securing biodiversity enhancements in perpetuity;
- vii) details of the body or organisation responsible for implementation of the LEMP
- viii) ongoing monitoring and remedial measures.

The landscape environmental management plan shall be carried out as approved.

- 8) No dwelling shall be occupied until the off-site highway improvements works shall have been constructed in accordance with a scheme submitted to and approved in writing by the Highway Authority, such details to include:-
- i) widening of the existing pedestrian footway on the south side of Horsham Road to 2.0 metres between the northern pedestrian site access and the petrol station.
 - ii) improvements to the gateway feature on Horsham Road located to the east of the petrol station, comprising carriageway speed roundels, high friction surfacing and raised countdown markings leading up to the change in speed limit.
- 9) No dwelling shall be occupied until the modified vehicular and pedestrian access to Horsham Road has been constructed and provided with visibility splays in accordance with the approved plans. The visibility splays shall be retained thereafter and kept free of any obstruction between 0.6 metres and 2.0 metres above ground level.
- 10) No dwelling shall be occupied 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 and that space shall thereafter be kept available at all times for those purposes.
- 11) No development shall take place, including any works of demolition, until a Construction Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan 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);
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities or other such measures to prevent the deposit of materials on the highway;

The approved Construction Transport Management Plan shall be adhered to throughout the construction period for the development.

- 12) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and that space shall thereafter be kept available for the parking of bicycles.
- 13) No dwelling shall be occupied until a Sustainable Travel Information Pack to promote sustainable travel by future occupiers of the development shall have been submitted to and approved in writing by the local planning authority. Prior to first occupation of a dwelling each first time occupier shall be provided with the approved Sustainable Travel Information Pack.
- 14) No development above ground floor slab level shall take place until a scheme to secure water efficient design measures as set out in Policy CC2 of the Waverley Local Plan Part 1 (2018) to limit water consumption to 110 litres per person per shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and thereafter retained in operation.
- 15) No development above ground floor slab level shall take place until a details of the electric vehicle fast charge sockets for each dwelling shall have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first occupation of each dwelling and thereafter retained in operation.
- 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 development as defined in Part 1 of Schedule 2 , Classes A, B, C, E and F and Part 2 of Schedule 2, Class A and B shall be implemented on the site, in regard to any dwelling, without the written permission of the local planning authority.
- 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 windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevation or rear elevation of any dwelling.
- 18) No development shall commence, including any groundwork preparation or remediation, until a detailed Tree Protection Plan (TPP) and related Arboricultural Method Statement have been submitted to and approved in writing by the local planning authority. These shall include details of the specification and location of exclusion fencing, ground protection, and any development activity which may take place within the Root Protection Area of trees shown to scale on the TPP. All works shall be carried out in strict accordance with the approved TPP and Arboricultural Method Statement.
- 19) No development shall take place until full details, including cross-sections showing the proposed finished ground levels of the site and ground levels of the buildings hereby permitted, along with surface materials including sub-base and depth of construction and methods/materials used for

edging, within protected zones around retained trees have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 20) No development shall take place until full details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 21) No development shall commence until details of a scheme for landscaping and replacement tree planting of the site, including the retention of existing landscape features, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i) details of hard and soft landscaping;
 - ii) planting plans;
 - iii) written specifications (including cultivation and other operations associated with tree, shrub and hedge or grass establishment)
 - iv) schedules of plants, noting species, plant sizes and proposed numbers/densities; and
 - v) implementation programme.

The hard and soft landscaping work shall be carried out in accordance with the approved details prior to the first occupation of the dwellings or in accordance with a programme agreed in writing by the local planning authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837.

Trees in relation to construction. Any trees, shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees and shrubs of the same size and species.

- 22) No dwelling shall be occupied until space has been laid out within the site for a Local Area of Play (LAP) and Locally Equipped Area of Play (LEAP) in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The details shall include scaled drawings, play equipment specifications, any means of enclosure and a timescale for implementing the LAP and LEAP. Development shall be carried out in accordance with the approved details and thereafter be kept available for play opportunities.
- 23) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The details of a scheme shall include:
- i) a design that satisfies the SuDS Hierarchy and compliance with national Non-Statutory Technical Standards for SuDS;
 - ii) the results of infiltration testing completed in accordance with BRE Digest:365 and confirmation of groundwater levels;
 - iii) evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+20% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development (pre, post and during) associated discharge rates and

- storage volumes shall be provided using a maximum discharge rate of 6.1l/s for the 1 in 1 year rainfall event, 10.8l/s for the 1 in 30 year rainfall event and 15.3l/s for the 1 in 100 (+20%) year rainfall event. Sensitivity testing to be undertaken to ensure no properties will flood during a 1 in 100 (+40%) year rainfall event;
- iv) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers);
 - v) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.;
 - vi) details of drainage management responsibilities and maintenance regimes for the drainage system;
 - vii) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 24) No dwelling shall be occupied until a verification report carried out by a qualified drainage engineer shall have been carried out and submitted to and approved in writing by the local planning authority. The report shall demonstrate that the drainage system has been constructed in accordance with the agreed details (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 25) The development hereby permitted shall be carried out in accordance with Appendix C 'Method Statement: Herpetofauna' of the Preliminary Ecological Appraisal report under the watch of a suitably qualified ecologist.
- 26) Prior to the first occupation of the dwellings the following bins are to be provided and in place at each dwelling:
- 1x 240 litre black refuse bin;
 - 1x 240 litre blue recycling bin;
 - 1x 240 litre brown garden waste bin;
 - 1x 23 litre kerbside food waste caddy;
 - 1x 7 litre kitchen food waste caddy.
- 27) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, 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), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters; and
 - ecological systems.
- 28) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied. The local planning authority shall be given two weeks advance notice in writing of the commencement of the remediation scheme works.
- 29) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.