



Appeal Decision

Site visit made on 20 January 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R3650/W/19/3241010

Stables at Dockenfield Farm, Pitt Lane, Frensham, Surrey GU10 3EF

- 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 Marshall Eaton Developments against the decision of Waverley Borough Council.
 - The application Ref WA/2019/0954, dated 7 June 2019, was refused by notice dated 30 August 2019.
 - The development proposed is described as *'the erection of four dwellings with associated parking and amenity space following demolition of existing stables and storage barn'*.
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Decision

1. The appeal is allowed and planning permission granted for the erection of four dwellings with associated parking and amenity space following demolition of existing stables at Stables at Dockenfield Farm, Pitt Lane, Frensham, Surrey GU10 3EF, in accordance with the terms of the application Ref WA/2019/0954, dated 7 June 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken the description of development in the banner heading above from the planning application form, which refers to the demolition of the 'storage barn'. However, during the course of the appeal the Council and the appellant agreed that there was an error in the description of the development on the planning application form and that this error was carried forward to the Council's refusal notice. It is evident from the plans submitted with the application that the 'storage barn' would be retained. Furthermore, it is evident from the Council's officer report that the application was determined on the basis that the 'storage barn' would be retained. I have therefore considered the appeal on this basis. Accordingly, in my decision, I have amended the description of development by omitting the 'storage barn'.

Background and Main Issue

3. Since the application was determined and the appeal lodged, the Council has confirmed that on the basis of the updated consultation response from Surrey Wildlife Trust, following the submission of additional information by the appellant at the appeal stage in regard to the effect of the development on protected species (bats), the second reason for refusal would no longer stand. However, this would be subject to a condition requiring precautionary working methods and sensitive lighting. Based on the evidence before me, I share the view of the Council that the previously raised concern in regard to protected

species has now been overcome. Therefore, I am satisfied that the proposal would not conflict with the nature conservation aims of Policy NE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (LP) and chapter 15 of the National Planning Policy Framework (the Framework).

4. In the context of the above, the main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within an Area of Great Landscape Value.

Reasons

5. The appeal site comprises two stable buildings and associated land positioned within the western part of the wider Dockenfield Farm on the north side of The Street. The site is bounded to the north, east and south by agricultural buildings and residential properties and is bounded to the west by open fields.
6. The site lies within the countryside beyond Green Belt within an Area of Great Landscape Value (AGLV) and just outside the boundary of the Surrey Hills Area of Outstanding Natural Beauty (AONB). The evidence, including the appellant's Landscape and Visual Impact Assessment (LVIA), refers to The Surrey Landscape Character Assessment, April 2015, (LCA). It states that the site lies within Character Area GO4: Dockenfield to Millbridge Open Greensand Hills. The key characteristics of the area include, amongst other things, its undulating landform and relatively rural landscape; mixture of medium scale, rectilinear, arable fields; and small woodland blocks.
7. The countryside surrounding the wider Dockenfield Farm site, which the appeal site forms part of, is typical of the local landscape character as defined in the LCA. However, the character of the appeal site is heavily influenced by the existing and ongoing residential development which largely surrounds it. In this context, the wider Dockenfield Farm development forms a significant physical and visual barrier between the appeal site and the wider countryside. Notwithstanding that the land to the west of the site features open fields, the existing buildings at the site are set within the existing arrangement of built form and so are not seen as isolated structures within the countryside. Overall, the site does not strongly reflect the key landscape characteristics of the area identified in the LCA.
8. The proposed development would demolish the two stable buildings and erect four two-storey dwellings with associated parking and amenity space; the submitted proposed plans show that two car ports would also be erected. Considering that there is no discernible layout style of buildings within wider environs, although the proposed layout of the four properties would be linear and ordered, the staggered arrangement would ensure that the development would not be significantly at odds with the existing scattered layout of buildings within the wider site.
9. The proposed four dwellings would have a greater footprint and volumetric bulk than the existing two stable buildings. Furthermore, as a result of their height compared to the existing single-storey buildings the ridge of the roof form would be visible above the hedgerow in some local views along The Street. However, notwithstanding this, they would be located within an existing group of buildings and taking into account that the design, materials and scale of the proposed dwellings would be typical of agricultural barns and in this regard comparable to the existing buildings within the wider site, the proposal would,

therefore, integrate successfully into the surrounding built form. The proposed car ports would be open structures and therefore would not add a significant amount of additional built form within the context of the existing surrounding buildings.

10. Taking into account the location of the site, it is clear from the evidence including the appellant's LVIA and from my observations during my site visit, that the proposed development would be seen from publicly accessible viewpoints within the context of the wider Dockenfield Farm site and the broader cluster of buildings.
11. The proposal would not, in visual terms, appear as an isolated group of buildings. Although longer distance views from within the AGLV do allow partial views of the wider Dockenfield Farm development, which the appeal site forms part of, they are filtered by intervening trees and vegetation. The development would be seen in partial near views from Pitt Lane and The Street. However, these are confined to a few specific locations where views would be fleeting and would, in any event, only allow views of part of the development and so would be seen within the context of the existing Dockenfield Farm development.
12. Consequently, for the above reasons, and taking into account that the appeal site does not strongly reflect the key landscape characteristics of the area as identified in the LCA, the proposed development would not cause harm to the intrinsic character and beauty of the countryside or features characteristic of the AGLV.
13. Overall, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. Consequently, it would not conflict with Policies RE1, RE3 and TD1 of the LP; Policies D1 and D4 of the Waverley Borough Council Local Plan 2002, and paragraph 170 of the Framework. These policies seek, amongst other things, to ensure that proposals for new development recognise and safeguard the intrinsic character and beauty of the countryside; achieve a high quality design that is appropriate in scale and design which integrates well with the site and its surroundings; and respect the visual character and local distinctiveness of the area.

Other Considerations

14. I note the comments made by Dockenfield Parish Council (DPC) regarding the appeal site forming part of a candidate area recommended to be put forward to Natural England for AONB status¹. However, whilst this may be the case, the site does not currently lie within the AONB and, in any event, based on the information before me the formal process on any modifications to the AONB has not commenced and consequently consideration of this matter can only be afforded limited weight. I note DPC have made comparison to a recent appeal decision² dismissing a development proposal on land in the AGLV approximately 200 metres south of the appeal site. Whilst I am not aware of the full circumstances of this other development proposal, based on the information before me it does not appear to be directly comparable to the appeal development in so far that it was located in an open agricultural field with no buildings in proximity. Furthermore, I note the comments made by

¹ Hankinson Duckett Associates, October 2013, Surrey Hills AONB Areas of Search

² Appeal Reference: APP/R3650/W/19/3221996

DPC regarding another planning application for stables around 200 metres north of the appeal site. However, it is not within my remit in considering this appeal to take account of the planning merits of another planning decision made by the local planning authority.

15. Concerns have been raised that the site is in an unsustainable location. I note from the Council's officer report that as part of the Council's assessment of the proposal reference was made to a recent appeal decision³ for development elsewhere on the Dockenfield Farm site. In that case, the Inspector concluded that despite the remote relationship of the site to services and facilities, due to its proximity to a number of other buildings, the development would not lead to the erection of isolated homes in the countryside. I have no reason to disagree with this conclusion. The appeal site, also located within the wider Dockenfield Farm site in proximity to other buildings, would not amount to the erection of isolated homes in the countryside.
16. I acknowledge that the site would be relatively remote from day to day services and facilities and that the evidence before me suggests that public transport provision is currently lacking. Nonetheless, the Framework acknowledges at paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case, only a small number of new homes are proposed and with the provision of electric vehicle charging points and bicycle storage facilities, not all day to day trips would need to be made using motorised modes of transport. Furthermore, and as per the conclusion reached by the Inspector in terms of the aforementioned appeal decision, I do not doubt that the proposal would also seek to enhance and maintain the vitality of rural communities in accordance with paragraph 78 of the Framework.
17. Third parties have raised concern that the proposed development would increase traffic volume and compromise highway safety. I also note the submission in regard to a recent road traffic accident in the vicinity of the site reportedly caused by a deer in the road. I have no objective evidence that would indicate that there are existing traffic volume or highway safety concerns in the area. I note no objection was raised to the proposals by the Highway Authority and based on the evidence that I have before me, I have no reason to disagree with this conclusion.
18. I acknowledge the concerns raised about noise disturbance, dust, dirt and mud on the road during construction work at the site. Construction works would likely lead to some disruption, but this would be temporary and any effects from it would be short-term and could be suitably controlled by means of the imposition of a planning condition relating to the submission and approval of a construction method statement.
19. Concern has been raised that the proposal would compromise the 'Dark Skies' area. However, I have not been provided with any substantive evidence to indicate that the amount of light pollution from the proposed development would jeopardise the 'Dark Skies' designation.
20. Third parties raise concern that the proposal would not provide affordable housing. However, the proposal would not meet the threshold which would require affordable housing to be provided as part of the development.

³ Appeal Reference: APP/R3650/W/18/3210691

21. The appeal site is located within approximately 1.1 km of the Wealden Heaths Special Protection Area (SPA). I have considered the response from Natural England on this matter, which states that due to the scale of development and its distance from the SPA, the proposal would not result in any significant effects on designated sites, either alone or in combination with other plans and projects. As the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017, I agree with Natural England that on the evidence that is before me, the proposed development would not lead to any adverse effects on the SPA either alone or in combination with other plans and projects.
22. The Council state that they can demonstrate a deliverable supply of 5.2 years of housing sites. However, in light of a recent appeal decision⁴, where the Inspector concluded that the Council's deliverable supply of housing sites is around 4.3 years, the Council's stated position is not certain. Given this uncertain position, I have considered this appeal on a worst-case scenario in terms of housing land supply, i.e. 4.3 years. Whether the supply is 4.3 years or 5.2 years, I consider that the provision of four dwellings would make a very positive contribution towards housing land supply. Indeed, this is a matter which weighs in favour of allowing the development. It has not been necessary for me to reach a definitive conclusion in terms of the actual housing land supply position. This is because the proposal accords with both the policies in the Framework taken as a whole as well as with the development plan for the area.

Conditions

23. I have considered the Council's suggested planning conditions and where necessary I have amended the wording in the interests of precision and clarity. The appellant was given the opportunity to comment on the Council's suggested planning conditions and has expressly agreed to all pre-commencement conditions.
24. Planning permission is granted subject to the standard three-year time limit condition. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose planning conditions relating to materials and landscaping. Condition 4 is necessary in the interests of avoiding harm to protected species.
25. In the interests of highway safety, I have imposed conditions 5, 6 and 7 in relation to the provision of visibility splays at the existing vehicular access to the site from Pitt Lane, the provision of parking and turning of vehicles, and the provision of facilities for the secure parking of bicycles. It is necessary to impose a condition requiring the submission and approval of a construction method statement in the interests of the living conditions of the occupiers of neighbouring properties and highway safety. Also, a condition is required to restrict construction working hours in the interests of the living conditions of the occupiers of neighbouring properties.
26. In the interests of environmental sustainability and to ensure compliance with Policy CC2 of the LP, conditions are necessary and reasonable to build the properties with electrical car charging infrastructure and the highest available

⁴ Appeal Reference: APP/R3650/W/19/3227970

speed broadband infrastructure. Lastly, in the interests of protecting neighbouring occupants living conditions, there is exceptional justification for imposing a condition which restricts permitted development rights for the insertion of dormer/other windows in the northern and southern elevations of the proposed dwellings.

Conclusion

27. For the reasons set out above, and taking into account all other considerations raised, I conclude that the appeal proposal would deliver a sustainable form of development. Therefore, it should be allowed.

Andrew Bremford

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: 1:1250 'Location Plan' and 1:500 'Block Plan' 0001 Rev P03; 'Proposed Barn J1 Floor Plans' 0101 Rev P02; 'Proposed Barn J2 Floor Plans' 0102 Rev P02; 'Proposed Barn J3-J4 Floor Plans' 0103 Rev P02; 'Proposed Barns J1-J4' 0104 Rev P01; 'Car Ports Details' 0105 Rev P01; 'Proposed Barn J1 Elevations' 0401 Rev P01; 'Proposed Barn J2 Elevations' 0402 Rev P01; 'Proposed Barn J3-J4 Elevations' 0403 Rev P01; and 'Internal Street Elevation' 0404 Rev P01.
- 3) No development shall commence 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. The development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until a Sensitive Lighting Management Plan in accordance with the recommendations of the Bat Conservation Trusts' document entitled 'Bats and Artificial Lighting in the UK – Bats and The Built Environment Series', has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.
- 5) No development shall commence until the existing vehicular access to Pitt Lane has been provided with 2.4 metre x 60.6 metre visibility splays in accordance with Drawing No. 2017/3945/001 presented within the Transport Statement dated May 2019 and thereafter the visibility splays shall be kept permanently clear of any obstruction over 0.6 metres high.
- 6) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans, Drawing No. 0001 Rev P03, for vehicles to be parked and 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 purpose.
- 7) The development hereby approved shall not be occupied until details of the provision of facilities for the secure parking of bicycles within the development site has been submitted to and approved in writing by the local planning authority and thereafter the facilities shall be provided, retained and maintained for their designated purpose.
- 8) No development shall commence 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. the loading, unloading and storage of plant and materials used in constructing the development;
 - iii. a programme of works including measures for traffic management (vehicle routing and on-site turning for construction vehicles);
 - iv. the provision of boundary hoarding behind any visibility splays;

- v. wheel washing facilities to prevent the deposition of materials on the highway;
- vi. measures to control the emission of dust and dirt during construction;
- vii. the delivery and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.

- 9) Construction works, including works of site clearance and ground preparation, and including deliveries to and from the site, shall not take place other than between 08:00 and 18:00 hours Monday to Friday, 08:00 and 13:00 hours on Saturdays and at no time on Sundays or on Bank or Public holidays.
- 10) The development hereby approved shall not be occupied until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the local planning authority. The landscaping shall be maintained to the satisfaction of the local planning authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the local planning authority, seriously damaged or defective. Such replacements to be of the same species and size as those originally planted unless otherwise agreed in writing by the local planning authority.
- 11) The development hereby approved shall not be occupied until each of the dwellings hereby permitted are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the local planning authority and thereafter retained and maintained for their designated purpose.
- 12) The development hereby approved shall not be occupied until the highest available speed broadband infrastructure is installed and made available for use to each of the dwellings hereby permitted.
- 13) 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 or other openings other than those expressly authorised by this permission shall be constructed at first floor in the northern and southern elevations of the dwellings hereby permitted without the express benefit of planning permission.