



Appeal Decision

Site visit made on 17 January 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/R3650/W/21/3273981

Land adjacent to Pennings, Plough Lane, Ewhurst, Surrey, Cranleigh GU6 7SG

- 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 Luke Nicolson against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1733, dated 24 September 2020, was refused by notice dated 3 March 2021.
 - The development proposed is erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The main parties have had the opportunity to comment on this matter as part of the appeal process, and I have taken account of the updated Framework in determining this appeal.
3. The planning application subject to this appeal was notably refused due to a lack of information regarding the effect of the development on protected species. A Preliminary Ecological Appraisal dated 20 July 2021 was however submitted in support of this appeal, which confirms that no further surveys are required at this time and that the site has limited ecological value. The Council is satisfied with the additional information provided by the appellant and is therefore no longer contesting the third reason for refusal. Having regard to the available evidence, there are no reasons for me to take a different view.
4. The effects of introducing residential development onto the site have already been considered as part of a previous appeal¹ in 2017. In dismissing the appeal, the Inspector considered that the proposal for the construction of two detached dwellings "would not comprise sustainable development, having particular regard to the site's location and its relationship to local services and facilities", and "cause unacceptable harm to the character of the area". Although the current proposal is for the erection of a single dwelling and some planning policy changes have taken place since this decision was issued, it is

¹ APP/R3650/W/17/3171609.

nevertheless an important material consideration for the determination of the appeal before me.

5. Within the decision notice, the Council's reason for refusal refers to Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites² (LPP1). The Council has however confirmed that Policy RE2 was quoted in error, and that Policy RE3 should have instead been referred to within the reason for refusal. I shall proceed on this basis.

Main Issues

6. The main issues are:

- Whether the appeal site constitutes a suitable location for the proposal, having particular regard to national and local planning policies, which seek to restrict residential development in the countryside; and
- The effect of the proposal on the landscape character of the countryside, with particular regard to the Area of Great Landscape Value.

Reasons

Location

7. Policy SP2 of the LPP1 sets out the Council's Spatial Strategy, which aims to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner. Insofar as is relevant to this appeal, this spatial strategy is considered to be in general conformity with the Framework, in that it seeks to focus development in the most accessible parts of the Borough.
8. The appeal site is located in an area of rural character, at some distance from the defined settlement boundary for Ewhurst and therefore lies, in planning policy terms, in the countryside beyond the Green Belt. The proposal would sit within relative proximity to other residential properties and, having regard to recent case law, would therefore not amount to the development of an isolated home in the countryside for the purposes of paragraph 80 of the Framework. However, the new dwelling would nevertheless appear relatively secluded in relation to access to services and facilities.
9. It is argued that the site lies within proximity to Ewhurst, which offers a limited range of services and facilities. However, Plough Lane does not benefit from a continuous footway, and is a narrow, unlit road, along which future occupiers of the development would feel particularly vulnerable. In this context and whilst no objection has been raised by the Highway Authority, it is therefore highly likely that residents would choose to drive to Ewhurst, rather than walk or cycle. I understand that there is a bus stop relatively close to the appeal site, but no evidence has been presented to demonstrate how frequently it is served by bus services.
10. Even allowing for the possibility of some journeys to Ewhurst being carried out on foot or cycling, future occupiers would have to travel further afield to access most of the local services and facilities required for day-to-day living. Overall, there is a greater likelihood that, having regard to the site's location in relation to the wider network, residents would rely on the private car for the vast majority of trips, which is the least sustainable mode of transport.

² February 2018.

11. In support of the appeal, it has been suggested that a condition could be imposed to secure the construction of a footway connecting the site to The Green, though it is unclear whether the appellant owns the land which would be affected by the proposed works. As stated within the national Planning Practice Guidance³, conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. In the absence of appropriate mechanism to secure the proposed works, this is a consideration which can only be afforded very little weight in the overall planning balance.
12. For the foregoing reasons, the proposal would not be suitably located, having particular regard to the requirements of planning policies seeking to manage the location of residential development. Consequently, the appeal scheme would not represent a sustainable form of development, and would therefore fail to accord with Policy SP2 of the LPP1.

Character of the area

13. The appeal site lies within a rural area predominantly characterised by ribbon development along the southern side of Plough Lane. Buildings are typically set back from the road frontage, within large plots which, together with the surrounding fields and mature vegetation, give the area a pleasant spacious and verdant feel.
14. Whilst it is suggested that the appeal site historically form part of the garden of the adjacent property, this is not substantiated by detailed evidence. The site presently appears as a clearly separate entity characterised by its undeveloped and open appearance. It provides separation between the properties situated along Plough Lane and those fronting The Green and reflects the sporadic nature of development which defines this rural area. As such, the appeal site makes a significant contribution to the character of this area, which is identified as an Area of Great Landscape Value.
15. The new dwelling would be situated within a relatively spacious plot which would provide scope for additional landscaping. However, the construction of a residential property would consolidate development between the group of properties fronting Plough Lane on one side and The Green on the other. It would result in the loss of an important visual gap, which would harmfully erode the open and undeveloped nature of the site and rural character of the area. Furthermore, the proposed dwelling, together with the hardstanding area required for the provision of parking and the domestic paraphernalia associated with the proposal, the appeal scheme would lead to an urbanisation of the plot, which would detract from the character of its surroundings.
16. In reaching this view, I have had regard to the suggestion that the appeal proposal should be considered as infill development. Whilst limited infilling is not regarded as inappropriate in some circumstances in the Green Belt, this consideration is of little relevance to the proposal before me, given that the appeal site is not located in the Green Belt. Even if the appeal scheme was regarded as an infill development, this would not provide justification for the harm which the proposal would cause to the landscape character of this area.

³ Paragraph: 009 Reference ID: 21a-009-20140306.

17. Given the above, the appeal development would unacceptably harm the landscape character of the area, including the AGLV. Accordingly, it would conflict with Policies RE1 and RE3 of the LPP1, which requires development proposals to recognise and respect the intrinsic character and beauty of the countryside, and where appropriate enhance the distinctive character of the landscape in which it is located. For these reasons the proposal would also be contrary to the aims of the Framework, as set out in paragraphs 130 and 174 in particular.

Other Matters

18. My attention has been drawn to a planning application⁴ for the construction of additional dwellings, which has been previously approved by the Council. However, having regard to the available evidence, the circumstances of this particular scheme are not considered to constitute a direct parallel to the appeal development, including in respect of its proximity to Ewhurst, its scale, its effect on the countryside, etc.
19. No concerns have been raised by the Council regarding the effect of the proposed development on the settings of the Ewhurst Green Conservation Area and Wicket Gate, a Grade II Listed Building. I see no reason to disagree with this approach, and confirm that the appeal scheme would preserve the special interest of these designated heritage assets, as derived from their respective setting.

Planning Balance

20. It is the appellant's view that the Council does not presently have a five-year supply of deliverable housing sites. The Council's submissions suggest that it has 5.3 years of housing land supply, as detailed in its Five Year Housing Land Supply Position Statement published in October 2020, whilst the appellant relies on the Council's closing submissions dated 5 April 2021, in the context of a different appeal.
21. In the absence of further evidence to the contrary, and whilst I have had regard to the Housing Delivery Test results, I find that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The available information contained in the closing submissions mentioned above suggests that the supply lies between 3.78 and 4.99 years. Although it may be lower, I have used the Council's figure of 4.99 years as a benchmark to assist with making my decision. This represents a small shortfall.
22. In such circumstances, and regardless of the extent of the shortfall, paragraph 11d) of the Framework, as directed by Footnote 8, states that the policies which are most important for determining the application have to be considered out-of-date. This means 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 this Framework taken as a whole.
23. The appeal scheme would make a contribution towards housing supply and choice, and support the local economy to some degree, notably during the construction phase. These benefits are afforded some weight. However, the proposed dwelling would not be situated in an accessible and sustainable

⁴ Local Planning Authority Reference WA/2017/0772.

location, and it would cause unacceptable harm to the landscape character of the countryside, to which I ascribe very significant weight.

24. As noted above, the policies concerned are broadly consistent with the Framework, in that they seek to promote sustainable forms of development and protect the intrinsic character and beauty of the countryside. Accordingly, the conflict with the Council's spatial strategy and the harm which would be caused to the character and appearance of the area are matters of considerable weight.
25. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits associated with the appeal development, when assessed against the policies in this Framework taken as a whole. The proposal does not, therefore, constitute sustainable development which the Framework carries a presumption in favour of.

Conclusion

26. The proposed development would be contrary to the development plan and there are no material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR