



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: 2 March 2022

Appeal Ref: APP/R3650/W/21/3277775

1 and 2 Old Dairy Cottages, Hillside Farm, Tilford Road, Churt, Farnham GU10 2LN

- 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 and Mrs T Hall against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1356, dated 18 August 2020, was refused by notice dated 25 January 2021.
 - The development proposed is demolition of existing bungalows and erection of two detached cottages.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing bungalows and erection of two detached cottages at 1 and 2 Old Dairy Cottages, Hillside Farm, Tilford Road, Churt, Farnham GU10 2LN, in accordance with the terms of the application, Ref WA/2020/1356, dated 18 August 2020, and the plans submitted with it, subject to the attached Schedule of conditions.

Application for costs

2. An application for costs was made by Mr and Mrs T Hall against Waverley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the planning application. 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 had regard to the revised Framework in determining this appeal.
4. The appeal site lies within the Metropolitan Green Belt. Paragraph 149g) of the Framework permits the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is for the replacement of a pair of semi-detached properties with two new dwellings. It has been assessed against the requirements of Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites¹ (LPP1), and no concerns were raised by the Council

¹ Adopted 20 February 2018.

regarding the effect of the proposal on the Green Belt, which is not considered as inappropriate development. I agree with this approach.

5. Since the determination of the application subject to this appeal, the Council has granted planning permission² for a similar proposal to the scheme before me. Members of the Planning Committee considered that the previous reasons for refusal have been overcome as part of the revised application. This is an important material consideration, which I have had regard to for the determination of this appeal.

Main Issues

6. The main issues are:

- The effect of the proposal on the living conditions of the neighbouring occupiers of no 2 Arvon Cottage, with particular regard to outlook; and
- The effect of the proposal on the Surrey Hills Area of Outstanding Natural Beauty (AONB), with particular regard to light pollution.

Reasons

Living conditions

7. No 2 Arvon Cottage (no 2) is a two-storey semi-detached property set within a relatively deep plot, which shares its rear and one of its side boundaries with the appeal site. It is noted that the appeal scheme would bring the replacement dwellings closer to no 2, compared with the existing Old Dairy Cottages, but the separation distance would still be significant.
8. Moreover, whilst it would be located within proximity to the boundary shared with this neighbouring property, the single storey scale, flat roof element and relatively modest footprint of dwelling B would ensure that it does not appear as an oppressive or overbearing form of development. Suitably worded conditions requiring the submission of landscaping and boundary treatment details would further assist with minimising the effect of the development on the residents of this neighbouring property.
9. I am therefore satisfied that the appeal scheme would have no adverse effect on the living conditions of the occupiers of no 2, with particular regard to outlook. Accordingly, the proposal accords with Policy TD1 of the LPP1, Saved Policies D1 and D4 of the Waverley Borough Local Plan 2002³ (LP) and paragraph 130 of the Framework. These notably seek to ensure that new development is of high quality design and not significantly harm the amenities of occupiers of neighbouring properties.

Surrey Hills AONB

10. The appeal site lies on the edge of the village of Churt, within an area of rural character which is also located within the Surrey Hills AONB. The Council is concerned that the extent of the glazing would cause unacceptable light pollution to the AONB landscape. Dark skies are identified as an important defining feature of the special character of the Surrey Hills AONB. For this reason, Planning Management Policy P2 of the Surrey Hills AONB Management

² Local Planning Authority Reference WA/2021/01909.

³ Adopted 23 April 2002.

Plan seeks to resist development proposals causing light pollution in remoter locations, with darker skies.

11. However, I am mindful that the new houses would replace an existing pair of semi-detached properties of a similar scale, which also give rise to some degree of light pollution. The replacement dwellings would be appreciated in the context of their immediate surroundings, within the built envelope of the village. They would also be sited closer to the road frontage and thus further away from the surrounding fields, compared with the existing dwellings. In that particular context and having regard to the available evidence, the replacement dwellings would not give rise to levels of light pollution of such magnitude that the proposal would materially detract from the distinctive character of the AONB.
12. Overall, I am satisfied that the appeal scheme would conserve the landscape and scenic beauty of the Surrey Hills AONB, and therefore find no conflict with Policy RE3 of the LPP1 and the Surrey Hills AONB Management Plan 2020-2025. Policy RE3 requires new development to respect and where appropriate, enhance the distinctive character of the landscape in which it is located.

Other Matters

13. The site lies within the Buffer Zone of Wealden Heaths I Special Area of Conservation, Wealden Heaths I Special Protection Area and Wealden Heaths II Special Protection Area. As the proposal is for the construction of replacement dwellings, the Council and Natural England are satisfied that the appeal scheme would not compromise the integrity of these sensitive areas, and no appropriate assessment is therefore considered necessary in this instance.
14. A number of concerns have been raised by interested parties, notably regarding the loss of the Old Dairy Cottages, which formed part of an estate historically owned by Sir David Lloyd George. The Council took the view that this pair of semi-detached dwellings is of no architectural interest and is of limited historic interest, and there are no reasons for me to disagree with this assessment.

Conditions

15. I have considered the conditions included in the Case Officer's report, making minor amendments where necessary, to ensure compliance with the relevant tests as set out in paragraph 56 of the Framework and the national Planning Practice Guidance⁴. The appellants have confirmed their agreement in respect of pre-commencement conditions.
16. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. A pre-commencement condition requiring the submission of a Construction Environmental Management Plan is considered necessary to minimise any disturbance during the construction phase.
17. Conditions requiring samples of the materials, as well as details of any walls, gates and fencing, but also landscaping details are required to preserve the character and appearance of the site and its surroundings. There is no reason for these samples/details to be submitted prior to commencement of

⁴ Paragraph: 003 Reference ID: 21a-003-20190723.

development, and I have therefore amended the wording of these conditions accordingly. In order to ensure the protection of trees, I shall impose the conditions suggested by the Council in that regard. To protect the character and appearance of the area, I shall also add a condition requiring the existing dwellings to be demolished prior to occupation of the replacement properties.

18. Furthermore, conditions are needed to protect biodiversity, having particular regard to dormice, bats, badgers and reptiles. Furthermore, I shall impose a condition restricting the use of the flat roof hereby permitted, to protect the living conditions of neighbouring residents of the development. A condition to secure the provision of car parking and turning areas is necessary in the interests of highway safety. Conditions relating to the installation of electric car charging points and water consumption are considered necessary in the interests of sustainability.

Conclusion

19. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Edwards

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: 309: 02-00, 02-01, 02-02, 02-03, 03-00-B, 03-01, 03-02, Tree Protection Plan (dated 27 July 2020).
- 3) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plan and machinery and use of noise mitigation barrier(s);
 - b) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - c) The parking and vehicles of site operatives and visitors;
 - d) Loading and unloading of plant and materials;
 - e) Storage of plant and materials used in constructing the development;

- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) Wheel washing facilities;
 - h) Measures to control the emission of dust and dirt during construction.
- 4) Prior to the first occupation of the development hereby permitted, details of all walls, gates and fencing 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.
 - 5) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
 - 6) The development hereby approved shall not be first occupied unless and until the existing dwellings known as 1 and 2 Old Dairy Cottages have been demolished.
 - 7) The development hereby approved shall not be occupied unless and 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 – 230 v 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 to the satisfaction of the Local Planning Authority.
 - 8) Prior to the occupation of the dwellings, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.
 - 9) No building works above floor slab level shall take place 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 details.
 - 10) The flat roof permitted shall not at any time be used as a balcony or terrace without the prior written permission of the Local Planning Authority. No railings or other form of enclosure shall be erected upon the roof of the flat roof extension.
 - 11) Within 3 months of the date of commencement of the development, a scheme for the landscaping and replacement tree planting of the site, including the retention of existing landscape features, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedule of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to

occupation or use of the approved development or in accordance with a programme agreed in writing with 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 tree 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.

- 12) The proposal shall be carried out in accordance with the Tree Protection Plan by Harper Trees dated 27/07/2020.
- 13) If European Protected Species or evidence of European Protected Species are found during works, the works will cease immediately and the advice of a suitably qualified ecologist sought, including whether a EPS Licence from Natural England will be required to undertake the works.
- 14) Works to shrubs and vegetation should be undertaken in a precautionary manner in order to avoid killing, injuring or disturbing Dormice and in line with best practice guidance 'The Dormouse Conservation Handbook', 2nd Ed, 2006.
- 15) A precautionary approach should be taken to works:
 - Works affecting the tiles should be done by hand to ensure any bats which may be sheltering beneath them will not be harmed;
 - Each tile should be lifted carefully before removal and to check the underside does not have a bat clinging to it before moving the tile away;
 - Tiles should be lifted rather slid along;
 - Workers should keep watch for fur and should be informed that bats take up to half an hour to rouse from the deep sleep that they enter each day called torpor and hence can easily be damaged before they are able to move when disturbed.
- 16) External lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series". There shall be no lighting to treed areas within the site.
- 17) All trenches left open should include a means of escape for any animals that may fall in.

Suitable gaps should be provided in any new boundary fencing to allow species such as badgers and hedgehogs to move through the site post-development.

If any close-board fencing is to be incorporated in to the development site, holes underneath of 20*20cm should be provided to allow the free movement of Badger and other mammals through the site.

If during the course of works, Badger activity is detected, works should cease and the advice of a suitably qualified ecology sought to prevent harm to this species, which may include the need for further Badger survey.
- 18) All clearance works should ideally be taken when common reptiles are likely to be fully active i.e. during the April to September period.

- Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.
 - Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include:
 - o Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in anyone day or;
 - o Cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut.
 - Following removal of tall vegetation using the methods outlined above, remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles from returning.
 - Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above.
 - Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
 - Any building materials such as brick, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.
- 19) The development should proceed in accordance with Section 5 Discussions and Recommendations of the Bat Survey Report by The Ecology Co-op, dated 26 June 2020.

END OF SCHEDULE