The Planning Inspectorate

Appeal Decision

Hearing Held on 13 December 2022
Site visit made on 14 December 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 04/01/2023

Appeal Ref: APP/R360/W/22/3293777
Land to the North Gratton Chase, Dunsfold, Surrey GU8 4NW

- 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 Kitewood Investments Limited against the decision of Waverley Borough Council.
- The application Ref WA/2021/0413, dated 12 February 2021, was refused by notice dated 22 October 2021.
- The development proposed is described as erection of 21 dwellings (including 8 affordable) together with associated access, parking and landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has withdrawn 3 of its reasons for refusing planning permission. These related to the provision of 'sustainability measures', sewers, and to amphibians. I shall therefore consider these matters only to the extent that they otherwise remain relevant.

3. A Section 106 agreement (S106) was submitted to secure the provision of affordable housing and the management of open space and drainage. I shall again return to this where relevant below.

Main Issues

4. The main issues are:

   - whether the site is a suitable location for the proposed development having regard to its effect on the character and appearance of the area; and
   - whether the development would make adequate provision for/provide suitable access to play areas.

Reasons

Character and appearance

5. The spatial strategy for the Borough is set out within Policy SP2 of the Local Plan Part 1 2018 (the Local plan). This allows for limited levels of development in and around Dunsfold. Within this context Policy ALH1 of the Local Plan allocates a minimum of 100 houses to Dunsfold up to 2032. Good progress has

been made towards meeting this target. Neither policy makes any reference to settlement boundaries, albeit these remain designated under saved Policy RD1 of the Local Plan 2002 (the LP2). Whilst the site lies outside the settlement boundary for Dunsfold, the terms of Policy SP2 do not act to restrict development in the same way as is common elsewhere. They instead simply highlight where development is likely to be most appropriate. Insofar as the decision notice references the location of the site outside a settlement boundary, the Council has confirmed that no conflict would arise with the spatial strategy, and that its concern relates solely to the effect of the development on the character and appearance of the area.

6. Dunsfold is distinctively laid out around Dunsfold Common. Within this context the settlement historically fell within 2 main north/south parts. Modern housing development on the east side of the settlement, including at Gratton Chase to the south of the site, has however greatly diminished any sense of separation between the northern and southern parts of the village. Some gaps do nonetheless remain, and these provide important linkages between Dunsfold Common and the broader landscape beyond. Whilst these spaces chiefly exist on the west side of village, the site forms a component of a vestigial gap on the east side.

7. The site itself is a triangular piece of land which contains a small plantation of broadleaved trees. This was established during the late 1990s, and many of the trees are now well grown. The appellant states that the trees are rotationally felled for firewood, thus implying a regular cycle of planting and cropping. Only a small proportion of the trees appeared to have been felled at the time of my visit, and no replanting had yet occurred. Be that as it may, under the management regime described, the site could be expected to remain under some form of continuous woodland cover.

8. The site adjoins a thick belt of mature woodland which forms a distinctive linear feature on the east side of Dunsfold Common. The plantation and woodland effectively merge at the north end of the site and along its western margin, where there is little to differentiate the two aside from the size of the trees and the presence of a fence. Despite the existence of mowed grass beneath some of the trees at the centre of the site, its existing character thus generally complements that of the woodland to the west. This is most appreciable from Gratton Chase, and from the permissive path which runs through the belt of woodland, close to the site boundary. It is also appreciable from Dunsfold Common, and from the public footpath which enters Dunsfold through the open landscape towards the northeast of the site. From all these locations the site is simply perceived as containing woodland.

9. The site falls within a locally designated Area of Great Landscape Value (AGLV). This is a historic designation which has been retained pending review of the Surrey Hills Area of Outstanding Natural Beauty (AONB) whose boundary currently lies towards the north. Given shared characteristics, it is anticipated that in due course the boundary of the AONB will be expanded into the AGLV. It remains uncertain when, where, and whether or not the site will be included. In this regard a 2013 appraisal which excluded the site from potential inclusion cannot be taken as definitive. Thus, for the time being, the AGLV acts to highlight the quality and sensitivity of the landscape that it contains, and in this regard, I share the Council's view that the AGLV should be considered as a

'valued landscape'. Indeed, on the above basis it clearly has attributes which take it out of the ordinary, and these are recognised in its designation.

10. A landscape is a sum of its parts, and as the landscape in question is the AGLV, it would make little sense to assess whether the site itself constitutes a valued landscape. I appreciate that a different approach was taken by an Inspector in another appeal, however in that case the parties appear to have agreed that a site specific approach was appropriate. That is not the case in the current appeal, and no such approach is set out in national policy. Clearly however, the contribution that individual parts of a landscape make to the character and value of the whole may vary. In this regard Policy RE3 of the Local Plan, which relates to the AGLV, makes no suggestion that it exists as an absolute constraint on development.

11. The site is not highly exposed within the broader landscape, but it does occupy a visually sensitive location on the settlement fringe. As set out above, its wooded character both complements that of the more established woodland adjacent, and that of the broader landscape, within which woodland is a key characteristic. The vestigial link it helps to provide between Dunsfold Common and the broader landscape on the east side of the settlement is also clearly of importance. The site is not publicly accessible, but that is true of most of the landscape within the AGLV. As established above, the site is however visible from various locations outside it, and its attributes are readily perceived. As such I am satisfied that as well as making an important contribution to the character of the settlement, the site makes a positive contribution to the broader AGLV.

12. The development would entail clearing the site. Though it is suggested that some trees might be retained, the plans do not provide clear confirmation of this. It is also generally stated that boundary vegetation would be retained. However, whilst that along the southern edge of the site largely falls outside the site boundary, the east boundary of the site is defined by a fence. Whilst no detailed landscaping proposals have been provided, it is highly unlikely that new planting would conceal the development from the viewpoints identified above.

13. Even with buffer planting, clear and direct views would exist from within the adjacent woodland, whose character and sense of integrity would be greatly diminished by the close encroachment of housing and domestic space. This would be particularly pronounced at the north end of the site. The resultant harm would be increased in cumulative terms given the scale of development which has already occurred on the east side of the wood towards the south. Clear visibility of the development from Dunsfold Common would in turn further underline the loss of this important remaining link to the broader countryside and landscape on the east side of the settlement. In this regard the development would also be exposed along its east side and visible from the footpath to the northeast. From this vantage point it would be perceived as encroaching into the open setting of the settlement. In all these regards a harmful sense of increased urbanisation would arise.

14. The development would employ a similar range of dwelling designs as seen at Gratton Chase. However, there would be very little direct integration of the development with that at Gratton Chase, which would remain well separated by a band of trees and shrubs. Though the development would represent a

continuation of the creeping pattern of growth along the east side of the village, given the harm I have identified above, this does not indicate that the development should therefore be considered as an acceptable or 'logical extension' to the village. Neither of these considerations therefore alters my findings above.

15. For the reasons set out above I conclude that the site is an unsuitable location for the proposed development given the harmful effect that it would have on the character and appearance of the area. The scheme would therefore conflict with Policy TD1 of the Local Plan, which requires development to respond to the distinctive local character of the area in which it is located; saved Policy D1 of the LP2 which similarly seeks to restrict development where this would be detrimental to the visual character and distinctiveness of a locality; Policy RE3 of the Local plan which seeks to protect the AGLV; and Policy RE1 of the Local Plan, which more generally seeks to safeguard the intrinsic character and beauty of the countryside

Play areas

16. Policy LRC1 of the Local Plan states that proposals for new residential development will be expected to make provision for play space having regard to Fields in Trust standards. A development of the size proposed would therefore be expected to provide a Local Area for Play (LAP) designed for use by very young children, and a Local Equipped Area for Play (LEAP) designed for use by older children. The guideline accompanied walking distance for a LAP is 100 metres. The guideline walking distance for a LEAP is 400 metres. Some flexibility clearly exists within reason. In this regard use of the existing joint LAP/LEAP (the existing play area) just to the south of the site at the north end of the Gratton Chase development is proposed.

17. The plans show a footpath crossing the site boundary and linking the development to the existing play area. It was however confirmed at the Hearing that provision of the path could only be secured as far as the site boundary. The remainder would not therefore be provided. In the location shown a user of the proposed path would consequently find their way barred by a band of thorny vegetation. In the event that this was passable, a steep grass covered slope lies beyond, along which runs a low rail fence. Each would need to be navigated before the existing play area could be reached. The conditions would be little better were the path to be moved to any other point along the boundary. In the absence of any means by which provision of the section of path shown outside the site boundary could be secured, no realistic direct access into the existing play area from the development would therefore exist.

18. Occupants of the development could instead access the existing play area by walking out of the site and along the road. This would however be far less convenient, less attractive, and less safe given that it would involve travelling a greater distance, and children crossing or walking in the road. The 100m accompanied walking distance recommended in relation to a LAP would also be considerably exceeded from within much of the site. Given that LAPs are intended for use by very young children, the above cannot be considered desirable. Clearly, not all potential users of the existing play area would be deterred, and the walking distance would not exceed that recommended in relation to a LEAP. However, the above would nonetheless make use of the existing play area by future occupants of the development far less likely. The

existing play area would therefore neither fully nor properly serve the purpose required of it in relation to occupants of the proposed development.

19. The appellant has pointed to on-site provision of informal open space around the margins of the site, whose use for recreation was to have originally been secured within the S106. Whilst such space could not directly compensate for the lack of a suitably accessible LAP, most such 'open space' within the layout has been earmarked for planting and ecological mitigation, including as a buffer to the SNCI to the west, and as a receptor site for protected species. Indeed, the submitted LVIA proposes planting the space along the west side of the site with dense thorny shrubs, whilst the Ecological Impact Assessment indicates a requirement to plant it with scrub together with creation of hibernacula. Both the lack of overall consistency in the treatments proposed, and the absence of a detailed landscaping scheme create uncertainty. Nonetheless, it is apparent that a large proportion, if not most of the open space shown on the plans, would be neither available nor suitable for recreational use.

20. A larger play area exists towards the north end of the village. The Council previously accepted that this was suitably accessible from Gratton Chase, and, notwithstanding the requirement to walk along a busy road in order to reach it, this play area would be equally accessible from the site. This however has little relevance in relation to the lack of suitable provision of/access to a LAP.

21. The supporting text of Policy LRC1 states that contributions can be sought in lieu of on-site provision of play space where existing adequate play space lies within the recommended walking distance. Though such a contribution has been offered, none has been secured. Whilst improvement of play space is also covered by CIL funding, the existing play area is not currently eligible. In any case, as my findings above indicate that the existing play area would not lie within the recommended walking distance of most of the development, the above provisions within the supporting text of Policy LRC1 do not apply.

22. The appellant's failure to provide an on-site LAP was partly driven by advice from officers. However, whilst such advice is not binding, it appears to have been offered partly on the basis that direct access could be provided from the development into the existing play area. As set out above, this is not the case.

23. For the reasons outlined above I conclude that the development would fail to make adequate provision for/provide suitable access to a LAP. As this would disadvantage the health and wellbeing of young children and their parents the development would provide unacceptable living conditions for some of its likely future occupants. The development would therefore conflict with Policy LRC1 of the Local Plan as set out above, and Policy TD1 of the Local Plan insofar as this states that the amenity of the Borough will be protected by maximising opportunities to improve the quality of life and health and wellbeing of future residents, including through provision of on-site play space.

Other Matters and Considerations

24. The site is the subject of a draft allocation for 12 dwellings within the emerging Dunsfold Neighbourhood Plan 2013-2032 (the emerging NP). The plan however remains at an early stage. There is therefore no certainty that the draft allocation, which envisages a much smaller scale of development than is proposed, will be retained. More so when also taking account of the Council's opposition to the appeal scheme, as too the split level of local

support/opposition for the draft allocation recorded in the supporting Site Assessment and Selection document. These considerations mean that I can attach little weight to the emerging NP. As such it does not alter my findings above.

25. The appellant suggests that the appeal site is a better location within which to develop than some other parts of the village. The opposite is claimed by interested parties. Here my attention has again been drawn to the Site Assessment and Selection document, as too the Council's Land Availability Assessment, each of which, amongst other documents, provide background to these claims. However, it lies beyond the scope of this appeal to establish the relative suitability of other potential sites in and around the village, or to determine what the most appropriate future development strategy for Dunsfold might be.

26. The Council's decision was made against officer recommendations. However, even though some reasons for refusal have since fallen away, the Council was within its rights to reach a different view. My findings above further indicate that it had legitimate grounds for objection to the scheme.

27. The development would make a contribution towards provision of the 100 dwellings allocated to Dunsfold by Policy ALH1 of the Local Plan, as well as to the District's overall housing requirement. It would also meet and modestly exceed requirements in relation to the provision of affordable housing set out within Policy AHN1 of the Local Plan, as secured by the S106. The location of the site itself accords with Policy SP2 of the Local Plan and would provide good access to the rest of the village. Insofar as the scheme would therefore be policy compliant in these regards, as too in others, including parking provision, I attach neutral weight to the resulting absence of conflict. Though the development would provide a distinct modest benefit by delivering 2 more units of affordable housing than are required, this would not outweigh the harm I have identified above, or otherwise alter the fact that the scheme would conflict with the development plan taken as a whole.

28. The Council however acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites (5YHLS). Its recently published November 2022 position statement places the 5YHLS at 4.9 years, thus indicating a minor shortfall. The appellant instead favours the finding by an Inspector in a recent appeal decision that the 5YHLS falls between 4.3 and 4.9 years. At worst this would indicate a fairly modest shortfall, and at best, it would make no difference to the Council's stated position. Either way, for the purposes of decision making the policies most important for determining the application are deemed 'out of date' by the Framework. Given that policies within the Framework which protect areas or assets of particular importance are not relevant in this case, permission should therefore 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.

29. Firstly, I am satisfied that the policies with which I have identified a conflict are broadly consistent with those set out within the Framework. The latter similarly stresses the desirability of maintaining an area's prevailing character and setting, ensuring sympathy to the surrounding landscape, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of

the countryside, and the benefits of trees and woodland. The Framework furthermore highlights the importance of ensuring that developments create places which promote health and wellbeing. All such matters directly concern the quality and appropriateness of development, and all are areas within which the appeal scheme would fail. Therefore, though the appeal scheme would provide a modest numerical boost to the supply of housing, helping to both address the minor-modest local shortfall in 5YHLS and the need for affordable housing, and though it is additionally stated that it would make efficient use of land and provide support for local vitality, its overall performance against national policy would be poor.

30. The above being so, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

31. The site has been identified as being host to snakes and lizards as well as being a likely host to Great Crested Newts, all of which are protected species. Interested parties additionally emphasise the role that it plays in the migration of toads passing between the landscape to the east of the site and ponds on Dunsfold Common to the west. None of the above species would derive any obvious benefit from the destruction of most of the existing habitat on site. Thus, whilst the appellant has also claimed that the scheme would deliver biodiversity benefits, it could at best provide mitigation for its adverse effects. Whilst this is a matter that would have required my further attention had I not resolved to dismiss the appeal for other reasons, I need to consider it no further here.

Conclusion

32. The development would conflict with the development plan as a whole, causing unacceptable harm to the character and appearance of the area and failing to make adequate provision for/provide suitable access to a LAP. No other considerations, including the Framework, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR

APPEARANCES

For the Appellant

David Brooke	Patrick Parsons
Derek Finnie	Derek Finnie Associates Ltd
Robert Petrow CMLI	Petron Harley Limited
Sara Sweeney BA(Hons) MSc MRTPI	Kitewood Investments Limited
Spencer Copping BA(Hons) DipTP MRTPI	WS Planning & Architecture
Stephen Morgan	Counsel

For the Council

Chris French MRTPI	Development Lead Major Sites
Dylan Campbell	Senior Planner

Interested Parties

Alan Ground	Dunsfold Planning Action Group
Dr Barbara Judge	Dunsfold Planning Action Group
Nigel Waterson	Dunsfold Planning Action Group
Simon Benson	Local resident

Documents presented at the Hearing

Policy LRC1 of the Local Plan and supporting text
Speaking notes of Alan Ground