



Appeal Decision

Site visit made on 27 March 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/Y3615/W/22/3304700

Land to the rear of Tanglewood, Vespers and Cleveleys, Oakwood Drive, East Horsley, Surrey KT24 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by ECL Property Limited against the decision of Guildford Borough Council.
 - The application Ref 19/D/00073/2, dated 18 January 2022, sought approval of details pursuant to condition No 7 of planning permission Ref 18/P/02083 granted on 08/03/2019.
 - The application was refused by notice dated 15 March 2022.
 - The development proposed is the erection of two detached 3 bedroom dwellings with detached garages on land to the rear of Tanglewood, Vespers and Cleveleys, via existing access at end of the cul-de-sac Oakwood Drive, with associated parking and landscaping.
 - The details for which approval is sought is: Condition 7:
The development hereby permitted shall not be occupied until the storage facilities for bins and recycling awaiting collection shown on the 'bin collection layout' drawing received 11 February 2019 or alternative arrangements as agreed in writing by the local planning authority, have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.
The reason given for the condition is: *To ensure the provision of satisfactory facilities for the storage of refuse and recycling.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Application 18/P/02083 was granted permission for 2 new dwellings, accessed off a drive leading to Oakwood Drive, in East Horsley. The officer report set out that the applicant confirmed that the proposal is for bins to be placed at the entrance to the development for collection, and a bin collection plan (received 11 February 2018) shows a space for the bins to be placed on bin collection day close to the entrance to the site with Oakwood Drive.
3. Condition 7 required compliance with these bin storage details '*or alternative arrangements as agreed in writing by the local planning authority*', and it is this matter to which the appeal before me relates.
4. The main issue is therefore whether the details submitted pursuant to condition 7 of the permission make adequate provision for refuse storage facilities and provide an appropriate refuse storage strategy.

Reasons

5. The proposed alternative arrangements would require the Council's collection vehicle to enter the access drive to the properties and collect from directly outside both properties, rather than collect from near to Oakwood Drive.
6. From the information before me, I am satisfied that the submitted swept path analysis and other information indicates that access to the Council's collection vehicle is possible, in accordance with Appendix 8 of the Guildford Borough Council Planning Contributions Supplementary Planning Document (2017).
7. However, it is event that the lengthy driveway to the 2 new dwellings is a private drive. The Council set out that they do not enter and drive along private driveways. As such they do not accept the new alternative proposals are appropriate.
8. I acknowledge that further information has been provided in accordance with the previous correspondence with the Council submitted as part of this appeal. I further acknowledge that in the correspondence provided, the Council does not raise the issue of the private drive, and that for a period of time the Council's collection vehicle did indeed access the drive, seemingly without issue.
9. I further note that the appellants point to limited space, possible visual impact and obstruction of the approved arrangements, however even if this was the case, this would not alter the inability of the Council to access a private drive. I note the appellant's contention that the bin carry distance being contrary to building regulations, however this is not substantiated and, in any case, is controlled by other regulatory regimes.
10. The appellant has provided examples of similar arrangements although with regards to Highfields and Old Rectory Lane, these are not private roads not a private drive serving one or two properties. It is stated that Norwood Farm has a similar arrangement, and whilst limited detail is provided which prevents clear comparison, it appears that this property is located along a rural lane rather than a private access drive. As such, I do not consider these three examples are directly comparable.
11. Therefore, the details submitted are not satisfactory and the condition is not discharged.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR