



Appeal Decision

Site visit made on 5 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2023

Appeal Ref: APP/R3650/W/22/3312183

Medland House, Horsham Road, Alfold, Cranleigh, GU6 8JE

- 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 M Randall (Medland House Ltd) against the decision of Waverley Borough Council.
 - The application Ref. WA/2022/00211, dated 24 December 2021, was refused by notice dated 28 October 2022.
 - The development proposed is erection of 9 dwellings with associated parking and landscaping following demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 9 dwellings with associated parking and landscaping following demolition of existing dwelling at Medland House, Horsham Road, Alfold, Cranleigh, GU6 8JE in accordance with the terms of the application, Ref. WA/2022/00211, dated 24 December 2021, and subject to the conditions listed in the Annex to this decision.

Preliminary Matters

2. The Council's decision notice referred to saved policies D1 and D4 of the Waverley Local Plan 2002. Since the decision was issued and the appeal lodged, these have been replaced by policies DM1, DM2 and DM5 of the Waverley Local Plan Part 2: Site Allocations & Development Management Policies, which was adopted in March 2023 (WLPP2). This was accepted by the Appellant in their Final Comments (email dated 20 April 2023) (FC). I have, therefore, proceeded to determine the appeal on this basis.
3. The Appellants submissions referred to their intention to submit a planning obligation in support of the appeal and I therefore invited them to do so or to confirm whether they were satisfied to rely on the case set out within their Statement of Case (ASOC). There followed a lengthy exchange of emails with various draft documents, which culminated in the Appellants submitting a Deed of Easement dated 26 July 2023 (DOE) that confirmed to the future occupiers of the appeal proposal rights of access to and the use of open space at the development under construction on the Alfold Garden Centre site. A Written Opinion, from Andrew Parkinson Counsel, dated 17 August 2023, was also submitted by the Appellant to support of the validity of the DOE in response to concerns raised by the Council. I have, where relevant, referred below to the parties submissions on the DOE.

Main Issues

The main issues are: (a) the effect of the proposed development on the character and appearance of the area with particular regard to the sites location within the countryside; (b) whether the proposed development makes adequate provision for play space for future occupiers; and (c) whether the proposal would result in a cramped and contrived form of development with regard to the level of private amenity space.

Reasons

Character and appearance

4. The appeal site is located on the eastern side of Alfold, just outside the designated settlement boundary for the village. The village comprises two parts, Alfold and Alfold Crossways and includes a mixture of older and more modern housing, as well as various local facilities and services. The appeal site comprises a large detached two storey property set within spacious grounds that is well self-contained by existing boundary treatment, mature trees and hedging. At the time of my site visit, the original house was still standing, but the grounds were being used as the construction site offices and compound for the residential development currently under construction on the Alfold Garden Centre site.
5. The appeal site is designated on the Policies Map to the Waverley Local Plan Part 1: Strategic Policies & Sites (February 2018) (WLPP1) and WLPP2, as 'Countryside beyond the Green Belt'. The appeal site is not subject to any other designations. The appeal proposal would involve the demolition of the existing property and the construction of 9 detached dwellings with associated parking and landscaping.
6. Policy RE1 of WLPP1 states that within the areas designated as 'Countryside beyond the Green Belt' the intrinsic character and beauty of the countryside will be recognised and safeguarded in accord with the corresponding policies in the National Planning Policy Framework (July 2021) (Framework). Policy RE1 must be read in conjunction with policies SP2 and ALH1 of WLPP1, which state that in line with the Borough's spatial strategy limited development will be permitted in and around Alfold.
7. The Council contend that the proposed development would be detrimental to the intrinsic character and beauty of the 'Countryside beyond the Green Belt'. I do not share that view. It is important to note that this designation washes over the whole of the village, as well as the land beyond it and that the appeal site is not an isolated area of land within the countryside. A large amount of new development has been permitted nearby including the residential scheme currently under construction on the Alfold Garden Centre site. This development of 56 dwellings was granted planning permission on appeal on 16 March 2020 (ref. APP/R3650/W/19/3234716) (AGC Development). Other than the frontage of the appeal site to Horsham Road, the AGC Development effectively encircles the appeal site.
8. Further south east, on Horsham Road, is an existing BP petrol filling station (PFS) and Marks & Spencer Simply Food store (M&S) and beyond this is a field where outline planning permission for up to 86 dwellings and a workspace hub was granted on appeal on 25 February 2022 (ref. APP/R3650/W/20/3265361).

At the time of my site visit, there were no indications that work on implementing that permission had commenced.

9. Whilst I accept that the appeal site is outside the designated settlement boundary for the village and defined as countryside, it does not read as being part of the countryside. On the contrary, it reads as a site that is on the edge of an expanding village, where the proposal for nine dwellings would be well integrated with the new development currently under construction and in the pipeline. As such, the appeal site forms part of the expanded village, with the open countryside, on this side of the road, effectively starting beyond the permitted development for up to 86 dwellings.
10. The above findings are supported by the fact that the appeal site does not form part of any valued landscape and is not within any local or national designation, such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value. Instead, the appeal property is previously developed land (PDL), a matter not challenged by the Council, where policy SP2 of WLPP1 seeks to prioritise the use of and to maximise the opportunities for new housing through redevelopment.
11. In view of the above, I am satisfied that the appeal site makes no significant contribution to the 'Countryside beyond the Green Belt' and that the intrinsic beauty and character of the latter would not be harmed by the appeal proposal. Moreover, that the proposal would be in keeping with the character of new development that is coming forward on adjoining sites.
12. The Council also contend that the appeal proposal would represent a cramped and contrived development that would be out of character with the streetscene. I do not agree. As you approach this part of the village from the south east, the western side of the road is dominated visually by the PFS and M&S together with their prominent signage and other advertising structures. Beyond these is the access to the AGC Development, from which the appeal proposal would also take its vehicular/pedestrian access, and then beyond that the host property. Whilst the latter is set back from Horsham Road, due to the property's scale, bulk and siting, it is highly visible within the streetscene.
13. Although proposed plots 1 – 5 (inclusive) would be sited closer to Horsham Road than the host property, the difference would, in my view, be modest. A reasonable and strong gap would be retained between these new dwellings and the back edge of Horsham Road, made up of the rear/side gardens to the new units and beyond this a strip of land that I have assumed is for the visibility splays to serve the shared site access. The proposed block plan indicates that on the rear garden (eastern) boundaries to these new dwellings there would be an acoustic fence, with native hedging planted on both sides, as well as new tree planting together with the retention of a number of existing mature trees.
14. Based on the above and my observations on site, I am satisfied that the appeal proposal would integrate well with existing and new development in the area and would not be out of character or harmful to the streetscene. The proposal represents, in my view, an opportunity to secure a high quality layout together with a landscaping scheme that would enhance this part of Horsham Road. The latter is supported by the submitted proposed street scenes and CGI images. Whilst I accept that such images should be treated with caution, the before and after CGI images show the potential to retain the green buffer to the road and

enhance this, and at the same time integrate it with the proposed landscaping scheme to the AGC Development.

15. Both parties have referred to various measurements of the set back of other developments and sought to make comparisons between these and the appeal proposal. Whilst those comparisons can be helpful, there is a danger that they can be applied too rigidly, ignoring the individual circumstances of the site and its immediate context, as well as the impact, if any, that new development would have on its surroundings. As I confirmed above, the proposed layout would retain a reasonable and strong gap between the rear of the new units and the road providing the opportunity to secure a high quality green buffer that would, in my view, enhance the streetscene.
16. Overall, the proposed siting of the new dwellings, in particular plots 1 -5 (inc.) would be broadly in keeping with the layout of nearby new development, either under construction or permitted. Whilst I note that the Council have raised concerns over the fact that the gap would be formed by the rear gardens to the new dwellings, the gap that exists between the host property and the road is currently formed by its grounds (gardens). Moreover, the proposed cul-de-sac layout appears logical given the physical constraints of the site and its frontage to Horsham Road, which, as I observed on site, is a busy road. The proposed layout also secures the right balance between making effective use of PDL and the need to safeguard and improve the environment and ensure safe and healthy living conditions for future occupiers.
17. Accordingly, I find that the appeal proposal would maintain and enhance the character and appearance of the area and streetscene, and would not result in any harm to the intrinsic beauty and character of the 'Countryside beyond the Green Belt'. The appeal proposal would thus be in accord with the policies TD1 (townscape & design) and RE1 of WLPP1, policies DM1 (environmental implications of development) and DM4 (quality places through design) of WLPP2, and the corresponding policies of the Framework.

Play space – future occupiers

18. The Council contend that the proposal fails to provide sufficient play space for future occupiers and that this accentuates the cramped and contrived nature of the development.
19. Policy LRC1 of WLPP1 states that the Council will encourage the provision of new open space, sports, leisure and recreation facilities within new residential developments, which will be expected to make provision for play space having regard to the Fields in Trust (FIT) standards set out in Table 1 to the plan. The FIT standards are referred to as "*benchmark guidelines*". I understand that the Council's requirement is for an informal play space in the form of a 'Local Areas for Play' (LAPs). The supporting text at paragraph 12.16 states that where provision is not made on-site, financial contributions towards the improvement of an existing or designated play space may be sought or where existing, adequate play space lies within the walking distance guidelines (in Table 1). The paragraph continues by stating that the latter are provided as minimum guidelines and should be adjusted, if necessary, to take account of local circumstances.
20. The Appellant contends that the appeal site lies is within 80 metres walking distance of a new LAPs and a new 'Local Equipped Areas for Play' (LEAPs) that

are being provided as part of the AGC Development. As these are within the walking distance guidelines (in Table 1 of 100 metres for LAPs and 400 metres for LEAPs), the Appellant argues that the appeal proposal meets the criteria for a financial contribution, but that a contribution is not required when account is taken of local circumstances. As I observed on site, the appeal proposal would be within the walking distance guidelines (of Table 1) to the LAPs and LEAPs being provided within the AGC Development and the route to these would be easy and safe. The LAPs and LEAPs would be designed in accord with the FIT guidelines, they would be new and would be provided by the same developer as in the appeal scheme. I see no reason, therefore, as to why they should not be able to secure a play area and equipped play area of high quality.

21. The evidence before me also indicates that the contract to construct the play space within the AGC Development is in place with the works programmed to be completed by the end of September this year. There is, therefore, clear certainty that the LAPs and LEAPs will come forward. As I confirmed above, they would be easily accessible to the appeal proposal and would thus benefit future occupiers of the appeal site, providing them with convenient and safe access to appropriate play spaces of high quality. At the same time, this layout would assist in integrating the appeal proposal with the AGC Development.
22. Given the above, I am satisfied, on balance, that sufficient play space would be available for future occupiers of the appeal proposal.
23. The above finding is supported by the planning permission that the Appellants have drawn to my attention for nine dwellings on Vintners in Guildford Road, on the northern outskirts of Alfold. This outline permission was granted on appeal on 14 February 2023 (Ref. APP/R3650/W/22/3300307). It bears a number of similarities to the appeal proposal, not least, as the permission does not include any provision for on-site play space. No provision was shown on the indicative proposed layout that supported the appeal and there is no reference to an accompanying planning obligation or indeed in any of the conditions to the need to secure new play space.
24. The Appellants FC's, which made reference to the Vintners decision, included extracts from the Design & Access Statement for that application, which states that the proposal included a pedestrian link to public open space that was being provided as part of the planning permission for residential development on an adjoining site, known as Brockhurst Farm. Moreover, it is clear from the appeal decision that the Council did not object to the lack of any provision for new play space to serve that development and that the Inspector found no issue with the proposed development in this respect. The Inspector must also have been satisfied that, in granting outline permission for nine dwellings, the site could accommodate that quantum of development at the reserved matters stage with no provision for on-site play space.
25. The Appellant's Written Opinion has also drawn attention to the proximity of the appeal site to a Neighbourhood Equipped Area of Play (NEAP), comprising the Alfold Sports and Recreation Ground, which they say is located some 400 metres to the north of the appeal site. The Table 1 guidelines to policy LRC1 require a NEAP to support developments of over 501 dwellings and for this to be located within 1,000 metres walking distance of those dwellings. Whilst this Written Opinion was forwarded to the Council, they did not comment further on the reference to the NEAP, and instead reiterated their view that this aspect of

the development remained unacceptable. This NEAP is a further consideration that lends support to my findings on this issue.

26. Given the above, the appeal proposal would, in my judgement, be compliant in this respect with the requirements and guidance of the relevant development plan policies without the benefit of the Appellants DOE. I do accept that the latter is not a planning obligation and could not be enforced through section 106 of the Town and Country Planning Act 1990. Even so, this private deed would secure, for the future occupiers of the appeal proposal, a right of way to access and use the new play spaces within the AGC Development. As such, the DOE is a further consideration and whilst I have had regard to it I am satisfied that the appeal proposal would be policy compliant even if the DOE was not in place.
27. For the above reasons, I find that the appeal proposal would accord with the aims and objectives of policy LRC1 of WLPP1.

Cramped and contrived private amenity spaces

28. Policy TD1 of WLPP1 seeks, amongst other requirements, to ensure that new housing development is designed to create safe and attractive environments that maximise the opportunities to improve the quality of life, health and well-being of future occupiers through the provision of appropriate amenity space. Policy DM5 of WLPP2 also requires adequate amenity space to be provided within new developments. Both policies are consistent with paragraph 130 f) of the Framework.
29. Policy DM5 continues by stating that where amenity space is provided for each dwelling this should be private, usable, secure, defensible and appropriately located, and be at least 10 metres in depth and the width of the new dwelling. The supporting text at paragraph 2.44 states that the reference to depth and width is a "guideline" and that private gardens should be of sufficient size to accommodate a shed, small patio for sitting out, an area for drying clothes, a play space and areas for shrubs and border planting.
30. The proposed block plan demonstrates, in my view, that the rear gardens to the new dwellings would be private, usable, secure and defensible, and appropriately located. Each dwelling would include french doors to provide easy access to their rear gardens, with covered pergolas, a patio and lawn area, as well as sufficient margins for new shrub planting and trees. The plan in Appendix 7 to the ASOC demonstrates this further, with the proposed layout annotated to show how the gardens could accommodate a shed, patio and clothes dryer, whilst leaving further areas that could be used as play space and for the planting of shrub and trees. All the proposed gardens would, therefore, be functional, usable and of a high quality.
31. Whilst I accept that the rear gardens to plots 1 - 6 (inclusive) do not meet the 10 metre depth requirement, as I confirmed above, this is a guideline and I agree with the Appellant that it is compensated for by the fact that the gardens are wider than the width of the dwellings in question. As such, I am satisfied that the level and layout of private amenity space is acceptable to serve the proposed dwellings and that the proposed layout would not, in this respect, be cramped or contrived. On the contrary, as I confirmed earlier, the proposal would, in my view, secure a high quality layout that sits comfortably on the appeal site. It would integrate with and link well to layout of the adjacent AGC

Development. Moreover, the proposed layout would be broadly in keeping with the built rhythm of new development within this part of the village and would respond well to the sites physical constraints including its relationship to the busy Horsham Road. It would also secure an appropriate balance between the need to make effective use of PDL and the need to promote high standards of amenity for future users.

32. Accordingly, I find that the appeal proposal would secure a high quality of private amenity space for future occupiers and would neither be cramped nor contrived, and would, therefore, accord with policy TD1 of WLPP1, policy DM5 of WLPP2 and paragraph 130 f) of the Framework.

Conditions

33. The Council has suggested a number of conditions which I have considered against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions. I have also had regard to the Appellant's FC and the subsequent emails from the Council and the Appellant on the wording and need for some of the conditions set out in Appendix 1 to the Council's Appeal Statement.
34. Conditions relating to compliance with the approved plans and requiring the submission and approval of materials and a landscaping scheme, are necessary and reasonable in order to secure a high-quality development, to reflect the details included in the application and to ensure that the development properly integrates with its setting and adjoining developments. Conditions relating to construction, contamination, broadband, water usage, ecology and trees, are also reasonable and necessary in the interests of highway safety and local amenities, to ensure a satisfactory relationship between the development and existing trees, to minimise the risk to the health of future occupiers, to ensure a sustainable construction and design, to safeguard ecological interests and ensure that the new units have a satisfactory broadband connection.
35. I also consider that conditions relating to the provision of site access and visibility splays, on site car parking, cycle parking and electric charging facilities are also necessary and reasonable in the interests of highway safety, to promote alternative modes of transport and to mitigate the effects of climate change.

Planning balance and conclusions

36. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to 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."*
37. There are a number of benefits to the appeal proposal, including making effective use of land, boosting the supply of housing and contributing towards the delivery of the Borough's future housing needs within a sustainable and accessible location. There would also be the economic benefits from the construction of the new dwellings and social benefits in the form of increased local spend and support for local services and facilities. These benefits are

supported by various policies in the development plan and in the Framework, including paragraph 60. I attach significant weight to these benefits.

38. As I have found above, the appeal proposal would not result in any adverse impacts or any material conflict with the policies of the development plan. As a consequence, the presumption in favour of sustainable development envisaged in the Framework applies. Planning permission should be granted for the appeal proposal as there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the appeal proposal, when assessed against the policies in the Framework taken as a whole.
39. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority: 2108_100 – Location Plan; 2108_120 – Block Plan; 2108_130 – Tree Management Plan; 2108_150 – Site Plan Ground and First Floor; 2108_151 – Site Plan Second and Roof; 2108_200 – Proposed 3B House (Detached); 2108_201 – Proposed 3B House (Detached + Semi Detached); 2108_300 – Proposed Street Scenes; 2108_SK140421 – Visibility Splays.
- 3) Prior to the commencement of the development hereby permitted samples of the materials to be used in the construction of the external surfaces of the new dwellings 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.
- 4) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use unless otherwise agreed in writing by the Local Planning Authority.
- 5) Prior to the first occupation of the dwellings hereby permitted, 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.
- 6) Prior to the commencement of the development hereby permitted, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority: a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any

contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF; b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property.

The remediation scheme shall include: i) All works to be undertaken; ii) Proposed remediation objectives and remediation criteria; iii) Timetable of works; iv) Site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

- 7) Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with condition 6 and shall be submitted to the Local Planning authority for approval prior to first occupation of the development hereby permitted.
- 8) Following commencement of the development hereby permitted, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 6, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works: a) An investigation and risk assessment, undertaken in the manner set out in Condition 6 of this permission; b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 6; c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 7.
- 9) The development hereby permitted shall be carried out in accordance with the recommendations made in Section 5 of the AAE Supplementary Bat Report dated November 2022 (reference 213384).
- 10) No development shall commence (except in relation to the construction of the access) until the vehicular access and pedestrian links hereby approved have been constructed and provided with visibility zones in accordance with the approved plan, Drawing No. 2108_SK140421. Thereafter, the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 11) The development hereby permitted 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.
- 12) No development shall commence until a Construction Transport Management

Plan to include details of: a) parking for vehicles of site personnel, operatives and visitors; b) loading and unloading of plant and materials; c) storage of plant and materials; d) programme of works (including measures for traffic management); e) provision of boundary hoarding behind any visibility zones; f) measures to prevent the deposit of materials on the highway; g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; and h) on-site turning for construction vehicles, has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 13) Prior to the first occupation of the development hereby permitted, facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities shall be provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 14) The development hereby permitted shall not be first occupied unless and until each of the proposed dwellings and at least 1 of the visitor parking bays are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved charging points shall be retained and maintained to the satisfaction of the Local Planning Authority.
- 15) Prior to the commencement of the development hereby permitted, a detailed hard and soft landscaping scheme shall be 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 within the first planting season after commencement of the development or as otherwise agreed in writing with 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 same species and size as those originally planted.
- 16) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan by Martin Dobson Associates dated 14/01/2022.

End of Annex.