



Appeal Decision

Site visit made on 3 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/D3640/W/23/3320986

Land adjoining Ivy Bungalow, Deepcut Bridge Road, Camberley GU16 6RF

- 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 Andy Hing against the decision of Surrey Heath Borough Council.
 - The application Ref 22/1101/FFU, dated 25 October 2022, was refused by notice dated 31 March 2023.
 - The development proposed is the demolition of existing outbuildings and construction of a new dwelling house (Use Class C3), with landscaping enhancement and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings and construction of a new dwelling house (Use Class C3), with landscaping enhancement and associated works at Land adjoining Ivy Bungalow, Camberley GU16 6RF in accordance with the terms of the application, Ref 22/1101/FFU, dated 25 October 2022, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Since the appeal was lodged the Government published the revised National Planning Policy Framework (2023) (the Framework) in December 2023. The parties have had the opportunity to comment upon the implications of this for their cases.
3. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided (S106 UU) as part of this appeal. It includes obligations relating to the Thames Basin Heaths Special Protection Area (SPA). This is discussed below. The Council have stated that this addresses one of the reasons for refusal and that they therefore do not wish to contest this reason.

Main Issues

4. The main issues in this case are:
 - whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy; and
 - the effect of the development on the Thames Basin Heaths SPA.

Reasons

Location

5. The appeal site comprises of land adjacent to Ivy Bungalow, a detached dwelling on the western side of Deepcut Bridge Road, adjacent to a railway line. The site at present has one large outbuilding and several smaller outbuildings, previously used in connection with a cattery business at Ivy Bungalow. There is a mix of grass and hardstanding, a skip and there are building materials lying around. The proposed site also partly comprises of a more formally landscaped garden area which includes a mobile home. The site is accessed directly off Deepcut Bridge Road and is mostly screened from the highway by a 2m close boarded fence.
6. There is no dispute that the site is located outside any settlement boundary and is therefore within the open countryside. Policy CP1 of the Core Strategy & Development Management Policies 2011-2028 (2012) (CS) outlines the spatial strategy for the area administered by the Council, which largely focuses on the redevelopment of previously developed land in the western part of the Borough. It requires new development to be directed in accordance with the spatial strategy *'which provides the most sustainable approach to accommodating growth making the best use of infrastructure and services whilst respecting the character of the Borough'*. It sets out that development in the countryside beyond the Green Belt, *'which results in the coalescence of settlements will not be permitted.'*
7. The Countryside and Green Belt Study (2017) identifies the surrounding site (Parcel C31) as providing a strong zone of constraint to the sprawl of Frimley and Camberley, preventing the merging of settlements at Deepcut and Frimley Green/Mytchett and therefore assisting in safeguarding the countryside from encroachment.
8. The existing site, given that it is landscaped, includes hardstanding and is occupied by permanent structures, is viewed as part of the Ivy Bungalow site, clearly separate from the surroundings, which is made up of largely open, undeveloped woodland with sporadic development. The appeal site has a untidy, developed, domestic character and does not therefore contribute positively to the rural character and appearance of the surroundings.
9. Due to its additional height, the proposed dwelling would be more visible from the highway, however, by removing the existing outbuildings/mobile home, it would reduce the footprint of development on the site. The proposed dwelling would replace an existing mobile home, and the appellants set out that the site was previously used as a parking area for the cattery business. As such, any intensification of the use of the site by a single independent dwelling would be limited.
10. Given its siting between Ivy Bungalow and the railway line, the dwelling would also not appear physically isolated from other development. It would not have the appearance of encroachment into the countryside nor contribute towards the coalescence of settlements.
11. In addition, by removing the existing unsightly outbuildings and landscaping the site, whilst retaining every tree, including both Oak trees protected under Tree Preservation Order 01/23, the proposal would also improve the

appearance of the site. The development would not therefore harm the character and appearance of the rural surroundings.

12. Moreover, there is no dispute between the parties that the appeal site is located within convenient and safe walking distance to the facilities and services of Deepcut. As such, the development would enhance the vitality of rural communities and make best use of existing infrastructure and services.
13. I conclude that the appeal site is suitably located for a new dwelling, and I therefore find no conflict with the spatial strategy goals of CS Policy CP1, or the protection of the character and appearance of the rural environment requirements of CS Policies DM9 and CP2. There is also no conflict with the conservation and enhancement of the natural environment and sustainable development goals of the Framework.

Special Protection Area

14. The appeal site is within 400m – 5km of the Thames Basin Heaths SPA, which supports breeding populations of three rare species of bird: Nightjar, Woodlark and Dartford Warbler. The conservation objectives for the SPA are, in summary, to ensure that the integrity of the site is maintained or restored in order to protect the habitat and the birds that depend on it. The birds which are features of the SPA are vulnerable to disturbance from recreational activities, which would likely increase through new housing development.
15. As such it is necessary to carry out an appropriate assessment (AA) as part of my decision. As part of the AA it is necessary to consider whether any potential effects could be addressed through specific measures. In accordance with CS Policy CP14 and Policy NRM6 of the South East Plan (2009) (SEP) and the Supplementary Planning Document Thames Basin Heaths Special Protection Area Avoidance Strategy (2012), appropriate mitigation would need to be secured for such development. This mitigation is achieved through financial contributions towards the provision of Suitable Alternative Natural Green Space (SANGS) within the Council's borough, which is aimed at providing an alternative recreation location to the SPA. Further mitigation is also secured through financial contributions towards Strategic Access Management and Monitoring (SAMM), which helps monitor and manage the impact of people using the SPA.
16. The SANG contribution of £17.110 would offset any impact of future occupiers of the new dwelling travelling to the SPA for recreation purposes, in addition to the provision of suitable alternative natural greenspace to divert and manage recreational pressure on the Special Protection Area. Moreover, the SAMM element (£875.81) would assist with measures to better manage and monitor visitors to the SPA. As part of the consideration of the development proposal Natural England confirmed that it has no objection subject to securing mitigation measures in accordance with the above strategy. I am therefore satisfied that the mitigation measures would be effective.
17. The submitted S106 secures the mitigation set out above. Based on the forgoing, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that whilst the integrity of the SPA would be affected by the development, this could be overcome with the proposed mitigation.
18. The scheme would therefore comply with the Regulations.

Other Matters

19. Each proposal is considered on its own merits, and the context of this appeal site would not necessarily be repeated elsewhere. As such, this scheme does not in my view set a harmful precedent for development elsewhere in this area.

Conditions

20. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
21. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. Details of external surfaces must be submitted to and approved by the Council prior to commencement of development, to ensure materials integrate as far as possible with the surrounding area.
22. A condition requiring details to be submitted of protection measures for the onsite trees and vegetation to be retained, in addition to an Arboricultural Method Statement, is necessary to ensure the adequate protection of the verdant qualities of the site. This condition is required to be pre-commencement to ensure that all details are appropriate, finalised and secured prior to development starting on site. A further condition requiring the protection and replacement of vegetation on site is required to ensure the retention of the verdant qualities of the site.
23. To help minimise the impact of development on highway safety during construction, a Construction Transport Management Plan must be approved prior to the commencement of development. Again, this condition is required to be pre-commencement to ensure that all details are appropriate, finalised and secured prior to development starting on site.
24. A condition requiring details of landscaping is necessary to ensure that these elements, both soft and hard landscaping, are appropriate to the surroundings. To provide residents with suitable facilities, car parking spaces and cycle parking must also be completed prior to occupation. A fast charge sockets must also be implemented prior to occupation of each dwelling, to help promote sustainable modes of transport within the Council's area.
25. Finally, a condition requiring compliance with the submitted Ecology Report is necessary in the interest of nature conservation.
26. A condition relating to a possible cellular confinement system is not required, as this is not sufficiently precise and is not necessary given the conditions relating to Arboricultural Method Statement and a Construction Transport Management Plan.
27. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. The Council have not provided this clear justification that the exercise of such rights would be harmful to the character and appearance of

the area, and as such the suggested condition removing permitted development rights is not considered reasonable in this case.

Conclusion

28. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

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: PSD-001B, PSD-002.
3. No above ground development shall take place until samples or details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples or details and retained thereafter.
4. Prior to the commencement of development, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. These documents shall be written in accordance with British Standards 5837:2012. Thereafter, the works shall be carried out in accordance with the approved details.
5. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged, or destroyed, cut back or removed, without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of development or from the first date of the occupation of the building hereby permitted, shall be replaced with similar size and species of vegetation/trees, and shall be planted in the immediate vicinity.
6. Prior to the commencement of development, a Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for: • the parking of vehicles of site personnel, operatives and visitors; • loading and unloading of plant and materials; • onsite turning for construction vehicles; • storage of plant and materials; • programme of works (including measurement for traffic management); and • provision of boundary hoarding behind any visibility zones. The approved CTMP shall be adhered to throughout the construction period of development.
7. Prior to the completion or first occupation of the development hereby approved, whichever is sooner, a scheme of hard and soft landscaping, which shall include details of all walls, fences and boundary treatments (including a method statement if located within the root protection area of any trees), existing trees and hedges to be retained and new planting to be carried out, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details and timetable. Any trees or plants forming part of the approved scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. Prior to the first occupation of the development hereby approved, car parking and turning spaces shall be laid out in accordance with drawing PSD-001B. The car parking and turning space shall thereafter be kept available at all times for those purposes.
9. Prior to the first occupation of the development hereby approved, a fast charge Electric Vehicle charging point shall be installed. Details of the fast charge sockets shall be submitted to and approved in writing by the Local Planning Authority before the sockets are installed and retained thereafter.
10. Prior to the first occupation of the development hereby approved, a cycle parking area shall be laid out in accordance with drawing PSD-001B. The cycle parking shall thereafter be retained for their designated purpose.
11. The development hereby approved shall be implemented in accordance with the recommendations set out in the submitted Ecological Report by the Ecology Partnership dated August 2022.

End of Schedule