

Appeal Decision

Hearing held on 27 February 2024

Site visit made on 27 February 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/R3650/W/23/3328411

Land west of Chamber Lane, Chamber Lane, Farnham GU10 5ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nicolas Roach against the decision of Waverley Borough Council.
 - The application Ref is WA/2018/1983.
 - The development proposed is erection of dwelling with associated garaging, plant room, greenhouse and store, swimming pool and associated lake and landscaping with access from Chamber Lane. Temporary buildings for use in association with construction of new dwelling including timber drying sheds/brick kilns and ground mounted solar panels to generate renewable energy.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling with associated garaging, plant room, greenhouse and store, swimming pool and associated lake and landscaping with access from Chamber Lane. Temporary buildings for use in association with construction of new dwelling including timber drying sheds/brick kilns and ground mounted solar panels to generate renewable energy at Land west of Chamber Lane, Chamber Lane, Farnham GU10 5ET in accordance with the terms of the application, Ref WA/2018/1983, subject to the conditions in the attached schedule.

Preliminary Matters

2. A number of the drawings listed in the decision notice appear not to have been the drawings before the Council when it determined the application. A list of correct drawings, agreed between the main parties as being the set that was before the council when it determined the application, was provided during the appeal and are those before me. I have assessed the case based on these drawings and am satisfied that no interested parties have been prejudiced by the errors on the list of drawings stated in the decision notice.
3. I have used the description of development from the decision notice and appeal form as the proposal was amended during the application stage to omit the demolition of the existing bungalow.

Main Issue

4. The main issue is whether the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the Framework.

Reasons

5. Policy SP2 of the Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) seeks to, among other things, avoid major development on land of the highest amenity and landscape value, such as the Surrey Hills Area of Outstanding Natural Beauty and to safeguard the Green Belt.
6. As the proposed building would have a floor space greater than 1,000sqm, it would constitute major development. In addition, as the proposal would be sited in an Area of Great Landscape Value (AGLV), it would conflict with LPP1 Policy SP2.
7. Planning law requires that determination of the appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Accordingly, the Appellant has proposed the scheme on the basis of paragraph 84(e) of the Framework which permits isolated homes in the countryside as long as, among other things, the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
8. The site is accessed from Chamber Lane and consists of a roughly rectangular field that is indented by Chamber Lane to the east. The ground levels generally fall from the north down to the south where the site is bound by the A31. The north of the site consists of ancient and semi-natural woodland known as Willey Copse. There is also ancient woodland at the west side of the site, known as Westlands Copse. Accordingly, the site is an attractive varied rural landscape.
9. The proposal is for a two-storey dwelling designed in a classical style. In terms of form, the main building would consist of two two-storey cubic forms connected by a double height atrium. The main house would link to a single storey pool pavilion and glass houses via an open colonnade, as well as to garages which would project towards the north. Although the main building would have a considerable length, its proportions would appear harmonious. The single storey elements of the building would be sited in a discrete location to the west and north such that they would be largely screened by the main building in primary views from the south and from Chamber Lane.
10. The elevations have been designed in accordance with the well-established principles of classical design through the sensitive use of primary Tuscan orders and entablature in the recessed porticos. In addition, secondary orders in the form of pilasters and recessed frieze panels would add hierarchy and interest to the elevations and highlight variations in the brick which would be excavated and hand-made on site.
11. The east and south elevations at ground floor would benefit from extensive glazing that would remain traditional in style with framing in vertical proportions and rhythm that would reflect the wider elevations. The primary internal spaces would be located to the south of the building to benefit from solar gain. This includes the kitchen, which is designed to be a family space, reflecting modern societal changes. Overall, the proposed design is well proportioned and elegant, and would incorporate a number of sustainability features that are integral to the proposal. Therefore, the design would reflect the highest standard in architecture.

12. The proposal would incorporate a number of sustainability features including reduced embodied carbon through the use of brick excavated on site, ground source heat pump, natural and mechanical ventilation with heat recovery, as well as solar panels. The incorporation of these features into landscape design on the site and the traditional style of architecture would help to raise standards of design more generally in rural areas.
13. The immediate setting of the dwelling consists of the ancient woodland and semi-natural woodland to the north of the site which lies on rising ground. It also consists of the parkland to the south which comprises open fields on sloping ground and mature trees.
14. The main building would be around 10m in height to eaves level, and with 11 bedrooms would be of a significant size. As set out in the evidence, historic country houses are commonly set in extensive parkland settings. The space available on the site outside of the ancient woodlands would be generally less than historic country houses. Furthermore, the building would be viewed from a relatively close distance from public views such as Chamber Lane.
15. As set out in the evidence, the location of the building within the site was selected so as not to impinge on the ancient woodland or public views and a sheltered location was chosen for its microclimate. Accordingly, rather than create woodland to enhance the setting of the building, the proposal utilises the existing landscape to locate the building in an optimal position on the site.
16. The siting of the building was also informed by the clay geology of the site which currently results in a wet pasture with poor natural drainage. The clay is proposed to be extracted and used to manufacture the bricks for the building and a lake is proposed in the excavated area. This would be secured via a Brick Manufacturing Scheme to be sent to the Council as part of a planning obligation. The building would be sited north of the lake which would extend close to the plinth at the east elevation of the dwelling.
17. Therefore, views of the building from Chamber Lane would be from across the lake which would temper the sense of scale of the building. In addition, the building would be seen against the rising ground of the ancient woodland and mature trees to the north of the building as well as a number of existing tall mature trees to the south of the proposed dwelling. The building would therefore not appear overly dominant in its landscape setting despite the history of classical buildings being set within larger parkland sites.
18. Moreover, views from Chamber Lane would be partially screened by hedgerow and planting. In addition, the short, east elevation and oblique views of the long south elevation would be seen in views from Chamber Lane and from the access, rather than the long south elevation. Accordingly, the proposed building would not appear dominant or incongruous in close-range views from Chamber Lane.
19. The creation of the lake and its relationship with the building would be seen in a number of views and add to the parkland feel of the southern part of the site. In addition, the lake would enhance the varied character of the landscape that would add to the pleasant visual relationship with the ancient woodland to the north.

20. The excavation of the clay would also assist with the natural drainage of the site and the proposal includes management of the ancient woodland. Accordingly, the proposal would significantly enhance its setting.
21. The site lies within the southern part of the AGLV, in the North Downs Character Area W1. Characteristic features include linear villages, scattered farm and large houses. In addition, the Historic Landscape Characterisation by Surrey County Council Archaeology Service identifies a number of characterisations for parts of the site which includes parkland and conversion to arable. Accordingly, the conversion of the grassland areas of the site to parkland would not appear discordant or out of keeping with the defined characteristics of the wider area.
22. Views from the A31 and from across the valley to the south would be long distance and largely screened by trees and hedges. Therefore, a large house in this location would not appear incongruous in the AGLV. The proposal would be sensitive to the defining characteristics of the local area.
23. Consequently, the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the Framework. Therefore, it would not conflict with LPP1 Policies RE1 and RE3 which require the intrinsic character and beauty of the countryside to be recognised and safeguarded in accordance with the Framework and seeks to protect the AGLV. It would also not conflict with Policies FNP1 and FNP10 of the Farnham Neighbourhood Plan April 2020 (FNP) which together seek high quality design and enhance the landscape value of the countryside. It would also not conflict with Policy DM1 of Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 which seeks, among other things, development that would not cause harm or damage to existing environmental assets such as areas of landscape value.

Planning balance

24. The proposal would conflict with LPP1 Policy SP2 which seeks to avoid major development on land of the highest amenity and landscape value. However, the proposal meeting the policy exception for new dwellings in the countryside set out in paragraph 84e of the Framework is a material consideration to which I attach significant weight. As the site would not result in harm to the AGLV, this material consideration warrants a decision other than in accordance with the development plan.

Other Matters

25. I note local concerns regarding alternative uses for the proposed dwelling. However, I have necessarily assessed the scheme before me and in any event alternative uses would be likely to require planning permission.
26. The site is located in the Wealden Heaths I SPA 5km Buffer Zone. As there are alternative recreational opportunities in the area, the scheme would not result in likely significant effects on Wealden Heaths I SPA. Accordingly, an Appropriate Assessment for this designated habitat is not necessary.
27. As the proposal would result in an additional dwelling on the site, it would be likely to result in additional recreational visitors to the Thames Basin Heaths SPA. While the proposal alone may not result in significant effects, in combination with other developments, the proposal would result in likely significant effects on the SPA. Accordingly, an Appropriate Assessment is necessary.

28. In accordance with Waverley Borough Council Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy (July 2016) (Strategy), financial contributions towards a Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring has been secured via a planning obligation. A Unilateral Undertaking has been submitted by the Appellant which restricts the commencement of development on the site until the financial contribution has been paid to the Council in accordance with the (Strategy).
29. Consequently, the proposed development would not adversely affect the TBH SPA and would not conflict with FNP Policy FNP12 or the Framework in this regard.

Conditions

30. The conditions specifying plans and time limit is necessary in the interest of certainty.
31. The condition relating to Construction Transport Management Plan is necessary in the interest of the living conditions of neighbouring occupiers. In order to safeguard against flooding, the conditions regarding surface water drainage and foul drainage are necessary and the conditions relating to ecology survey report, bird nests and tree protection plan are necessary in the interests of biodiversity. The condition regarding an energy strategy is necessary for sustainability. To ensure the quality of the design, a condition relating to architectural detailing is necessary. Given the potential for archaeological remains, a condition regarding archaeology is necessary. These conditions need to be pre-commencement as they are likely to affect the early stages of construction.
32. Conditions regarding materials, permitted development, temporary buildings and removal of trees are necessary to safeguard the character and appearance of the area. In the interests of highway safety, conditions relating to access, parking and turning of vehicles is necessary. In addition, in the interests of biodiversity, conditions relating to bat surveys, enhanced management strategy and biodiversity net gain are necessary.
33. The conditions relating to connection to public mains and a verification report are not necessary as these provisions are covered by other conditions.

Planning obligation

34. A Unilateral Undertaking (UU) was submitted by the Appellant which relates to a number of provisions. As well as the SPA financial contribution discussed above, the UU includes provisions relating to a late stage review.
35. LP Policy AHN1 requires a minimum provision for housing development which meet a number of criteria including having a floor area of over 1000sqm, to provide a minimum 30% affordable housing. As the proposed dwelling would meet this criterion, the Policy requires the provision of affordable housing. A Viability Assessment was submitted by the Appellant which demonstrates that the proposal would not deliver a profit or surplus revenue. The UU requires the owners to provide the Council with information upon practical completion of the development to ascertain whether a financial contribution towards affordable housing would be viable at that time. This provision is fairly and reasonably related to the development proposed and as such passes the statutory tests.

36. The UU also contains provisions towards design quality. It includes a requirement to submit a statement setting out the design team and a provision relating to any change of appointed architect. As the success of the proposal in terms of the exceptional quality of the architectural design, particularly detailed design, is intrinsically linked to the designers, this provision would ensure that the integrity of the architectural design would be maintained throughout the construction process.
37. A significant aspect of the scheme is the manufacture of the bricks used for the proposed building. Accordingly, the provision relating to a brick manufacturing scheme is necessary and would meet the relevant tests. Accordingly, a condition in this respect would not be necessary.

Conclusion

38. For the reasons given above, the appeal should be allowed.

R Sabu

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: 5930/01, 5930/06 B, 5930/07 B, 5930/08 B, 5930/09 C, 5930/PL 00B, 5930/PL 01, 5930/PL 02, 5930/PL 03, 5930/PL 04, 5930/PL 05, 5930/PL 06A, 5930/PL 07, 5930/PL 09, 5930/PL 10, 5930/PL 11, 3727- HR, 3727- HR, 5930- Elevation Detail 03, 424PLG002D, 424PLG003D, 424PLG004D, 424PLG006D, 424PLG008, 424PLG013, 424PLG014B and 424PLG015A.
- 3) No development shall commence until further details of the following architectural detailing, including drawings to a scale of not less than between 1:5 and 1:20, shall be submitted to and approved by the local planning authority;
 - All brick and stonework details including brick banding, special brick coursing, balustrading, parapets and external decoration.
 - The treatment of external openings, to include the doors and windows, reveals, cills and heads.
 - Intersections of materials, such as roof parapets, stone to brick, base to external finishes.
 - All external rainwater goods.
 - Bridges or other landscape structures.

Development shall be carried out in accordance with the approved details.

- 4) No development shall commence until confirmation of the proposed energy strategy for the dwelling hereby approved has been submitted to and approved by the local planning authority. The Energy Strategy shall confirm the measures to be adopted to secure the PassivHaus Standard, which shall be implemented in full, with assessment being undertaken by an independent PassivHaus Institute approved assessor. The post-construction assessment and the accompanying PassivHaus Certificate shall be submitted to the local planning authority prior to first occupation of the dwelling hereby approved.
- 5) No development shall commence until a Construction Transport Management Plan has been submitted to and approved by the local planning authority. Only the approved details shall be implemented during the demolition and construction of the development. No part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.
- 6) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.
- 7) No development shall commence until a scheme to dispose of foul drainage has been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.

- 8) No development shall commence until an updated Ecological Survey Report, including reptile and amphibian surveys, has been submitted to and approved in writing by the local planning authority. Any mitigation and enhancement measures identified shall be implemented prior to the first occupation of the development.
- 9) No development, including demolition, shall commence until the site is inspected for active bird nests by a suitably qualified ecologist and all development activities such as vegetation or site clearance shall be, where possible, timed to avoid the bird nest season of early March to August inclusive. If any active nests are found, they shall be left undisturbed with a buffer zone around them, until it can be confirmed by a suitably qualified ecologist that the nest is no longer in use.
- 10) No development (including demolition and all preparatory work), shall commence until the Tree Protection Plan (TPP) in the submitted Arboricultural assessment & method statement ref. 16304-AA2-CA (Barrell Tree Consultancy, May 2019) has been implemented in strict accordance with the approved details.
- 11) No development shall commence until a written scheme of investigation in accordance with the Archaeological Desk Based Assessment (CgMs Heritage, November 2018) has been submitted to and approved in writing by the local planning authority. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the local planning authority within 3 months of the completion of any archaeological investigation.
- 12) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all 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, including:
 - a) samples of all brick, stone and roof tiles and shingles;
 - b) samples of the proposed window, door, balcony treatments, guttering and downpipes, podiums and balustrades;
 - c) samples of all other materials to be used externally.Development shall be carried out in accordance with the approved details.
- 13) No part of the development shall be first occupied unless and until the proposed modified access to Chamber Lane has been constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority and thereafter shall be permanently maintained.
- 14) No part of the development shall 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.

- 15) No part of the development shall be first occupied unless and until an enhanced management strategy for wildlife habitat at the receptor site, including how and by whom the proposed measures are to be maintained and secured for the long-term, has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
- 16) No part of the development shall be first occupied unless and until a scheme for detailed landscaping has been submitted to and approved in writing by the local planning authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials.

Any trees or plants 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.
- 17) No part of the development shall be first occupied unless and until a biodiversity net gain scheme to enhance the nature conservation interest of the site, including a management strategy for the lake, has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
- 18) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended, no development shall be undertaken which falls within Schedule 2, Part 1, Classes A, B, C, D, or E without planning permission first being obtained from the local planning authority.
- 19) The development hereby approved shall be carried out in accordance with section 5.6 Outline mitigation and enhancement measures of the Bat Survey Report Rev 0 (Hampshire Ecological Services Ltd, November 2018).
- 20) Prior to the removal of any trees in connection with the development hereby approved, an impact assessment and method statement for the trees proposed to be removed close to the woodland for windthrow (exposure to unfamiliar winds) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Christiaan Zwart	Counsel
David Jobbins	Director of Luken Beck MDP
Prof. Robert Adam	Architect
Marie-Louise Agius	Senior Director of Balston Agius Ltd
Prof. David Strong	Director of David Strong Consulting
Amy Penrose	

FOR THE LOCAL PLANNING AUTHORITY:

Russell Brown	Principal Planning Officer
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INTERESTED PARTIES:

John Cope	Local resident
Christopher Wilson	Local resident

DOCUMENTS

Unilateral undertaking
E-mail from Natural England
List of plans