



Appeal Decision

Site visit made on 12 March 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/R3650/W/23/3326044

The Old Malthouse, Haslemere Road, Brook, Godalming, Surrey, GU8 5UL

- 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 & Mrs Gregor Frizzell against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/02775.
 - The development proposed is described as "construction of a single dwelling (C3) and associated works including vehicular access."
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single dwelling (C3) and associated works including vehicular access at The Old Malthouse, Godalming, GU8 5UL in accordance with the terms of the application, Ref WA/2022/02775, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Surrey Hills AONB with the Surrey Hills National Landscape (SHNL) in my decision to reflect this change.

Main Issues

3. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effect of the proposed development on the character and appearance of the area, including the SHNL and the Surrey Hills Area of Great Landscape Value (AGLV).

Reasons

Whether Inappropriate Development

4. The Old Malthouse comprises a detached house, with associated outbuildings and gardens, which fronts onto the western side of Haslemere Road. The house is positioned towards the centre of the curtilage of the property and appeal site

comprises its side garden to the north. The proposal involves the erection of a single dwelling within the site.

5. The area within which the appeal site is located is designated as Green Belt. Consistent with the Framework, Policy RE2 of the Waverley Borough Local Plan Part 1 (2018) (LP1) and Policy DM14 of the Waverley Borough Local Plan Part 2 (2023) (LP2) indicate that, subject to certain identified exceptions, planning permission will not be given for the construction of new buildings in the Green Belt unless there are very special circumstances. The exceptions include limited infilling in villages. The appellant argues that the proposal constitutes limited infilling within the village of Brook, a position disputed by the Council.
6. The Council has indicated that the appeal site is part of a small community with some facilities, but this fell short of the facilities required to identify it as a 'Rural Settlement'. As there is no post office, school or shop in Brook, the Council do not consider it can be classed as a village. Additionally due to the width of the appeal site, the Council do not consider that the proposal would be limited infill.
7. I saw that The Old Malthouse forms part of a linear pattern of development along the western side of Haslemere Road that extends from a point close to its junction with Brook Road/Park Lane, which is some distance to the southeast of the site, up to and including the dwellings to the north along Bowlhead Green Road. To the south there is also development along both sides of Haslemere Road. The land uses are mixed, including a significant number of residential properties, public house and cricket club. In my judgement, the pattern of development I have described can be reasonably regarded as forming part, if not the whole, of a village, within which the appeal site is located.
8. In support of its argument that the scheme would not constitute 'limited infilling', the Council seeks to rely on the interpretation of 'infill development' being 'the development of a small gap in an otherwise continuous frontage. In their submission they advise that this forms part of LP2 Policy DM14, although no such wording is included within the policy, which allows for appropriate limited infilling in villages.
9. Within the linear development along Haslemere Road there is a wide variety of plots sizes and widths. The Old Malthouse is located within an extensive plot, with more dense development to the north and south. Outbuildings associated with the Old Malthouse are largely located to its south and includes a tall brick boundary wall and fence which runs along the highway from the front of the Old Malthouse to its access. Adjoining the access to the Old Malthouse to the south is the Old Store, a residential dwelling. To the north of the appeal site is Brookhurst, a residential dwelling.
10. Within this context, I regard the appeal site as representing a gap in the developed frontage along the western side of Haslemere Road. Furthermore, the resultant plot would not be dissimilar to neighbouring plots. In my judgement, the proposed development of only one dwelling within the site can reasonably be regarded as 'limited infilling'.
11. Although the council contend that the proposed development would harm the openness of the Green Belt, where development is found to be 'not inappropriate', applying paragraphs 154 or 155 the Framework, it should not

be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt

12. I conclude that the proposal would constitute limited infilling within a village and as such it would not be inappropriate development in the Green Belt under the terms of LP1 Policy RE2, LP2 Policy DM14 and the Framework.

Character and Appearance

13. The appeal site forms part of a predominantly residential area located within the SHNL and AGLV. The properties vary considerably in their individual design characteristics and form; however, many properties are finished in red brick and render. The road has a pleasant green environment, with grass verges and trees. Most properties are bound to the front by hedgerows and landscaping. Properties are set back from the road behind front gardens and parking areas giving the area a sense of spaciousness.
14. The proposed development would result in a continuation of the existing built form of the village as a largely linear development running along Haslemere Road. From the evidence provided, the proposed development would also adopt a design approach that takes cues from existing surrounding buildings and would utilise similar building materials. As the land slopes down away from the road, the ground floor of the proposed dwelling is unlikely to be visible when travelling along Haslemere Road.
15. The proposed dwelling would be a broadly similar scale to the existing dwellings in the vicinity of the site and so would not appear overly large or out of character with the prevailing mixed palette of architectural styles along Harlington Road. The use of matching materials and the retention of most of the hedgerow to the site frontage would further harmonise the development in to the streetscene. The set back of the dwelling behind a hedgerow ensure the spacious feel and rural characteristics of the area are retained.
16. Change arising from development is not synonymous with that equating to harm. As the development would be part of a linear form of development and designed to be a similar scale to nearby dwellings, there would not be a harmful loss to the spacious and rural character of the area. Moreover, due to this, the proposal would not harm the scenic beauty of the SHNL.
17. I therefore find that the proposed development would not cause harm to the character and appearance of the area, SHNL or AGLV. It would not conflict with the relevant requirements of LP1 Policies TD1 and RE3, LP2 Policies DM1 and DM4 and Policy P1 of the Surrey Hills AONB Management Plan (MP) which, together seek, amongst other things, to ensure that developments respond to the local context and respect the distinctive character of the landscape. The proposal would also comply with paragraphs 135 and 182 of the Framework which seek development that are sympathetic to local character and conserve and enhance landscape and scenic beauty in NLs.

Other Matters

18. In terms of the effect of the development on living conditions of nearby residents, the proposed development includes adequate separation distances between nearby housing and the proposed dwelling. Whilst Brookhurst, to the north, has some windows looking toward the appeal site, the distance between the these and the side elevation of the proposed dwelling would ensure that the

proposal would not appear dominant. The proposal would be viewed from the rear garden of Brookhurst, however, its set back from their boundary ensures the proposal would not appear unduly dominant. Additionally, the relationship between the proposed development and Brookhurst is similar to that with which currently exists between Brookhurst and its neighbouring property to the north. As such, I find no harm in relation to the living conditions of residents with regards to overlooking or unacceptable loss of outlook.

19. The site is located within the Wealden Heaths Special Area of Protection (SPA) zone of influence. The Council, in their role as competent authority when dealing with the original application at the site, pursuant to the Habitats Regulations, carried out a screening and concluded that as there were several other recreation areas near to the appeal site, that there would not be a likely significant effect on the SPA. I am satisfied that the Council's screening was proportionate to the proposal's effects. I am therefore satisfied that the proposal would not have significant adverse effects on the SPA, due to the location of several other recreation opportunities.

Conditions

20. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I have added a condition in relation to timing of commencement in the interest of clarity, which is also why the plans condition is necessary. Conditions regarding the access, parking, electric vehicle parking and the provision of cycle storage are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling. Biodiversity and lighting conditions are necessary in the interest of biodiversity, in order to ensure that badgers are not present on site when construction commences and to minimise the spread of invasive species. I have altered the wording of some conditions in order to ensure they comply with the PPG.
21. With regards to the Council's request that a condition be imposed removing permitted development rights, it is possible for homeowners, in implementing these rights, to affect the character and appearance of the area. Due to the location of the site within the SHNL and AGLV I consider this condition necessary.
22. With regards to the Council's request for a condition requiring further details with regards to the external materials, I note that a schedule of material is included on the elevational drawings of the proposed dwelling. As such, I see no reason that this condition should be included.
23. I note the appellant has viewed the conditions and agreed to their use.

Conclusion

24. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

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: H: 20-11: TP: 01, 02, 03, 04, 05, 07 and, 2021/6360/001.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking or re-enacting that Order with or without modification), no enlargement to the dwelling house hereby permitted shall be constructed, or outbuildings under class E erected.
- 4) The development hereby permitted shall not commence until the proposed vehicular access to the Haslemere Road layby has been constructed in accordance with the approved plans (Drawing No. 20-11: TP: 03).
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans (Drawing No. 20-11: TP: 03) for vehicles to be parked. Thereafter the parking area shall be retained and maintained for their designated purpose.
- 6) The development hereby permitted shall not be occupied until a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) has been provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained.
- 7) The development hereby permitted shall not be occupied until the secure, covered facilities for the parking of bicycles have been 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 parking facilities shall be retained and maintained for their designated purpose.
- 8) Prior to the commencement of the development hereby permitted, a survey of the site by an appropriately qualified and experienced ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority and development shall continue in accordance with these details.
- 9) Prior to the installation of any external lighting on the site, a lighting scheme setting out the location, type, and illumination levels of lighting to be provided on the site shall first be submitted to and approved in writing by the Local

Planning Authority. External lighting shall be installed on the site in strict accordance with the approved details and thereafter retained.

- 10) To prevent their spread, Rhododendron and Montbretia should be eradicated using qualified and experienced contractors and disposed of in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991.