



Appeal Decision

Site visit made on 25 April 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 MAY 2024

Appeal Ref: APP/D3640/W/23/3323121

Land adjacent to Malthouse Farm, Benner Lane, West End, Woking, Surrey GU24 9FX

- 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 Charlie Benyon (Benyon Properties Ltd) against the decision of Surrey Heath Borough Council.
 - The application Ref 22/1176/FFU, dated 11 November 2022, was refused by notice dated 20 January 2023.
 - The development proposed is erection of two detached two-storey, three bedroom houses with associated access and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issues

3. The main issues are:
 - whether the development proposed would be consistent with the objectives of local and national planning policies relating to the location and supply of housing;
 - whether it would preserve the setting of the Grade II Listed Malthouse Farmhouse and associated granary outbuilding (the LBs);
 - the effect of the development on character and appearance of the area; and
 - the effect of the development on the living conditions of both existing surrounding occupiers and on future occupiers of the development.

Reasons

Location

4. Policy H8 of the Surrey Heath Local Plan (LP) (2000) identifies the appeal site as a Reserve Housing Site, land which is reserved to meet possible long-term development needs and is consequently excluded from the Green Belt. This policy remains saved, notwithstanding the Council's subsequent adoption of the Core Strategy & Development Management Policies 2011-2028 (CS&DMP) (2012).
5. Policy CP1 of the CS&DMP sets out the spatial strategy for the Borough and states that new development will come forward largely through the redevelopment of previously developed land in the western part of the Borough. West End is identified as a 'smaller village' which is advised to have limited capacity to accommodate any new development. Policy CP1 does not preclude the development of other sites, although it states that development in the countryside beyond the Green Belt which results in the coalescence of settlements will not be permitted.
6. The appeal site comprises a wedge-shaped plot to the north-east of Benner Lane. The land to the south and west of the site is within the defined settlement boundary of West End. The Grade II Listed Malthouse Farmhouse and associated granary outbuilding are located to the north-west of the site. There is a large, recently built residential development to the north and east of the site. The site is, therefore, surrounded by the existing development of West End. As such, the site represents an infill development. The development would not harm the openness of the countryside and would not result in the coalescence of settlements. Furthermore, there is no dispute that the site is a sustainable location for residential development. The residential development of the site would not, therefore, conflict with the overarching aims of CS&DMP Policy CP1.
7. Policy CP3 of the CS&DMP restricts the release of sustainable sites in the countryside beyond the Green Belt until after 2025 and only permits their release if it is established that insufficient sites have come forward within settlement areas. The Council can demonstrate a 5-year supply of deliverable housing sites and there is no substantive evidence before me to demonstrate that insufficient sites for housing have come forward within settlement areas. As such, the release of the appeal site in the Countryside beyond the Green Belt would be contrary to CS&DMP Policy CP3 and LP Policy H8.
8. Policy CP6 promotes a range of housing types and tenures. There is no substantive evidence before me to indicate the delivery of two 3-bed dwellings would not contribute to meeting the mix of housing types and tenures demanded within Surrey Heath Borough. As such, the proposal would not conflict with CS&DMP Policy CP6.
9. Given the age of the Council's relevant development plan policies, and the recent development of the adjoining area of the Housing Reserve Site, the conflicts with LP Policy H8 and CS&DMP Policy CP3 are afforded limited weight. The delivery of housing in this location, where there is good access to services and facilities, would positively contribute to the Government's objective of significantly boosting the supply of homes as set out within the Framework. The identified conflict with Policy CP3 and LP Policy H8 is clearly outweighed by

the support within the Framework for the delivery of housing. In relation to this first main issue, therefore, the site represents a suitable location for housing consistent with the overarching objectives of the Council's spatial strategy and with the Framework policies relating to the location and supply of housing.

Setting of the Listed Buildings

10. Malthouse Farmhouse is an imposing Grade II listed C16 timber framed farmhouse, re-fronted in the C17. The adjacent Grade II listed Granary building is timber framed, with brick infill below, boarded above, and a wood shingled roof. The listing description states that the Granary is listed for its group value. The Grade II Listing of both the farmhouse and the granary is a recognition of the heritage significance of both these C16 and C17 vernacular rural buildings. The two buildings represent a valuable and tangible link with the historic rural life of the village of West End and are good examples of timber frame and brick buildings of their period. I find the significance of these listed buildings lies partly in the evidential value of their historic fabric, partly in their aesthetic value as charming and characterful structures, and also in the buildings' group value which is strongly illustrative of the agrarian history of the locality.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. Whilst the LBs no longer relate to a working farm and significant development has occurred surrounding the LBs, open green space has been retained to the north, south and east of the LBs. This surrounding open green space, including the appeal site, contributes a sense of the openness, space and rural tranquillity of the surroundings, that the farmstead would have historically enjoyed. The site, therefore, remains evocative of Malthouse Farm's historic rural setting. The site is visible in shared views of the LBs from public viewpoints, and there is intervisibility between the LBs and the site. As such, the undeveloped character of the site continues to be important in understanding the agrarian origins of the LBs, contributing positively to the listed buildings' heritage significance and legibility.
13. I note that the intention is for the dwellings to appear reminiscent of agricultural barns, but in a modern architectural idiom. I am not persuaded, however, that this would result in a development that is in harmony with the LBs. The modern appearance of the dwellings, when combined with their significant scale and cramped layout, would harmfully disrupt the valuable remaining open green setting to the LBs, visually competing with the LBs in a manner detrimental to their setting. These harms would be apparent from Malthouse Farm, from adjoining dwellings, and also to the public from Benner Lane and Great Barn Crescent. The dwellings would, therefore, undermine the ability to appreciate the agrarian origins and heritage significance of the LBs.
14. The proposed development therefore results in harm to the setting of these LBs contrary to CS&DMP Policy DM17 and guideline 11 of the West End Village Design Statement Supplementary Planning Document 2013 (WEVDS).

15. Taking into consideration the findings above, the harm to the significance of the LBs would be less than substantial. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I return to consider the proposals in respect of paragraph 208 later in my decision.

Character and Appearance

16. Recent housing development on the north-eastern side of Benner Lane has been setback from the lane such that the distinctive architecture and agrarian origins of the Malthouse Farm complex of buildings can be readily perceived. The Farmhouse, the wider farmstead buildings, and the surrounding open land (including the appeal site), contribute positively to the spacious rural character along this part of Benner Lane. The open and undeveloped nature of the site enables the historic Malthouse Farm buildings to be experienced within a complementary verdant visual context.
17. Whilst there is a variety of built form in the surrounding area, the proposed dwellings, given their significant scale, bold modern design, and cramped layout, would appear very prominent in the street scene. The bulk and prominence of the dwellings would relate poorly to the adjacent buildings at Malthouse Farm, harmfully encroaching into the existing open and verdant context of the historic farmstead. The dwellings would result in a harmfully discordant visual effect that competes with, rather than complements, the character and appearance of the historic farmstead buildings. Whilst conditions securing different exterior finishes, landscaping, and boundary details, could soften the visual impact of the dwellings, the identified harms to character and appearance would not be substantially ameliorated.
18. The development would, therefore, be incongruous in the street scene, to the detriment of the character and appearance of the surrounding area. The development would fail to comply with CS&DMP Policy DM9, the provisions of the Residential Design Guide Supplementary Planning Document 2017 (RDG), and the provisions of the WEVDS. Moreover, the development would be inconsistent with paragraph 135 of the Framework as it would not add to the overall quality of the area and would not be sympathetic to local character and history.

Living Conditions

19. The rear elevation of Barn House 2 would be located broadly perpendicular to the front elevations of the dwellings at 36 and 38 Great Barn Crescent. Given the oblique nature of the shared views between windows on these elevations, good levels of privacy would be maintained for the existing adjoining occupiers. Obscure glazing in the first floor north facing windows of Barn House 2 would prevent any loss of privacy to the rear gardens to the north.
20. Significant overlooking would occur, however, from the first floor of no 36 into the private amenity space of Barn House 2. Overlooking of the proposed dwellings' private amenity spaces from Benner Lane would also occur if the roadside hedge were not maintained at height. The need to maintain a certain height hedge to provide privacy to amenity space is not, however, unusual. Whilst a high boundary may impact on the character of the area, it would, nevertheless be possible to prevent overlooking from the public highway.

21. Overall, the development would not provide appropriate outdoor amenity space for the occupiers of Barn House 2 given the extent of overlooking from no 36. The proposal would, therefore, fail to comply with CS&DMP Policy DM9, the provisions of the RDG, and Paragraph 135 of the Framework. Taken together, amongst other things, these policies seek high quality design that ensures developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

Flood Risk

22. The appellant submitted a Drainage Strategy Plan at the appeal stage. Based on this additional information, the Council no longer objects to the development on the grounds of flood risk subject to a condition securing final drainage scheme details. I see no reason to disagree.
23. As such, with regards to flood risk, the development would not conflict with CS&DMP Policy DM10, the provisions of the Framework, or with guideline 12 of the WEVDS.

Noise

24. The appellant submitted an Acoustic Assessment of Proposed New Mechanical Services Equipment with the appeal. The Council accepts that the methodology adopted in this assessment is appropriate to determine the impacts from the proposed two air source heat pumps.
25. The Acoustic Assessment concludes that the rating levels for the proposed pumps would be below background sound level and would not be detrimental to the amenity of nearby residential dwellings.
26. As such, subject to a condition securing the development is implemented in accordance with the details of the Acoustic Assessment, the development would not conflict with either CS&DMP Policy DM9, the provisions of the Framework, or with the provisions of the RDG with regards to noise.

Thames Basin Heaths Special Protection Area (SPA)

27. The appellant has submitted a completed legal agreement securing the provision of a contribution towards strategic access management and monitoring measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.
28. The Council's appeal statement acknowledges that submission of a completed legal agreement in this regard would address their 7th refusal reason in relation to the SPA. I see no reason to disagree.
29. As I am dismissing the appeal for other reasons, there is no need for me, as the competent authority, to carry out an assessment on the likely significant effects of the proposal on the SPA, or to explore the necessity for undertaking an Appropriate Assessment.

Heritage Balance

30. The PPG¹ advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. The appeal proposal would add 2 further dwellings to the Council's housing stock, positively contributing to the Government's objective of significantly boosting the supply of homes. Future residents would contribute to the vitality of the local community and would be able to easily access local facilities by sustainable transport modes.
31. There would also be some economic benefits resulting from the development, including the creation of jobs during construction, and new residents supporting local services and businesses. Taken together, given the small scale of the development, the identified benefits weigh moderately in favour of the development.
32. Framework paragraph 205 requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I, therefore, attribute great weight to the conservation of the LBs within the Malthouse Farm complex. Accordingly, I also give great weight to the identified less than substantial harm to these heritage assets. The public benefits of the scheme, even if taken together, do not outweigh the identified harm to the designated heritage assets.

Planning Balance

33. Paragraph 225 of the Framework makes it clear that due weight should be given to existing development plan policies according to their consistency with the Framework. The Framework seeks to protect heritage assets, achieve development that is sympathetic to local character and history, and to create places that promote health and well-being, with a high standard of amenity for existing and future users. Therefore, the conflict between the proposal and the identified relevant development plan policies in these regards is given significant weight.
34. Weighing against these negative impacts are the public benefits listed above in the heritage balance which, taken together, are afforded moderate weight.
35. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.

Conclusion

36. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

¹ Paragraph: 020 Reference ID: 18a-020-20190723 - Revision date: 23 07 2019