



Appeal Decision

Site visit made on 27 November 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/R3650/W/24/3337539

Maple Stud Equestrian Centre, Cranleigh Road, Ewhurst, Surrey GU6 7SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Central Central Projects Ltd against Waverley Borough Council.
 - The application Ref is WA/2023/01136.
 - The development proposed is redevelopment of previously developed land to provide 4no. dwellings, with associated parking and landscaping.
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Decision

1. The appeal is dismissed and planning permission for redevelopment of previously developed land to provide 4no. dwellings, with associated parking and landscaping, is refused.

Preliminary Matters

2. I have taken the description above from the planning application form but have removed words not describing acts of development for clarity.
3. The appeal was made because of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission had it been able to do so. I have had regard to the Council's statement in framing the main issues.
4. The Council has assessed the proposal based on the location plan and red line boundary shown on drawing No 365/D-206 dated 20 April 2022. I shall consider the appeal on the same basis.
5. Concerns have been raised about the validity of the appeal. The location plan referred to above includes the access track from the public highway to the proposed development site within the red line for the application. The application form states Certificate B was served to the owners of Slythehurst, who own the access track, and this has been confirmed on the appeal form, as amended. There is no compelling evidence that information necessary to validate an application for development on the appeal site is missing. I am therefore satisfied these matters do not prevent me considering this appeal.
6. I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. Whilst national policies relating to housing land supply are proposed to change as part of this consultation, these changes can only be given limited weight at this stage. Even if the proposed changes were to be accepted, it would not materially

affect the outcome of my decision since I have identified conflict with the development plan and Framework in respect of other main issues. Therefore, in this instance it has not been necessary to consult the parties on these changes.

Main Issues

7. In addition to the Council's assessment, concerns have been raised about the effect of the proposal on the setting of the Grade II listed building known as Slythhurst Farm House; and about noise and disturbance to the occupiers of nearby dwellings.
8. Consequently, the main issues are:
 - whether the proposed site would provide a suitable location for four houses, having regard to the proximity of services and facilities;
 - the effect of the proposal on the character and appearance of the surrounding countryside;
 - whether the proposal would preserve the setting of the Grade II listed building known as Slythhurst Farm House;
 - the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance, privacy and outlook;
 - whether the proposal would provide an appropriate mix of housing to meet identified local needs; and
 - the effect of the proposal on biodiversity.

Reasons

Suitable location

9. WLP¹ Policies SP2 and ALH1 sets out the spatial strategy for the Borough. This seeks to focus housing development around named settlements and larger villages, with only modest growth in all other villages to meet local needs.
10. There is no suggestion the appeal site falls within the boundary of a settlement or village. It is some distance from the nearest village of Ewhurst. The site is therefore in the countryside for planning policy purposes. However, as there are a small number of existing dwellings nearby, the four proposed houses would not be isolated homes in the countryside for the purposes of Framework paragraph 84.
11. The centre of Ewhurst and bus-stops on its outskirts would be within walking distance of the site. Nevertheless, the route would either be across unlit footpaths through fields or via the long, narrow and unlit access track to the site, which would be shared with vehicles. In both scenarios, pedestrians would then join Cranleigh Road, which is a largely unlit B-road. There is no pertinent evidence of dedicated cycle routes that would serve the appeal site. Walking and cycling in these conditions would be difficult for most people, particularly at night and for children and those with mobility constraints. It is therefore likely most future occupants would rely heavily on private vehicle use to access services and facilities. Consequently, there would not be a genuine choice of

¹ Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018

transport modes as sought by the Framework, even allowing for the rural location and taking account of proposed cycle storage.

12. The four proposed houses could accommodate upwards of six people each, including families with children, and there would be space to park 16 cars. Therefore, well over 20 people could be affected and a considerable number of private car journeys would be generated, including trips to schools, jobs and shops, and deliveries to the houses. The TRICS data in the appellant's Transport Statement (TS) classifies the site as 'Edge of Town', which does not accurately reflect its countryside location. I therefore find the TS's conclusion that the dwellings would be likely to generate only about 16 daily two-way vehicular movements unconvincing.
13. There is no survey data in the TS to substantiate the suggestion that the Equestrian Centre (EC) would generate approximately 100 daily two-way traffic movements through its various activities. Other parts of the appellant's evidence state the EC employs 1.5 people and demand for its services has declined. I observed very little traffic to and from the EC during my visit. I am therefore not persuaded by the argument that the proposed development would generate significantly less traffic than the current use. I consider it more likely the level of vehicular movements would increase.
14. I therefore find the proposal would conflict with WLP2² Policy DM15, which requires development in rural areas to maximise opportunities for walking and cycling and avoid dependency on private vehicles. It would also conflict with EEGNP Policy EEG8³, which requires all new development proposals to incorporate safe, accessible pedestrian access to help ensure residents can walk safely to Ewhurst village centre.
15. The appeal site is currently occupied by buildings and there is no suggestion these are agricultural, so it falls within the Framework's definition of brownfield/previously developed land. WLP1 Policy SP2 seeks to maximise opportunities for the redevelopment of suitable brownfield sites for housing. However, given concerns about access to services and private vehicle dependency, the suitability of the site for four large dwellings has not been demonstrated. The Framework's objective to make effective use of previously developed land for housing is subject to other policies in the Framework, so only adds limited weight in favour of the proposal.
16. An absence of objection from the Highway Authority, and the fact that the choice of transport modes would be like that experienced by occupants of the other dwellings nearby, do not in themselves justify the proposed development.
17. For the above reasons, I conclude the proposed site would not provide a suitable location for four houses, having regard to the proximity of services and facilities. This is contrary to WLP1 Policy SP2, WLP2 Policy DM15 and EEGNP Policy EEG8.

Character and appearance

18. The appeal site comprises part of the current Equestrian Centre (EC), which includes several stables, barns and areas of paddock. Other than a handful of

² Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies 2023

³ Ewhurst and Ellens Green Neighbourhood Plan 2022

dwellingings loosely clustered around Slythehurst, the surrounding area predominantly comprises undulating open countryside with fields, hedgerows, woods and occasional farmsteads. The public right of way (PROW) to the east and south allows wide and open views of the appeal site against a dramatic backdrop of woods and hills. There is little visual containment of the site from this perspective, but the current built form and rural use of the site are subservient to the landscape in these views.

19. The site is in an Area of Great Landscape Value (AGLV). WLP1 Policy RE3 requires respect for and, where appropriate, enhancement of the AGLV, which is retained for its own sake as a buffer to the adjacent Surrey Hills National Landscape (formerly Area of Outstanding Natural Beauty). The site is also in an area of Countryside beyond the Green Belt, where, under WLP1 Policy RE1, the intrinsic character and beauty of the countryside should be safeguarded.
20. The proposed development would introduce a relatively dense group of four very large, two-storey houses. Irrespective of garden size, they would be more densely grouped than the other dwellingings nearby, some of which are smaller than those proposed. Residential paraphernalia, including up to 16 parked cars, would have a domesticating effect on the rural surroundings. In addition, the houses would largely be sited on land that is currently either open or occupied by low-rise stable buildings. The built form and mass on this part of the wider EC site would therefore increase considerably, which would dominate several views of the site and substantially diminish appreciation of the surrounding countryside, including from the PROW. Proposed additional planting would do little to screen this.
21. Bearing in mind the recognised value of the surrounding landscape and countryside, the detrimental effect of these changes on its intrinsic character and beauty would be considerable. I ascribe significant weight to this harm.
22. I acknowledge the proposed design concept is a traditional farm holding, with a main farmhouse, barns, stores and stables, to create the effect of an original farm that has been converted over time to residential properties. There would therefore be some recognition of rural vernacular in the design of the buildings and proposed materials. Nevertheless, the scale of the dense cluster of new houses and cars would have such an imposing impact on the rural landscape, that it would not be fully mitigated by this design approach.
23. The other buildings within the wider EC, inside the blue line boundary of the application, are proposed to be demolished. This, and the proposed replacement landscaping, could be secured by condition were the appeal to be allowed. I therefore recognise the overall built footprint and volume would reduce and there would be some compensatory enhancement of the wider site. However, these factors are also not sufficient to overcome the harm to the surrounding countryside I have found, arising from the combined scale, mass and density of the proposal.
24. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding countryside. This is contrary to WLP1 Policies TD1, RE1 and RE3, WLP2 Policies DM1 and DM4, and EGNP Policies EEG3 and EEG4. In addition to the points noted above, these Policies seek high quality design that responds to the distinctive local character of the area, does not harm areas of landscape value, and takes into account landscape form and views. It is also contrary to the Framework, where it

requires decisions to protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, and be sympathetic to local character including the surrounding landscape setting.

Setting of listed building

25. Slythehurst Farm House dates from the 16th century, with later extensions. Its significance is informed by the historic fabric of the building, which includes its striking timber frame with whitewashed brick and render infilling, diamond-pane casement windows, and large corbelled chimney stacks. Its significance is also derived from its character as a rural vernacular farm dwelling. The Farm House has an historic and functional relationship with its former outbuildings, some of which are now in residential use, and with the surrounding rural, agricultural land. These form part of the Farm House's setting and contribute to appreciation of its significance, particularly in views from the PROW noted above.
26. Although there is little intervisibility between the Farm House and the appeal site, the latter is part of the rural and agricultural land surrounding the heritage asset. This, and the fact that the Farm House and appeal site can be clearly seen together in wide views of the countryside from the PROW, mean the appeal site forms part of the setting of the listed building.
27. As noted above, the dominant impact of the proposed development would diminish appreciation of the surrounding countryside that is part of the setting of the Farm House. In addition, the proposed dense cluster of four large dwellings, designed to appear as a large traditional farmhouse with outbuildings, would compete with the listed building as an original Farm House in its own right. The visual relationship between the listed building and its former outbuildings, loosely clustered around it, would be considerably undermined by the introduction of a replica 'farm holding' so close by. There is no pertinent evidence to justify this design approach in relation to the setting of the listed building.
28. I therefore conclude the proposed development would not preserve the setting of the listed building known as Slythehurst Farm House. The resulting harm to the building's significance as a designated heritage asset would be less than substantial.
29. This is contrary to paragraph 206 of the Framework, which states any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Under Framework paragraph 208, less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. I will return to this under planning balance.

Living conditions

30. As noted above, the level of traffic generated by the proposal would be likely to exceed that of the current EC. The access track passes close to several existing dwellings, including those known as The Bungalow, The Old Barn and The Old Carriage House. I find traffic movements to and from four new houses would cause an unacceptable level of noise and disturbance to the occupiers of these existing dwellings.

31. The Bungalow has a relatively long rear garden, and that dwelling would be well separated from the proposed houses. In addition, the new house on Plot 4 would be sited perpendicular to it. Subject to appropriate boundary treatments, I am satisfied there would be no material adverse effect on privacy or outlook for the occupiers of The Bungalow.
32. For the above reason, I conclude the proposal would have an unacceptable effect on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. This is contrary to WLP2 Policies DM1 and DM5, and EEGNP Policy EEG4, which together require development to avoid significant harm to the health or amenity of occupants of nearby buildings, including by way of an unacceptable increase in noise. It is also contrary to the Framework, which requires development to promote health and well-being, with a high standard of amenity for users.

Housing mix

33. WLP1 Policy AHN3 requires proposals for new housing to provide an appropriate range of different types and sizes of housing to meet the needs of the community, reflecting the most up to date evidence in the West Surrey Strategic Housing Market Assessment. The latter identifies demand for different sizes of market housing, with only 20 per cent for dwellings with four or more bedrooms. EEGNP Policy EEG1 and its supporting text reinforce this and point to unmet need in the area for dwellings with three bedrooms or fewer.
34. All the proposed houses would have four or more bedrooms. This would not fully address identified housing need for dwellings of different sizes in the area. There is no pertinent evidence before me to justify this approach.
35. In addition, WLP1 Policy AHN1 requires a minimum provision of 30 per cent affordable housing on all housing developments that have a combined gross floorspace of more than 1000m². The total gross internal area proposed would exceed 1,500m². Therefore, irrespective of the size of the appeal site, a contribution towards affordable housing would be required. The proposal comprises only market dwellings and no mechanism is before me to secure a contribution towards affordable housing. There is also no pertinent evidence to demonstrate why affordable housing could not be provided.
36. For the above reasons, I conclude the proposal would not provide an appropriate mix of housing to meet identified local needs. This is contrary to WLP1 Policies AHN1 and AHN3 and EEGNP Policy EEG1. It is also contrary to the Framework, which requires an appropriate mix of housing types to meet identified housing need.

Biodiversity

37. WLP2 Policy DM1g) requires development to deliver the minimum biodiversity net gain (BNG) of 10 per cent as required by the Environment Act 2021 (EA). EEGNP Policy EEG7 also refers to the EA requirements for BNG. However, as stated in Planning Practice Guidance (PPG)⁴, planning applications made before 12 February 2024 are not subject to the BNG requirements in the EA. The application subject of this appeal was accepted by the Council on 19 May 2023. It is therefore not subject to the EA's 10 per cent BNG requirement.

⁴ Paragraph: 002 Reference ID: 74-003-20240214

38. The appellant's Preliminary Ecological Appraisal (PEA) identifies opportunities to enhance biodiversity, as required by WLP1 Policy NE1. I am satisfied on the evidence before me that such enhancements could be secured by condition were the appeal to be allowed. In addition, the PEA's recommended further surveys for the presence of bats and reptiles, which are protected species, raise no concerns.
39. I therefore conclude the proposal would have an acceptable effect on biodiversity. Accordingly, I find no conflict with WLP1 Policy NE1, WLP2 Policy DM1 or EEGNP Policy EEG7.

Other Matters

40. The appellant submitted the proposal following a previous withdrawn application and pre-application advice. I understand changes were made in response to advice from the Council. The Framework stresses the benefits of early engagement and good quality pre-application discussion, although this is not binding. Nevertheless, at appeal the proposal is considered afresh. Consequently, even if there was positive feedback from the Council during pre-application discussions, this does not warrant allowing the appeal.
41. The Council has raised no concern with the proposed living conditions of future occupiers of the new houses, highway safety, electric vehicle charging or trees. On the evidence before me, I see no reason to disagree. However, an absence of harm in these regards is a neutral factor.
42. Ownership issues are a private matter between the relevant parties and not within my jurisdiction.

Planning Balance

43. I have found the proposed development would result in less than substantial harm to the significance of Slythhurst Farm House as a designated heritage asset. In accordance with paragraph 205 of the Framework, I attribute great weight to this harm.
44. The Council accepts it can demonstrate only 3.5 years' supply of housing land, which is a considerable shortfall against the required five years. There would be a public benefit from the provision of four dwellings on a small site, which could be built out relatively quickly. This would accord with the Framework and make a small contribution to reducing the housing delivery shortfall. There would be an economic benefit from construction and future occupiers' use of services and facilities, although this would be partly offset by loss of 1.5 jobs in the EC. Whilst I do not consider the removal of buildings associated with a rural business to be a benefit in itself in this case, there would be a landscape and biodiversity enhancement to the wider EC site. I give each of these public benefits moderate weight. However, together this is not sufficient to outweigh the great weight of the harm to the significance of the listed building.
45. Policies in the Framework that protect heritage assets provide a clear reason for refusing the development. Therefore, as set out in footnote 7 of the Framework, the presumption in favour of sustainable development at paragraph 11d) is not engaged. WLP1 Policy SP1 is consistent with this.
46. In addition to heritage harm, I have identified harms to the settlement strategy, character and appearance, living conditions of neighbouring

occupiers, and housing mix. Together, I ascribe substantial weight to these harms, which would not be outweighed by the benefits noted above.

Conclusion

47. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR