



Appeal Decision

Site visit made on 3 December 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/R3650/W/24/3345912

Withybush Farm, Knowle Lane, Cranleigh, Surrey GU6 8JP

- 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 Paul Hunt of Frays Investments Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01639.
 - The development proposed is described as the erection of 2 dwellings and car ports with additional parking per dwelling and associated works following demolition of existing commercial buildings (revision of WA/2022/02624).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2 dwellings and car ports with additional parking per dwelling and associated works following demolition of existing commercial buildings (revision of WA/2022/02624) at Withybush Farm, Knowle Lane, Cranleigh, Surrey GU6 8JP in accordance with the terms of the application, Ref WA/2023/01639, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes to the relevant sections that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.

Main Issue

3. The main issue is whether the proposal would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework.

Reasons

Spatial strategy

4. The Framework, amongst other things, advises that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car. The Framework further acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

5. Policies SP1 and ST1 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites, adopted February 2018 seek to focus development toward sustainable locations and to maximise sustainable transport modes. Policy DM9 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies, adopted March 2023 further highlights the importance of sustainable transport modes and patterns, with policy DM15 echoing the use of more sustainable means of transport and indicating development should not be isolated from everyday services and facilities, whilst recognising the natural beauty and undeveloped character which is intrinsic to the open countryside. In this regard they reflect the aims and objectives of the Framework.
6. Withybush Farm is a small holding located on the eastern side of Knowle Lane in Cranleigh. The site is accessed via a small track that runs between the farmhouse at Withybush Farm and the adjoining properties of Sterling House and barns. The surrounding area is predominately rural with a dispersed pattern of built development located along Knowle Lane, set back from the highway.
7. The appeal site is currently occupied by several detached buildings associated with an established lawful commercial use, for a garden machinery repair and sales business¹. There is a large barn to the north of the appeal site that benefits from a prior approval² to convert it to 3 dwellinghouses under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended).
8. The nearest settlement to the appeal site is Cranleigh, which provides the main local services including a range of commercial, educational and community facilities. Cranleigh is located some distance from the appeal site (1.75 miles approximately), and the main route between the appeal site and Cranleigh, would be via Knowle Lane with speed limits varying between 30mph and 40mph. The road generally has no pavement or street lighting, nor are there any bus stops located close to the appeal site. As such the general condition of local infrastructure, together with the distance, is such that travel to Cranleigh by more sustainable means such as walking and cycling would be unlikely.
9. Nevertheless, the appellant has submitted a Transport Statement³ (TS) which highlights that there are public footpaths and bridleways in close proximity to the appeal site. These pathways could provide future occupants with alternative routes to Cranleigh, negating the need to use Knowle Lane. Be that as it may, these routes are still unlit and would be less attractive for people carrying shopping and/or younger children going to and from school, particularly in the dark or during inclement weather conditions.
10. The TS also indicates that the 'Waverley Hoppa' and 'Surrey Connect' provide community transport services within Cranleigh and the surrounding area. From the details before me these are pre-booked services, with the Hoppa service available after 9am on Monday to Fridays and the Surrey Connect operating 0700-1900 Monday to Friday and 0800-1800 on Saturdays. Whilst I acknowledge that the community transport services would provide an available alternative mode of transport to the private car, there are limited details in regard to the reliability or longevity of these services. This leads to some uncertainty that they would be a

¹ Waverley Borough Council Planning Ref: WA/2022/01770

² Waverley Borough Council Planning Ref: PRA/2024/01422

³ Prepared by Vision Transport Planning dated 8th May 2024

realistic substitute to the convenience of a private car, and consequently whether this is a suitable location for housing.

11. These findings would be consistent with those of the previous Inspector⁴. In dismissing the appeal schemes for the conversion of the barn to dwellings at the north of the site, the Inspector concluded that the proposals would result in an over-reliance on private motor vehicle use. As such, the Inspector found these schemes represented an unsustainable form of development with regard to access to local services, and thus conflicted with policies ST1 of the WLP1 and DM15 of the WLP2.
12. The appellant highlights that the Council has recently issued a permission in principle⁵ for the demolition of the barn to the north of the site and replacement with 3 dwellings. The permission in principle consent route has two stages: the first stage (or permission in principle (PIP)) establishes whether a site is suitable in-principle and the second (technical details consent (TDC)) is when the detailed development proposals are assessed. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted⁶. All other matters are considered as part of a subsequent TDC application if PIP is granted.
13. Whilst it is acknowledged that the PIP has been issued, this decision was predicated on a fallback position, given that prior approval had been issued under the Class Q⁷. However, a prior approval application does not contain a test in regard to the sustainability of a rural location. As such, this does not presume that the location has been found as sustainable. Nevertheless, I have had regard to these findings, and I am content that I am not bound by these in this appeal, as the proposal before me is for a different form of development.
14. The appellant refers to other decisions in their appendices which demonstrate schemes that have been granted planning permission and allowed at appeal for residential dwellings in rural areas, in order to demonstrate inconsistency in the Council's decision making. I am not aware of the full circumstances, site locations and/or planning history associated with these cases, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples moderate weight, as I cannot be certain that these are directly comparable. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, each scheme needs to be determined in the light of the specific circumstances and context of each case.
15. Overall, the scheme subject to this appeal is located in a peripheral location in relation to the settlement of Cranleigh, and thus away from everyday services and facilities which would provide a dependency on private vehicles. Although the proposed development would contribute towards housing provision in Waverley Borough, it would nevertheless be in conflict with policies SP1 and ST1 of the WLP1, and policies DM9 and DM15 of the WLP2.
16. The development would also conflict with paragraph 110 of the Framework which seeks to maximise sustainable transport solutions. As such, I cannot conclude that the proposed dwellings would be located where they would enhance or maintain

⁴ PINS Refs: APP/R3650/W/23/3327843 and APP/R3650/W/23/3335854

⁵ Waverley Borough Council Planning Ref: PIP/2024/02052

⁶ PPG Paragraph: 012 Reference ID: 58-012-20180615

⁷ PRA/2024/01422

the vitality of rural communities as envisaged by paragraph 83 of the Framework and it would not be the sustainable development that it seeks to promote in rural areas. I will return to consider the weight to be given to this conflict in the planning balance.

Other Matters

17. Both parties agree that the Council currently cannot demonstrate a five-year supply of deliverable housing sites (FYHS), citing a 3.89 year supply. Since the determination of the application the Council has updated its position in respect to their FYHS⁸. The updated position highlights that the deficit has further fallen indicating that the current FYHS is 2.68 years. Therefore, the appeal scheme would provide a small windfall development of two dwellings that would make a modest contribution to the Council's housing undersupply, albeit more important given that the Council is unable to demonstrate a suitable supply of deliverable housing sites. As such, this attracts significant weight in favour of the development.
18. The Framework is supportive of development on previously developed land, and acknowledges that housing development on small sites, such as this, can make a valuable contribution to meeting the housing requirement of the area, which carries moderate weight in favour of the proposal.
19. Third parties including the Cranleigh Parish Council, have made representations in response to the planning application and appeal. I have taken into account all of the other matters and concerns raised in the submissions by these interested parties, which include but are not limited to: impacts on ecology and biodiversity and potential land contamination at the site.
20. The application was accompanied by a Preliminary Ecological Assessment⁹ and Biodiversity Net Gain (BNG) Assessment and Enhancement Plan¹⁰. These concluded that any impacts on ecology can be effectively mitigated, and the application could provide a BNG in excess of the 10% national requirement. The Council have raised no objections to the development in respect to these matters. Subject to the provision of suitable conditions, I have no reason to disagree with this assessment.
21. In regard to contamination, the application was accompanied by a Phase 1 – Desk top study¹¹ and a Phase 2 – Site Investigation¹², which highlighted potential sources of contamination identified at the appeal site. The assessments concluded that prior to development, intrusive ground investigation should be carried out to assess the identified risks. Subject to the provision of suitable conditions, the Councils Environmental Health Team raised no objections, and I find this approach to be appropriate.

Planning balance

22. The Council cannot demonstrate a FYHS at present, consequently, because of the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied. As such, it is necessary for me to determine whether the adverse impacts of the

⁸ Waverley Borough Council Five Year Housing Land Supply Position Statement (Published November 2024)

⁹ Preliminary Ecological Assessment prepared by Ecology Resources dated July 2023

¹⁰ BNG Assessment and Enhancement Plan prepared by Ecology Resources dated July 2023

¹¹ Phase 1 – Desk top study prepared by Albury S.I Ltd Geotechnical & Environmental Consultants dated May 2022

¹² Phase 2 – Site Investigation prepared by Albury S.I Ltd Geotechnical & Environmental Consultants dated July 2022

development would significantly and demonstrably outweigh the benefits of the scheme.

23. I have found that the proposed development would conflict with the Council's spatial strategy as its location away from everyday services and facilities would increase travel demands which would be met by private cars. Consequently, the proposal would represent an unsustainable form of development, which weighs significantly against the proposal.
24. Nevertheless, the proposed development would contribute 2 additional dwellings towards the supply of housing of which there is an identified need locally. This is consistent with the Government's objective of significantly boosting the supply of homes and is particularly relevant given that Waverley is currently not able to demonstrate FYHS, with an identified deficit of at least 2.68 years. This benefit attracts significant weight in favour of the proposal.
25. There would also be economic benefits relating to the provision of related jobs during the construction phase, albeit on a temporary basis, and the subsequent local spending by prospective residents of the proposed development. The TS further highlights that the proposal would lead to a 67% reduction in vehicular trip rates from the existing lawful commercial use, thus reducing carbon emissions. These social, economic and environmental benefits all attract moderate weight also in favour of the proposal.
26. Although the proposal would result in conflict with policies SP1 and ST1 of the WLP1 and DM9 and DM15 of the WLP2, this is lessened to a degree, given the reduction in the overall trips generated by the proposal in comparison to the existing commercial use. Consequently, in this case, I find the harm identified does not outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

27. The Council has provided a list of suggested conditions that it considers would be appropriate which have been agreed by the appellant. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims and where appropriate have added additional conditions.
28. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.
29. I have imposed a condition relating to contaminated land which is necessary to mitigate the risks of contamination to construction workers, future users of the land, and offsite receptors including neighbouring occupiers and water and ecological systems.
30. To ensure that the proposal does not adversely impact on protected species and provides biodiversity enhancements it is necessary to impose several relevant conditions, including an Ecological Enhancement Plan and a Construction Environmental Management Plan. These are necessary to submit prior to the development commencing, to ensure adequate mitigation prior to the start of demolition and site clearance. An external lighting condition is also necessary to

secure adequate protection for nesting birds, bats and other wildlife on and around the site and for the enhancement of biodiversity.

31. I have imposed a condition in respect to the material specifications, and also a condition for landscaping which are necessary to secure the satisfactory appearance of the development in the interests of the surrounding character and neighbouring amenity.
32. Conditions to ensure that there is appropriate bicycle parking, and a suitable car parking layout is maintained have been attached in the interests of highway and pedestrian safety and the living conditions of future residents.
33. To ensure the dwellings are accessible and are adaptable to the changing needs of households, I have included a condition requiring dwellings are built in accordance with Part M4(2) of the Building Regulations.

Conclusion

34. I conclude that the development would conflict with SP1 and ST1 of the WLP1; DM9 and DM15 of the WLP2 and the relevant provisions of the Framework and would therefore conflict with the development plan when taken as a whole. However, there are important material considerations, in particular applying footnote 8 of the Framework that indicates that planning permission should be granted, where there are benefits of providing housing in an area where that need is not currently being met. I have also identified other social, economic and environmental benefits. These material considerations outweigh the conflict with the development plan.
35. Consequently, I conclude that the appeal should be allowed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 20:001 Rev A; 70:001 Rev C; 70:002 Rev B; 10:003 Rev A; 10:004 Rev A; 10:007 Rev C and PL01
- 3) (1) Prior to the commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.
 - b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by

removing unacceptable risks to human health, buildings and other property. The scheme shall include:

- (i) All works to be undertaken
- (ii) Proposed remediation objectives and remediation criteria
- (iii) Timetable of works
- (iv) Site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(2) Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with part (1) of this condition and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.

(3) Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with parts (1) and (2) of this condition, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:

- a) An investigation and risk assessment, undertaken in the manner set out in part (1a) of this condition.
- b) Where required, a remediation scheme in accordance with the requirements as set out in part (1b) of this condition.
- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in part (2) of this condition.

- 4) Prior to the commencement of development, including works of demolition, an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The EEP shall be based on impact avoidance, mitigation and enhancement measures specified in the submitted ecological reports and should include, but not be limited to the following:

- a) Description and evaluation of features to be provided;
- b) Location plan of all ecological enhancement features being provided;
- c) Ecological trends and constraints on site that might influence management;
- d) Prescriptions for management actions; and
- e) Ongoing monitoring and remedial measures.

The development should be implemented in accordance with the approved details in the EEP.

- 5) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include, but not limited to:
- a) map showing the location of all ecological features;
 - b) risk assessment of the potentially damaging construction activities;
 - c) practical measures to avoid and reduce impacts during construction;
 - d) location and timing of works to avoid harm to biodiversity features;
 - e) responsible persons and lines of communication;
 - f) use of protective fencing, exclusion barriers and warning signs;
 - g) method of ground protection to support construction vehicles entering the construction site;
 - h) location detail of material storage, mixing areas, construction access, porta cabins / porta loos and parking areas outside of RPAs; and
 - i) storage of plant and materials used in constructing the development.

The approved CEMP shall be adhered to throughout the construction period.

- 6) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved sample details.
- 7) The development hereby permitted shall not be occupied until, details showing the type, number, location and timescale for implementation of bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained for the lifespan of the development.
- 8) The development hereby permitted shall not be occupied until, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- 9) The development hereby permitted shall not be occupied until, a scheme for landscaping shall be 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 but not limited to the following:
- details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;

- 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;
- 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.

- 10) 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. 70:001 Rev C and Appendix C of the Transport Statement) 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 for the lifespan of the development.
- 11) The development hereby permitted shall not be occupied until, details of secure, convenient, accessible, well-lit and sheltered cycle parking facilities (including for electric and cargo bicycles) near the main entrance for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use for the lifespan of the development.
- 12) The development hereby permitted shall not be occupied until, the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

END OF SCHEDULE