



Appeal Decision

Site visit made on 13 January 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/R3650/W/24/3345689

Land to the North of Maybanks, Cox Green Road, Rudgwick, Horsham, Surrey RH12 3AA

- 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 S Hollis of Rockwood Homes Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00030.
 - The development proposed is the construction of three terraced courtyard dwellings with associated gardens, hardstanding and car parking; altered garden arrangement for Turnpike.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of three terraced courtyard dwellings with associated gardens, hardstanding and car parking; and altered garden arrangement for Turnpike, at Land to the North of Maybanks, Cox Green Road, Rudgwick, Horsham, Surrey RH12 3AA in accordance with the terms of the application, Ref WA/2024/00030, subject to the conditions in the attached schedule.

Preliminary Matters

2. Maybanks is a Manor House located to the south of the appeal site. The application form refers to the appeal site as 'Maybanks' with a description detailing that the site is located on land to the north of Maybanks. The decision notice and appeal form refer to the appeal site as 'Land to the North of Maybanks', therefore the site address in the banner heading and decision above has been amended to correlate with these documents, as this best reflects the location of the appeal site.
3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding countryside and the Area of Great Landscape Value (AGLV);and;

- whether the proposal would be a suitable location for housing, having to the Council's spatial strategy and the provisions of the Framework.

Reasons

Character and appearance

5. The appeal site sits adjacent and adjoins a car parking area approved in association with the five adjacent dwellings north of Maybanks. Except for an existing barn which has consent to be converted to a dwelling (Turnpike), the site is undeveloped, untidy and overgrown in appearance. Along two sides, the site is bound by the access road that provides access to the adjacent dwellings on the lane. The site slopes down towards the northern boundary with the road and trees line the boundary. A public footpath is accessed from the opposite side of the lane at a lower ground level.
6. The site lies within an Area of Great Landscape Value (AGLV), outside the defined settlement boundary and within the countryside as defined in the Waverley Borough Local Plan Part One: Strategic Policies and Sites (WBLPPO) ¹. The land surrounding the appeal site has a farmed rural landscape. This pastoral landscape positively contributes to the scenic rural character and appearance of the countryside and the AGLV.
7. Policy RE1 of the WBLPPO advises that within the countryside, the intrinsic character and beauty of the countryside will be safeguarded in accordance with the Framework. Its aim is therefore to ensure that development has an acceptable impact on the countryside, but it does not prevent built form. Due to the site formerly being curtilage of Maybank, it being adjacent to the car park, bound by the road and alongside Turnpike, it is read in conjunction with the extant adjacent development rather than the surrounding pastoral landscape. As a result, the proposal would appear as a well-designed extension to the existing development on the adjacent plot.
8. Despite being within the countryside and AGLV the appeal site does not positively contribute to its identified scenic rural character. Whilst the proposal would introduce significant built form and have an impact upon the landscape character of the site, given part of the site is developed (Turnpike), the remainder of it is untidy and overgrown and its status as residential curtilage, the proposal would tidy and formalise the site and consequently limit the harm to the countryside.
9. Whilst the adjacent residential scheme resulted from the change of use of long-standing buildings, the appeal site is part of the original curtilage of Maybanks and so is read in conjunction with that existing development. The development of this small parcel of land would not create a precedent for large scale development in the countryside. Any future proposals must be considered and determined on its individual merits.
10. Reference is made to the site being visible from public footpaths to the extent that it would result in material harm to the countryside. Whilst the proposal would be visible, the existing residential development is also visible and therefore the proposal would be read in conjunction with the extant development. In addition, given the separation distance from the footpath to the built form, difference in land

¹ Adopted February 2018

levels and the trees on the northern boundary, the views of the proposed development from the footpath would be acceptable.

11. For the reasons above, the proposal would not unacceptably affect the character and appearance of the surrounding countryside or the AGLV. It would therefore be compliant with policies TD1, RE1 and RE3 of the WBLPPO and policies DM1 and DM4 of the Waverley Borough Local Plan Part Two: Site Allocations and Development Management Policies (WBLPPT)². These policies amongst other things require development to be of a high quality and inclusive design that respond to the distinctive local character, safeguards the intrinsic character and beauty of the countryside and respects the distinctive character of the AGLV.

Suitable Location

12. The appeal site is located approximately 500m from the edge of the settlement of Rudgwick and approximately 1.8km from the shops and schools within it. Rudgwick has a good-sized supermarket, church, post office, hair salon, school, pub and MOT centre. The church and pub are the closest facilities to the appeal site and are located just over 1km from it. A public footpath runs along the length of Church Street to the centre of Rudgwick and can be accessed close to the access lane serving the appeal site. The nearest bus stop is just over 500m from the appeal site in close proximity to the access of the private driveway serving the proposal.
13. Policy SP2 of the WBLPPO seeks to focus development at the four main settlements and avoid major development on land of the highest amenity and landscape value. Whilst the proposal is not within one of the four main settlements, Policy SP2 does not prevent development beyond these areas. In addition, the proposal is not major development.
14. Policy ST1 of the WBLPPO seeks development to be located where opportunities for sustainable transport modes can be maximised. Whilst public transport options are limited, public transport is available. The site is within close proximity to a bus stop that stops at Rudgwick as well as the larger settlements of Cranleigh and Guildford. In addition, there is a direct footpath to the centre of Rudgwick which can be accessed from the access lane to the appeal site. Given these options the proposal would not be isolated from everyday services nor dependent on the use of private vehicles.
15. Policy EEG1 of the Ewhurst and Ellens Green Neighbourhood Plan 2022 (EEGNP) refers to meeting local housing needs. Whilst the supporting text makes reference to supporting a small number of smaller properties within the settlement, the policy does not prevent development beyond the settlement boundary.
16. Reference is made to an appeal decision at Cox Green³ whereby the Inspector considered that the site was poorly integrated with the village. The appeal site is different in this respect, as despite not being within Rudgwick it is easily accessed on foot by a direct footpath located opposite the site access. Whilst the access lane from the appeal site to the footpath is unlit, it would not be busy in terms of vehicular movements as it is a private driveway serving only the small number of dwellings on it. In addition, part of the lane is lined by the residential dwellings

² Adopted March 2023

³ APP/R3650/W/193227970)

adjacent to the appeal site and Cox Green Cottage, these properties with their external lights would provide some illumination and as such the route would be safe for pedestrians at night.

17. Whilst the centre of Rudgwick is 1.8km from the appeal site, there are facilities nearer and given that the nearest bus stop with a service that stops at Rudgwick is 500m from the site, there are options for future occupiers to walk or take the bus. As a result, future occupiers would not need to be fully car dependent.
18. For the reasons above, the proposal would be located in a suitable location, having regard to the Council's spatial strategy and the provisions of the Framework. It would therefore be compliant with policies SP2 and ST1 of the WBLPPO, Policy DM15 of the WBLPPT and Policy EEG1 of the EEGNP. These policies amongst other things allow modest growth in villages to meet local needs and require development to be located where opportunities for sustainable transport modes can be maximised.

Other Matters

19. Reference is made to WBLPPT and paragraph 3.29 that refers to development that may be acceptable in rural areas. This supporting text does not form part of policy DM15 and the proposal complies with the objectives of this policy to ensure proposed development is not isolated from services and facilities and to recognise the natural beauty of the open countryside.
20. I have had regard to the comments of interested parties regarding the potential effect of the proposal on ecology. I note that the Council did not raise issues in this regard, stating the scheme has potential to support protected species and provide mitigation and enhancement measures. Based on my observations I have no reason to disagree.
21. Reference is made to the proposal being prominent from local viewpoints in particular the Surrey Hills National Landscape. There is no statutory requirement for the appellant to provide a Landscape and Visual Impact Assessment, whilst there may be some potential for the scheme to be seen from local viewpoints, it has not been demonstrated with sufficient evidence that if this did occur that it would be harmful.

Conditions

22. I have had regard to the Council's suggested conditions and the six tests. Where justified I have amended the wording of the conditions to meet the six tests and omitted conditions to avoid duplication.
23. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
24. A condition requiring details of a surface water drainage scheme is required to ensure the development does not increase flood risk on or off site. The suggested condition was amended to ensure that the approved scheme is maintained and retained.
25. A condition is required to control the external finish of the development, to ensure high quality design and to preserve the character and appearance of the area.

26. A restriction on the use of machinery or plant and demolition or construction processes is reasonably required to safeguard the residential amenity of the adjacent dwellings.
27. The mitigation measures detailed in the PEA are secured via condition to ensure that there would be an acceptable impact on the ecology of the site. The arboricultural statement is also secured via condition as it is necessary to safeguard protected trees on site. A further condition is required to protect retained trees to secure an appropriate setting for the proposed dwellings.
28. Electric vehicle charging points, secure cycle storage and adherence to the submitted Climate Change and Sustainability checklist are required to achieve a high level of sustainability and encourage sustainable forms of transport.
29. The Council has suggested further tree conditions, but these duplicate the arboricultural statement. A photographic condition survey of the PROW has also been requested but this is located on the opposite side of the access lane sufficiently set away from the appeal site and is therefore not required.
30. A suggested condition refers to visibility splays, but the details of this condition do not appear to relate to the appeal site. Additionally, the request to restrict additional windows on the side elevations is unnecessary as there are only two due to the design of the scheme and these either face the garden area belonging to the property or the car park. As such this condition is not required to protect residential amenity.
31. A scheme to control internal noise levels does not seem reasonable when the specified reason for imposing is to protect nearby properties from dust and vibration from construction demolition works. This has been dealt with in a separate condition.

Conclusion

32. For the reasons given above the appeal should be allowed.

V Goldberg

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:
 - Location Plan V8;
 - Block_Site_Tree plans V8__1;
 - Block_Site_Tree plans V8__2;
 - Block_Site_Tree plans V8__3;
 - Proposed floor plans_roof plan_elevations V8__1;
 - Proposed floor plans_roof plan_elevations V8__2;
 - Proposed floor plans_roof plan_elevations V8__3;
 - Proposed floor plans_roof plan_elevations V8__4;
 - Proposed floor plans_roof plan_elevations V8__5;
 - Proposed floor plans_roof plan_elevations V8__6;
 - Proposed floor plans_roof plan_elevations V8__7;
 - street scene elevation_GIAs and GEAs_site plan with trees V8__1;
 - street scene elevation_GIAs and GEAs_site plan with trees V8__2;
 - street scene elevation_GIAs and GEAs_site plan with trees V8__3;
 - street scene elevation_GIAs and GEAs_site plan with trees V8__4
- 3) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. The approved scheme shall be completed prior to first occupation of the development and maintained and retained thereafter.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No machinery or plant shall be operated, no demolition or construction processes carried out and no deliveries taken or dispatched from the site except between the hours of 8.00am and 17.30pm Monday to Friday, 9.00am and 13.00pm on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 6) The development hereby permitted shall be carried out at all times in strict accordance with the precautionary and mitigation measures as well as the recommendations and ecological enhancements set out in the Preliminary

Ecological Appraisal prepared by arbtech 30th August 2023, submitted in support of the application

- 7) The recommendations outlined within the Arboricultural Statement dated March 2022 produced by David Archer Associates, shall be carried out in accordance with the details within this document and maintained throughout construction.
- 8) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the occupation of development for its permitted use, other than in accordance with the approved plans. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the submitted Arboricultural Statement dated March 2022 produced by David Archer Associates].
- 9) The development hereby approved shall not be occupied until each of the proposed dwellings are provided with 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) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained.
- 10) The development hereby approved shall not be occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes 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. The approved facilities shall be maintained and retained thereafter.
- 11) The development shall be carried out in accordance with the appropriate proposed measures identified within the submitted Climate Change and Sustainability Checklist unless first agreed in writing with the Local Planning Authority.