



Appeal Decision

Site visit made on 20 March 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/Q3630/W/24/3352300

Manesty, Row Town, Addlestone, Surrey KT15 1EZ

- 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 John Rowley against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1275.
 - The development proposed is the erection of a new dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling house at Manesty, Row Town, Addlestone, Surrey KT15 1EZ, in accordance with the terms of the application RU.23/1275, subject to the conditions in the attached schedule.

Preliminary Matters

2. On the 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the revised Framework in respect of the appeal, and I have determined the appeal in light of the updated Framework.
3. A completed Unilateral Undertaking was submitted during the course of the appeal. The completed undertaking contains obligations to secure avoidance measures in relation to the Thames Basin Heaths Special Protection Area. This is explored further within my reasoning below.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework, and any relevant development plan policies,
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the Thames Basin Heaths Special Protection Area.

Reasons

Whether inappropriate development

5. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 154 and 155 of the Framework. The appellant

contends that the proposal would not be inappropriate, as it would constitute limited infilling and the redevelopment of previously developed land, in line with criteria (e) and (g) of the Framework. Criteria (e) of the Framework allows for limited infilling within villages, whilst (g) allows for either limited infilling or the redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. This criterion is reflected in Policy EE17 of the Runnymede 2030 Local Plan (LP).

6. There is disagreement between the parties as to whether the appeal site lies within a village. In this regard, the site lies just outside of the defined settlement boundary, adjacent to the settlement of Row Town. This is not necessarily definitive and it is necessary to have regard to the circumstances on the ground. There is a distinct change in character between the settlement of Row Town, and the appeal site. The site lies along an informal track, where there is low density, residential development which follows a linear pattern. This results in a semi-rural character which contrasts with the built up, dense, environment within the settlement. The site is set away from the main road and public transport, and there is no clear relationship with the facilities within Row Town. Accordingly, I am not persuaded that the site falls within a village. Therefore, the proposal cannot accord with criteria (e).
7. The proposal would be located on garden land between two existing residential dwellings. Those dwellings each contain two storeys and have a generous footprint. Further along the track, most dwellings are of a similar scale and height. In this context, the proposed bungalow would appear limited in terms of its footprint, height and mass.
8. The proposal also includes the removal of a number of residential outbuildings. These are low key, ancillary buildings. Their mass is spread out, and they are of a wholly different character to the proposed bungalow which would replace them. Nonetheless, their removal would slightly minimise the increase in built form, and the overall impact on the Green Belt.
9. My attention has been drawn to the potential for the proposed bungalow to be expanded in the future through permitted development rights. The Council have indicated that conditions removing permitted development rights in the Green Belt, will generally not meet the tests for conditions set out in the Framework. Several appeal decisions have been submitted which support this position. The matter of conditions is addressed later in this decision. In any event, I am required to assess the proposal before me based on its own individual merits.
10. The proposal would infill a large space between Manesty and the adjacent Himley Cottage. Generous spaces between dwellings are a characteristic of the area and contribute to the semi-rural character of the road. However, in comparison with the surrounding pattern of development, the gap is particularly large. The proposal would retain good spacing to both its neighbours, proportionate to the size of the dwelling. The proposal would include the subdivision of the site, new boundary treatments, additional residential paraphernalia as well as the dwelling itself. This change would affect the density of development at this end of the road, and the new dwelling would be visible from the access track and to a limited degree from the nearby footpath. Accordingly, there would be an adverse effect on openness, both in visual and spatial terms. However, given its relationship to existing built form, this impact would be limited, and I am satisfied that this would not amount to a substantial loss of openness.

11. In light of the above, the proposal would constitute limited infilling, which would not cause substantial harm to the openness of the Green Belt. Therefore, there is no need to go onto consider whether the proposal constitutes the redevelopment of previously developed land, or in turn, whether the provisions relating to grey belt would be met.
12. Drawing together the above, the proposal would not constitute inappropriate development in the Green Belt. The question of openness is already considered within exception g, as set out in the Framework. Consequently, there is no requirement to consider whether there are any very special circumstances to justify the development.
13. The proposal would therefore accord with Policy EE17 of the LP. This allows for the infilling or redevelopment on previously developed land in the Green Belt, broadly reflecting exception (g) of the Framework.
14. Policy EE19 of the LP is also listed in the reason for refusal. However, its requirements relate to the change of use of land in the Green Belt. The proposal before me does not relate to the change of use of land, as such, the policy has not been determinative.

Character and appearance

15. As referenced, the site lies in a semi-rural, residential area. The site surrounds are bordered by mature trees, resulting in a verdant character.
16. The open space between Manesty and Himley Cottage comprises residential garden land. Some of the existing outbuildings to be demolished lie within this gap. The gap is considerably larger than other spaces between dwellings in the street scene. Whilst the spaces between dwellings are important to the character of the area, the reduced space in this case would still provide good separation to both neighbouring dwellings. The set-back from the access track would be consistent with other dwellings along the row. Accordingly, the proposal would preserve the existing well-spaced, linear pattern of development.
17. The size and scale of dwellings along the row are varied, but generally are two-storeys in height. The proposed bungalow would be smaller in comparison to these, but nonetheless would appear limited in scale, would result in an unobtrusive appearance and the added variety would not materially detract from the street scene.
18. Soft landscaping together with sensitive boundary treatments would be important to preserve the verdant character of the area. I am satisfied that these matters are capable of being addressed through conditions in the event of my allowing the appeal.
19. Overall, I find the proposal to be of an appropriate design, which would be acceptable in terms of its effect on the character and appearance of the area. Accordingly, the proposal would accord with policy EE1 of the LP and guidance contained in the Runnymede Design SPD 2021, which taken together, and insofar as relevant, require that development is of a high-quality design which positively responds to the local context.

Thames Basin Heaths SPA (appropriate assessment)

20. The appeal site falls within 5km of the Thames Basin Heaths SPA, a European designated site. This site has been designated due to its important ground-nesting bird species including the Dartford Warbler, nightjar and woodlark. All three bird species nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking.
21. The proposal would permanently increase the number of residents living on site, and in this regard, in combination with other developments in the area, would result in a likely significant adverse effect on the integrity of the SPA, through increased recreational disturbance.
22. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority for the purposes of this appeal.
23. The Council's SPD¹ sets out that avoidance measures in the form of financial contributions towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Monitoring and Maintenance (SAMM) are necessary to protect the integrity of the SPA. Provided these contributions are secured, significant effects are not likely to occur.
24. In their response to consultation on this appeal, Natural England confirmed that, it is content that the proposed measures would be sufficient to avoid an adverse impact on the integrity of the Thames Basin Heaths SPA, in relation to its qualifying features.
25. The appellant has provided a signed unilateral undertaking which secures a financial contribution towards SANG of £1,671,48 and a SAMM contribution of £792.04 in line with the SPD. As the competent authority, in light of the above measures, I am satisfied that the proposal would not harm the integrity of the Thames Basin Heaths SPA. Accordingly, the proposal would comply with Policy EE10 of the Runnymede 2030 Local Plan, which requires adequate measures to avoid and mitigate adverse effects on the SPA.
26. The officer report also refers to Policy SL12, this relates to a housing allocation at Ottershaw East, and there is no evidence before me that this is of any relevance to the appeal scheme.
27. The obligations within the Unilateral Undertaking are necessary to make the proposal acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such, they comply with Regulation 122 of the Community Infrastructure Levy Regulations.

Other Matters

28. A previous scheme for a new dwelling was dismissed on appeal in 2001². From the limited information before me, that scheme also appears to have also related to an infill development for a new dwelling. Nonetheless, whilst there appears to be similarities between the two schemes, there have been significant changes to planning policy since that time, including the publication of the Framework and a

¹ Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPD) 2021

² APP/Q3630/A/01/1068175 dated 18 October 2001

new Local Plan for Runnymede. Accordingly, this attracts limited weight, and I have assessed the appeal proposal on its own merits.

Conditions

29. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the Framework. I have edited some of the suggested conditions for clarity and enforceability.
30. Time limit and plan numbers conditions are required in the interest of certainty. A condition to secure the demolition of the existing buildings, and the removal of materials from site, is necessary to accord with the terms of the application, and in the interest of the openness of the Green Belt.
31. A tree protection condition is required to protect the verdant character of the area. Due to the nature of this condition, the submission of details prior to the commencement of development is required. Its imposition has been agreed by the appellant.
32. A materials condition, including the provision of details/samples is required in the interests of the character and appearance of the area. Details of external lighting are necessary to preserve the semi-rural character, and to avoid harm to local wildlife or neighbouring occupiers.
33. An ecological enhancement plan, restrictions on hedgerow clearance and a hard and soft landscaping scheme, are required in the interests of biodiversity and wildlife, and to enhance the character and appearance of the area. A scheme to secure bicycle storage and a charging point is necessary to promote sustainable modes of travel.
34. Whilst a need to retain control over boundary treatments is necessary in the interests of the character and appearance of the area, this has been incorporated within the landscaping condition.
35. The Planning Practice Guidance states that decisions should avoid duplication of regulations from other regimes. Electric vehicle charging points together with water efficiency standards are part of the Building Regulations approval process and as such it is not necessary to include a condition requiring them.

Conclusion

36. The proposed development accords with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it.
37. For the reasons given above, the appeal is allowed.

R Lawrence

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: Site plan as proposed (2353/P-201B) received 30.07.2024, Details of garage and shed to be demolished (2353/P-205A) received 24.07.2024, Site plan of buildings to be demolished (2353/P-204A) received 24.07.2024, Block plan as existing and location plan (2353-L201C) received 24.07.2024, Proposed plans and elevations (2353/P-202A) received 04.10.2023.
- 3) Prior to the commencement of any works above slab level, the existing shed, summer house, lean to store, shed, garage and store (as detailed on the 1:500 existing block plan - 2353-L201 C) shall be demolished and all materials shall be removed from the application site and wider site area of Manesty (as shown in blue on 2353-L201 C).
- 4) Prior to the commencement of the development hereby approved, including any demolition, and before any equipment, machinery or materials are brought on to the site, tree protection measures shall be installed in accordance with the approved Arboricultural Planning Report produced by Arb Consultancy and dated 06 March 2024. Once in place, photographic evidence of the protective measures shall be submitted to and approved in writing by the Local Planning Authority (LPA).

The works shall be carried out in accordance with the approved protection plan and method statement. The protective measures shall remain in place until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. There shall be no burning within six metres of the canopy of any retained trees.

- 5) No development above slab level (excluding demolition) shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby granted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 6) Details of any external lighting, including floodlighting, to include design, positioning and lux levels, shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved is first occupied. Development shall be carried out in accordance with the approved details.
- 7) No development above slab level (excluding demolition) shall commence until an Ecological Enhancement Plan (including the long-term management of biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling hereby approved and maintained thereafter.

- 8) No development above slab level (excluding demolition) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include species, size and height. The hard landscape works shall include all proposed hardstanding and boundary treatments, The landscape works shall be carried out in accordance with the approved details during the first planting season following the first occupation of the dwelling hereby approved.
- All approved landscaping shall be thereafter retained in accordance with the approved details.
- 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 placed in the next planting season with others of a similar size and species.
- 9) All scrub, hedgerow and tree clearance shall be undertaken outside the breeding season (March to July inclusive) unless a survey of such vegetation which shows that there are no nesting species within the application site has first been submitted to and approved in writing by the Local Planning Authority (LPA).
- 10) The development hereby permitted shall not be first occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the secure, covered parking of bicycles and the provision of a charging point for e-bikes. Once approved the development shall be undertaken in complete accordance with the approved details prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the approved details.