



Appeal Decision

Site visit made on 1 April 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/M3645/W/24/3353604

Fair Orchard, Camden Road, Lingfield, Surrey RH7 6AF

- 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 Macar Developments Ltd against the decision of Tandridge District Council.
 - The application Ref is TA/2024/449.
 - The development proposed is the erection of a terrace of 4 no. four bedroom houses with associated car and cycle parking, refuse stores and new landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the local area;
 - The effect of the proposal on highway safety, particularly at the junction of Camden Road and Town Hill;
 - Whether the proposal would provide satisfactory parking provision and therefore provide satisfactory living conditions for future occupiers as well as the effect on the living conditions of neighbouring residents, and
 - The effect of the proposal on the protection and enhancement of biodiversity.

Reasons

Character and appearance

3. The appeal site relates to land at the rear of Fair Orchard, a detached residential property on the eastern side and at the southern end of a private no-through road, Camden Road, within the rural village of Lingfield. Camden Road is characterised by a mix of properties, with an overall character and appearance of well-spaced individual properties on good sized plots in verdant surroundings. There is an existing driveway at the southern end of Fair Orchard which leads past the house and the garden to the area of the land at the rear which would form the proposed development area. It is primarily hard landscaped with some outbuildings and areas of grass. The land slopes down from Camden Road towards the site.

4. The site is located within the Larger Rural Settlement of Lingfield as set out under Policy DP11 of the Tandridge Local Plan: Part 2- Detailed Policies 2014 (TLP: Part 2). The eastern and southern boundaries of the site form the boundaries of the settlement with trees immediately adjoining the eastern, southern and western sides forming part of the Green Belt.
5. The proposal is for the erection of a terrace of four x four bedroomed houses with associated car and cycle parking, refuse stores and new landscaping. Access would be from the existing driveway to the south of the existing property leading to a forecourt with parking at the front of the terrace together with bikes and bin stores with garden areas to the rear. The properties would appear as two storeys from the front with rear dormers and roof lights at the rear and sides to serve accommodation at second floor level. In terms of design, the terrace would be symmetrical in design with a lower central section with a higher element at either end under a crown roof and curved bay element. Materials would be brick and tile roof with tile hanging and render and timber detailing.
6. The immediate surroundings are of good sized properties, predominantly detached but also a semi-detached pair on good sized and verdant plots. In stark contrast, the proposed development would be a terrace of four houses on considerably smaller plots and garden sizes. The development would extend almost the full width of the side, leaving very small margins to the side and the frontage would be dominated by hard surfacing to accommodate parking and turning. Whilst I have taken into account the national and local objective to make efficient use of available land, the smaller scale of the plots and denser approach to the massing of the built development would present a more urban form to the development, which would be at stark variance with the prevailing pattern of development in the local area. The urban form of the development with their small plots and bulky massing, would also present a discordant transition from the good sized plots found along Camden Road to the open Green Belt land beyond the site.
7. Whilst taken in isolation, the proposed dwellings would be well designed with quality materials and taking their design cues from the host property and others along Camden Road. However, in terms of their layout, scale and massing, they would be completely at variance with the prevailing pattern of development and local distinctiveness.
8. The Appellants have provided evidence of a variety of densities in development across the settlement of Lingfield, including appeal decisions relating to some of these examples. However, a variety of densities, including examples of backland development, residential terraces and smaller garden sizes is to be expected across the context of the village. Little Stanford Close, for example, which is relatively close to Camden Road, appears to be a new development which has been designed to face onto the cul de sac that leads off Town Hill. I have taken these into account in so far as the information has been made available to me. However, these developments do not in my view compare with the proposal before me particularly in the context of its siting in relation to the settlement boundary and the form of development in relation to the surrounding pattern of development and do not therefore lead me to a different view. The development would appear relatively isolated and present a harsh and over developed juxtaposition with its rural surroundings.

9. Although the proposed development would not be widely seen, it would be seen from the rear of existing properties and from the access drive leading down to the new houses. The fact that the development would not be widely seen from public viewpoints would not, in my view, justify the proposed development given the harm I have concluded to the prevailing character of the local area. As such, I consider that the proposed development, by virtue of its scale, siting and design, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
10. I therefore conclude that the proposed development would harm the character and appearance of the local area and local distinctiveness. This would conflict with Policies DP7 and DP11 of the TLP: Part 2 and Policy CSP18 of the Tandridge District Core Strategy 2008 (Core Strategy) and the Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Highway Safety

11. Camden Road is a private road which joins Town Hill (B2028) at a priority junction. The B2028 has a speed limit of 30mph at this point. The levels of visibility when joining Town Hill from Camden Road are sub-standard and are particularly restricted to the right (east).
12. At the appeal stage and in response to the reason for refusal, the Appellants submitted a scheme for improvements at the junction within highway land to improve visibility; this has been further amended in the light of a Road Safety Audit Stage 1. Whilst the visibility to the right would remain below recommended levels, it would be improved over the existing situation. This could be addressed further prior to implementation to secure the most appropriate scheme, albeit accepting that it may not be feasible to secure a fully compliant scheme with relevant standards and guidelines.
13. The County Council, as Highways Authority, has reviewed the additional information provided at appeal. It continues to recommend refusal but acknowledges that if the proposed mitigation scheme were secured and successful this would reduce the severity of the impacts of the development on road safety and would require a suitable planning condition to be imposed to secure the proposed improvements.
14. Although the proposed development would increase the potential number of traffic movements at this junction, the increase would be relatively modest over and above existing recorded movements. I have also taken into account the vehicle speeds measured on Town Hill in the vicinity of the site, which are slightly below the speed limit of 30 mph, as well as the absence of recorded accidents at this junction over recent years. Taking all of these matters into account, I consider that the opportunity to improve this junction would benefit existing road users, from Camden Road as well as more generally on the highway network, as well as the proposed incoming residents. Whilst the scheme would be unlikely to be fully compliant with relevant standards, it would offer a material improvement over the existing situation.

15. Subject to the imposition of a condition to ensure that a suitable scheme at the junction of Camden Road and Town Hill were implemented, in general accordance with the proposals submitted by the Appellants at the appeal stage, I consider that the proposal would be acceptable in terms of highway safety. There would be no conflict with Policy CSP12 of the Core Strategy, the Surrey Local Transport Plan (LPT4) 2022-2032 and the Framework with particular regard to Section 9, all of which amongst other matters seek a safe and suitable access for all users.
16. In respect of Policy DP5 of the TLP: Part 2, I acknowledge that the proposed improvement scheme at the junction of Camden Road would not be fully compliant with criterion a) in terms of fully complying with highway design guidance. However, for the reasons set out above I consider that the improvements proposed would be acceptable in terms of highway safety.

Parking provision

17. The proposed development would provide 8 parking spaces overall, with 2 spaces per dwelling. The Council's standards as set out on in its Parking Standards – SPD 2012 (SPD) seek 3 allocated spaces plus 1 space unallocated per 4 bedroom dwellings as a legible space. There would therefore be a shortfall of some 5 spaces. Given the constrained layout of the site which, as proposed, has to rely on tandem parking, and the narrowness of the driveway, any additional parking would necessarily spill over onto and along Camden Road.
18. The Appellants have referred to the advice in the Council's SPD being out of date and has referred to Surrey County Council's Local Transport Plan (LPT4) as updated in 2023. The Appellants advise that this document sets a provision of 2+ spaces per unit for sites located in a suburban area and with 4+ bedrooms and furthermore, that the document is intended to be flexible and used as considered appropriate by the 12 Local Planning Authorities across Surrey.
19. The information provided indicates that the County Council recognises that the information will be used as considered appropriate by each Authority and the Council has advised that its SPD remains its adopted standards at the current time. Also, the Appellants have referred to the parking standards for a suburban site, whereas I am not persuaded that this would be the appropriate consideration for this location within a village setting. I do not know, however, whether this would alter the relevant standard. Furthermore, the Appellants have referred to the County Council referring to 2+ spaces whereas the proposed development secures only 2 spaces per dwelling.
20. It is my view that the proposed development would not provide sufficient parking spaces leading to parking taking place along Camden Road or further afield. This would not be convenient or satisfactory for incoming residents of the proposed developments and would potentially be a nuisance for the existing residents along Camden Road.
21. I therefore conclude that the proposed development would harm the living conditions of the proposed residents and existing residents, through inadequate parking provision within the proposed development. This would conflict with Policies DP5 and DP7 of the TLP: Part 2, Policy CSP12 of the Core Strategy as well as the Tandridge Parking Standards SPG, all of which amongst other matters seek appropriate levels of parking provision for new developments.

Ecological interests and Biodiversity Net Gain.

22. The Council's reason for refusal in respect of this issue related to the inadequacy of the information submitted at the application stage to demonstrate no adverse effect on biodiversity, including protected species. At the appeal stage the Appellants submitted further material including an updated preliminary ecological appraisal to include details of the proposed development and an impact assessment and Mitigation Strategy for the adjacent Traditional Orchard, a Priority Habitat, as well as a Great Crested Newt Mitigation and Enhancement Plan. This further information submitted at the appeal stage has been reviewed by both the Surrey Wildlife Trust as well as the Council.
23. Having taken into account the information provided at the application stage as well as the additional material at the appeal stage, I consider that the Appellants have provided suitable evidence to determine whether the proposed development would result in significant effects on protected species and protected habitats.
24. It is my view that the separation of the proposed development from the Traditional Orchard, as proposed, could be secured and further enforced through conditions to include, amongst other things, boundary treatments with the adjacent Traditional Orchard, as well as a Construction Environment Management Plan. In respect of protected species, conditions would be required in respect of
lighting controls and a great crested newt mitigation and enhancement plan. Subject to the imposition of these conditions, I am satisfied that there would be no harm to ecological interests as a result of the proposed development.
25. In respect of securing the required biodiversity net gain (BNG) of at least 10% as a result of the proposed development, the Appellants submitted an updated BNG Assessment at the appeal stage which indicates that an 11.59% net gain in habitat units and 34.10% net gain in hedgerow units would be achieved. There would be further details to be addressed particularly regarding the future management of the proposed planting and to consider the effect of the proposals on the amenity space for the future residents. However, the statutory framework for BNG requires the imposition and discharge of a BNG Plan and this is required to be satisfied before development commences.
26. Subject to the imposition of such a condition, to include the requirement for an appropriate BNG Management Plan, I am satisfied that the requirement to meet the BNG objectives would not be a reason to withhold planning permission in respect of this development. In respect of the protection and enhancement of biodiversity including the provision of BNG, I am satisfied that there would be no conflict with Policy CSP17 of the Core Strategy, Policy DP19 of the TLP: Part 2 as well as the Framework and in particular Section 15 all of which seek to protect and enhance biodiversity.

Other Considerations

27. I have been provided with a number of appeal decisions by both the Appellants and the Council relating to previous proposals on the same site and within the local area. Some of these I have already referenced in my consideration of the main issues above and as pertinent to those assessments. Each proposal must be

considered on its individual merits, but I have taken them all into account as material considerations, but they have not persuaded me to a different view.

Planning Balance

28. I have found that the proposed development, subject to the imposition of conditions to secure junction improvements, would be acceptable in terms of highway safety and that the development, again subject to conditions, would not adversely affect ecological interests and could provide the required biodiversity net gain. However, these findings would not override the harm I have concluded to the character and appearance of the local area, as well as the living conditions of future and existing residents because of inadequate parking provision. Consequently, there would be conflict with the development plan policies which are consistent with the Framework's position of seeking a high quality of design which respects and re-enforces local character and the amenities of existing and future occupiers. As a result, I attach significant weight to this conflict.
29. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of deliverable housing sites, and that as a result Paragraph 11 d) is engaged. Accordingly, in line with paragraph 11(d) and footnote 8 of the Framework, the policies most important for determining the application are out of date. Paragraph 11 d) i. is not relevant in this instance and therefore Paragraph 11 d) ii. is engaged whereby planning permission should be granted unless *any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*
30. There would be a modest social benefit in providing four additional housing units in a generally accessible location and making efficient use of the land. Economic advantages would also arise from the construction and occupation of these dwellings. These benefits carry some weight in support of the proposal. I have also paid particular regard to the paragraphs referenced in footnote 9 of Paragraph 11 d) ii. of the Framework. I have addressed some of these paragraphs above and whilst some of the paragraphs support the proposal, they include references to achieving well designed places. This therefore limits the weight to be attached.
31. I attach significant weight to the principal of housing delivery but the benefits arising from a net addition of four units would be relatively modest. However, the provision of the new housing as proposed would materially harm the character and appearance of the local area, as well as the living conditions of existing and future residents. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

32. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations from local residents, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR