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## Appeal Decision

Site visit made on 5 June 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2025

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**Appeal Ref: APP/Y3615/W/24/3358251**

**New Manor Farm, Old Epsom Road, East Clandon, Surrey GU4 7RL**

- 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 Mr Hogarth against Guildford Borough Council.
  - The application Ref is 24/P/01247.
  - The development proposed is erection of a two storey dwelling with new access, together with greenhouse, garage/outbuilding, car parking and associated landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey dwelling with new access, together with greenhouse, garage/outbuilding, car parking and associated landscaping at New Manor Farm, Old Epsom Road, East Clandon, Surrey GU4 7RL in accordance with the terms of the application, Ref 24/P/01247 and the plans submitted with it, subject to the conditions set out in the schedule below.

### Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's acknowledgement of the application rather than the application form, since this more concisely describes the proposed development and omits elements which are not a description of development.
3. During the course of the appeal, the appellant corrected the relevant ownership certificate by serving notice on the County Council, who the appellant accepts own part of the appeal site. The Council also issued new notification letters to interested parties, since they had previously been informed they could not comment on the proposal. I have also invited comments from the Council in response to the appellant's final comments, since they included evidence not previously seen by the Council. Following these actions I am satisfied that the appeal can be determined without causing prejudice to any party.

### Main Issues

4. The appeal is made against the Council's failure to determine the application within the statutory period. Based on the documents before me, including the Council's statement and the reasons it states it would have refused planning permission, the main issue in this appeal is the effect of the proposal on protected species, with particular regard to bats and great crested newts.

## Reasons

### *Bats*

5. The appellant submitted a Preliminary Ecological Appraisal (PEA) with the planning application which considered the likely presence of protected species on the site. Concerns were raised by the Surrey Wildlife Trust (SWT) regarding trees T5 and T7 on the site which are proposed to be removed, as well as the group of trees at the front of the site, labelled group G1, which all had potential to contain bat roosting features.
6. The appellant's Ground Level Tree Assessment of May 2025 assessed tree group G1 for potential bat roosting features, as well as tree T2, similarly positioned on the southern site boundary. This found those trees to have no potential for such features and subsequently no further work was recommended. Given the document was prepared by a suitably qualified ecologist and informed by survey work, I have no reason to doubt its conclusions and I note the Council have similarly accepted those findings.
7. Trees T5 and T7 are a mature Willow, and a semi-mature Copper Beech positioned close to the south western corner of the site, and have not been subject to further consideration since the PEA. While I appreciate the Council's concerns surrounding clarity in the PEA on this issue, the PEA nonetheless repeats that the trees on the site did not have any roosting features. This was informed by a 'walkover bat roost assessment' on the site in line with standard guidance and best practice on the matter. For this reason, and given the findings of my own site visit, I have no strong reason to doubt the PEAs conclusions regarding the existing trees on site, including T5 and T7. I am therefore satisfied that the ability of the site to accommodate roosting bats has been appropriately assessed and the proposal would not have harmful effects on bats and their habitat.
8. While the PEA recommends additional survey work to building B1, this building is not proposed to be altered or removed as part of the proposal. As such I am satisfied that survey work on that building is not necessary.

### *Great Crested Newts*

9. With regard to Great Crested Newts (GCNs), the PEA acknowledged that there were ponds nearby and records of GCNs within 2km of the site. Accordingly, there is a reasonable likelihood of GCNs being present on the site and the PEA recommended further survey work. As part of the appeal the appellant has submitted evidence of a District Licensing Scheme Certificate, issued by NatureSpace and relating specifically to the appeal site. NatureSpace have confirmed via the Council that this provides sufficient evidence to satisfy the requirement for adequate mitigation and compensation for GCNs. Accordingly, the Council accept that no further work is required. Based on the evidence I have no strong reason to reach a different view and the proposal would be acceptable in terms of its effects on GCNs.
10. Given the above conclusions in respect of bats and GCNs, the proposal would comply with Policy ID4 of the Guildford Borough Local Plan: Strategy and Sites adopted 2019 (the SS), and Policy P6 of the Guildford Borough Local Plan: Development Management Policies 2023 (the DMP), which together require development to preserve relevant ecological features and biodiversity. It would

also comply with the National Planning Policy Framework (the Framework) insofar as it requires decisions to protect and enhance sites of biodiversity.

### **Other Matters**

11. The Council's Officer Report sets out the reasons why it considers the proposal to be compliant with the development plan in all other respects. Having regard to those arguments and together with the findings of my site visit, I agree with those conclusions. In considering the issue of Green Belt, I am satisfied that the appeal site meets the definition of 'Grey Belt' set out in the Framework given it comprises previously developed land. Having regard to the provisions of paragraph 155 of the Framework together with Planning Practice Guidance, the proposal would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. The Council accept there is a demonstrable unmet need for housing, and the site can be considered as being in a sustainable location given its links to East Clandon and the services and facilities the village contains including local bus links. The provisions of paragraph 155d) are not applicable, given the site does not meet the definition of major development set out in the Framework. For these reasons, the proposal would not be inappropriate development in the Green Belt as it would conform to the criteria in paragraph 155. Accordingly it is not necessary to assess the effect of the proposal on openness, or whether very special circumstances exist to justify the proposal.
12. The site lies within the East Clandon Conservation Area (ECCA), which derives its significance from its historic and architectural interest including legible medieval origins and plan form, and the significance of the ECCA is experienced within its rural setting. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant to the appeal and requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the ECCA. While the proposal would intensify the use of the site and include new buildings and access, the site currently reads as part of the domestic garden of New Manor Farm, rather than as agricultural land, and includes outbuildings and structures. The site would remain visually distinct from the agricultural land beyond within which the ECCA is experienced. The proposed house would be distinctly modern and as such it would not attempt to merge or replicate the historic buildings of the ECCA, but would clearly read as a later addition, contributing to the appreciation of the area's evolution. In considering the proposal as a whole, it would preserve the character and appearance of the ECCA.
13. For the same reasons the proposal would be acceptable in terms of its visual effects and effects on the landscape character, since it would read as part of East Clandon, and the houses on generous plots which surround it. Given its domestic character, the removal and replacement of some existing trees would similarly be acceptable in visual terms. The proposed removal of the trees on the road edge would be regrettable, but I note they are category C and suitable replacements could similarly reflect the lane's rural character. The proposal would be sensitively located and designed to avoid adverse impacts on the designated landscape and would be appropriate to this candidate area for the National Landscape boundary review.
14. The appeal site also adjoins the grade II listed Clandon Manor to the north east of the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990 requires special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Clandon Manor's significance is derived from its age including its timber frame construction and was formerly associated with its agricultural setting. Given the distance of separation from the appeal site, intervening structures and boundary treatments and as the appeal site is already residential in character, the proposal would preserve its setting and the way in which the significance of Clandon Manor is experienced.

15. New Manor Farm itself is also locally listed, being an attractive building of flint and red brick dressing. The Council state its significance is derived from its decorative architectural interest and its age. The proposed development would entail the division of its garden area. However, New Manor Farm would continue to be appreciated within a generous plot, and the attributes identified as contributing to its significance would be preserved.
16. As part of the application the appellant accepted that a 20% biodiversity net gain (BNG) could not be achieved as required by Policy P7 of the DMP and there would be a small shortfall. Nonetheless the proposal would be capable of achieving a minimum of 10% as per the statutory BNG requirement. Several concerns have been raised by the Council regarding the accuracy of the information submitted and have suggested a condition to rectify those concerns, including provision for off-site delivery of BNG if necessary. Based on the evidence, I see no reason why this could not reasonably be achieved to address the issue. Although the new house may be self-build for the person who eventually occupies it, I have not been provided with any mechanism to ensure the development before me would meet the definition of self-build if I were to grant planning permission. As such I have not dealt with the proposal as one for self-build. Nor would it be reasonable to make assumptions about its future occupants.
17. The site lies within 5-7km of the Thames Basin Heaths Special Protection Area (SPA). Given the quantum of development proposed and having regard to the guidance in the Council's relevant Avoidance Strategy 2017, the proposal would not have a likely significant effect on the qualifying features of the SPA, either alone or in combination with other projects.
18. The Council accept that it is unable to demonstrate a five-year land supply for housing. The provisions of paragraph 11d) of the Framework are therefore relevant to the appeal. In this instance I have not found that the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the proposed development, and no adverse impacts of granting planning permission have been found. Accordingly, the proposal benefits from the presumption in favour of sustainable development in the Framework, and this weighs in favour of the proposal

## **Conditions**

19. The Council and its consultees have suggested conditions which it considers would be appropriate in the event that planning permission were granted, and I have considered these in light of Planning Practice Guidance. For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

20. In addition to the standard time limit condition, I have imposed a condition to list the approved drawings to provide clarity and certainty to the parties. Conditions are necessary to demonstrate how the policy compliant level of BNG will be achieved, and to ensure that construction practices accord with the policy requirements in SS Policy D2. Tree protection measures also need to be secured in accordance with the details submitted. These conditions need to be satisfied prior to commencement to ensure they are addressed at an early stage and as a later trigger could limit the effectiveness of the measures which could be used.
21. To ensure the proposed materials and landscaping are truly appropriate to the character of the area, including the setting of heritage assets, full details of those materials and landscaping are necessary. For reasons of highway safety, the visibility splays at the access should also be maintained, and external lighting should be appropriate to bats given the recommendations of the PEA. I have imposed the condition suggested by the SWT to secure compliance with the necessary GCN licence and to ensure appropriate mitigation for effects on GCNs.
22. In response to the Council's Climate Change, Sustainable Design, Construction and Energy SPD, a condition is necessary to secure the commitment to delivering a Passivhaus, since that confirms the development to be compliant with other development plan policies listed related to sustainable design.
23. Policy D2 of the SS requires development to incorporate water efficiency that meets the highest standard, which is defined by the supporting text. For the reasons given in that text such a requirement would be necessary to make the development acceptable. While I appreciate the appellant's comments and that harvesting would form a part of the development, this is acknowledged by the supporting text in the SS, and the condition nonetheless requires submission of details for approval when the proposed arrangements would be subject to consideration by the Council. As such I consider this approach to be both necessary and reasonable.
24. Given the solar panels form part of the approved drawings it is not necessary to condition further details of them and I have included them instead among details of materials since they would form part of the roof covering. Given there is ample space on the site for turning of vehicles and storage of cycles including e-bikes, it is not necessary to impose conditions regarding those matters. While I observed some noise from the nearby A246, there is no evidence to suggest a condition requiring specific insulation would meet the test of necessity.

### **Conclusion**

25. The proposal would comply with the development plan read as a whole. The appeal is allowed and planning permission is granted.

*C Shearing*

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: NMF\_1250\_A\_01 Rev A, NMF\_100\_A\_00 Rev C, NMF\_100\_A\_01 Rev B, NMF\_100\_A\_41 Rev A, NMF\_100\_A\_61 Rev C, NMF\_100\_A\_62 Rev A, NMF\_250\_A\_01 Rev C, NMF\_250\_N\_01, NMF\_250\_A\_01\_Visibility Splay, NMF\_250\_A\_02\_Visibility Splay.
- 3) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority in respect of biodiversity net gain (BNG):
  - a) Baseline conditions, including habitat condition assessment forms for a revised biodiversity metric for the site;
  - b) Evidence that the proposed BNG provision meets the requirement for 20% net gain;
  - c) Details of any required BNG provision which is being provided on site, including a BNG Plan. This shall include the details of the measures and how they will be managed and maintained for a period of 30 years.
  - d) If off-site BNG is proposed, the following details shall be provided: evidence that it has been secured for a period of 30 years; the location of the site where it will be secured, evidence that it is operating as lawful BNG and how it is being monitored and managed.

The development shall not be occupied until the approved details have been implemented.
- 4) No development, except site clearance, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. This shall detail how waste generated from construction, demolition and excavation activities would be dealt with in accordance with the waste hierarchy. The SWMP must be accord with DEFRA Non-statutory guidance for site waste management plans (2008). The SWMP shall subsequently be kept up-to-date throughout the development process in accordance with established methodology.
- 5) No development shall commence until tree protection measures have been installed in accordance with the details contained in the Arboricultural Method Statement and Tree Protection Plan by Andrew Day Arboricultural Consultancy, dated 30 June 2024. The protection measures shall be maintained in accordance with those details until all equipment, machinery and construction materials have been removed from the site.
- 6) The development shall only be carried out in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR146, or a 'Further Licence') and with the proposals detailed on plan "New Manor Farm: Impact plan for great crested newt District Licensing (Version 1)" dated 30th April 2025.
- 7) Prior to the commencement of any development above the damp proof course of either the house or the garage hereby approved (whichever is

- earlier), full details of the facing materials, including their colour and finish, and including openings and roof coverings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 8) Prior to the first occupation of the development, details of a scheme of hard and soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to: details of maintenance for a period of five years; use of native and drought resistant planting, and boundary treatments to include new planting to the southern site boundary. The approved scheme shall be implemented in full within 12 months of the first occupation of the development.
  - 9) Prior to the occupation of the development, a water efficiency calculation, or similar, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of water management measures that achieve a maximum water usage of 110 litres per person per day and prioritises demand reduction measures over supply measures. The development shall be completed only in accordance with the approved details and maintained thereafter.
  - 10) Prior to the occupation of the development, certification to demonstrate that the dwelling as built has achieved a Passivhaus standard shall be submitted to and approved in writing by the Local Planning Authority.
  - 11) Visibility splays at the point of the vehicular access shown on the approved plans shall be maintained free of obstructions over 0.6m high at all times.
  - 12) External lighting shall only be installed to the site if that lighting complies with the recommendations of the Bat Conservation Trust 'Bats and Lighting in the UK: Bats and the Built Environment Series'.

**End of Schedule**