



Appeal Decision

Site visit made on 16 October 2025

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 FEBRUARY 2026

Appeal Ref: APP/C3620/W/25/3367463

Land to the Rear of Cricketers Close, Cricketers Close, Ockley, Surrey, RH5 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Jayes Investments Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2023/1154/PLA.
 - The development proposed is the erection of 4 No. residential dwellings with associated landscaping and parking provision.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 No. residential dwellings with associated landscaping and parking provision, at land to the rear of Cricketers Close, Ockley, RH5 5BA in accordance with the terms of the application, Ref MO/2023/1154/PLA, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the planning application form for this proposal, the ownership declaration indicates the appellant is the landowner of the appeal site but part of the ownership is covered by a 1960s vesting deed in a different name. A statutory declaration states that the deeds name is part of the same ownership.
3. However, to avoid any doubt on whether the correct procedure has been followed, the ownership certificate has been amended to indicate part unknown and, on this basis, the application has been advertised in local newspapers and detailed on a Public Notices Portal. No owner or persons with an interest in the land have come forward. Therefore, matters relating to ownership certification have been acceptably addressed procedurally within the application form for this proposal.
4. A Unilateral Undertaking (UU) dated 9 October 2025 relates to private refuse provision which will be commented upon in the reasoning in this decision.

Main Issue

5. The main issue is whether the future occupiers of the dwellings would enjoy acceptable living conditions, having regard to the odour of a Wastewater Treatment Works (WTW)

Reasons

Living conditions

6. The appeal site comprises grassland and hardstanding to the rear of houses on Cricketers Close in Ockley. On its north boundary, it lies adjacent to the Ockley West WTW which is an active sewage works. The site is allocated for residential development under Policy DS62 'Land at Cricketers Close, Ockley' of the Mole Valley Local Plan (LP) 2020-2037 and has an indicative capacity of 6 dwellings.
7. There would be two pairs of semi-detached dwellings, with rear gardens, and they would be grouped together facing one another. There would be a retained undeveloped area between plots 1 and 4 and the WTW. The WTW is operated by Southern Water (SW) and comprises open-to-air plant apparatus, including inlet wet well, 3 hexagonal biofilters, primary settlement plant (2 open lamella settlement tanks), aerated reed bed, Mita cloth filter, and humus tank (now redundant).
8. Part of the plot 1's dwelling's garden would be located within 10m of the WTW whilst the façade of this closest dwelling would be over 10m from the WTW. The plot 2 dwelling is approximately 14m from the WTW whilst plot 3 and plot 4 dwellings would be distanced approximately 25m from the WTW.
9. Odour concentrations are measured in odour units (Ou). The European CEN Standard for an odour unit, based on odour detection of a reference compound, is referred to as 1 $\text{Ou}_\text{E} \cdot \text{m}^{-3}$. There are several ways of measuring levels of odour, but quantification suffers from many odours being intermittent, often being emitted over relatively short, non-continuous timescales. The Chartered Institution of Water and Environmental Management (CIWEM) seek to address this and has criteria ranges based on 98th percentile values of hourly mean concentrations ($\text{C}_{98,1 \text{ hour}}$) (which discounts the top 2% of highest odour concentrations). On this basis, this is most reliable means of measuring significance of odour effects.
10. Various Inspector decisions¹ have been brought to my attention regarding acceptable $\text{Ou}_\text{E} \cdot \text{m}^{-3}$ criterion but every proposal has to be considered on its merits. SW odour assessment policy is that an objection will be made to proposals that fall within a $1.5 \text{ Ou}_\text{E} \cdot \text{m}^{-3} (\text{C}_{98})$. The SW's aim is to minimise complaints, ensure a higher standard, prevent a significant effect or the avoidance of a 'statutory nuisance'. However, CIWEM guidance suggests less than $3.0 \text{ Ou}_\text{E} \cdot \text{m}^{-3} (\text{C}_{98,1 \text{ hour}})$ would be unlikely to result in complaints and exposure below this level would be unlikely to constitute significant pollution or significant detriment to amenity unless the locality is highly sensitive or the odour highly unpleasant in nature.
11. In this later regard, it has not been demonstrated from the 'sniff' surveys or complaint analysis, to be discussed later in the decision, that the locality is highly sensitive or the odour highly unpleasant in nature. The WTM is also not a large scale treatment works and processes do not involve any open-to-air sludge handling methods. Septic sludge is stored within dedicated on-site septic tanks, which are enclosed and the contents tanked off-site once every two weeks. The Council's original consultants² also considered that the criterion of $3.0 \text{ Ou}_\text{E} / \text{m}^{-3}$ is the most appropriate criterion to use in this case. For all these reasons, this

¹ APP/E3525/A/2162837, APP/U1620/W/22/3296510

² Odour Assessment Review, Silsoe Odours Consultations, March 2024.

criterion based on the 98 percentile, would be the appropriate to measure effects on the living conditions of future occupiers.

12. On this basis, the appellant's original Odour Assessment³ (OA) indicates odour generally less than 3 O_{UE}.m⁻³ for the period of 2016-2020 for the site and on the basis of the CIWEM's framework, this would be unlikely to result in significant pollution or significant detriment to amenity. The exception was for garden boundary receptors adjacent to the WTW where the 3.0 O_{UE}.m⁻³ was exceeded, with a maximum figure of 3.33 O_{UE}.m⁻³ in 2017. However, the appellant's Odour Assessment Addendum (OAA)⁴ comprised an updated ODM, taking into account elevational factors, which showed figures not exceeding 3.0 O_{UE}.m⁻³ for all the site's receptors. In this regard, it also showed a contour plot of odour concentrations across the site in the worst-case meteorological year which showed all proposed dwellings and garden areas would be below the 3.0 O_{UE}.m⁻³ criterion.
13. For the ODM, SW also noted that olfactometric sampling (measurements from odour sources on-site) was originally undertaken in November 2022 rather than the summer months. The appellant indicates that meteorological data shows that the temperatures were generally warm at this time of year, with the proceeding months being some of the warmest on record. The Council's original consultants also confirmed that the emission rates fell within the anticipated summertime range. Notwithstanding this, in this appeal, the ODM has now been further revised⁵ based on the findings of a summertime survey of at-source WTW odour emitting apparatus and this confirms the previous results, the 3.0 O_{UE}.m⁻³ criterion for the site's receptors, has not been exceeded.
14. Although not raised by SW, the Council's original consultants raised concerns regarding the adjustment of odour emission rate arising from the humus tank within the WTW. At the time, parties agreed this was the largest source of odour. During the original olfactometric sampling, the tank contained treated effluent rather than stagnant effluent, and this was not normal operationally. To address this abnormality, the ODM indicated an odour tank emission rate lower than that empirically sampled but this was disputed. However, the tank is no longer used and more recent summer olfactometric sampling has been undertaken detailing a very low rate from the disused tank. Taking this rate into account, the latest appeal ODM, showing that all the receptors would be located below the 3.0 O_{UE}.m⁻³, is justified.
15. The Institute of Air Quality Management's (IAQM) guidance⁶ advises even when modelling is a good representation tool, with assumptions and input data reasonable, there can be considerable uncertainty with predictions, and the guidance indicates the usefulness of a multi-tool approach. In this regard, eight observational 'sniff' surveys indicated no strong odours from the WTW. Qualified surveyors carry out such surveys collecting information on the intensity, character, frequency, duration and unpleasant smells. In accordance with IAQM's matrix within the guidance, the odour exposure is assessed by combining average odour intensity with the surveyed pervasiveness, relative to the number of samples. Under the matrix, the maximum odour intensity score of 3 indicated barely recognisable, with odour intensity scores above this (strong and offensive) not

³ Odour Assessment, Land at Cricketers Close, Ockley, Phlorum, August 2023.

⁴ Odour Assessment Addendum, Land at Cricketers Close, Ockley, Phlorum, October 2023.

⁵ Odour Dispersal Modelling for Land at Cricketers Close, submitted as appeal, Phlorum, June 2025.

⁶ IAQM Guidance on the assessment of odour for planning, 2018.

found on any single occasion. Without the presence of such odours, the pervasiveness of odour at each location was 0%, resulting in negligible exposure.

16. SW has concerns regarding 'distinct' odour being observed at locations further from the WTW than the receptors used in the ODM. However, the 'sniff' surveys were undertaken using the German National Guidelines for the determination of odour in ambient air, as recommended by IAQM guidance and the results accessed under the guidance matrix at table 15 to assess odour exposure. Furthermore, across the 8 'sniff' surveys, where an odour intensity of 3 was recorded, it was only in a tiny minority of all the samples within the surveys.
17. The Council's consultants have also indicated that only 4 of the 8 'sniff' surveys were carried out on worst-case scenarios for odour generation. However, the number of undertaken surveys exceeds the minimum of 3 surveys on three separate days within the IAQM guidance and furthermore, 4 of the surveys were conducted in very warm summer conditions. The other additional 4 surveys conducted outside of the peak summertime period also enabled an assessor to consider a wide range of meteorological conditions. At the time of surveys, wind direction data from Gatwick airport showed that winds were unfavourable for odour detention. However, the airport is a significant distance away from the site and wind directions were recorded at the time of surveying not necessitating rescheduling. Most of the surveys were carried out when winds were light and blowing odours towards the site. On this basis, the meteorological conditions were acceptable to conduct the surveys.
18. The Council's latest consultants have expressed concern that 'sniff' surveys have not taken place at the time of tankers visiting the site and taking away treated effluent. However, even if this was a concern, it would have been expected that complaints would have been made in the past, especially as there are residences within 30 m of such operations. In respect of the ODM, one tanker is assumed to visit each week, giving rise to continuous emissions over an hour, which is double the number of tanker visits that occur. Within the ODM, the odour emission rate from tankers has been set in accordance with recommendations from Olfasense (Southern Water's odour advisor). Accordingly, this source of odour emissions has been acceptably considered with the latest appeal ODM.
19. Under the complaint analysis, the OA, OAA and Odour Technical Response (ODR)⁷ indicated none having been made to the SW or Council. The proposed dwellings would be closer to the WTW than existing residences, but it is unlikely that there would be a significant lessening of odour impact given a difference of some 20 metres, especially as the analysis was carried out at a time when the humus tank was in operation. As previously indicated, the tank is no longer used in the wastewater treatment process and there are also no open-to-air sludge handling processes within the WTW. The results of the 'sniff' surveys and complaint analysis further reinforce the inappropriateness of using the SW criterion of 1.5 Ou_E.m⁻³.
20. The Council's latest consultants consider that any odour assessment should incorporate some protection against higher odour emissions during process breakdown and abnormal operation. However, the previous iteration of the ODM, with a higher rate of emissions for the humus tank, has demonstrated a worst case

⁷ Odour Technical Response, Land at Cricketers Close, Ockley, Phlorum, March 2024.

scenario to address this. In terms of model performance, there would be a short distance between new housing and the WTW highlighting the importance of accuracy but even accounting for this, 11 years of meteorological data was used, from which maximum odour concentrations at each receptor and the overall worst-case meteorological dataset was used in producing odour concentration contours map for the site. The latest appeal ODM does incorporate sensitivity test modelling in which sampled emission rates were doubled but this still showed the 3.0 $\text{Ou}_E\text{.m}^{-3}$ not being exceeded.

21. The OA has detailed acoustic style fencing. Both SW and the Council consultants question the effectiveness of such fencing but irrespective of this, the ODM, 'sniff' surveys and complaint analysis show no necessity for the fencing as mitigation.
22. For all these reasons, the development would result in acceptable living conditions for the future occupiers of the dwellings, having regard to odour. Accordingly, the proposal would comply with Policies EN4 and EN12 of the Mole Valley Local Plan (LP) 2020-2039, adopted 2024, which collectively and amongst other matters, requires that the amenity of the future occupiers of developments not to be significantly affected, technical odour assessments to be undertaken in consultation with relevant statutory undertakers, and exposure to poor air quality, including odour, to be avoided

Other matters

23. There would be no significant adverse impact on an Area of Great Landscape Value because the development would be located between existing housing and the WTW. There is a nearby Ancient Woodland but with the incorporation of a buffer zone, as recommended by the appellant's ecological report⁸, there would be negligible impact upon it. Surrey Wildlife Trust (SWT) has raised no objections to the proposal, based on ecological grounds, subject to conditions.
24. SW has objected to the proposed access to the development which would be used by their vehicles accessing the WTW. However, the frequency is low and the long access lane, with good forward visibility to see sight of oncoming vehicles, would enable vehicles to safely stop and wait, where necessary. Furthermore, the residential access drive, spurred off this lane, would have visibility splays, to allow acceptable line of sight of any vehicles on the lane. Importantly, as a technical consultee on the highway matters, significant weight is attached to the comments of Surrey County Council (SCC) who raised no objection to the proposal. For all these reasons, unacceptable impact on highway safety would not arise and the residential cumulative impacts on the road network would not be severe.
25. In relation to existing properties, there would be no significant overlooking from new dwellings because of the separation distances and orientation between new and existing dwellings. The new dwellings would be sited perpendicular to the neighbouring properties within Cricketers Close. Light and noise pollution generated by vehicles, associated with the residential development, would not be significant because of the separating distance to access areas from neighbouring development and boundary treatments. Parking provision would be provided in accordance with SCC highway standards.

⁸Ecological Impact Appraisal, Land at Cricket's Close, Ockley, Ecology Co-op, November 2023.

UU

26. Obligations require the private collection of waste, recycling, food waste and if required green waste, by a below normal sized service vehicle. A private collection scheme would have to be submitted to and approved by the Council. Due to ownership and the presence of hedgerow with biodiversity interest, the existing access lane would not be of sufficient dimensions to accommodate the larger service vehicles used by the Council contractors. However, a tracking plan demonstrates that a smaller vehicle could service the development. On this basis, these obligations would meet the tests of paragraph 58 of the Framework as they are necessary, directly related to the development, and fairly and reasonably related in scale and kind.

Planning balance

27. The development would result in acceptable living conditions for the future occupiers of the dwellings, having regard to odour. Accordingly, the proposal would comply with Policies EN4 and EN12 of the LP and would comply with the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise in accordance with the development plan and therefore, planning permission should be granted.

Conditions

28. Suggested conditions have been considered in light of the tests of paragraph 57 of the Framework and the PPG. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed.
29. A condition requiring that the development to be carried out, in accordance with the details shown on the plans, is necessary in the interests of certainty and for the avoidance of doubt. In the interests of the character and appearance of the area, a condition is required to implement approved materials. To service the development, a condition requiring the provision of refuse and recycling facilities on the site is necessary. To prevent flooding, acceptable surface water drainage details are required to be implemented by condition. The provision of satisfactory boundary treatments is necessary by condition in the interests of safeguarding privacy. In the absence of how the houses can be 'zero-carbon ready', a related broadly worded condition cannot be justified as reasonable.
30. Both the appellant's EA and SWT recommend conditions for a construction ecological environmental plan, sensitive lighting management plan and a landscape and environmental management plan in interests of protecting biodiversity and protected species and habitats. Such conditions are necessary to protect wildlife on the site. A condition on biodiversity net gain is not necessary as this is a deemed condition laid down by statute on any permission. The site contains disturbed land, with risk of imported materials being present on the site, and therefore, in accordance with the Councils' Environmental Health Officer comments, a contamination condition is necessary. SCC Highways has recommended a condition for vehicle re-charging facilities but there is no evidence before me that this is not a requirement covered by building control legislation.

Conclusion

31. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

J Parsons

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 shall be carried out in accordance with the following approved plans: 21043-HNW-02-ZZ-DR-A-1100 Rev P01; 21043-HNW-02-ZZ-DR-A-2100 Rev P01; 2023-07-19; 21043-HNW-02-ZZ-DR-A-2200 Rev P01; 21043-HNW-02-ZZ-DR-A-2300 Rev P01; 2107430-003 Rev B.
- 3) No development shall take place above slab level until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place above slab level until details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the local planning authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development and thereafter, permanently retained as such.
- 5) No development shall take place until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) summary of potentially damaging activities;
 - b) identification of "Biodiversity Protection Zones", including buffer zones around Ancient Woodland;
 - c) practical measures (physical measures, sensitive working practices, and bio security measures, where applicable) to avoid or reduce negative impacts during construction;
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times of construction, roles and responsibility of an ecological clerk of works. An ecological clerk of works to be present on site to oversee works;
 - f) responsible persons and lines of communication; and
 - g) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction in accordance with approved details.
- 6) No development shall take place until a landscape and environmental management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall detail measures to protect Ancient Woodland and lowland mixed woodland habitats within and adjacent to the site and Hazel Dormouse habitat in accordance with the Preliminary Ecological Appraisal (Land at Cricketer's Close, Oakley, Ecology Co-op. September 2022) and Ecological Impact Appraisal (Land at Cricketer's Close, Oakley, Ecology Co-op. November 2023). The development shall be

implemented in accordance with the approved details and maintained as such thereafter.

- 7) Prior to the first occupation of the development, a lighting scheme across the site, including all adopted and unadopted roads/drives, footpaths and parking areas/courts shall be submitted to and approved in writing by the local authority. The scheme shall identify;
- a) ecological areas/features, sensitive to disturbance, having regard to species breeding sites, resting places and corridors for accessing territory, including foraging areas; and
 - b) the location and specification of external lighting, including lighting specification contour plans.

All external lighting shall be installed in accordance with the specifications and locations within the approved scheme and thereafter maintained in accordance with the approved scheme. No external lighting shall be installed without the prior written consent of the local planning authority.

- 8) No development shall take place until a detailed scheme of contamination assessment consisting of site reconnaissance, conceptual model, risk assessment and scheme of investigation, including a schedule of investigation work to be carried out, shall be submitted to and approved in writing by the local planning authority. Prior to the commencement of development, a scheme of assessment including the consideration of asbestos in the soil shall be carried, in accordance with the approved schedule and laboratory results shall be provided as numeric values in accordance with the standards of the Government Guidance for Land affected by Contamination. The scheme of investigation shall include a representative number of trail pits and supporting photographs of the soil profile. If necessary, a scheme for decontamination and verification shall then be agreed in writing by the local planning authority and the scheme as approved, including the provision of suitable soft landscaping where necessary, shall be implemented before any part of the development hereby permitted is occupied.
- 9) Prior to the first occupation of the development, details of a refuse and recycling storage facilities shall be submitted to and approved in writing by the local planning authority. Before completion, the development shall be completed in accordance with the approved details.
- 10) No development shall commence until a surface water drainage scheme has been submitted in writing to the local planning authority. Such a scheme shall provide an assessment for the disposal of surface water by means of sustainable drainage system. The scheme shall be designed and provide information on the following:
- a) a storm event of 1 in 100 year, duration of 30 minutes, with an allowance for climate change;
 - b) the methods employed to delay and control the surface water discharge from the site;
 - c) the means to prevent pollution of the receiving groundwater and/or surface water;

- d) where applicable the details shall include infiltration tests calculations and control discharge rates;
- e) If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaway's) is required. The suitability of infiltration methods shall be verified (i.e. possible contaminated ground).

The approved drainage system shall be implemented prior to the first occupation of the development.

- 11) No occupation of the development hereby permitted shall take place until there has been submitted to and approved in writing by the local planning authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained. The boundary treatment shall be completed prior to the first occupation of the development, shall be carried out in accordance with the approved details and thereafter permanently retained as such.