
Appeal Decision

Site visit made on 3 February 2015

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/R3650/A/14/2215909

Land adjacent to 1 Bookhurst Hill, Bookhurst Road, Cranleigh, Surrey, GU6 7DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Swallow against the decision of Waverley Borough Council.
 - The application Ref WA/2013/2069, dated 3 October 2013, was refused by notice dated 4 February 2014.
 - The development proposed is erection of detached dwelling and garage following demolition of existing garage and outbuildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed dwelling would be in a suitable and sustainable location having regard to relevant development plan policies and the National Planning Policy Framework;
 - The effect on the character and appearance of the area;
 - The effect on any biodiversity interest of the site;
 - Whether the proposal should contribute to the provision of affordable housing; and
 - If any harm arises whether it is outweighed by other material considerations.

Reasons

Suitable and sustainable location?

3. The appeal site was previously part of the garden of 1 Bookhurst Hill. It is currently overgrown and contains a disused garage building, a small stable block and a brick pavilion.
4. The proposed dwelling would be outside the developed area of Cranleigh. Policy C2 of the Waverley Borough Local Plan of 2002 (LP) provides that the countryside beyond the Green Belt will be protected for its own sake. Whilst the Framework recognises the intrinsic character and beauty of the countryside

it does not explicitly state that it should be sacrosanct. Nevertheless, Policy C2 indicates that building in the open countryside away from existing settlements will be strictly controlled. The Keynote Policy also directs new development to land within the built-up areas of the main settlements, including Cranleigh. According to the Council, the proposal would therefore be located in an area where development should be resisted in principle.

5. However, the redevelopment of the former Swallow Tiles site is now well advanced and a new roundabout has been constructed. The relevant planning history refers to the erection of 58 dwellings. When complete the development at Swallowhurst would lie to the east, south and west of the appeal site in a wooded setting. Planning permission has also been given for 2 further dwellings on Plots 59 and 60 at the end of the short line of cottages to the east. The entire development has and will make a significant difference to the appearance of the outskirts of Cranleigh and is an important factor in this case.
6. The Council states that the proposed dwelling would not be close to shops, schools or other services. There is nothing to support the appellant's contention that these would be within walking distance and the centre of Cranleigh is some way away (1.7km according to the Swallowhurst brochure). It is not clear where the cycle links lead to. Nevertheless, there are bus stops nearby to provide some choice for future occupiers. More to the point this is a location where a good number of dwellings (some of them further from Cranleigh) have recently been accepted. Therefore whilst the sustainability credentials of the site in terms of transport may not be very high the consequences arising from an extra dwelling would be insignificant.
7. The Council accepts that the proposal would not be in a remote location. Furthermore, because of the new development and other houses nearby it would not be an isolated new home in the countryside. As such, paragraph 55 of the Framework does not apply and there is no need to demonstrate that there are special circumstances to justify it.
8. Drawing matters together on this issue, the proposal would be contrary to the development plan policy that seeks to strictly limit development in the countryside. However, because of the recent Swallowhurst development the nature of the countryside has changed to the extent that the location of the proposed dwelling is not objectionable in itself. For the same reason the site cannot be said to be poorly related to services and facilities. Therefore the proposal would be in a suitable and sustainable location for housing. The conflict with Policy C2 is outweighed by the particular circumstances here.

Character and appearance

9. There are large blocks of woodland in the vicinity but also ribbon development in both directions along Bookhurst Road as well as development in depth at Swallowhurst. Consequently, whilst the appeal site is clearly on the periphery of Cranleigh the street scene cannot be described as semi-rural largely due to the urbanising effect of the new development.
10. The proposed dwelling would be sizeable but of a local vernacular design. Significant trees at the front would be retained and the proposal would be set back into the site. Nevertheless, it would be noticeable and apparent from around the site entrance and also from the east. The presence of the house would be accentuated by its position at the top of a rise. Although greater in

scale than the nearby cottages it would be similar in size to the new dwellings that form part of the Swallowhurst development. Any views would be in the context of these fairly substantial building blocks. As a result the proposal would not be visually intrusive or detract from the surroundings.

11. Therefore the character and appearance of the area would not be harmed. There would be no conflict with Policy D1 of the LP which is concerned with the environmental implications of development and, in particular, seeks to avoid harm to the visual character and distinctiveness of a locality. The proposal would also comply with Policy D4 which seeks high quality design which integrates well with the site and complements its surroundings.

Biodiversity

12. The appellant's Phase 1 Habitat and Scoping Bat Survey concludes that although no bat evidence was found the potential for roosting in the garage and pavilion should not be ignored. Bats are known to be present locally and the surrounding habitat is of excellent condition for these animals. Whilst the suspected roosts are of low quality and possibly transitional in nature further dusk emergence surveys are recommended. Indeed, the overall summary is that it is not possible to adequately manage or exclude the risk of harm to protected species without further survey effort.
13. The appellant maintains that the development would be carried out in strict accordance with the table of recommendations in the report. However, Circular 06/2005 provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted. As there is a reasonable likelihood of protected species being present and having regard to the Planning Practice Guidance on *Natural Environment* (ID 08-016-20140612) a further ecological survey is clearly justified.
14. At this stage, therefore, the effect of the proposal on the possible biodiversity interest of the site has not been properly established. The Framework indicates that the planning system should minimise impacts on biodiversity and LP Policy D5 confirms that account should be taken of nature conservation interests. Because of the uncertainty about the consequences for bats the proposal would potentially have a detrimental effect on biodiversity and so conflict with national and local policy provisions.

Affordable housing

15. Paragraph 50 of the Framework indicates that local planning authorities should plan for a mix of housing in order to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. Paragraph 54 refers to rural areas. There is a considerable need for affordable housing across the Borough and securing more such homes is a key corporate priority. Where a need is identified, authorities should set policies for meeting this need on site unless off-site provision or a contribution can be robustly justified.
16. However, the appellant's contention that there is no LP policy relating to affordable housing provision in this part of Waverley is not disputed. Therefore, whilst national policy supports the provision of affordable housing in general terms there is no local requirement for it. Furthermore, there is nothing to indicate that a single market dwelling would prejudice broad housing

objectives or that a contribution is justified. In short, there is insufficient evidence to demonstrate that the proposal should contribute to the provision of affordable housing locally.

Other material considerations

17. The Council acknowledges that it does not now have an up-to-date housing supply policy from which to derive a 5 year housing land requirement. Based on the emerging draft Strategic Housing Market Assessment of 470 dwellings per annum it is estimated that the housing land supply is equivalent to 3.9 years. In these circumstances paragraph 49 of the Framework provides that relevant policies for the supply of housing should not be considered up-to-date. In turn, paragraph 14 stipulates that for decision-taking permission should be granted unless one of two exceptions applies.
18. One of the aims of the Framework is to boost significantly the supply of housing but the proposal would add only one dwelling to the stock of accommodation. Against this, it may have implications for the biodiversity interest of the site and until further survey work is undertaken the position is unclear. Without this, the proposal could not be said to adhere to paragraph 109 of the Framework. It would also fail to achieve the environmental dimension of sustainable development in that the natural environment would not be protected.
19. Indeed, when assessed against the policies in the Framework as a whole, the potential adverse impacts would significantly and demonstrably outweigh the limited benefits that would occur. Therefore the imperative to grant permission in paragraph 14 does not apply.

Other Matter

20. A planning obligation has been submitted providing for an infrastructure contribution to be made towards various facilities in accordance with the requirements in the Supplementary Planning Document. However, this does not overcome the fundamental planning objection I have found. In view of this it is not necessary to assess the undertaking against the relevant policy and legal tests.

Conclusions

21. The proposed dwelling would be in a suitable and sustainable location and would not harm the character and appearance of the area. It would not compromise national policy intentions to provide for a mix of housing. However, there would be a potentially detrimental effect on biodiversity in conflict with national policy and with the development plan. There are no other material considerations including the lack of a 5 year housing supply and the provisions of the Framework that outweigh these findings. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR