

WA/2020/1975 Erection of a dwelling and associated works together with demolition of existing barn and landscaping works including a pond at Brooklands Farm, Pepperbox Lane, Bramley GU5 0LW

Applicant : Mr & Mrs Shaw  
Ward: Bramley, Busbridge and HascombeShamley  
Green and Cranleigh North  
Case Officer: Tracy Farthing

Neighbour Notification Expiry Date 05/02/2021

Expiry Date 08/03/2021

RECOMMENDATION That, subject to conditions, permission be GRANTED

1. Summary

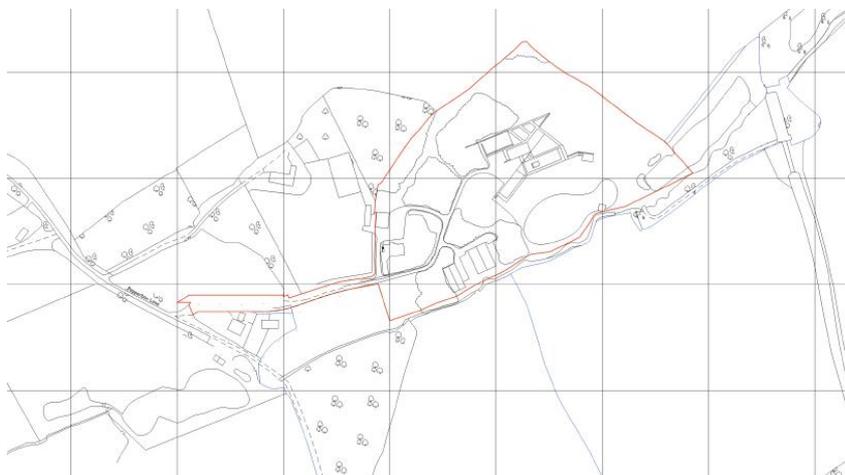
The application has been brought before the Area Committee at the request of Councillor Howard with the key considerations being whether the application is:

- Exceptional in quality and design
- Appropriate in the Green Belt
- In accordance with Policy RE2 of the Local Plan 2018

The proposal seeks the erection of a new dwelling, landscaping and the construction of a new pond in addition to the removal of an existing large barn.

Officers' recommendation is for approval. It is considered that Very Special Circumstances exist to outweigh harm identified to the Green Belt. No harm has been identified to highways, ecology, archaeology, trees/landscape or visual and residential amenity.

2. Location Plan



### 3. Site Description

The site forms part of a wider 13 hectare holding known as Brooklands Farm. It is located approximately 600 metres to the east of the A281 Horsham Road, to the south east of Palmers Cross, just off Pepperbox Lane

The application site comprises a converted historic barn which is attached via a glazed link to a large ancillary annexe building (known as the mega barn) to its east. To the north of the main dwelling is a further outbuilding, containing garaging, which was a former stable building. The existing property is served by residential garden to the north and south of the aforementioned buildings. There are two modern steel-framed agricultural barns to the south of the driveway which are used for storage. Vehicular access to the site off Pepperbox Lane is from the west, via an existing vehicular access point.

The proposed new dwelling, subject of this application, will be sited on open grassland to the immediate east of the existing built development.

### 4. Proposal

The proposal is for the erection of a detached three bedroom dwelling set over two floors above ground. A subterranean level would house a cellar and plant room. The dwelling would have an internal area of approximately 1185m<sup>2</sup>.

The living and leisure accommodation, including an indoor swimming pool, gym and garaging for two vehicles are situated on the ground floor. Sleeping accommodation is contained on the first floor as well as workspaces and access to various terraces and balconies.

The dwelling would be situated in an open grassed area approximately 125m to the east of the existing dwelling at Brooklands Farm and the proposal includes extensive landscaping around the new dwelling to include a pond to the south, woodland to the west and meadow to the east.

The dwelling, designed by Eldridge of London, is modern in form and would be constructed of Limestone at ground floor level with timber to the first floor. The building features splaying limb elements which aim to harness views and respond to the topography of the land in addition to relating to the overarching design concepts of woodland, meadow and water. The geometrical building would feature green roofs.

### 5. Existing Site Plan



6. Proposed Site Plan

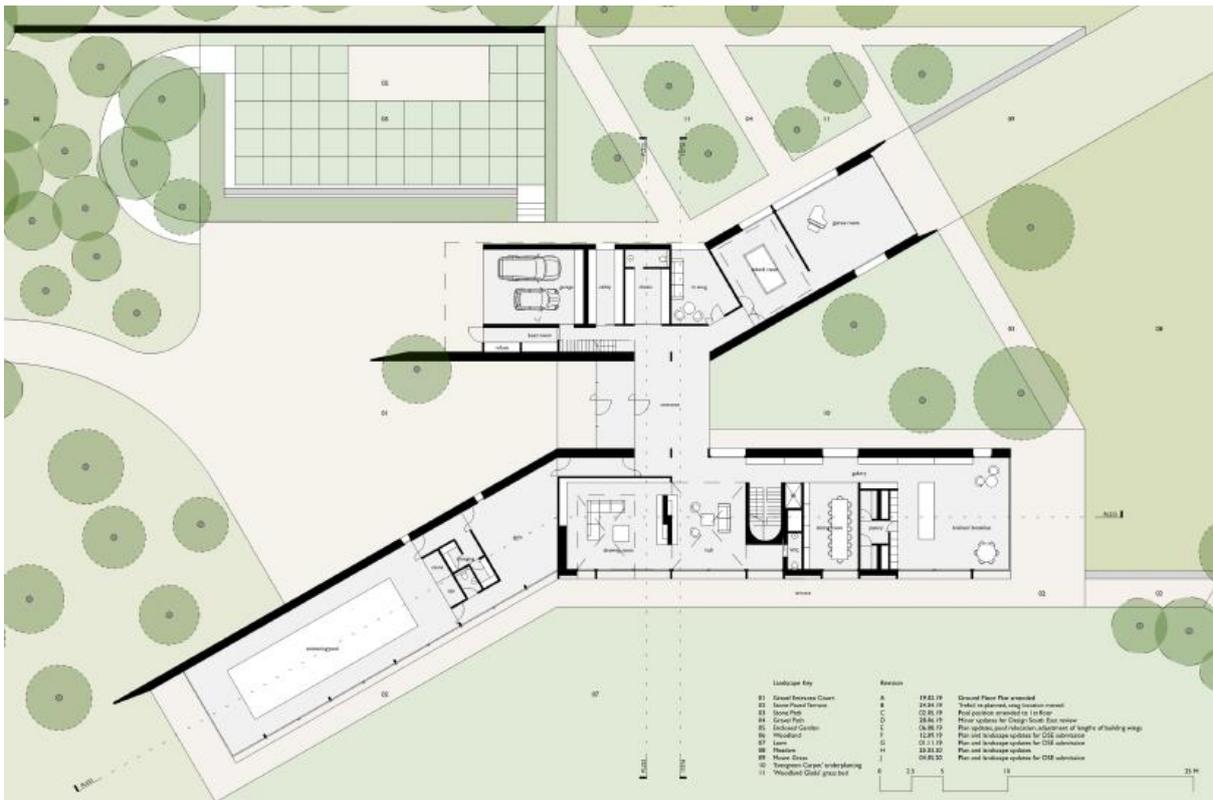


7. Proposed Visualisations

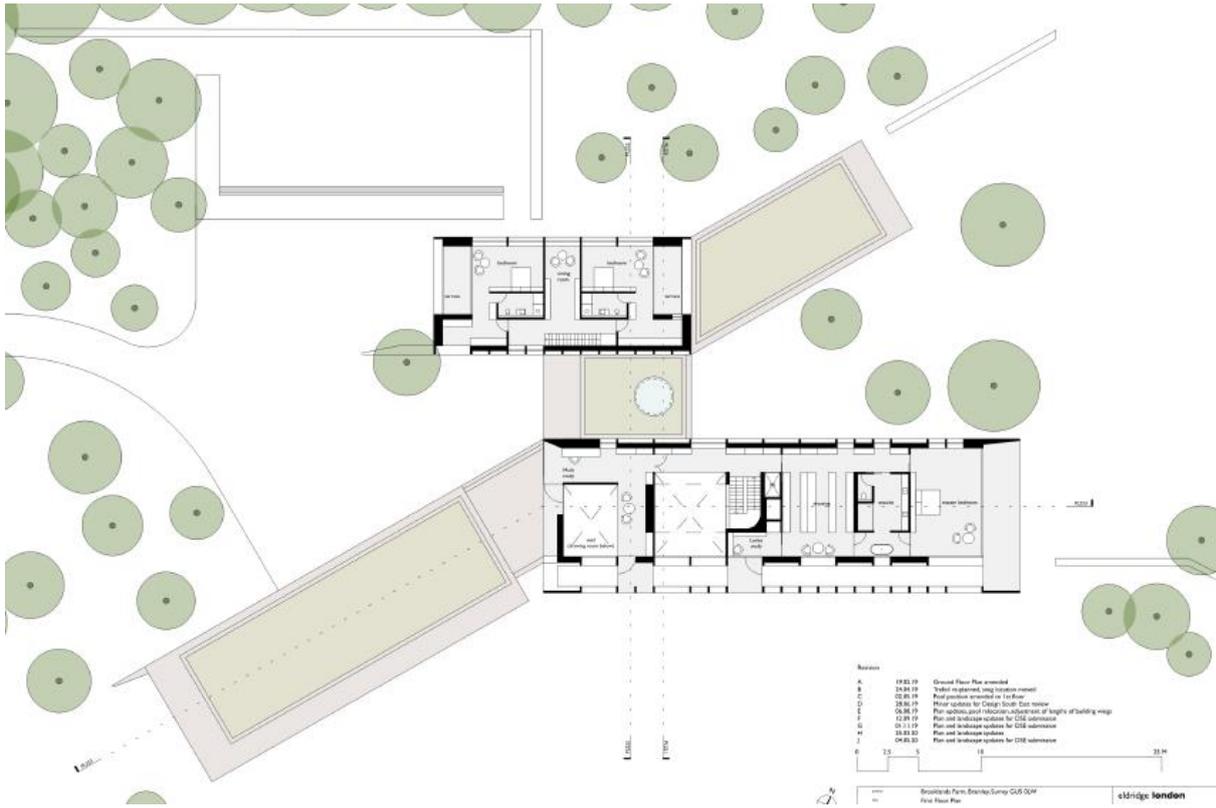




8. Proposed Plans  
Ground Floor



First Floor



## Roof Plans



9. Proposed Elevations

West Elevation



South Elevation



East Elevation



North Elevation



10. Relevant Planning History

Reference	Proposal	Decision
WA/2019/2113	Construction of a pond and associated ground works.	Pending 17/03/2021
WA/2020/0663	Erection of a replacement barn for storage use for agricultural purposes.	Refused 22/12/2020
WA/2019/1886	Provision of additional hardstanding, new retaining walls and new plant room and stores (as amended by plans received 17.03.20)	Full Permission 17/04/2020
WA/2019/1739	Alterations to existing agricultural barn including roof lights, mezzanine floor and alterations to elevations.	Full Permission 04/12/2019
WA/2018/2230	Use of existing ancillary barn as an independent dwelling and demolition of existing link.	Refused 11/03/2019
WA/2018/1544	Erection of ancillary outbuilding following demolition of existing ancillary outbuilding	Withdrawn 30/10/2018
WA/2018/1334	Certificate of Lawfulness under Section 191 for use of land as residential garden; use of the former stable barn for ancillary residential purposes (as a garage); use of an enclosed area to the north of the mega barn for ancillary residential purposes	Certificate of Lawfulness Granted 19/10/2018
WA/2016/0253	Certificate of Lawfulness under Section 191 for an annexe ancillary to the main dwelling house	Certificate of Lawfulness Granted 03/05/2016
WA/2014/1190	Application under Section 73A to remove Condition ii of HM/R17686 to allow for non-agricultural occupancy.	Full Permission 21/08/2014
WA/2006/2970	Erection of an extension (as amplified by letters dated 09/01/07 and 19/01/07 and plan received 22/01/07)	Approved 09/02/2007
WA/2004/1966	Change of use and alterations to barn and outbuildings to provide an independent dwelling (as amended by letter dated 18/10/04, plans received 19/10/04, letter dated 20/10/04 and accompanying revised planning statement	Approved 04/11/2004

WA/2001/0601	Change of use and alterations to barn and outbuildings to form an independent dwelling following demolition of other outbuildings	Approved 14/06/2001
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11. Relevant Planning Constraints

12. Green Belt – outside of a defined settlement boundary

AGLV

Ancient Woodland 500m Buffer Zone

Grade 3 Agricultural Land

13. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, TD1, NE1, NE3, RE2, RE3, ST1, CC2, AHN3
- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D4, HE14, HE15, D6, D7,

Other guidance:

- The National Planning Policy Framework 2019 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- Blackheath, Shamley Green, Wonersh Village Design Statement (2007)
- National Design Guide (2019)

14. Consultations and Town/Parish Council Comments

Town/Parish Council	Objection
Surrey Wildlife Trust	No objection, subject to conditions
Lead Local Flood Authority	No objection, subject to conditions
Natural England	No objection
AONB Advisor	No objection
County Highway Authority	No objection, subject to conditions
County Archaeologist	No objection, subject to conditions

15. Representations

21 letters have been received raising objection on the following grounds:

- The new dwelling is unnecessary
- Loss of green space and farmland
- Inappropriate Green Belt development
- Impact on residential amenity of neighbouring Brooklands
- The proposal is an eyesore
- The proposed dwelling is not in keeping with the location and would ruin the beauty of the farm
- The proposal would deter people from visiting this area
- Harm to wildlife and ecology
- Pepper Box Lane is a single track road unsuitable for heavy large vehicles
- 'Neighbour responses' in support are not from neighbours or anyone who has a local connection to the site
- Works already undertaken on site (outside of the remit of this application) and reference to how some landscape works have made the site more prominent

43 letters have been received expressing support for the following reasons:

- This is a house of exceptional and innovative design which enhances its landscape setting.
- High architectural quality.
- Sustainability (energy) is supported
- The proposal would be of an exciting design, supported by Design South East and a credit to the Borough
- Proposed landscape architecture would support biodiversity
- The proposal responds well to the site topography
- Support for the owners and commendation on previous properties

#### Planning Considerations:

##### 16. Principle of development and Location

The site is not within a defined settlement and therefore there is no automatic principle support for the provision of new dwellings.

The assessment of the sustainability has three elements. Firstly, how the proposal fits with the Borough's Spatial Hierarchy, as outlined in Policy SP2 of the Local Plan (Part 1) 2018. Secondly, whether an isolated dwelling would be created and thirdly, whether the site would have suitable connectivity as to prevent a dependency on vehicular trips to access services to meet day to day needs.

With regards to where the proposal would fall within the settlement hierarchy outlined in Policy SP2, it is noted that the site is outside of any settlement and therefore does not fall within any area allocated for development in the hierarchy and would not normally be acceptable.

In regards to whether the development would result in an isolated dwelling, paragraph 79 of the NPPF states that, Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;
- d) The development would involve the subdivision of an existing residential dwelling; or
- e) The design is of exceptional quality, in that it:
  - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The application site is located in rural location with a handful of sparsely spread dwellings within the immediate area. There is limited public transport provision, with the primary access route via private car off the A281.

Comparisons are drawn with the site subject to an appeal in Braintree, where the definition of an 'isolated home' was brought into question. Mrs Justice Lang agreed with the defendants in that the definition should be taken as that stated in the Oxford Concise English Dictionary; "far away from other places, buildings or people, remote". In this instance, Officers advise that this location would likely be considered remote and the proposal would result in the creation of an isolated dwelling.

The proposal would result in an isolated dwelling in the countryside and therefore the special circumstances as set out in Paragraph 79 of the NPPF are required; that the creation of an isolated dwelling can be viewed favourably when the design is of exceptional quality. This is discussed in a separate section of this report and within the Very Special Circumstances section.

## 17. Impact on the Green Belt

The site is located within the Green Belt outside any defined settlement area. Policy RE2 of the Local Plan (Part 1) 2018 outlines that the Green Belt will continue to be protected from inappropriate development. Inappropriate development will not be permitted unless very special circumstances can be demonstrated.

Certain forms of development are considered to be appropriate, and will be permitted provided they do not conflict with the exceptions listed in paragraphs 145 and 146 of the NPPF.

Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agriculture and forestry
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) Limited infilling in villages
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - Not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 146 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction;
- b) Engineering operations;
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) Material changes in the use of land (such changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The proposed new dwelling would not fall into any of the exceptions listed above and would therefore amount to inappropriate development which is, by definition, harmful to the Green Belt.

Furthermore the proposed development involves the erection of a substantial building into an area of open field. It is considered that this new dwelling and the landscape proposals would cause harm to the openness of the Green Belt and conflict with the purpose of the Green Belt to prevent urban sprawl.

In light of this, the proposed extensions would be in conflict with Policy RE2 of the Local Plan (Part 1) 2018, retained Policy RD2 of the Local Plan 2002 and the NPPF.

The applicants have made a case for very special circumstances which are discussed later in this report.

## 18. Loss of Agricultural Land

The site comprises arable farmland with a residential dwelling and annex, associated barns and agricultural buildings and land. An annex is located in a former barn building associated with the farm. The main dwellinghouse is the only dwelling on the farm.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Retained Policy RD9 of the Local Plan 2002 outlines that development will not be permitted which would result in the loss or alienation of the most versatile agricultural land unless it can be demonstrated that there is a strong case for development on a particular site that would override the need to protect such land.

On all grades of agricultural land, development will not be permitted which would result in the fragmentation of agricultural or horticultural holdings as to seriously undermine the economic viability of the remaining holding.

The application site would be on land designated as Grade 3 agricultural land. An agricultural report submitted in support of application reference WA/2019/2113 assessed the land and concluded that it falls to be defined as Grade 3b land as it cannot be considered capable of consistently producing moderate to high yields of crops as required if it is to be considered to be Grade 3a. Officers are content that the proposal would not result in the loss or alienation of the best and most versatile agricultural land. Nor would it result in the fragmentation of an existing agricultural holding as the site is not actively used for agricultural purposes.

In light of the above, the proposal would accord with retained Policy RD9 of the Local Plan 2002.

#### 19. Design and impact on visual amenity and Landscape Character

The proposed dwelling would be situated within an area of land which is currently an open field to the east of a large agricultural barn which is proposed to be demolished as part of the proposal. The land is gently sloped from higher ground to the north-west towards the south-east of the field where the proposed pond is to be located.

The proposed new dwelling would be a large family home, constructed to a modern design style. The entrance is located at a central point of the building and wings then splay from this core. The southern wing is the principal wing, providing views over the proposed pond to lower ground towards the south of the dwelling with the northern wing being slightly more enclosed and subordinate.

The house would be accessed via the existing entrance from Brooklands Farm and the occupiers and visitors would travel past the existing Brooklands Farm dwelling, along a driveway amongst an area of proposed woodland, towards the new dwelling, finally arriving at a courtyard area. The landscaping of the gardens range from woodland to the west to more informal meadow to the north east and also includes more structured, formalised landscaped areas and terraces immediately surrounding the dwelling and the walled garden on the northern side of the dwelling.

The modern design features flat roof wings which keep the height to a minimum. The application documents highlight that the new dwelling responds to the site topography, any spoil that is generated from the earthworks to accommodate the pond and dwelling will be redistributed across the site to accentuate the topography of the site.

The site lies within an Area of Great Landscape Value and, although not within, is within visual sight of an Area of Outstanding Natural Beauty. As such the AONB Advisor has been consulted on the application and notes that that the application is not likely to harm views from the AONB and that the impact of the development would most likely be within short and medium views from land within the ownership of the application site.

The AONB Advisor also gives acknowledgement to the removal of the Mega Barn, commenting on it being a positive aspect of the development and resulting in significant visual gain, whilst also recognising that the proposed development would impact the landscape given its location within what is at present an open agricultural field. Positive comments were also given in relation to design elements that would minimise potential light pollution, overall the design is considered to be interesting and no objection is raised in terms of the impact upon the character of the landscape.

Therefore acceptable and in accordance with Policies TD1 of the Local Plan (Part 1) 2018, D1 and D4 of the Local Plan 2002 and the Residential Extensions SPD.

## 20. Assessment against Paragraph 79 of the NPPF

The site is not within a defined settlement and therefore there is no automatic in-principle support for the provision of new dwellings.

The proposal would result in an isolated dwelling in the countryside and therefore the special circumstances as set out in Paragraph 79 of the NPPF are required.

Paragraph 79 states:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...”*

*(e) the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

To meet the requirements of above, 4 criteria must be met:

- The proposal be either innovative or outstanding
- Help to raise the standard of design in rural areas
- Significantly enhance the immediate setting
- Be sensitive to the defining characteristics of the local area

The applicants have asserted that the proposal is truly outstanding rather than innovative. The proposed dwelling has been formulated over a two year period with several iterations being assessed by Design South East at several Design Panel Reviews. The applicants and architects have taken on board recommendations made by Design South East and have implemented and interpreted these resulting in a final scheme that is subject to this planning application. The conclusion reached by the D:SE Review Panel is that the proposed new dwelling is '*truly outstanding*' in its architectural design and will significantly enhance the site setting whilst being sensitive to the local characteristics.

The final comments provided by the D:SE panel dated 27 May 2020, include:

- *It is our opinion that this is a truly outstanding proposal, is sensitive to the defining characteristics of the area and does propose significant enhancements to its setting*
- *We are satisfied that the proposed house is located at the optimal point within the site and that this has been informed by a landscape and visual impact assessment*
- *We support the overall landscape strategy based on the concept of wood, meadow and water. We feel this has now been successfully interpreted and follows the landscape character assessment*
- *We applaud the expansion of the area north of the house to provide a more domestic 'walled' garden without impacting on the overall visual impact.*

There were some concerns raised by Officers throughout the design journey regarding the relationship of the existing dwelling at Brooklands Farm and the new dwelling. Submitted details depict the existing dwelling to be screened by new hedging along the driveway which at present is open and appears as the 'entrance' despite vehicular access being to the northern side. Only the stone gable of the existing farm house dwelling will purposefully address the access driveway and this is intended to be perceived as a 'gatehouse' to the new dwelling beyond, an approach that is not contended with in design terms by Officers.

In terms of the proposal enhancing the immediate setting, Design South East state that "*the building certainly sits well in the landscape and responds to it. The landscape proposals will in themselves be an enhancement by strengthening the three elements of landscape character and increasing biodiversity. The removal of the 'mega-barn' will certainly be a major enhancement of the landscape.*"

Whilst the removal of the barn would reduce the built form on site, it is noted that agricultural buildings are commonplace in the countryside. In this instance though, the barn in question, which is referred to as a 'mega barn' is of a significant size and is a prominent feature in both short and long views. Whilst barns are not an alien feature, this building dominates the site, and the removal of this barn is considered to enhance the setting to some degree. Additionally the significant landscape alterations and the provision of woodland, water and meadow seek to sustain

wildlife, emphasising the integration of the new dwelling into its immediate and wider landscape setting.

The proposal, in terms of design is considered to respond well to the characteristics of the setting. The building's form responds to the contours of the site as well as the local landscape characteristics of ancient woodland to the north east, floodplain to the south and fields and meadows to the west. These three main characteristics stem from the overall concept of design. The building harnesses views of the local landscape and building materials have been chosen to reflect those often found in the locality and the application of stone to lower level with timber above is synonymous to many agricultural buildings.

Officers, together with the Planning Projects Team Leader, concur with the conclusions of D:SE and, subject to the recommendations set out, mainly that the detail shall not be diluted between permission and execution, consider that the scheme does comply with the requirements of Paragraph 79(e) of the NPPF.

#### 21. Impact on residential amenity

The proposed development would be situated in excess of 150m from the closest neighbouring dwellings and 100m from the existing dwellinghouse at Brooklands Farm. These distances ensure that the development would not likely impact the occupiers of these residences in terms of overlooking, loss of light and loss of privacy, nor would the development appear as overbearing.

It is noted that the entrance to Brooklands Farm is situated at distance from the position of the proposed dwellinghouse and in close proximity to residential dwellings Tinkers Hall and 1 and 2 Brooklands Farm Cottages. Due to the potential disturbance of construction vehicles, it is considered to be reasonable and necessary to attach a condition to any approval to ensure that disruption to the occupiers of these dwellings for the duration of the construction is kept to a minimum.

Therefore acceptable and in accordance with Policies TD1 of the Local Plan (Part 1) 2018, D1 and D4 of the Local Plan 2002 and the Residential Extensions SPD.

#### 22. Impact upon Highways

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality Action Plan. Provision for car parking should be

incorporated into proposals and new and improved means of public access should be encouraged.

The proposal will utilise the existing site access. The proposed entrance gates are setback a sufficient distance to allow a vehicle to wait off the carriageway whilst they open.

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a severe impact on the safety and operation of the adjoining public highway, subject to conditions.

23. Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

Further, Circular 06/2005 states '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.'

The application has been reviewed by Surrey Wildlife Trust. The documents submitted include:

Ecology Report (AAe, 8th August 2018) –

Ecology Report – Letter Report (AAe, 24th September 2020)

Following comments dated 19th April 2021, the following information has also been submitted in support of the above application:

Ecology Letter Report (The Ecology Co-op, 20th May 2021)

Ancient Woodland Buffer Plan (Eldridge London, 21st April 2021)

Council records suggest that there is woodland to the north-west, west and south-west of the site that is identified by Natural England as both Ancient Woodland and deciduous woodland Habitat of Principal Importance for the purpose of conserving biodiversity in England.

Confirmation has been provided that the nearest construction activity would be approximately 45 metres from the ancient woodland. It is also noted that woodland planting will occur in this buffer zone and as per the ecological report woodland planting should comprise native species characteristic of the existing woodland.

There is also an existing watercourse to the south of the site, in close proximity to woodland, and works to this watercourse are proposed. Further clarification has been provided regarding ecohydrological impacts and the creation of the pond and weir on the existing brook.

The applicant should ensure that there are no adverse impacts on the above referenced habitats during construction of the proposed development and this will be secured by a condition requiring the submission of a Construction Environmental Management Plan (CEMP) prior to development.

## **Bats**

Surveys undertaken in 2018 identified the presence of a common pipistrelle roost in the building proposed for removal. A maternity roost was also present in an adjacent building (it is understood this will not be impacted by the proposals). An updated ecological inspection was undertaken in May 2021. The pipistrelle roost was identified, including fresh droppings indicating that the roost is still active. The ecologist states that ‘... the existing survey data that is available for roosting bats and the physical evidence around the roost location... confirm that there has not been any change in the status of the roost’. The scheme’s ecologist is confident in the characterisation of the roosts present. The report further notes that ‘a single survey should be sufficient to inform a European Protected Species license application to Natural England’.

It is therefore advised that the above referenced additional survey(s) should be undertaken by a suitably experienced and licensed ecologist, prior to the commencement of works, to inform the European Protected Species license application. Surveys should follow best practice guidance.

As above surveys have confirmed the presence of active bat roosts within the development site and these roosts would be subject to loss as a result of development. Works would therefore be contrary to the above referenced legislation in absence of derogation licensing. It is therefore advised that the Council, should they be minded to grant this planning application for this site, the applicant should be required to;

- Obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing. – Undertake all the actions which will be detailed in the Method Statement which will be required to accompany the licence application, based on the impact avoidance, mitigation, compensation and enhancement actions presented within the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

Or

- (where applicable) under take works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats, based on the impact avoidance, mitigation, compensation and enhancement actions presented within the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

The applicant should be aware that in the event that the status of the roosts has changed or additional roosts / bat species are found to be present then additional impact avoidance, mitigation and compensation measures may be required in order to fulfil the relevant licence requirements from Natural England. In the event that sufficient measures are unable to be incorporated then amendments would potentially be required.

There are trees on and adjacent to the site and where trees offer suitable features they may host active bat roosts. A bat roost assessment should be undertaken by a suitably experienced ecologist in line with best practice guidance, prior to any felling or works to trees on site.

There is suitable habitat for nocturnal species are known to be present on the site. These species are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes and so measures should also be taken not to increase the level of external artificial lighting on the site. This can be secured by a condition.

### **Breeding Birds**

There is potentially suitable habitat for nesting birds associated with the buildings and vegetation on site. The developer should be made aware that Part I of the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take any wild bird, or to intentionally damage, take or destroy its nest whilst it is being built or in use.

The removal of any dense shrubbery or vegetation shall be timed to avoid the main bird nesting season of March to August inclusive. If this is not possible, any clearance shall be done under the supervision of a suitably qualified ecologist.

A recently active kestrel perch was also identified on the eastern side of the barn, with pellets found throughout the barn. Compensation and enhancement measures for birds (including kestrel) should be provided on site, as per the recommendations of the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

### **Protected Species – Reptiles and Amphibians**

Surrey Wildlife Trust has identified that there is potentially suitable habitat locally for Great Crested Newts. A condition should be added having regard to the potential presence of notable species to ensure their safety and protection. This should include the recommendations of the referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

### **Protected Species – Hazel Dormice**

No survey information is provided in relation to dormice, however there is potentially suitable habitat on / in close proximity to the site, associated with woodland, tree lines and hedgerows. It is understood that the boundary vegetation will be retained and protected during works. However, the information provided indicates that a section of low hedgerow would be removed between the new pond and dwelling. It is understood that compensatory planting will be provided. To avoid harm to protected species, including dormice, works impacting any potentially suitable habitat (including treelines / hedgerows) should be undertaken in a precautionary manner, under the supervision of a suitably qualified ecologist.

Should hazel dormouse be identified during works, all work should cease immediately and advice be sought from Natural England or a qualified specialist. The applicant should be aware of the requirement to apply for a hazel dormouse mitigation licence for any activity that may adversely impact on hazel dormouse.

### **Other Protected and Notable Species**

No badger setts were found on site during the ecology surveys, however there is suitable habitat in the local area and commuting and foraging badgers may use the site. There is also suitable habitat for other terrestrial mammals, including hedgehogs.

A condition shall be added having regard to the potential presence of notable species to ensure their safety and protection.

### **Biodiversity Enhancements and Landscape and Ecological Management Plan**

It is understood that ecological compensation and enhancement measures are proposed and will include the planting of new woodland and hedgerows, wildflower meadow, pond creation, biodiverse roof and the provision of bird nesting and bat roosting features.

The 2021 submitted Ecology report stated that the detailed ecological compensation and enhancement measures would be provided in a detailed landscape and ecological management plan (LEMP). Surrey Wildlife Trust recommends a condition secure this detail.

#### 24. Landscape and Trees

The proposed landscaping is an integral part of the proposed development, anchoring the proposed new dwelling and setting a scene in response to the site specific's including the concept of woodland, meadow and water.

The proposal includes extensive landscaping as part of the proposal including new wetland and woodland features created. There is new native tree planting proposed which would help screen the new dwelling in wider views and help set it appropriately within the landscape.

The Council's Tree and Landscape Officer has reviewed the information submitted with the application and concurs that the scheme would provide additional habitats as well as to establish the setting of the new dwelling into the setting.

A condition is recommended to ensure that the full details of the landscape scheme are provided, implemented and maintained appropriately.

#### 25. Archaeology

Retained Policies HE14 and HE15 of the Local Plan 2002 require that appropriate desk based or field surveys should be submitted with an application and appropriate measures taken to ensure any important remains are preserved. These policies are afforded full weight owing to their consistency with the NPPF.

The application is supported by a desk based archaeological assessment prepared by the Surrey County Archaeological Unit. The report concludes that the site itself does not contain any designated archaeological assets but that it has a moderate to high archaeological potential for prehistoric archaeological remains.

Due to the identified archaeological potential, the report suggests that further information will be required in order to assess the nature and extent of any archaeological remains and advises that a trial trench evaluation would be the most appropriate methodology. It is advised that in the first instance this should comprise an appropriately scaled trial trench evaluation of the site. The results of the work will enable suitable mitigation measures to be developed should archaeological remains be discovered.

This approach is agreed with by the County Archaeologist and as such appropriate conditions to secure the implementation of a programme of archaeological work will be attached to any permission granted.

#### 26. Flooding

The site is located in Flood Zone 1 with the lowest risk of flooding.

However, as part of the application a Flood Risk Assessment has been submitted which identifies that the proposed pond is within an area at risk of flooding from Nore Brook. Within the existing area at risk of flooding from surface water, ground levels will remain as existing or be lowered. The result of this is that the site will provide an increase in flood storage during times when flow is out of bank.

The Lead Local Flood Authority has reviewed the documents:

- Flood Risk Assessment, Amazi, December 2019, revision 0, document reference: AMA734;
- SuDS Proforma and Drainage amendments, Amazi, December 2020;

and concludes that it is content with the development subject to suitably worded conditions being applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Also recommended is that the applicant considers the option to replace some of the conveyance pipes with swales as this is a more sustainable and preferable solution.

## 27. Accessibility

Policy AHN3 of the Local Plan Part 1 (2018) states that the Council will require the provision of new developments to meet Building Regulations M4 (2) Category 2 standard: "Accessible and adaptable dwellings" to meet the needs of older people and those with disabilities.

The supporting text to the policy states that this will be delivered through the implementation of planning permissions. As such, this will be picked up by the building control process when planning permission is implemented.

## 28. Sustainability

Policy CC2 of the Local Plan 2018 seeks to ensure all new development includes measures to minimise energy and water use. The Policy goes on to say that new dwellings shall meet the requirement of 110 litres of water per person per day. A condition is recommended requiring the submission of details to confirm that the dwellings have been designed and completed to meet the requirement of 110 litres of water per person per day, prior to the occupation of the dwelling.

Conditions are also attached to ensure that the proposed dwelling is provided with the highest available speed broadband infrastructure and an Electric Vehicle

Charging Point in order to promote sustainable patterns of development in accordance with Policy CC2 of the Local Plan 2018.

## 29. Representations

The application has generated many letters of representation. Whilst it is considered that the majority of the issues have been addressed within the body of this report, outstanding points are addressed below:

- *The proposal is an eyesore*
- *The proposed dwelling is not in keeping with the location and would ruin the beauty of the farm*

The 'exceptional quality' exception has been embedded in planning policy for over 22 years since being first introduced in 1997. At that time, it was explained that one of the reasons for its introduction was so that "each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside" (PPG7 (1997) paragraph 3.21).

It is recognised that design is a subjective matter, and modern design is not always to everyone's taste and it is for this reason that it is important to seek an independent review of the design. This was carried out by recognised experts in their field, including:

Michál Cohen and Yasmin Shariff, Architecture  
Paul Appleby, Engineering/Sustainability  
Philip Cave, Landscape Architecture  
Wendy Perring, Architecture/Sustainability

- *The proposal would defer people from visiting this area.*

This is considered to be a personal opinion, which bears no relevance on the assessment planning application.

- *Pepper Box Lane is a single track road unsuitable for heavy large vehicles*

The application proposes the additional of one single dwelling. It is noted that the County Highway Authority has raised no objections.

- *'Neighbour responses' in support are not from neighbours or anyone who has a local connection to the site.*

Whilst interested parties from any locality may and can make representation on any planning application, Officers do take into consideration the specific matters relating to individuals who may be impacted by the proposed development. The addresses of interested parties have been noted.

- *Works already undertaken on site (outside of the remit of this application) and reference to how some landscape works have made the site more prominent.*

Officers are unable to take into consideration aspect that fall outside of the remit of this application. However, in terms of landscape improvements the applicants are proposing extensive planting as part of this application, which would ensure that the proposed new dwelling would not be unduly prominent.

### 30. Very Special Circumstances

The proposed development is inappropriate Green Belt development as it does not fall within any exception set out in Paragraphs 145 or 146 of the NPPF.

Whilst Officers have established that the proposed development complies with the requirement of Paragraph 79 of the NPPF, Officers do not consider that this results in the proposal being considered as appropriate Green Belt development. Indeed it is considered that if this were the case then the criteria of Paragraph 79 would be imbedded within the criteria of paragraphs 145 or 146 or there would be direct and explicit reference within the 'Proposals affecting the Green Belt' section that specifically identifies that to be the case.

However, the proposal being considered to be consistent with the objectives set out in Paragraph 79 does bear weight in terms of whether there are very special circumstances which would outweigh the harm caused to the Green Belt and any other harm identified. This is consistent with a statement provided by the applicant, written by Sasha White Q.C. of Landmark Chambers, which concludes:

*"The NPPF does allow such development in the GB if the terms of paragraph 144 are satisfied."* And;

*"If a development is concluded to meet paragraph 79[e] of the NPPF then it absolutely could be considered as a matter of planning judgment to constitute individually or combined with other factors to constitute very special circumstances."*

As it stands, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This is set out in Paragraph 144 of the NPPF.

Officers have identified harm to the Green Belt by definition of inappropriate development. In addition, Officers identify harm to the openness of the Green Belt by means of the development introducing built form into an open field free of built form thus spreading development across the application site. This is inconsistent with one of the main objectives of Green Belt Policy which seeks to assist in safeguarding the countryside from encroachment (Paragraph 134 of the NPPF).

It is however noted that this sprawl of development is mitigated by the form of development being low in profile and of a design and form that directly responds to the setting and the topography of the site. The design quality of the building and the landscape is such that the building marries with the setting and establishes a relationship with the site, it is not simply a large building sited in a field.

Forming part of the application is also the removal of the large agricultural barn. Whilst the removal of the barn would reduce built form on site, it is noted that agricultural buildings are not inappropriate development within the Green Belt. In this instance though, the barn in question, which is referred to as a 'mega barn' is of a significant size with a footprint of 1128 sq.m. with a volume of 6134 cu.m. It is a dominant structure and itself has a significant impact upon the openness of the Green Belt. Its removal would be positive factor. Furthermore the 'mega barn' has a planning history which includes the use as ancillary to the main dwelling house (reference WA/2016/0253) and therefore the qualities and characteristics differ from a typical agricultural building.

The applicants also set out the following:

- decrease in light pollution – the existing mega barn, by virtue of its construction, rooflights and current lighting arrangement for the main barn space, emits a significant amount of light pollution which can be seen from public vantage points. In comparison, the new dwelling will be positioned so that public views of the building are more limited. New woodland and hedgerow will assist in screening any views.
- hedgerow – whilst a section of woodland between the house and the new pond will be removed, a new section of native hedgerow, more than twice the length of existing, will be planted.
- woodland - over 1 hectare of new woodland will be planted on site, principally to the West of the new dwelling. This will make a valuable contribution towards the Government's target of planting 11 million new trees by 2022.
- Biodiversity improvements – remaining hedgerows will be strengthened with supplementary planting; new native hedgerows will be planted, providing additional habitat and a link between pockets of Ancient Woodland; a wildflower meadow will be created to encourage higher species diversity; a series of bird boxes will be installed on trees; and a biodiverse brown roof will be provided on the buildings.

Additionally the applicants have referenced two other applications in Waverley which have been approved on the basis that they conform to Paragraph 79 (at the time Paragraph 55) of the NPPF. Pitch Hill – reference WA/2014/1207 was approved at Planning Committee and WA/2015/0367 was approved by an inspector at appeal.

Officers conclude that the substantial harm identified to the Green Belt is outweighed by the exceptional design quality of the scheme in addition to the benefits of the removal of the barn and improvements in landscape management and biodiversity which meet the high standards set in Paragraph 79 of the NPPF. As such it is considered that the advantages amount to very special circumstances.

### 31. Conclusion

The planning balance assessment concludes that the proposal is in accordance with the Development Plan. It is considered that very special circumstances exist which outweighs the identified harm to the Green Belt. No significant harm has been identified to visual or residential amenity nor landscape, highways or ecology. As such, planning permission is recommended for approval.

### Recommendation

That permission be GRANTED subject to the following conditions:

#### 1. Condition:

The plan numbers to which this permission relates are: SD201, SD603, SD605, SD612, SD613, SD614,SD615, PL200B, PL201K, PL202, PL203J, PL204J, PL205J, PL207A, PL208, PL209, PL212, PL213, PL314, PL315, PL221, PL223, PL224, PL225, PL226, PL227A, PL228DPL252, PL253, PL254, PL255, PL261. Landscape Plans: 327-L-01: S-00-802, P-00-801, P-00-115-P00, P-00-116-P00 and P-00-800. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason:

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

#### 2. Condition:

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan Part 1 2018 and Retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

3. Condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking or re-enacting that Order with or without modification), no development as defined within Part 1 of Schedule 2 Classes A, B, D or E, inclusive of that order, shall be erected on the site without the written permission of the Local Planning Authority.

Reason:

Having regard to the policies of restraint which apply to the area and to accord with Policies TD1, RE2 and RE3 of the Local Plan (Part 1) 2018 and Policy RD2 of the Waverley Borough Local Plan 2002.

4. Condition:

the development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. PL203\_Rev\_J) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018 and in accordance with Policy ST1 of Waverley Borough Council's Local Plan (Part 1) 2018.

5. Condition:

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

In order that the development proceed in accordance with Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2018 and in accordance with Policy ST1 and CC2 of Waverley Borough Council's Local Plan (Part 1) 2018.

6. Condition:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason:

In order to accord to retained Policies HE14 and HE15 of the Local Plan 2002.

7. Condition:

No development shall take place until an appropriately detailed Construction Environmental Management Plan (CEMP), has been submitted to and approved by the Local Authority in writing, prior to the commencement of the development. The CEMP should include, but not be limited to:

- a) Map showing the location of all of the ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features, where applicable.

e) Responsible persons and lines of communication

Reason:

To ensure that protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 and their habitats are not endangered or disturbed by the development in accordance with Policy NE1 of the Waverley Borough Local Plan (Part 1) 2018.

8. Condition:

The applicant is required to;

- Obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing. Undertake all the actions which will be detailed in the Method Statement which will be required to accompany the licence application, based on the impact avoidance, mitigation, compensation and enhancement actions presented within the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021). - - Or – (where applicable) under take works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats, based on the impact avoidance, mitigation, compensation and enhancement actions presented within the above referenced Ecology Letter Report (The Ecology Co op, 20th May 2021).

Reason:

To ensure that protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 and their roosts are not endangered or disturbed by the development in accordance with Policy NE1 of the Waverley Borough Local Plan (Part 1) 2018.

9. Condition:

A bat roost assessment should be undertaken by a suitably experienced ecologist in line with best practice guidance, prior to any felling or works to trees on site.

Reason:

To ensure that protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 and their roosts are not endangered or disturbed by the development in accordance with Policy NE1 of the Waverley Borough Local Plan (Part 1) 2018.

10. Condition:

Any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series."

Reason:

To ensure that protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 and their roosts are not endangered or disturbed by the development in accordance with Policy NE1 of the Waverley Borough Local Plan (Part 1) 2018.

11. Condition:

The removal of any dense shrubbery or vegetation shall be timed to avoid the main bird nesting season of March to August inclusive. If this is not possible, any clearance shall be done under the supervision of a suitably qualified ecologist.

Reason:

In order to safeguard the ecological interests of the site in accord with Policy NE2 of the Local Plan 2018 (Part 1).

12. Condition:

Compensation and enhancement measures for birds (including kestrel) should be provided on site, as per the recommendations of the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

Reason:

In order to safeguard the ecological interests of the site in accord with Policy NE2 of the Local Plan 2018 (Part 1).

13. Condition:

Works impacting any potentially suitable habitat (including treelines / hedgerows)

should be undertaken in a precautionary manner, under the supervision of a suitably qualified ecologist in order to protect Hazel Doormic.e

Reason:

To ensure that protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 and their habitats are not endangered or disturbed by the development in accordance with Policy NE1 of the Waverley Borough Local Plan (Part 1) 2018.

14. Condition:

No development shall take place until an appropriately detailed landscape and ecological management plan (LEMP), has been submitted to and approved by the Local Authority in writing, prior to the commencement of the development.

The LEMP should include adequate details of the following;

? Description and evaluation of features to be managed and created including measures to compensate for loss, in particular the infilling of 40m of brook.

? Aims and objectives of management

? Appropriate management options to achieve aims and objectives

? Prescriptions for management actions

? Preparation of a work schedule for securing biodiversity enhancements in perpetuity

? Details of the body or organisation responsible for implementation of the LEMP

? Ongoing monitoring and remedial measures.

? Details of legal / funding mechanisms.

The LEMP should also include the recommendations of the above referenced Ecology Letter Report (The Ecology Co-op, 20th May 2021).

Reason:

In order to safeguard the ecological interests of the site in accord with Policy NE2 of the Local Plan 2018 (Part 1).

15. Condition:

No development shall take place until a detailed landscape scheme for the landscaping any replacement tree planting of the site, including the retention of existing landscape features, has been submitted to and approved in writing by the

Local Planning Authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to development taking place in accordance with a programme agreed in writing with the local planning authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

16. Condition:

Prior to the first occupation of the new dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure sustainable construction and design in accordance with Policy CC2 of the Waverley Local Plan Part 1 (2018).

### Informatives

1. The developer is advised that Public Bridleway Number 352 is in the vicinity of the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required.

Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

### 3. Community Infrastructure Levy (CIL)

The development hereby permitted is CIL liable.

'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).

Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.

For further information see our webpages ([www.waverley.gov.uk/CIL](http://www.waverley.gov.uk/CIL)) or contact [CIL@waverley.gov.uk](mailto:CIL@waverley.gov.uk)

4. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail [waverley.snn@waverley.gov.uk](mailto:waverley.snn@waverley.gov.uk)

For further information please see the Guide to Street and Property Naming on Waverley's website.

5. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

6. There is a fee for requests to discharge a condition on a planning consent. The fee

payable is £116.00 or a reduced rate of £34.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2019.