

WA/2021/01663 – Erection of an ancillary outbuilding. at 2 THE REEDS TILFORD
FARNHAM GU10 2DJ

Applicant: Mr & Mrs McKeown -
Parish: Tilford CP
Ward: Frensham Dockenfield and Tilford
Grid Reference: E: 486368
N: 143299
Case Officer: Daniel Holmes
Neighbour Notification Expiry Date: 03/08/2021
Expiry Date: 25/05/2021
Extended Expiry Date:
Committee Meeting Date: Western Planning Committee
25/05/2022

RECOMMENDATION That, subject to conditions, permission be
GRANTED

1. Summary

The application has been brought before the Planning Committee at the request of the late Ward Councillor **Brian Adams** who wished for further consideration to be given to the erection of an ancillary outbuilding that has already been constructed. The Ward member requests further consideration to be given to the impact on visual amenity, specifically whether the outbuilding results in overdevelopment of the site.

The application site lies within the Green Belt, outside the settlement, where land will continue to be protected from inappropriate development and within the AONB and AGLV where new development must respect and where appropriate, enhance the character of the landscape in which it is located.

Officers consider that the proposal is acceptable with regards to the impact on the Green Belt, landscape character, residential amenity, parking and access, trees and biodiversity.

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, as such, planning permission is recommended for approval.

2. Plans

Copies of the relevant plans are attached within Appendix 1

3. Site Description

The application site is located on the southern side of Reeds Road and is accessed by a single lane road.

- Property Type: Semi-detached two storey dwelling. The wider site comprises a number of outbuildings, including a stables, polytunnel, metal shed and timber shed
- Character: Rural.
- Site Levels: The house is on flat land with the garden sloping up to the north

4. Proposal

Planning permission is sought for:

- 1) Erection of an ancillary outbuilding.

*It is noted the proposed outbuilding has already been built.

3. Relevant Planning History

Reference	Proposal	Decision
WA/2021/01616	Alterations to existing track / driveway	Refused at Committee 23/03/2022 (decision to be issued)
WA/2021/01664	Erection of extensions and alterations following demolition of existing extension and outbuildings	Refused 10/02/2022
WA/2019/1879	Erection of extensions and alterations following demolition of existing extension.	Full Permission 24/01/2020
WA/1997/1885	Erection of a single storey extension and alterations.	Full Permission 21/01/1998

4. Relevant Planning Constraints

Green Belt – outside any defined settlement area
 Surrey Hills AONB & AGLV
 Ancient Woodland 500m Buffer Zone
 Article 4 Direction (not relevant to residential applications)
 Thames Basin Heath 7km Buffer Zone
 Wealden Heaths I SAC 2km Buffer Zone
 Wealden Heaths I SPA 5km Buffer Zone
 SPAD

5. 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

- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D4, D7, RD2, RD3
- South East Plan: Saved policy NRM6

Other guidance:

- The National Planning Policy Framework 2021 (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)
- Surrey Hills AONB Management Plan (2020-2025)
- National Design Guide (2019)

6. Consultations and Town/Parish Council Comments

Tilford Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Overdevelopment of the site. Should planning officers be minded to approve this application TPC requests that a condition be placed on the outbuilding that it is to remain ancillary to the main house in perpetuity and may not be turned into an additional, separate residential dwelling. <p>(26/07/2021)</p>
Surrey Wildlife Trust	<p>No objections – Conditions and informatives (10/05/2022 Requires up to date information for a fair assessment to be made (15/10/2021)</p>
AONB Officer	<p>No objection 09/08/2021)</p>
Natural England	<p>No Comment 28/07/2021</p>

7. Representations

11 letters have been received from 6 different addresses raising objection on the following grounds:

Green Belt

- As the use would be ancillary it increases the overall GEA to a 74% increase, above the recommended 40%
- Would exceed the Permitted Development allowance

- Inappropriate within the Green Belt and not in accordance with WBC Policy RE2
- Results in infilling between properties
- Shed referred to as being attached to the stable is not a shed but an awning
- Outbuildings implied to be removed as a make weight are not legal

Impact on design and Landscape Character

- Overdevelopment of the site
- Inappropriate within the AONB & AGLV

Ecology

- No ecological surveys carried out prior to development
- Incorrectly completed biodiversity checklist

Very Special Circumstances

- Further consideration to be raised regarding the matter of the Permitted Development fallback. The proposed outbuilding would not meet the criteria

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

Visual Impact

- Low impact on the surround

Residential Amenity

- Well separated from neighbouring properties. No harmful loss of amenity

8. Planning Considerations:

9. Principle of development

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.

The site is located within the AONB and AGLV. Policy RE3 of the Local Plan (Part 1) 2018 sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located.

10. 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.

Retained Policy RD3 of the Local Plan 2002 sets out that outside settlements within the Green Belt, proposals for the erection of garaging and other ancillary domestic outbuildings will be considered in line with Green Belt policy.

Certain forms of development are considered to be appropriate, and will be permitted provided they do not conflict with the exceptions listed in paragraphs 149 and 150 of the NPPF 2021.

Paragraph 149 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of 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, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- f) Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 150 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve 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 as 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 erection of a new ancillary outbuilding would not fall under any of the categories under paragraphs 149 or 150 of the NPPF (2021). Officers note the applicant wishes to demolish a number of existing outbuildings in order to make way for the proposed outbuilding. However, as para 149 (d) refers to the replacement of a single building the

proposal does not technically comply with the provision that would make it appropriate development.

As such the presence of development is harmful by definition and very special circumstances are therefore required in this case to outweigh the harm to the Green Belt, and any other harm. These will be considered in the relevant section later in the report.

11. Design and impact on visual amenity the AONB and AGLV

Policy TD1 of the Local Plan 2018 (Part 1) requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2021.

The proposed single storey outbuilding, which has already been built, would be positioned 24m south-west of the main dwelling and 5.75m from the southern boundary. The additional outbuilding would not comprise of additional bulk, scale or mass that would appear incongruous or unsympathetic to the surrounding area.

The existing boundary treatment, which consists of a 1.7m high timber fence and established trees, would largely conceal the outbuilding when viewed from the access track.

The materials, comprising of timber cladding, would be appropriate within the AONB and AGLV.

Officers note the comments raised regarding overdevelopment of the site and it is acknowledged that the metal store, poly tunnel and proposed outbuilding would comprise overdevelopment of the site. However, if permission were to be granted Officers would impose a condition to remove the metal store and poly tunnel within 3 months of any permission granted.

Subject to compliance with such a condition, Officers consider the proposal to be of an appropriate scale, form and design, and would be acceptable in visual terms. On this basis, the proposed extension would comply with Policies TD1 and RE2 of the Local Plan Part 1 2018, retained Local Plan Policies D1 and D4 of the Waverley Borough Council Local Plan 2002, and the NPPF 2021.

12. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained Policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2021.

The nearest neighbours to no. 2 the Reeds; Reeds Wood, Reeds Farmhouse (3 The Reeds) and 1 The Reeds (Elmcroft).

Reeds Wood

Reeds Wood is positioned to the south of the application site. The proposed outbuilding is set approximately 5.75m from the common boundary and approximately 16.8m from the front elevation of Reeds Wood. The separation distance is such that the outbuilding would have no harmful overbearing impact or loss of light to Reeds Wood.

The outbuilding is single storey and has no side facing windows that would result in any harmful loss of privacy to Reeds Wood. As such, no harmful impact on the residential amenity would result to Reeds Wood.

1 The Reeds

1 The Reeds is attached to the north-east of the application site. As the proposed outbuilding would be approximately 34m from the common boundary, is single storey, and concealed by the boundary treatment, no harmful impact by way of overbearing development, loss of light or loss of privacy would result.

Reeds Farmhouse (3 The Reeds)

Reeds Farmhouse is located centrally within the plot and is situated approximately 37.1m south of the front elevation of the application site. Given the separation distance, no harmful overbearing development or loss of light would result.

The outbuilding is single storey and has no windows that would result in any harmful loss of privacy to Reeds Wood. As such, no harmful impact on the residential amenity would result to Reeds Wood.

As such, officers are satisfied that the proposed outbuilding would have no harmful impact on the residential amenity of neighbouring properties

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.

13. Impact on Trees and Landscape

It is noted that the proposed outbuilding as built is not located within the root protection zone of any trees on the site. As such, the proposed outbuilding as built would have no harmful impact on trees and landscape.

As such the proposed extensions and alterations would accord with retained Policies TD1, D1, D4 and D7 of the Waverley Borough Local Plan 2002 and Policies NE1 and NE2 of the Waverley Borough Local Plan (Part 1) 2018.

14. 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 site is adjacent to the deciduous woodland, approximately 30m to the north. There is therefore a risk of ecological harm resulting from construction activities.

Officers note the concern raised within the neighbour representations and make the following comments.

A Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey has been submitted as part of the application (prepared by Arbtech, 24/04/2021). The report identifies that none of the outbuildings offers suitable roosting features that bats could exploit. It also identifies that deciduous woodland adjacent to the north and west of the main dwelling would not be affected by the proposed development. The report summarises that no further surveys are required.

Surrey Wildlife Trust visited No. 2 the Reeds on the 21 March 2022, as arranged by Waverley Borough Council. The site visit included a full walkover of the site and review of all of the information available (including, planning portal comments, third party professional reports and the Forestry Commission).

The submitted ecological report has considered the ecological baseline of the site as being on the 19 March 2021. However, it is clear that activity has been carried out prior to the completion of this Arbtech Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey. The survey confirmed the presence of a bat roost in the main dwelling, identified as building B1 in the report. However this is not affected by this planning application.

In review of the Planning Statement and the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, SWT would assess that the outbuilding was constructed on amenity grassland/introduced shrub. Neither of these two habitats are likely to be Habitats of Principle Importance under the Natural Environment and Rural Communities Act 2006 (based on the information provided in the ecology report and from aerial mapping). Although these habitats are of likely low ecological value, they will have had an ecological function. The Arbtech report has advised a series of ecological enhancements in order for the project to be in line with the NPPF 2019 (and 2021).

Should Members be minded to grant this planning application, SWT advises that the Applicant provides an Ecological Enhancement Plan for the site, as a planning condition. This should be based upon the Enhancements provided in Table 7 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey. This Ecological Enhancement Plan should also show a map of the proposed enhancements and provide suitable compensation for the loss of habitat required for the outbuilding that was constructed. This document should be prepared by a suitably qualified ecologist.

Subject to compliance with such conditions, the proposed outbuilding would have an acceptable impact on biodiversity.

Therefore the proposed development would be in accordance with Policy NE1 of the Waverley Local Plan Part 1 (2018) and Policies 174 and 179 of the NPPF 2021.

15. Very Special Circumstances

It has been identified that the proposed outbuilding would not fall under any of the exceptions set out within paragraphs 149 and 150 of the NPPF 2021 and, as such, it would constitute inappropriate development in the Green Belt.

Officers note the following very special circumstances submitted by the applicant:

- 1) Permitted development fallback to relocate the existing outbuilding if refused. The existing site benefits from Permitted Development rights which allow the erection of ancillary buildings such as this, provided they meet the criteria as listed in Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 2) Existing outbuildings on site comprise stables, metal shed (7.6m²) and poly tunnel (26m²). The applicant contends that the removal of the metal shed and polytunnel in addition to a store attached to the stables previously demolished would result in the loss of built form totalling approximately 23.9m² across the site resulting in an increase in openness.

Officers provide the following response:

- 1) The submitted Planning Statement states that the site benefits from Permitted Development rights which 'allow for the erection of ancillary buildings such as this within Article 2(3) land. Within an AONB the erection of ancillary buildings is allowable within a 20m arc from the rear elevation of the dwelling. The proposed location does not fall within this arc. The applicant contends that, should this be refused, the application could simply relocate the building to a position within the 20m arc.

The proposed outbuilding is 18m² in Gross External Area (GEA) and is positioned approximately 24m south-west of the dwelling. Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”) states that development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres (E.2).

In addition, under E.3 of the Order, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. As the dwelling has been reconfigured in accordance with extant permission WA/2019/1879 this would not be possible. No Permitted Development fallback exists in this regard.

- 2) The proposed outbuilding would replace an existing polytunnel and metal shed in a similar location. Both are structures of permanence and would meet the test of the definition of a building (Article 2(1) of the GDPO includes “any structure or erection” as well as any part of a building. This could in principle include various buildings and structures of unconventional, and perhaps in some cases rather insubstantial construction. The leading authorities on what constitutes a building or structure are clear on this point (e.g. *Skerritts of Nottingham v SSETR* (no.2) [2000] 2 P.L.R 102. [2000] J.P.L. 1025)

Officers note the reference to a further outbuilding positioned as part of the stables northwest of the dwelling, outside of the curtilage. However Officers have not taken this into account. The outbuilding appears to be a timber ‘awning’ attached to the stables and it is not considered that this could reasonably be added to the calculations. As such, the metal shed and polytunnel are the only outbuildings included within the calculation.

The total combined floor area of the existing buildings to be demolished is 23.9m². The total area of the proposed outbuilding would be 18m².

Therefore the decrease in overall floor area and the overall spread of built form would improve the openness of the Green Belt over the existing situation. In light of this, Officers consider that the proposed development would not be materially larger than that to be replaced and there would be no significant harm to the openness of the Green Belt.

Furthermore, officers have had due regard to the supporting text to retained Policy RD3 which states of outbuildings “Where planning permission is required, the Council will have regard to the needs of householders for garaging, storage and recreational facilities incidental to the enjoyment of their dwelling”. If this application is granted permission, it would be conditional upon the removal of the

polytunnel and shed and so regard must be given to the reasonable need of the householder for a storage facility.

In view of the foregoing, the proposal would not have a greater impact on openness than the existing buildings, and very special circumstances would outweigh the harm.

In the event of an approval, Officers consider it necessary to impose a condition requiring the removal of the metal store and poly tunnel within 3 months of a decision being issued.

16. Third Party Comments

Officers note the comments made within the neighbour representations. The comments regarding impact on design, residential amenity trees and biodiversity have been addressed within the above report.

17. Conclusion

The proposed development is considered acceptable in terms of visual impact and impact on residential amenity. The proposal would also be considered appropriate development within Green Belt development and that would not be harmful to openness and would retain the character of the AONB and AGLV. The proposal would have an acceptable impact on parking and access, trees and biodiversity.

The planning balance assessment concludes that the proposal is in accordance with the Development Plan, 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
1560/S-01
1560/P-201
21/5620_ELEV
21/5620_INT
21/5620

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 variation of the type and colour of the external materials to be used in the construction of the development as shown on the approved deposited plan shall be made without the prior written consent of the Local Planning Authority.

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.

3. Condition:

The outbuilding hereby permitted shall not be occupied at any time other than for the purposes ancillary to the existing use of the dwelling known as 2 The Reeds as a single family dwelling.

Reason:

In the interest of the character 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.

4. Condition:

The outbuildings identified as 'poly tunnel' and metal shed' on drawing 1560/P-201 shall be demolished and all demolition materials removed from the site within 3 months of the date of permission granted and retained as such. Evidence of the removal of the two outbuildings must be submitted to the Local Authority.

Reason:

In the interest of the character and amenity of the area in accordance with Policies RE2, RE3 of the Local Plan (Part 1) 2018 and Retained Policies RD2, D1 and D4 of the Waverley Borough Local Plan 2002.

5. Condition

The Applicant shall provide an Ecological Enhancement Plan for the site. This shall be based upon the Enhancements provided in Table 7 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey. This Ecological Enhancement Plan should also show a map of the proposed enhancements and provide suitable compensation for the loss of habitat required for the outbuilding that was constructed. This document shall be prepared by a suitably qualified ecologist and approved in writing by the Local Planning Authority

Reason

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018.

Informatives:

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 2021.