Erection of a dwelling and ancillary annex and associated works following demolition of existing outbuildings (revision of WA/2014/1743) (As amplified by Landscape Impact report received 27.07.15) at Land At Munstead, Munstead Heath Road, Godalming GU8 4AR

Committee: Eastern
Meeting Date: 12 August 2015

Public Notice
Was Public Notice required and posted: Required and posted

Grid Reference: E: 498642 N: 142865

Parish : Busbridge
Ward : Bramley, Busbridge and Hascombe
Case Officer: Ms L Smitheman
8 Week Expiry Date 14/04/2015
Neighbour Notification Expiry Date 03/04/2015
Neighbour Notification Amended/Additional Expiry Date Yes
Time extension agreed to Yes
Extended expiry date 14 August 2015

RECOMMENDATION That permission be REFUSED.

Introduction
The application has been brought before the Area Committee at the request of the Local Member.
Aerial photograph
Location Plan

The application site measures 5.29 hectares and is located on the north western side of the Munstead Heath Road in Busbridge, Godalming. The environment is characterised by a wooded landscape and open fields. There is some low density residential development along Munstead Heath Road.

Residential development lies to the east and south west. There is an adjacent public footpath screened by trees to the south west. The “donor” dwelling is situated on a plot measuring 29.59ha.

The application site lies to the south west of that property and is predominantly wooded. There is a clearing in the vicinity of 2 timber chicken sheds. The sheds measure 1420 square metres in total.
Proposal

The proposal is for the erection of a six bedroomed house, all with en-suite bathrooms. The new house would have two storeys above ground, with an additional leisure floor at a lower ground level which would be visible on the north elevation. A swimming pool would be located to the north west side of the building and extend into the rear garden area. Garaging would be underground. There would be an associated lodge and store which would provide accommodation for a gardener and storage for machinery for the upkeep of the grounds.

At ground floor the house would be designed as “open plan” with enclosed “pods” including cloakroom, utility room, cinema and TV room. A central staircase would provide access to the upper and lower floors. The first floor bedrooms would take on a more traditional enclosed layout. To the south side would lie an enclosed terraced garden, which would be accessible via the upper floor landing.

Materials for the house would include glazing and a first floor enclosed by glass fibre reinforced fins, which allow views out, but would restrict views into the rooms.

Materials for the lodge or “gatehouse” would incorporate the fibre concrete fins of the main house.

The main dwelling house would measure 690sqm at first floor level, 406sqm at ground floor level and 580sqm at basement level (totalling in the order of 1676 sqm). The first floor length would measure 45.47 metres while the depth would measure 15.37 metres. The ground floor length would measure 36.32 metres and depth 11.56 metres. The maximum height visible would be 12.07 metres.

Significant landscape design is proposed. A Landscape Design and Access Statement sets out the proposed layout for the surrounding amenity space, as well as the rooftop garden. A gravel path would lead towards the main house, with a triangular wildflower meadow set to the south east corner of the dwelling. A swimming pool would project from the north west elevation, towards a “figure eight” shaped lawn, and the incorporation of a round dell-sunken hollow.
Proposed front (south east) elevation

Proposed rear elevation (north west)

West elevation

East elevation
Plan

First Floor

Ground Floor Plan

South  West  North  East

The Lodge Elevations

The Lodge ground Floor  The Lodge First Floor
Relevant Planning History

WA/2014/1743 Erection of a dwelling and ancillary annex and associated works following demolition of existing outbuildings. Withdrawn 29.10.2014.

Planning Policy Constraints

Green Belt-outside settlement
Surrey Hills AONB & AGLV
Wealden Heaths I SPA 5km Buffer Zone

Development Plan Policies and Proposals

Saved Policies C1, C3, D1, HE8, HE15, D4, D5, D8, D9 of the Waverley Borough Local Plan 2002

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) therefore remains the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. Paragraph 215 states that where a local authority does not have a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this instance, the relevant Local Plan policies possess a good degree of conformity with the requirements of the NPPF. As such, considerable weight may still be given to the requirements of the Local Plan.

The Council is in the process of replacing the 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/ approach is not likely to change significantly. Public consultation on potential housing scenarios and other issues took place in September/October 2014. The timetable for the preparation of the Local Plan (Part 1) is currently under review.

Other guidance:

- National Planning Policy Guidance (2014)
- Strategic Housing Land Availability Assessment (2014 update)
- Planning Infrastructure Contributions SPD (2008)
- Parking Guidelines (2013)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
Consultations and Town/Parish Council Comments

<table>
<thead>
<tr>
<th>County Highway Authority</th>
<th>No objection subject to conditions</th>
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<tbody>
<tr>
<td>Busbridge Parish Council</td>
<td>Busbridge Parish Council considers that this is the right house in the wrong place. Whereas the design may be considered of great architectural merit, this proposal unfortunately remains building in the back garden albeit on quite a grand scale. We do not consider that the architectural merit constitutes “very special circumstances” that would allow this development which is situated within the Green Belt, within an AGLV and in the Surrey Hills AONB. Busbridge Parish Council is also concerned that permission for this development would set a precedent for similar proposals in the locality.</td>
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<tr>
<td>Thames Water</td>
<td>There is no objection with regard to sewerage infrastructure capacity There is no objection with regard to water infrastructure capacity An informative is recommended with regard to surface water drainage and minimum water pressures.</td>
</tr>
<tr>
<td>Council’s Waste and Recycling Officer</td>
<td>Space should be available to accommodate bins with particulars being specified.</td>
</tr>
<tr>
<td>County Archaeologist</td>
<td>There is agreement with the submitted report. The assessment suggests that as the site has the potential to contain archaeological assets from the Mesolithic period, further archaeological investigation will be required to clarify the identified potential in line with the NPPF and Local Plan policy. In the first instance this should comprise an archaeological evaluation trial trenching exercise which will aim to establish what archaeological assets are and may be present. The results of the evaluation would enable suitable mitigation measures to be developed. A condition is recommended to be attached to any planning permission that may be granted.</td>
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<tr>
<td>Surrey Hills AONB Planning Advisor</td>
<td>This application is a re-submission of an earlier application WA/2014/1743 that was withdrawn and it follows consultation with the South East Regional Design Panel. Accompanying the application this time are statements of strong support from eminent architects and designers. In addition landscape, planning and design and access statements have been submitted. The planning statement sets out examples of other houses permitted under NPPF paragraph 55. The AONB issues the application raises are similar to the previous application which were discussed in the advice submitted to the Council on 23 October 2014.</td>
</tr>
</tbody>
</table>
Notes that the South East Regional Design Panel and the architects and designers who have written in support of the submission consider the first part of the first test of paragraph 55 have been met in that in their view the design is “Truly outstanding or innovative”. Surprised because to suspend a rectangular box above a glass ground floor is a common approach in contemporary house designs and is certainly not innovative. Also the multiple slats proposed for the first floor have been used elsewhere.

Uncomfortable as to whether the second part of that test has been met, namely that the proposal would help “to raise standards of design more generally in rural areas”. As a one off design that may be the case but would be concerned if this design were to be repeated on other sites elsewhere in the Surrey Hills AONB, particularly if more publicly visible. If the Council does permit this application then the reasons for granting permission should explain that this design has been granted as a one off in the particular circumstances of the case. The danger of undesirable precedent needs to be carefully handled as is illustrated in the references made in this application to other houses permitted under paragraph 55 most of which lie in rural areas outside an AONB and/or the Green Belt.

Further, although from a pure architectural aspect the reasoning for the proposed light colour of the upper storey is appreciated in this case, the contrast of the light colour nevertheless conflicts with Surrey Hills AONB Management Plan 2014-2019 Policy LU2 stating that “the proposed use and colour of external building materials will be strictly controlled to avoid buildings being conspicuous in the landscape”. The whiteness of the upper storey would make the building stand out against the dark treed background. However, if in the life of the building no trees are removed or lost that would probably only be within the grounds of the house. Further, architecturally, the light colour would give the building design even more vitality.

Respects the architectural support for the proposed design that it would “reflect the highest standards in architecture”. That is as a design in itself. However the highest standards of architecture should also reflect the context of the building. This design has nothing to do with working with its AONB landscape setting. It could be located almost anywhere in the country.

The third test is that the design should “significantly
enhance its immediate setting”. The case is made in the submission that the removal of unsightly former chicken sheds and the landscaping of the site would enhance its immediate setting. Agrees that the site would be smartened up. However, that argument can be promoted to justify the introduction of completely new houses in many parts of the AONB and Green Belt. Redundant agricultural buildings are a part of the evolution of the AONB landscape and should normally be allowed to fall down or be demolished. If every time over the decade and centuries that an agricultural building reaches the end of its useful life it provides a justification for a new house and domestic curtilage with the paraphernalia entailed, the natural beauty of the AONB would be gradually eroded and contain more suburban features.

The last test of paragraph 55 is the most difficult for this application to satisfy. It states that the dwelling should “be sensitive to the defining characteristics of the local area”

The defining characteristic of the local area of Munstead can possibly be best described as being where the natural Surrey Hills AONB landscape dominates buildings that have been designed to be subordinate and sit comfortably within it and are of mellow appearance and character. The Munstead area is most notable for its several famous Arts and Crafts country houses designed by Lutyens. No other concentration of Arts and Crafts country houses exists elsewhere and it forms an essential part of the cultural heritage of this part of the Surrey Hills. A guiding design principle of Lutyens was to design buildings that captured the spirit of their setting.

The proposed house, attractive though it may be in its own right, does not accord with that defining characteristic of the locality or Lutyens design principle. Indeed the building would contrast with the character of the locality. The strident design with its simple rectangular and horizontal form, its light coloured external materials and the rhythm of the many slats would be a strong architectural statement that would impose itself on the landscape. In addition much of the area around the building would be domestic garden and other planned “landscaped” areas. It would be difficult to argue if they would individually or together be “sensitive” to the defining characteristic of the local area. The building would not work with the landscape as do some of the more successful contemporary designs, but it would use the landscape visually to set it off. There would be nothing in the design, such as in its form and some of its external materials that would reflect the distinctive character of the locality. It would be a building that could
be in any part of the country including a large plot in a suburban location.

The submission refers to the proposed house not being publicly visible. However weight cannot be attached to this argument. Many appeal decisions state that just because a development cannot be seen should not justify a development for if that argument is accepted it could be repeated too often. The cumulative effect of those developments would further damage the character of the countryside. Furthermore, trees are transient features of landscapes and may not remain during the lifetime of a development. Trees are lost through natural caused and can be felled by owners. The good intentions of an applicant may not be adopted by subsequent owners who may remove trees and so open up the view of the house to public view. In this case the adjacent public footpath runs along the boundary and close to the house. Indeed, some trees are proposed to be removed for the drive forecourt to the side of the house.

Concludes this last test has been met. This would be the right house in the wrong place. It may also be appropriate in some locations as a replacement house. Furthermore, the majority of the British countryside to which paragraph 55 applies does not have the double planning constraint of being in both an AONB and Green Belt. Application of the tests should the South East Regional Design Panel and the architects and designers who have written in support of the submission, therefore be more rigorous in these designated areas although paragraph 55 does not explicitly state so. This design may meet paragraph 55 elsewhere in the majority of the country’s landscape.

If the Planning Authority is nevertheless minded to grant permission it is recommended that the proposed annex should be deleted from the application. There can be no AONB planning justification for a second dwelling and close to the road where it may be publicly visible. Furthermore, although its design reflects to some extent that of the main house, it would not possess the same design qualities of the main house because of its poorer box like proportions that do not lend themselves to this design approach. It would be an unattractive building that would be totally at odds with the character of the locality.

In addition, care would need to be taken that there be no grand entrance feature seen from the main road, but that the entrance be low-key and of informal rural character.

Surrey Wildlife Trust

The applicant should be required to undertake the recommendations made in Section 4 Discussion and
Recommendations in AAE’s report. With regard to bats it is accepted that the buildings to be demolished are unlikely to shelter bats and that bat surveys are unnecessary in this context. With regard to clearance of the central brackened areas, the Local Authority may wish to require a precautionary approach to the methodology and scheduling of these works, so it minimises the risk of harming any reptiles, or other wildlife, that may be present. This development is likely to offer some opportunities to restore or enhance biodiversity. The Trust supports AAE’s recommendations. The Trust would also recommend incorporating a wildlife-friendly water body into the landscaping design, since this can offer food and/or shelter to a wide variety of species.

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” site notices were displayed around the site and neighbour notification letters were sent on 26.02.2015.

5 letters have been received raising objection and 24 expressing support on the following grounds:

Objections:

- Impact on the Conservation Area
- Impact on the Green Belt
- Encroachment on the countryside in a particularly beautiful and idyllic part of the country
- Falls short of being innovative or outstanding as required in Paragraph 55 of the NPPF
- Fails to be sensitive to the defining characteristics of the local area as required in Paragraph 55 of the NPPF.
- Highways impact on an already hazardous road – a sizeable minority do not keep to the speed limit. There would be material intensification of use of the access in comparison with past use of the site as the existing entrance has not been used for 20 years at least.
- Woodland would be lost
- A precedent would be created opening the floodgates to other building projects in the area and sounding the death knell to the AONB.
- The architectural qualities are not good enough, with nothing to either significantly enhance the setting of Munstead or to be sensitive to the defining characteristics of the local (Munstead) area. The current design is not leading us forward significantly enough, if at all.
- There is little in the way of truly significant innovative technology for sustainability. So one needs to find more in the design that is truly innovative.
The flat roofed house the application presents is, for today, rather passe in style. Departing too far from the vernacular has been the main pit-fall here. Finding a 21st century, West Surrey development of its still celebrated vernacular could be a winner.

This design is neither truly outstanding or innovative; a contemporary rectangular box with the upper floor supported on a glass clad ground floor is hardly new, innovative or exceptional. In order to meet the requirements the design should be a one off, specifically designed for the site recognising the distinctive AONB landscape character of Munstead, sadly this design does not do this. To construct two new buildings with all the associated residential paraphernalia would be extremely harmful to the immediate setting. This design is certainly not sensitive to the defining characteristics of the local area. There are numerous examples of similar designs this certainly could not be described as truly outstanding or innovative.

The residential properties lying to the east and south west are not “some considerable distance away”. The site plans are not up to date and do not show the two storey extension to Munstead Plat running from NNE to SSW, which would have a view over the development, nor the new driveway to Munstead Plat and Munstead Plat Cottage, running alongside the footpath just the other side of the chicken sheds.

It may be true that at the moment that “thick boundary vegetation” gives screening, but this would need to be cleared if the plans are adhered to as they don’t show this.

The chicken sheds may be in a run-down state and unsightly but they house a rich variety of wildlife in and around them, including may bats. It is not believed that the suggested compensation/roosts/plantings will make up for the significant destruction/displacement of wildlife in the area.

There is strong objection to the possible damage and/or removal of high quality and other trees.

Overlooking/loss of privacy to Munstead Plat Cottage

Noise and disturbance resulting from use

On the designation of segment C24 in the Waverley Borough Council Green Belt Review – Part 1 Strategic assessment of Green Belt Purposes – Final report the development makes a significant contribution to checking sprawl as it contains the eastern side of Godalming and makes a significant contribution to the historic setting as it forms context for Godalming and overall makes a significant contribution to Green Belt purposes. On the basis of this report, urge the Council to reject this planning application as being in non conformity with the Council’s Local Plan taking account of specific NPPF policies that indicate that development should be restricted. In the absence of very special circumstances this is an inappropriate development in the Green Belt; detrimental to its open, rural and undeveloped character.

Support:
• The design of the Aviary has been critiqued by the South East Regional Design Panel who have found the proposal to have “every prospect of being and outstanding work of architecture.”

• The proposal for the Aviary is bold, original and absolutely appropriate. It will prove to be not only a fabulous family home, but a showcase for British architecture and an important historic legacy for generations to come. John Pardey draws on the spatial and formal innovations of modernism but responds to the greater fluidity of family life, a world where technology brings new opportunities and experiences and where sustainability is essential. In its careful selection and detailing of materials, in its imaginative spatial layouts and in its careful relationship to its setting, The Aviary constructs new forms of interaction between nature, building and people. This is the essence of the English country house tradition.

• The proposal juxtaposes architectural forms and flowing spaces of the utmost clarity with a natural setting, while addressing contemporary demands for sustainability and offering a more nuanced relationship between inside and out. It seems to be precisely the kind of project that the Paragraph 55 exception was designed to encourage. If the Aviary is built there is no doubt that it will be an outstanding candidate for inclusion in studies of The House in the Twenty First Century.

• As proposed, the building delicately synthesises several key ideas: the formal orthogonal shape of some of the purer 20th century pavilions and modernist country houses that are its antecedents; the repeated vertical motifs of the surrounding trees; and even the modest design of the former chicken sheds.

• The elegance of the design lies in the use of the broken screen to wrap the first floor box in an arrangement of sticks. This refers clearly to the vertical arrangements of tree trunks in the surrounding setting but it also serves to mask and camouflage the mass of the building by setting up interference shadow and scattered views and by shading the principally glazed walls of the ground floor. The overall effect will be to suggest that the building has largely dematerialised or is dematerialising. The idea of this in a woodland setting of deep shadows and moving foliage is charming. He urges the planning department and committee to place their faith in what is a breathtaking, original and highly considered proposal by one of the country’s most admired and most august architects of houses.

• In architecture since the Renaissance, the classical ideal of pure geometry and universal form has duetted with the sense of place and history represented as romantic. Since the rejection of overt historical imagery by the majority of architects, we find the dualism of classical and romantic represented in more abstract ways than were used by Lutyens. The Aviary design combines ideas
from two of the most famous villas of the Modern Movement. The open ground floor with its pods resembles the Tugenerh House, Brno, Czech Republic by Mies van der Rohe, 1930, while the way that the rectangle of the upper level oversails it, supported on slender columns, resembles the Villa Savoye at Poissy France by Le Corbusier, 1929. Both these houses have been interpreted as both classic and romantic, and were intended by their designers to offer a sophisticated contrast between geometry and nature, in which each element is enhanced by difference. To this combination are brought new elements such as the regular vertical fins on the upper volume, in tune with the recent trend in architecture to animate the surface of the wall and create an ambiguous position between solid and transparent. In the design for The Aviary, John Pardey has remixed the opposites of classical and romantic with skill and the building will surely enhance the experience of this exceptional site.

- An outstanding design that reflects the highest standards of architecture and one that enhances the immediate setting as well as being sensitive to the local context.

- The design of the Aviary is considered, thoughtful and beyond reproach. It is complemented by a landscape proposal by Todd Longstaffe-Gowan which further enhances the setting while preserving the character and biodiversity of the natural surroundings. Given the current condition of the site which is clearly marred by derelict former agricultural buildings, it seems that a project which will replace these dilapidated buildings with an exemplary piece of modern architecture and provide for a carefully managed restoration of the immediate landscape setting, is an ideal way forward.

- This is a single dwelling without any of the traffic management issues and environmental impact that a larger residential development of multiple dwellings might entail

- The proposal could prove to be as historically important as the Lutyens houses in the area. It is exceedingly pure and simple and sits beautifully and calmly in the wooded space.

- The proposal would have very little impact on the surroundings and make very good use of redundant farm buildings.

**Submissions in support**

The concept for the Aviary begins with the idea of creating a singular object-like form that sits within the woodland clearing – an enigmatic, floating box above a fully glazed ground floor space.
The living spaces occupy the ground plane and while environmentally enclosed by glass, it is visually and spiritually enclosed by the trees, uniting man and nature.

The bedroom spaces occupy the upper floor, veiled by a slatted screen to give an alluring transparency. The bedrooms wrap a garden space so that nature here is abstracted and contained.

The Lodge has been designed as a “mise-en-scene”, a visual clue of what is to come – clad in the same off-white fins that clad the main house – as was once the tradition in Country houses, and so it appears as an abstract, cubic form with a large incised corner containing a balcony that acts like a lookout, policing the entrance.

The main house appears as a floating object, a diaphanous screen that appears as a delicate “box” hovering above a fully glazed recessed ground floor. Objects appear to float within the glazed volume interrupting the transparency.

The application site, as well as the suitably ambitious design of “The Aviary” wholly fulfils the criteria of Paragraph 55 of the NPPF. In terms of the criteria set out:

- The scheme presents the opportunity for the creation of an outstanding new home in a rural location, of local significance in design terms, as well as national significance; and would be an architectural asset for the Borough.

- The design has been peer reviewed in order to provide professional justification for the quality and standard of design, such that the opportunity to present a new dwelling of an outstanding nature has been confirmed by those with the relevant professional accreditation.

- The site is currently blighted by the existence of redundant chicken sheds, which would be removed and replaced by a ground breaking dwelling that has been subject to extensive development to ensure it is in tune with the setting.

- The building as well as the extensive landscaping has been tailored to respond to the local distinctiveness of the area, through the sensitive material use and intuitive design.

The proposal complies with Policies D1 and D4 of the Waverley Borough Local Plan.

The development accords with Policy C3 of the Local Plan as the proposed development to replace the existing chicken sheds at Munstead with a new dwelling of exceptional architectural merit is consistent with the aim of conserving and enhancing the natural beauty of areas. The site is heavily treed on the boundaries and as such does not form a public vista as part of the AONB or AGLV. However the development would serve to enhance the setting such that views within the site are significantly enhanced.
The site is suitable for development as there is extensive built form existing on site, which establishes the principle of buildings in this area. The site has a feeling of openness and space extending some 320 metres in length. Despite the extent of open space within the site, the area is entirely enclosed with substantial trees of considerable height. There are no views into or from the site.

The unparalleled design of the house responds to the nature of the site, which is contained in a woodland setting.

There are exemplar sustainability credentials. The Aviary and Lodge are now proposed as net zero carbon emission buildings.

The design proposal has been examined by the South East Design Review panel and commended as having the prospects of an outstanding work of architecture.

Overall the proposed development would be acceptable in terms of safe access and egress to/from the site and would be acceptable in the road network.

The existing buildings are unlikely to support even individual bats owing to the presence of fibreglass insulation within the cavities. On balance and drawing from the conclusions of specialists reports it is reasonable that mitigation strategies would be entirely proportionate under the circumstances.

A specialist report concludes that there would be no unacceptable level of harm to the trees on site and provides recommendations for the proper protection of existing trees whilst works are carried out.

A specialist report details the proposed drainage methods on site, setting out that the proposed development would discharge surface water to a soakaway thus not discharging off site.

A comprehensive landscape design has been provided by a specialist. A landscape visual impact assessment has been produced, with findings for slight beneficial landscape effects and slight beneficial visual impacts in year 1 with positive benefits in the form of substantial landscape enhancements.

The proposed design and layout within the landscape is a holistic result of close collaboration between the architect and landscape architect, the outcome of which is a dwelling that is intimately connected to the outdoors responding to the local environment. The house and gardens would be positioned within the cleared area of the site and over the existing buildings. Design of the scheme is truly innovative in terms of appearance, aspiring to the highest values of a new country house.

The lodge would be surrounded by the existing woodland reinforcing its subservience to the main house. Distinctive fibre concrete fins of the main house have been incorporated into the Lodge as a “promise” of what is to come.
Determining Issues

Principle of development
Housing Supply and local need
Location of development
Compliance with Green Belt policy
Impact on the AONB and AGLV and impact on visual amenity
Impact on Trees
Impact on the Conservation Area
Archaeology/Heritage
Design and assessment against the criteria in paragraph 55 of the NPPF
Impact on residential amenity
Highways Issues
Flood Risk and Drainage
Financial Considerations
Infrastructure
Affordable Housing
Crime and disorder
Climate change and sustainability
Biodiversity and compliance with Habitat Regulations 2010
Water Frameworks Regulations 2011
Accessibility and Equalities Act 2010 Implications
Human Rights Implications
Environmental Impact Regulations 2011
Very Special Circumstances
Working in a positive/proactive manner

Planning Considerations

Principle of development

The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

The site is within an AONB and AGLV. Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Housing Supply

The provision of new market and affordable housing will assist in addressing the Council’s housing land supply requirements. Following the withdrawal of the Core Strategy from examination in October 2013, the Council agreed an interim housing target of 250
dwellings a year for the purposes of establishing five year housing supply in December 2013. That was the target in the revoked South East Plan and is the most recent housing target for Waverley that has been tested and adopted. However, as a result of court judgements, it is accepted that the Council should not use the South East Plan figure as its starting point for its five year housing supply and that the Council does not currently have an up-to-date housing supply policy from which to derive a five year housing land requirement.

It is acknowledged that both the latest household projections published by the Department for Communities and Local Government and the evidence in the emerging draft Strategic Housing Market Assessment point to a higher level of housing need in Waverley than that outlined within the South East Plan. Specifically, the Draft West Surrey SHMA December 2014 indicates an unvarnished figure of at least 512 dwellings per annum.

The latest 5 year housing land supply assessment shows a supply of 3.97 years, based on the unvarnished housing supply figure above. This falls short of the 5 year housing land supply as required by the NPPF. This is a material consideration to be weighed against the other considerations for this application.

Location of Development

The supporting text to the Key Note Policy of the Local Plan 2002 outlines that the strategic policies contained therein are particularly important in safeguarding Waverley’s countryside from encroachment and preventing settlements from merging into one another. Paragraph 1.36 of the Local Plan further notes that such policies mean that development will continue to be focused in existing towns and villages.

The site is located within the Green Belt and for the reasons outlined above would be inappropriate development.

The NPPF (paragraph 55) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
Significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

While the dwelling is among a scattering of dwellings, the proposal would be in an isolated position and would not be in a sustainable location.

The proposal would constitute an isolated dwelling in the countryside and as such special circumstances are required as set out in paragraph 55 of the Framework. The applicant has put forward the design of the proposal as special circumstances. This is discussed in the design section of the report and in the very special circumstances section.

Compliance with Green Belt Policy

The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:
- Buildings for agriculture and forestry;
- 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;
- 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;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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 90 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:
- Mineral extraction;
- Engineering operations;
• Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
• The re-use of buildings provided that the buildings are of permanent and substantial construction; and
• Development brought forward under a Community Right to Build Order.

Changes of use of land within the Green Belt constitute inappropriate development. Very special circumstances must exist to justify setting aside the policies of restraint.

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

The application relates to the erection of a new dwelling and gatehouse lodge dwelling and store.

The proposal does not fall into any of the categories in paragraphs 89 or 90 of the NPPF. As such the proposal is inappropriate development in the Green Belt.

The proposal is for the erection of a market dwelling and gatehouse lodge which does not meet the requirements of Paragraph 89 of the NPPF. As such the proposal would be inappropriate development in the Green Belt. In addition, the proposal would introduce buildings on the site which would, as a result of the quantum of development, be an affront to openness. In addition, the proposal would compromise the fundamental aim of Green Belt Policy to prevent urban sprawl by keeping land open and would also offend 2 of the 5 purposes of the Green Belt, namely to check the unrestricted sprawl of large built up areas, and to assist in safeguarding the countryside from encroachment. The proposal therefore constitutes inappropriate development and is therefore, by definition, harmful to the Green Belt.

Impact on the AONB and AGLV and visual amenity

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. The NPPF says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), in accordance with this, Policy C3 of the Local Plan 2002 requires development within the AONB to conserve or enhance the character and beauty of the landscape. The Surrey Hills Management Plan 2009 – 2014 sets out the
vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

The site is located within an Area of Great Landscape Value wherein Policy C3 of the Local Plan 2002 states that development should serve to conserve or enhance the character of the landscape. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

While the applicants have provided their Landscape Visual Impact Assessment, the Surrey Hills AONB Planning Advisor states that the defining characteristic of the local area of Munstead can be best described as being where the natural Surrey Hills AONB landscape dominates buildings that have been designed to be subordinate and sit comfortably within it and are of mellow appearance and character. The Munstead area is most notable for its several famous Arts and Crafts country houses designed by Lutyens. No other concentration of Arts and Crafts country houses exists elsewhere and it forms an essential part of the cultural heritage of this part of the Surrey Hills. A guiding design principle of Lutyens was to design buildings that captured the spirit of their setting.

Officers concur that the proposed house, attractive though it may be in its own right, does not accord with that defining characteristic of the locality of Lutyens design principle. Indeed the building would contrast with the character of the locality. The strident design with its simple rectangular and horizontal form, its light coloured external materials and the rhythm of the many slats would be a strong architectural statement that would impose itself on the landscape. In addition, much of the area around the building would be domestic garden and other planned “landscaped” areas. Officers do not consider that they would, individually or together, be “sensitive” to the defining characteristic of the local area. The building would not work with the landscape, as do some of the more successful contemporary designs, but it would use the landscape visually to set it off. There would be nothing in the design, such as in its form and some of its external materials, that would reflect the distinctive character of the locality. It would be a building that could be in any part of the country, including a large plot in a suburban location.

The submission refers to the proposed house not being publicly visible. However weight cannot be attached to this argument. Many appeal decisions state that just because a development cannot be seen should not justify a development, for if that argument is accepted, it could be repeated too often. The cumulative effect of those developments would further damage the character of the countryside. Furthermore, trees are transient features of landscapes and may not remain during the lifetime of a development. Trees are lost through natural causes and can be felled by owners. The good intentions of an applicant may not be adopted by subsequent owners who may remove trees and so open up the view of the house to public view. In this case the adjacent public footpath runs along the boundary and close to the house.

The case is made in the submission that the removal of unsightly former chicken sheds and the landscaping of the site would enhance its immediate setting. However, redundant
agricultural buildings are a part of the evolution of the AONB landscape and should normally be allowed to fall down or be demolished. The benefit of their removal would not, in the view of officers outweigh the significant landscape harm caused by the introduction of a new dwelling in this location.

Overall and on balance, and having regard to the comments of the AONB Advisor, the proposal is considered to fail to conserve the landscape character and natural beauty of the AONB and AGLV. The development would therefore fail the tests of paragraph 115 of the NPPF and the benefits of the proposal would not be of sufficient weight so as to amount to public benefits.

Impact on trees

The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development clearly outweigh the loss. Policies D6 and D7 broadly support the aims of the NPPF stating that the Council will protect significant trees and groups of trees and hedgerows through planning control.

The site is in a wooded area. The area has a pleasant semi-rural appearance of very low density residential development set within expansive grounds.

The proposed new house would be positioned within a clearing in the surrounding woodland/well tree’d setting accessed off the relatively narrow Munstead Heath Road with its typical sections of sunken Surrey Lane, associated with the Wealden Greensand landscape.

The site is in the southern extent of the expansive grounds of the property, bounded to the south west by a PROW which retains a sylvan character. The new access to and turning area for the house would run relatively close to the PROW and the house itself would be sited less than 25 metres from it.

The application is accompanied by a tree report and AIA, broadly assessing the current application, although the plan referred to in drafting the report has been revised.

There are a number of trees of good individual arboricultural merit. The principle value of the trees is collective to the character of the area and in screening of the existing buildings from public viewpoints.

The tree report recognises some direct tree removal would be required to implement the scheme, but is considered to be somewhat optimistic in respect of the relatively minimal extent of tree felling required both to implement and in terms of future pressures. Assessment of surrounding properties would make interesting comparison in this respect, with the majority having extensive relatively untree-d areas around the buildings. The driveways could be constructed above existing ground levels to reduce impact on tree roots and drainage and utilities solutions could also be designed to limit impact in this
respect. Control of excavation and disposal of soil to enable the basement construction would require robust control.

The annexe building is proposed amongst the group of trees nearest the road which is likely to involve damage to significant surrounding trees, making it potentially visible to the road if tree removal foreseeably results. The building is proposed to be used as caretakers accommodation. In the location proposed it would likely lead to tree denudation if used for habitable purposes.

Notwithstanding the concerns, it is considered that the extent of tree retention/protection and landscape enhancement could reasonably be controlled by condition, if permission is granted.

Impact on the Conservation Area

The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposed development. Great weight should be given to the asset’s conservation, the more important the asset, the greater the weight should be.

Substantial harm to, or loss of significance of, a heritage asset should be exceptional and consent should be refused unless the harm is necessary to achieve substantial public benefits that would outweigh the harm. In considering development that may have substantial or less than substantial harm on a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including the possibility of securing its optimal viable use. Only where the benefits are found to outweigh the harm to the designated heritage asset should the development be approved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In accordance with this, both the NPPF and Policy HE8 of the Local Plan 2002 state that development should preserve or enhance the character of conservation areas.

The site lies a little outside the Munstead Conservation Area characterised by Arts and Crafts dwellings (especially those of Lutyens) and is opposite Munstead Water Tower, converted and lived in.

The Council’s Heritage and Design Officer has been consulted on the proposals. Whilst it is considered that the proposal would not directly harm the character of the Conservation Area. The setting of the heritage asset would therefore be preserved in accordance with the statutory test and Policy HE8 of the Local Plan 2002.
The NPPF sets out that, as a core principle, planning should take account of the different roles and character of different areas and heritage assets, in a manner appropriate to their significance should be conserved. In considering proposals for development involving ground disturbance within Sites and Areas of High Archaeological Potential, Policy HE14 of the Local Plan requires that appropriate desk based or field surveys should be submitted with an application and appropriate measures taken to ensure any important remains are preserved.

The applicants have submitted an Archaeological Desk Based Assessment with the application. The assessment suggests that as the site has the potential to contain archaeological assets from the Mesolithic period and that the proposed development has the potential to destroy any such assets that may be present, further archaeological investigation would be required to clarify the identified potential in line with the National Planning Policy Framework and Local Plan policy. An archaeological trial trenching exercise is proposed and could be controlled by condition if permission is granted.

The design of the proposed dwelling is considered to be of a quality and contemporary architectural appearance. However, based on the Area of Outstanding Natural Beauty considerations, it is not considered to promote or reinforce local distinctiveness for the reasons set out in that section.

The site is not within a defined settlement and is considered to be in an isolated location and therefore should be assessed against the criteria set out in paragraph 55 of the NPPF which states, inter alia that:

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- Reflect the highest standards in architecture
- Significantly enhance its immediate setting; and
• Be sensitive to the defining characteristics of the local area

It is necessary to assess the proposal against the four tests all of which would need to be met for the exceptional quality or innovative nature to constitute special circumstances.

• Be truly outstanding or innovative, helping to raise standards of design more general in rural areas,

“Outstanding” according to the Oxford English Dictionary means “exceptionally good or clearly noticeable”

The applicants have referred their proposal to the South East Design Panel and have modified the design to reflect the initial comments of the panel.

Officers agree with the view of the South East Design Panel that the design of the proposed house has the potential to be an exemplary building and to be a building of exceptional architectural quality.

However, the building is not considered to be innovative as the elements have been used on other buildings before.

• Reflect the highest standards in architecture

The South East Design Panel have concluded that the current design would produce a building of exceptional architectural quality and therefore officers are satisfied that the scheme would seek to reflect the highest standards in architecture.

• Significantly enhance its immediate setting.

The arguments as to whether the building enhances its immediate setting are finely balanced.

Proponents of the proposal argue that the combination of the architectural merit of the building and the landscaping are significant enhancements over the chicken sheds and trees.

However it is considered that the proposal would not significantly enhance its immediate setting on the grounds that the existing land forms part of the undeveloped landscape. The remnants of the chicken sheds are a neutral feature in the landscape. The proposal would change the character of the area to residential which would detract from the character and appearance of the countryside and would change but not significantly enhance its immediate setting.

• Be sensitive to the defining characteristics of the local area.
The Landscape Impact Assessment report produced by the applicants has been considered. In this regard the Landscape Plan for the proposal is considered sensitive to the defining characteristics of the local area.

The Surrey Hills AONB Planning Advisor has set out that the defining characteristic of the local area of Munstead and the AONB concerns. The character and concerns are of great relevance to whether the proposal as a whole is sensitive to the defining characteristics of the local area.

The proposed house does not accord with that defining characteristic of the locality or Lutyens’s design principle. Indeed the building would contrast with the character of the locality. The building would not work with the landscape as do some of the more successful contemporary designs, but it would use the landscape visually to set it off.

There would be nothing in the design, such as in its form and some of its external materials that would reflect the distinctive character of the locality. It would be a building that could be in any part of the country including a large plot in a suburban location.

Trees may be lost and the dwelling may be opened up to public view to the detriment of the area as a whole.

Officers support the views of the Surrey Hills AONB Planning Advisor. The building is not considered to be sensitive to the defining characteristics of the area. The proposal would therefore not meet tests three and four of Paragraph 55 of the NPPF such as to warrant the granting of a new dwelling in this location.

Impact on residential amenity

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council’s SPD for Residential Extensions.

While neighbours have indicated that they would have views of the proposal, the distance to dwellings and tree screen is such that it is considered that there is no material adverse impact on neighbouring amenity.

Highways Issues

The NPPF outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. In considering developments that generate significant amounts of movements, Local Authorities should seek to ensure they are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Plans and
decisions should take account of whether improvements can be taken within the transport network that cost-effectively limits the significant impact of the development.

The report by the applicant’s consultants notes that the site is currently occupied by a large agricultural shed and a smaller second shed, which have previously been utilised for agricultural purposes including the housing of chickens. The site is currently accessed via a track from Munstead Heath Road, in the vicinity of the access to Munstead Water Tower. The existing track is unmade and is subject to a severe change of gradient where the access joins Munstead Heath Road. At the access from Munstead Heath Road, visibility has been restricted by overgrown foliage to the east and west of the access.

The past use of the site would have resulted in a level of vehicle trip attraction, including use by HGVs. Whilst not currently in use, the existing building on the site has the potential to be brought back into use, with vehicle access from the existing access from Munstead Heath Road in its current format.

It is proposed that the existing track would be appropriately surfaced and the existing severe gradient would be regraded to ensure safe access to and from Munstead Heath Road. Appropriate kerbs would be introduced at the access from Munstead Heath Road to facilitate vehicle turning movements.

Vehicle speed surveys were undertaken on Munstead Heath Road, both east and west of the site access. On the basis of the recorded wet weather speeds, Manual for Streets advises that visibility splays of 59 metres at a set back of 2.4 metres would be appropriate.

The proposed main dwelling would be served by basement car parking. It is considered that a single dwelling and associated staff accommodation would not generate a material increase in vehicle trips, or parking requirements, and, in comparison with the past and potential re-use of the existing building on the site, the proposed dwelling will not result in a material intensification of use of the access.

The County Highway Authority has considered the submissions and has no objection to the application. Conditions have been recommended, if permission is granted.

Sewerage, Flooding and Drainage

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and
development is appropriately flood resilient and resistant.

As the site area exceeds 1ha, a site specific Flood Risk Assessment is required.

The applicant’s consultants have produced a report concluding that:
- The existing site is woodland with clearings and a large chicken shed. There is no existing positive drainage.
- Existing surface water discharges to ground
- The proposed development will discharge surface water to soakaway thus not discharging off site
- The proposed development will discharge foul water to a package treatment plant and then discharge the treated effluent to ground via a drainage field. This would need to be registered with the Environment Agency under their exemption scheme.

Thames Water advise that with regard to sewerage infrastructure capacity and water infrastructure capacity, they would not have any objection to the proposal, subject to informatives.

Officers are satisfied that the development would not be at risk from fluvial flooding, and that surface water drainage requirements could be controlled by way of condition, if permission is granted.

Affordable Housing

There is a considerable need for affordable housing across the borough and securing more affordable homes is a key corporate priority within the Waverley Borough Corporate Plan 2012 – 2015. As a strategic housing authority, the Council has a role in promoting the development of additional affordable homes to meet local housing need. Planning mechanisms are an essential part of the Council’s strategy of meeting local housing needs.

The Strategic Housing Market Assessment (SHMA) estimates that there is a need for 515 additional affordable homes to be provided each year over a period of 5 years. It estimates a need for 70% of new affordable homes to be smaller 1 and 2 bedroom properties.

The NPPF outlines that to deliver a wide choice of quality homes, local planning authorities should identify where affordable housing is needed and identify policies for meeting this on site, unless off-site provision or a financial contribution can be robustly justified.

It should be noted that the Local Plan does not include a policy relating to affordable housing provision on sites in the Green Belt or countryside, which are not adjoining or closely related to an existing settlement.
Paragraph 14 of the NPPF states that “for decision-taking this means…where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

Paragraph 54 of the NPPF sets out that in rural areas, Local Planning Authorities should be responsive to local circumstances and plan housing to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The NPPF advises that Local Planning Authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

The proposal is for a single market house and as such does not accord with the guidance within paragraph 54 of the NPPF, nor does it help in the delivery of a mixed and balanced community in paragraph 50 of the NPPF.

Crime and disorder

S17(1) of the Crime and Disorder Act 1998 places a duty to consider crime and disorder implications on local authorities. In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. This requirement is reflected in the National Planning Policy Framework, which states that planning policies and decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Given the scale and nature of the proposal, together with its location within a private curtilage, it is considered that the proposal would not lead to crime and disorder in the local community and would accord with the requirements of the NPPF.

Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application.

The weight to be attached to these considerations is a matter for Committee/decision maker.

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New
Homes Bonus (NHB) is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the NHB would be payable for the net increase in dwellings from this development. The Head of Finance has calculated the indicative figure of £1,450 per net additional dwelling (total of £1,450 per annum for six years.

Infrastructure

Policy D13 of the Local Plan states that “development will only be permitted where adequate infrastructure, services and facilities are available, or where the developer has made suitable arrangements for the provision of the infrastructure, services and facilities directly made necessary by the proposed development. The Council will have regard to the cumulative impact of development, and developers may be required to contribute jointly to necessary infrastructure improvements”. Local Plan Policy D14 goes on to set out the principles behind the negotiation of planning obligations required in connection with particular forms of new development. The current tests for legal agreements are set out in Regulation 122 (2 of the CIJLL Regulations 2010 and the guidance within the NPPF.

On Friday 28th November 2014 the Government published an update to the National Planning Policy Guidance. This advised that pooled infrastructure contributions should not be sought on developments for a net gain of less than 10 units. In light of this up to date guidance, the contribution is no longer justifiable. Therefore, notwithstanding the signed unilateral undertaking, the acceptability of the proposal is not affected by this and a contribution is not required in this instance.

Climate change and sustainability

The Local Plan does not require this type of development to achieve a particular rating of the Code for Sustainable Homes or include renewable energy technologies. This said, the applicant has provided an energy report stating that the design team’s goal is for a net zero carbon emissions development.

The proposal would include the latest, state of the art glazing technologies, very low U-values for each opaque element (roof, ground and floor). The building orientation has been optimised to ensure good daylight factors are achieved, whilst the use of external louvres and overhangs combat any overheating issues. The large roof is ideally orientated to allow for an extensive array of PVs and solar thermal panel; the remaining area along with the terrace would accommodate a green roof.

An initial assessment of the renewable technologies suitable for the building has indicated that a Ground Source Heat Pump with Solar Thermal (flat plate, glazed) and a Gas Boiler backup, along with PVs would be the best fit. This would be developed further as the design progresses.

The lack of any policy backing in this regard, however, prevents conditions being added to require this.
Biodiversity and compliance with Habitat Regulations 2010

The NPPF states that the Planning System should contribute to and enhance the natural and local environment by minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

When determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, 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 National Environment and Rural Communities Act 2006 states that the Council as local planning authority has a legal duty of care to protect biodiversity.

AA Environmental Limited provided a Habitat Survey and Bat Inspection Survey Report. The survey highlights that the buildings are unlikely to support bats. A second opinion from a further consultant was sought. ERA Consultancy concluded that the buildings are unlikely to support even individual bats owing to the presence of fiberglass insulation within the cavities. On balance, and drawing from the conclusions of both reports, it is reasonable that mitigation strategies would be proportionate under the circumstances. The applicant indicates that habitat enhancements would be incorporated in the development to promote biodiversity within the site. Conditions could be incorporated to ensure biodiversity of the site is promoted, if permission is granted.

Water Frameworks Regulations 2011

The European Water Framework Directive came into force in December 2000 and became part of UK law in December 2003. It gives us an opportunity to plan and deliver a better water environment, focusing on ecology. It is designed to:

- enhance the status and prevent further deterioration of aquatic ecosystems and associated wetlands which depend on the aquatic ecosystems
- promote the sustainable use of water
- reduce pollution of water, especially by ‘priority’ and ‘priority hazardous’ substances
- ensure progressive reduction of groundwater pollution

The proposal would not conflict with these regulations.
Accessibility and Equalities Act 2010 Implications

Policy D9 of the Waverley Borough Local Plan encourages and seeks provision for everyone, including people with disabilities, to new development involving buildings or spaces to which the public have access. Officers consider that the proposal complies with this policy. A full assessment against the relevant Building Regulations would be captured under a separate assessment should permission be granted. From the 1st October 2010, the Equality Act replaced most of the Disability Discrimination Act (DDA). The Equality Act 2010 aims to protect disabled people and prevent disability discrimination. Officers consider that the proposal would not discriminate against disability, with particular regard to access. It is considered that there would be no equalities impact arising from the proposal.

Human Rights Implications

The proposal would have no material impact on human rights.

Environmental Impact Regulations 2011

The proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2011 or a variation/amendment of a previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

Very Special Circumstances

The proposal would constitute inappropriate development in the Green Belt, which, by definition, is harmful. In addition to the harm to the Green Belt by reason of inappropriateness the development would significantly reduce the openness of the Green Belt and would materially offend the purpose of including land within the Green Belt, namely safeguarding the countryside from encroachment. In addition the proposal would cause visual harm to the countryside due to the size and urban nature of the proposal. The proposal would have a detrimental impact on the landscape character and natural beauty of the AONB/AGLV.

In accordance with the Framework 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, is clearly outweighed by other considerations.

Officers acknowledge that the proposal would provide an additional dwelling at a time when the Council is unable to demonstrate a five year supply of deliverable housing sites. The provision of housing against this shortfall is acknowledged to carry weight in favour of the proposed development.
The applicant has put forward the following matter to justify the development:

- The proposed dwelling would be of exceptional quality and would comply with Paragraph 55 of the NPPF.

Paragraph 55 of the NPPF requires there to be special circumstances to justify an isolated dwelling in the countryside. Paragraph 116 of the NPPF states that major developments should not be permitted in the AONB except in exceptional circumstances.

The assessment of the proposal against the criteria in paragraph 55 of the NPPF have been discussed elsewhere in this report above. It is concluded that the proposal would not meet the tests of paragraph 55 namely because it would fail to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

No exceptional circumstances have been put forward to justify this major development in the Green Belt and AONB and the applicant has therefore failed to comply with the tests in paragraphs 55 and 116 of the NPPF.

Officers conclude that the applicant has not put forward any considerations which would outweigh the harm by reason of inappropriateness, so as to amount to very special circumstances to justify allowing this development which is contrary to Green Belt Policy as set out in Policy C1 of the Waverley Borough Council Local Plan and in the NPPF.

Development Management Procedure Order 2015
Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;

- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion / planning judgement

The site is in the Green Belt. The application relates to the erection of a substantial dwelling, together with a lodge accommodating a gardener. The proposal does not fall into any of the categories in paragraphs 89 or 90 of the NPPF and therefore constitutes
inappropriate development. It is therefore, by definition, harmful to the Green Belt. The proposal is considered to impact adversely on the Green Belt, in terms of openness and it would have a detrimental impact and fail to protect the landscape character and natural beauty of the AONB/AGLV. It is considered that the proposed development would result in visual harm to the character of the area. It is concluded that the development would result in material harm to the visual amenity of the area.

The applicant is promoting the proposal as a dwelling which would meet the tests in Paragraph 55 of the NPPF. Officers conclude that although the dwelling would be an outstanding design and would reflect the highest standards in architecture it would not significantly enhance its immediate area or be sensitive to the defining characteristics of the area and as such it would not meet all the tests in Paragraph 55 of the NPPF.

Officers conclude that there are no very special circumstances to allow this development which is contrary to Green Belt Policy as set out in Policy C1 and in the NPPF. It would also fail to conserve and enhance the landscape character of the AONB and AGLV.

The officers consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate that the proposal should be resisted.

**Recommendation**

That permission be REFUSED for the following reasons:

1. **Reason**
   The erection of a dwelling and lodge is inappropriate development in the Green Belt which would, given the site’s current open nature, compromise the fundamental aim of Green Belt Policy to prevent urban sprawl by keeping land open and would also offend one of the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment. The proposal conflicts with national and local planning policy advice regarding Green Belts set out in Policies C1 of the Waverley Borough Local Plan 2002, and Government guidance within the National Planning Policy Framework 2012 and National Planning Policy Guidance 2014. There is a general presumption against inappropriate development and development which adversely affects the openness of the Green Belt. The proposed development does not comply with the requirements of those policies. No considerations have been put forward which outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, so as to amount to very special circumstances.

2. **Reason**
   The proposed dwelling would have an adverse impact on the landscape by reason of its design, form and massing and would be harmful to the openness and visual amenity of the Green Belt and the character and natural appearance of the
The proposed dwelling fails to significantly enhance its immediate setting or be sensitive to the defining characteristics of the area and therefore fails to meet all the tests for exceptional quality and innovative nature of the design set out in paragraph 55 of the National Planning Policy Framework 2012 (NPPF). The applicant has not put forward exceptional circumstances to justify this development in the AONB in accordance with the requirements of paragraph 116 of the NPPF. Consequently, the proposal is considered to be contrary to Policies C1, C3 and D4 of the Waverley Borough Local Plan 2002 and the advice in the NPPF.

Informatives


2. 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 186-187 of the National Planning Policy Framework 2012.