

**WA/2023/02494 – Erection of a detached outbuilding at PINWOOD WHITMEAD LANE
TILFORD FARNHAM GU10 2BS**

Applicant: Redman-Lusher -
Parish: Tilford
Ward: Western Commons
Grid Reference: E: 488438
N: 143867
Case Officer: Anna Whitty

Expiry Date/Extended Expiry Date: 03/01/2024 / 04/04/2024
Committee Date: 03/04/2024

RECOMMENDATION That permission be REFUSED

1. Site Description

The application site is located in Tilford, on the eastern side of Whitmead Lane, and comprises a detached dwelling with a detached garage on a spacious plot. The area has a rural character. The land slopes up from the road, rising gently to the east.

2. Proposal

Erection of a detached outbuilding.

- The main building itself is 14.6m x 6m. Additionally, it features a projecting log store to the side and a projecting pitched roof open porch to the front.
- The main roof is half hipped with overhanging eaves, measuring approximately 15m across.
- The height of the building is stated in the application as 4.9m (though the plans scale at 5m).
- The building features two chimneys, each serving a fireplace within the main room of the garden studio.
- Internally, the main room would measure 9.3m x 5.3m and would be accessible from double doors within the entrance porch as well as from bi-fold doors, both within the north-west elevation. The floorplans show a bathroom and a smaller room, 4.5m x 3.4m, labled garden store, accessible internally and from double doors within the north-east side elevation.
- There are no doors or windows on the south-east elevation, facing towards the boundary.
- The roof tiles and the facing brick on the chimney would match the main dwelling, as would the windows and double doors, the building would also feature rooflights and bi-fold doors, and would be finished in horizontal cladding. The proposed outbuilding would be located in approximately the same location as the outbuilding granted planning permission in November 2020 under reference WA/2020/1008. This permission has now lapsed.

3. Relevant Planning History

Reference	Proposal	Decision
WA/2022/02468	Erection of a detached outbuilding.	GRANTED 22/08/2023
WA/2022/01576	Certificate of Lawfulness under Section 192 for erection of a detached outbuilding.	CERTIFICATE GRANTED 10/08/2022
WA/2022/01551	Construction of a swimming pool and associated works.	GRANTED 05/08/2022
WA/2020/2004	Erection of detached outbuilding (revision of WA/2020/1008).	REFUSE 12/02/2021
WA/2020/1008	Erection of detached outbuilding.	GRANT 20/11/2020
WA/2020/0935	Alterations to elevations with dormer window and roof light.	GRANT 14/08/2020
WA/2020/0139	Certificate of Lawfulness under Section 192 for erection of detached outbuildings.	CERTIFICATE GRANTED 21/03/2020
WA/2019/0038	Erection of single storey rear extension.	GRANT 26/02/2019

WA/2012/0451	Certificate of Lawfulness under Section 192 for erection of ancillary outbuilding.
WA/2010/1821	Erection of a new detached garage and demolition of two existing garages, pool house and wood store. (As amended by email dated 08/12/2010 and plans received)
WA/2009/0264	Erection of a dwelling following demolition of existing dwelling (as amplified by letter dated 05/08/2009 and information received 05/08/2009)
WA/2008/1670	Erection of garage following demolition of existing garage.
WA/2008/1295	Erection of extensions and alterations following demolition of existing dwelling (As amended by letters dated 17/09/08 and 02/10/08 and plans received 19/09/08 and 02/10/08)
WA/2003/2083	Erection of ground floor and first floor extensions together with alterations following part demolition of existing dwelling.

4. Relevant Planning Constraints

Green Belt
Surrey Hills Area of Outstanding Natural Beauty (AONB) & Area of Great Landscape Value (AGLV)
Ancient Woodland 500m buffer
Wealden Heaths I SPA 1km zone
Wealden Heaths I SPA 5km zone
Wealden Heaths I SAC 2km zone

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 (Part 2) 2023: DM1, DM2, DM4, DM5, DM14
- The National Planning Policy Framework 2023 (NPPF)

Other guidance:

- 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)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

6. Consultations and Town/Parish Council Comments

Tilford Parish Council No comment on this application.

Surrey Hills AONB Office Several permissions have been granted leading to this current proposal and taking advantage of permitted development rights. This is the first application on this site on which I have been consulted. The relevant permissions are WA/2020/1008, WA/2022/01576 and WA/2022/02468. Consequently, although the outbuilding would be large and tantamount to a further dwelling, I am not in a position to express any concern from the AONB aspect.

7. Representations

5 letters have been received from two households raising objection on the following grounds:

- The proposal would harm the openness of the Green Belt contrary to planning policy.
- No Very Special Circumstances exist.
- The previous permission has expired and does not constitute a fallback position.
- The scheme is the same as the previous application which was refused due to harm to the Green Belt and no Very Special Circumstances.
- The proposal would add to the existing significant development associated with the development including the garage, swimming pool and permitted outbuilding to the rear of the dwelling.
- The proposal is very close to the site boundary.
- The site boundary may not be accurate and a topographical survey should be submitted to be clear about the position in relation to the boundary.
- The proposal may harm residential amenity, particularly as it may be used for Choral practice which would have an unacceptable noise impact.
- Use for choral or other commercial purposes would be unsuitable in the area and a condition should be imposed for ancillary use.
- The height of the building is excessive and would allow for a first floor. It scales at 5m from ground level, not 4.91m which is as annotated from FFL.
- The size of the building is excessive as 77sqm would be sufficient for a 3-bed single storey dwelling according to the minimum space standards.

- The proposal would encroach upon the RPA of a mature Scots Pine, the recommendations within the Arboricultural Method Statement should be implemented.

Note: These observations are addressed within the Principle of Development/Green Belt and Residential Amenity sections of this report with the exception of the comment on accuracy of the boundary in the plans. Boundary disputes must be pursued as a private legal matter, outside of the planning system.

13 letters have been received from 10 households expressing support for the following reasons:

- We have experienced no noise, music or disturbance from the applicants.
- The position would keep the garden open nearer to the house and would keep open attractive views.
- The position would help balance the plot with the garage opposite.
- The design is attractive, in keeping with the main house and would improve the appearance of the plot and the area.
- The studio would provide useful work from home, office, gym or occasional accommodation, multi-functional space, which many people now have with the rise of working from home.
- The proposal would add value to Pinewood.
- The proposal would not harm the trees.
- Neighbouring properties have similar outbuildings.
- The proposal is comfortably distanced from the boundary.

Note: The absence of harm to visual amenity, trees, or other matters, in addition to the harm to the openness of the Green Belt, is a neutral factor and not an argument in favour of the development. It would not balance against the Green Belt harm, although it would not add additional harms to it.

Planning Considerations

8. Principle of development & 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 in accordance with the NPPF. New development will be considered to be inappropriate and will not be permitted unless very special circumstances can be demonstrated.

Certain forms of development are considered to be appropriate, and will be permitted provided they constitute one or more of the exceptions listed in paragraphs 154 and 155 of the NPPF.

The proposal is for a new domestic outbuilding within the Green Belt, which is not listed within paragraphs 154 or 155 of the NPPF.

Policy DM14 'Extension, alterations, replacement buildings and Limited infill in the Green Belt', in the explanatory text, states that new domestic garages and other outbuildings are generally inappropriate in the Green Belt unless they fall within one of the categories of appropriate development set out in the NPPF. The Council must be

satisfied that very special circumstances exist to justify new outbuildings which do not meet these exceptions. The Council will have regard to the essential needs of householders for garaging, storage and facilities incidental to the enjoyment of their dwelling. Any new or enlarged outbuildings must be designed to be clearly subordinate to the host dwelling and not appear intrusive in the landscape.

The proposals would therefore conflict with Policy RE2 of the Local Plan (Part 1) 2018 and Policy DM14 of the Local Plan (Part 2) 2023 and would constitute inappropriate development in the Green Belt.

Very Special Circumstances would need exist that clearly outweigh the harm for the proposal to be acceptable.

9. Relevant planning history

The planning history is a material consideration. A number of applications for outbuildings have been submitted at the site:

WA/2020/2004: An application was refused for development of the same proportions and appearance as the current proposal, in a similar position on the site. The building was the same height as the currently proposed development; the stated height was 4.91m but the plans scale at 5m from ground level, as with the current proposal. The building measured approximately 6m deep and 15m wide across the main part of the roof, (excluding the log store), and featured chimneys, and a projecting porch and log store, as with the current proposal. This was refused as it would cause unacceptable harm to the openness of the Green Belt.

A number of applications for outbuildings and other development on site have been permitted, as follows.

WA/2010/1821: Planning permission was granted for a large 3 bay garage, approximately 5.2m in height, 9m wide and 7m deep, with internal staircase and storage room over, to the front of the dwelling in 2010, following demolition of a number of smaller outbuildings. This was implemented and the garage remains on site.

WA/2022/01551: Planning permission was granted for a swimming pool in the rear garden.

WA/2022/01576: A Certificate of Lawfulness was granted for a 4m high, L-shaped, 7m x 7m (max) outbuilding in the rear garden. This has not been implemented.

WA/2022/02468: A 4m high, L-shaped outbuilding was granted planning permission. This would have been within the size limitations of permitted development, as it featured a dual pitched roof not exceeding 4m in height and was positioned to the rear of the dwelling and within 20m of it, however, as it features a verandah, it would not fall within permitted development. The outbuilding measured 7m x 7m (max, including 1m wide L-shaped verandah across the south-east and south-west elevations, 4m x 6m main room and 2m x 3m bathroom). It was granted planning permission on the grounds that the development was smaller than what could be built under permitted development thus causing less harm to the openness of the Green Belt. It was concluded that in order for this to represent very special circumstances it would be necessary to remove permitted development rights to ensure that the building subject

to the Certificate of Lawfulness WA/2022/01576 was not erected as well. However, there would be no effective way to ensure that a very similar building was not erected under permitted development prior to the implementation of the planning permission. This permission has not yet been implemented but remains extant. The proposal is significantly larger in scale and height than this permitted building and is positioned to the front of the property.

WA/2020/0139: A Certificate of Lawfulness was granted for an outbuilding in the rear garden, of similar width, length and appearance to the current proposal (approximately 6m deep and 15m wide across the main part of the roof, excluding the log store). However, the building was of significantly lower height than the current proposal. This building was 4m in height whereas the proposal is over 4.9m in height.

WA/2020/1008: A building of similar proportions to that granted under WA/2020/0139, again 4m high and 6m x 15m approx., positioned to the front of the dwelling in approximately the same location as the current proposal, was granted under Very Special Circumstances as it was reasoned that, in removing permitted development rights, further proliferation of buildings on the site could be avoided. Although there was no manner by which it could be secured, this reasoning assumed that no permitted development buildings would be erected prior to the implementation of this permission. However, (as detailed above) a Certificate of Lawfulness under ref WA/2022/01576 for a further 7m x 7m outbuilding to the rear of the property, and a further planning permission under ref WA/2022/02468 for a 7m x 7m studio were subsequently sought and granted in addition to this permission. This permission was never implemented and is now out of time.

The applicant presents permission WA/2020/1008 as a fallback position, however, the permission is no longer extant and cannot now be implemented. The grant of planning permission for a substantial outbuilding under reference WA/2022/02468 is a relevant change of circumstances to those under which permission WA/2020/1008 was granted. There are no very special circumstances for a second substantial outbuilding within the curtilage of this dwelling, and a renewal of this permission would be unlikely, and could not be relied on as a fallback position. In any case, the proposal would be more harmful to the openness of the Green Belt than either the existing extant permission or the lapsed permission, as it is significantly taller at 4.91m in height and would be positioned forward of, and further from, the dwelling and its cluster of existing built form.

The proposal constitutes inappropriate development within the Green Belt and there are no Very Special Circumstances which would outweigh the harm to the Green Belt. The proposal is therefore contrary to Policy RE2 of the Local Plan (Part 1) 2018 and Policy DM14 of the Local Plan (Part 2) 2023.

10. Design and impact on AONB/AGLV

Policy TD1 of the Local Plan (Part 1) 2018 requires development to be of high quality design and to be well related in size, scale and character to its surroundings.

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.

The proposal is for a substantial single storey garden studio building, approximately 6m deep by 14.6 in width (with additional roof overhang and projections including log store, chimney and porch). The proposed building would be of attractive design, would be subordinate to the dwelling, though of substantial scale, and its design would reflect the character of surrounding development.

Although the building would introduce further built form within the curtilage of the dwelling the proposal would not result in significant harm to the character of the area or to visual amenity and would not unacceptably harm the intrinsic beauty of the AONB and the AGLV. The proposal would therefore accord with Policies TD1 and RE3 of the Local Plan (Part 1) 2018, Policy DM4 of the Local Plan (Part 2) 2023, and the Residential Extensions SPD.

11. Impact on residential amenity

The proposal is in excess of 5m from the boundary at the closest point, which features mature vegetation which would help to screen the proposed development. The nearest dwelling itself would be approximately 25m away at the closest point. No windows are proposed in the south elevation. There would be no overlooking or unacceptable loss of privacy as a result of the development. There would be no loss of light or overbearing impact.

Concern was raised as to the use of the building, in particular, that it may be used for choral practice in connection with a commercial choir, resulting in harm to amenity. The building would be for uses incidental or ancillary to the dwelling, and not for commercial purposes. The proposed use, to exclude commercial activities, together with the distance to the neighbouring dwelling, means that the proposal would not be likely to result in unacceptable harm to amenity.

The proposed development would not result in unacceptable harm to the residential amenity of any neighbouring properties in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) 2023 and the Residential Extensions SPD.

12. Effect on Wealden Heaths SPA

The proposed development is for a domestic outbuilding. It is not likely to result in a significant increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). An appropriate assessment is not therefore required.

13. Biodiversity and compliance with Habitat Regulations 2017

The proposal has been amended to adjust the proposed position of the building slightly further away from the mature Scots Pine which is positioned close to the site boundary. An arboricultural Method Statement has been submitted, outlining appropriate working methods to ensure no harm to the Scots Pine or other trees. The proposal would therefore accord with Policy NE1 of the Local Plan (Part 1), Policy DM1 of the Local Plan (Part 2) and Paragraphs 186-188 of the NPPF 2023.

14. Climate Change & Sustainability

Policy CC1 of the Local Plan (Part 1) 2018 seeks to support development which contributes to mitigating and adapting to the impacts of climate change, including measures that use renewable and low carbon energy supply systems. Policy CC2 of the Local Plan (Part 1) 2018 seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions.

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The proposed building would be subject to building regulations which would ensure good thermal performance and the installation of double glazed windows and doors with appropriate U-values. No concern is therefore raised in this respect.

15. Conclusion

The planning balance assessment concludes that the proposal is not in accordance with the Development Plan and the benefits of the outbuilding would not outweigh the adverse impacts in relation to the openness of the Green Belt. As such, the application is recommended for refusal.

Recommendation

That permission be REFUSED for the following reasons:

1. It has not been demonstrated that there are Very Special Circumstances for a further outbuilding to serve this dwelling. The proposed development is inappropriate development in the Green Belt, which, by reason of its scale, mass and height, and its cumulative impact with the existing development on the site, would unacceptably harm the openness of the Green Belt. The proposed development would be contrary to Policy RE2 of the Waverley Borough Local Plan (Part 1) 2018, Policy DM14 of the Waverley Borough Local Plan (Part 2) 2023 and the NPPF.

Informatives:

1. The drawing numbers relevant to this decision are: Location Plan P19-037-P-061 Rev A, Proposed Block Plan P19-037-P-063 Rev A, Proposed Site Plan P19-037-P-064 Rev A, Proposed Elevations, Floor & Roof Plans P19-037-P-162 Rev A.

