



Appeal Decision

Hearing held on 8 November 2022

Site visit made on 7 November 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/R3650/W/22/3300262

**Land at Dunsfold Common, Dunsfold Common Road, Godalming, Surrey
GU8 4NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by JAM Pension Plan against Waverley Borough Council.
 - The application Ref WA/2021/03081, is dated 15 December 2021.
 - The development proposed is the erection of five self-build/custom build dwellings with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of five self-build/custom build dwellings with associated works at Land at Dunsfold Common, Godalming, Surrey GU8 4NB in accordance with the terms of the application, Ref WA/2021/03081, dated 15 December 2021, and the plans submitted with it, subject to the schedule of conditions attached.

Preliminary Matters

2. The proposal seeks outline planning permission with all matters reserved apart from access. The submitted indicative plan includes parameter details that shows the development zone for the dwellings and maximum ridge heights. Whilst matters of layout and scale are reserved, this plan provides a useful indication of the likely configuration and height of the development and shall form part of my assessment of the merits of the scheme.
3. The site was subject of a dismissed appeal¹ for four dwellings for sale on the open market in 2015 (the previous appeal). This decision considered the effects of development on the adjacent heritage assets and on landscape character. That scheme was different to the current proposal by the access and footprint of proposed dwellings being sited closer to Channels Cottage, by consisting of four dwellings and being for open market sale. Nevertheless, this decision is a material consideration, and I shall pay regard to it where relevant.
4. The Council's first reason for refusal includes reference to saved policy HE5 of the Waverley Borough Local Plan (2002)(LP). However, it was agreed at the Hearing that this policy, relating to extensions to listed buildings, is not relevant to the proposal. This weighs neither for nor against the development.

¹ Appeal Decision Reference: APP/R3650/A/14/2221099

5. The Waverley Emerging Local Plan part 2 (ELP) has been submitted to the Secretary of State for examination. Policy DM19, with respect to the setting of a listed building, has been signposted by the Council as relevant to the proposal. Whilst this policy generally aligns with the National Planning Policy Framework (the Framework), the Plan is at a relatively early stage. Therefore, in accordance with paragraph 48 of the Framework, I have applied modest weight to this policy.
6. A proposal for the erection of 21 dwellings at Gratton Chase, to the south of the site, is the subject of an appeal. However, that proposal is a separate matter with limited bearing on the merits associated with this case.
7. The Climate Change and Sustainability Supplementary Planning Document (October 2022) has been adopted by the Council since submitting its Statement of Case. I shall pay regard to this as a material consideration.
8. An additional plan has been submitted by the Appellant, showing the proposed visibility splays at the access onto Dunsfold Common Road in greater detail (reference: 'Access Visibility Splay' 227009/PD01 rev A). I shall take this into account as part of the appeal and am satisfied that by doing so would not prejudice any party.
9. The Highway Authority originally objected to the proposal on the basis that the appellant did not have control over all land within the visibility splay. However, following ongoing discussions between main parties, the Council identified at the Hearing that it no longer sought to defend a highway objection. The Council was satisfied that a 'Grampian' style condition could be imposed that would ensure the access is delivered and vision splays maintained in perpetuity. The Vision splays are partly within the common land, this is owned by the Council and leased to the parish Council, I am therefore satisfied that there is a reasonable prospect that such a condition can be fulfilled. As this matter has been resolved between the Council and Appellant, I do not deal with it as a main issue. However, as highway concerns have been raised by several interested parties, I have addressed this in other matters.
10. A Statement of Common Ground² (SoCG) was submitted before the Hearing commenced. This agreed that the Council did not have a five-year supply of housing. It is therefore uncontested between parties that the Council cannot demonstrate that it has a 5-year Housing Land Supply (HLS) provision. A supply of 4.3 years was agreed at the Hearing. The Council's initial evidence included its latest 5-year HLS Position Statement³ and Factual Update⁴ showing that it had a supply of 5.2 years. However, a number of recent appeal decisions had since found that it has a reduced supply of between 4.25 and 4.01 years.
11. Nonetheless, following the close of the Hearing the Council provided a revised HLS position statement⁵. This finds that the Council can now provide a 4.9-year HLS. This has not been submitted with its base evidence and was not considered during the Hearing. As such, this new supply position has not been fully interrogated. Nevertheless, in review of all the evidence submitted and the matters discussed at the Hearing, it is clear that the Council would have a supply of between 4.3 and 4.9 years.

² Statement of Common Ground, between Waverley District Council and JAM Pension Plan 4/11/22

³ Five Year Housing Land Supply Position Statement 2021

⁴ Five Year Housing Land Supply, December 2021

⁵ Five Year Housing Land Supply Position Statement, November 2022

Background and Main Issues

12. The application was not determined by the Council within the statutorily prescribed 8-week timeframe or subject to a decision by the Council. In consideration of the Council's Statement of Case, and the evidence before me, I conclude that the main issues in dispute are:

- Whether the Council is meeting its statutory duty with respect to the delivery of plots for Custom and Self-Build dwellings,
- the effect of the proposed development on the character and appearance of the Area of Great Landscape Value and the wider countryside, and
- whether the proposed development would preserve the setting of Grade II listed 1 and 2 Burdocks, Dunsfold Common Road and Grade II listed Chennels and adjoining cottage, Dunsfold Common Road.

Reasons

Policy context

13. The Waverley Local Plan Part 1 (LPP1) policy SP2 establishes the spatial distribution of housing within the district. This policy seeks to focus new development within the main settlements of the district and allows for limited development in or around other villages such as Dunsfold. The site is located adjacent to the defined settlement boundary of the village. The settlement has some facilities and services within its southern parts. It is also relatively well connected to afford access to larger nearby settlements. The appeal site is between existing housing and would gain access onto a main road through the village.

14. The emerging Dunsfold Neighbourhood Plan (NP) is currently undergoing consultation and publicity in advance of being submitted for examination. I understand that the LPP1 seeks to deliver a minimum of 100 dwellings within Dunsfold during the plan period (2013-2032). The NP recognises that a further 32 dwellings should be delivered to meet this minimum requirement, based on existing commitments. The NP identifies five sites to meet this requirement under policy H01, some of these sites are dispersed from the settlement, two of which are a substantial distance from the main settlement boundary. Due to the relatively early stage of development of the NP I have afforded limited weight to this policy.

15. The locational and contextual benefits of the site weigh in favour of the proposal.

Custom and Self-Build Housing

16. The Self-Build and Custom Housebuilding Act 2015 has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and give enough suitable development permissions to meet the identified demand. The benefits of custom or self-build housing (CSBH) are recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to

- meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
17. The PPG allows relevant authorities to enable a register to have two parts. Part one should include all people and groups who meet all eligibility criteria. Part two should include those that meet the eligibility criteria except in having a local connection. The Act allows for a local connection test to be applied where there is strong justification. Authorities are advised to have clear information as to the rationale that underpins the need for local eligibility tests. A Council's assessment of local housing need should include an assessment of people wishing to custom or self-build and to use the demand data from their register, supported as necessary by secondary sources, to understand the future need for this type of housing.
 18. The PPG provides several examples of how an authority can determine if an application or permission is for CSBH. This includes whether it is clear that the initial owner will have a primary input into its final design and whether a community infrastructure levy or Section 106 exemption has been granted for a particular development. The Appellant has identified that the Council has given 99 permissions, covering 133 plots over the identified base periods, eliminating a small number based on double counting and being outside the counting period. These figures were not robustly challenged by the Council at the Hearing.
 19. The Council has provided two data sets with respect to CSBH. The first set, within its officer report, shows the identified demand for CSBH with figures covering four base periods and being in single figures for each year group. The second data set is an extract of evidence prepared for a different appeal⁶. This shows a substantially greater number of results in each base period compared to those identified in the officer report. These also demonstrate a general trend of need not being met by delivery, indeed the section concludes that the register indicates there remains an unmet demand for CSBH. Moreover, the Council's submitted data does not include base periods one and two, covering the periods of 2015-2016 and 2016-2017 respectively.
 20. The DLUHC returns illustrate that demand existed for CSBH of 87 and 122 people in base periods 1 and 2 respectively. These missing base periods include substantial further demand for such housing. The Appellant suggests that there is a deficiency of delivery of CSBH across most base periods and an overall undersupply of 135 dwellings in the district. The Council was unable to adequately explain at the Hearing why the two data sets it provided were starkly different or why two base periods were absent from its data sets entirely. It therefore was unable to demonstrate that the current delivery of CSBH is meeting or above the number the Council is required to provide.
 21. The proposed development would provide five dwellings within serviced plots that would have access to the highway and could connect to electricity, water and waste-water infrastructure. The proposal is specifically defined for CSBH in the description of development and at section 15 of the application form. Also, the Council is content this specific type of housing can be adequately secured by the imposition of a suitably worded planning condition. Any individuals or organisations would be able to directly influence the final design of each

⁶ 'Matter 9: Housing mix and standards' 17 June 2022

dwelling through the reserved matters process. Consequently, I am satisfied that the dwellings could be suitably secured by the proposal and would meet the definition of CSBH within the Act.

22. The Appellant has queried a number of other weaknesses in the Council's demand and delivery figures, but I do not need to explore this further as, in consideration of the above, there is a clear deficiency of the provision of CSBH. As such I conclude that the Council is not meeting its statutory duty with respect to the delivery of plots for Custom and Self-Build dwellings and I give this significant weight in my consideration of the merits of the proposal.

Character and appearance

23. The settlement boundary of the village includes two clusters of development. The northern group is the smaller of the two with most development found on the western side of Dunsfold Common Road. This area includes the relatively modern estate of Greggs Meadow which has consolidated housing on the west of the road. Whereas the appeal site on the eastern side of Dunsfold Common Road. This area contains a loosely grouped linear form of housing which is interspersed with fields and wooded areas and therefore more rural in character. This sense of dispersal is emphasised by plots being recessed beyond a strip of common land, many having vegetated front garden boundaries and screened or partially screened frontages. Nevertheless, whilst being within the open countryside the site is enclosed and viewed within the context of surrounding built form. It therefore makes a positive but limited contribution to the surrounding countryside.
24. The site is within an Area of Great Landscape Value where the Council seeks to preserve its distinctive character. The site is within an area defined by the Council's Landscape Character Assessment (2015) as West Dunsfold: Wooded Low Weald. This defines the area as having a secluded pastoral landscape with extensive dense blocks of woodland. The Landscape Strategy for this area seeks to conserve its areas of intimate, peaceful landscape and for built development to be contained within these wooded settings to maintain the enclosures and the character of the surrounding landscape. The site complies with this description and thus accords with the character type definition.
25. Views of the site can be obtained from the highway and the adjacent public right of way. Nevertheless, such views are largely constrained by vegetation. Limited other views are obtained of the site from beyond its field boundary enclosures. Therefore, the site is relatively well screened from wider views. Development on the site would be consistent with the landscape strategy by containing development within this wooded setting and is therefore generally compliant with the objectives of the Strategy.
26. The parameters plan indicates a zone for the footprint of the proposed dwellings. This shows development that would follow the linear form of existing development along the east side of the highway, albeit recessed further away from the highway. It would also be of a height that would be commensurate with adjacent development. In this way it would share many characteristics with the surrounding form of development. Moreover, the proposed development would be low-density that would also be in character with the spacious and rural context of the surrounding area.

27. The Appellant's Landscape and Visual Assessment finds that the proposal would be well screened with no or negligible effects from most local viewpoints, I see no compelling reason to disagree with these conclusions. Although a major adverse effect was recorded from the footpath to the side of the site, this would be a localised effect only. As a result, the overall effect on sensitive views from the footpath would be limited due to the presence of existing built form where further dwellings along this route would not appear out of place. Also, the site is largely obscured from views along the footpath by dense hedging. Moreover, views of the wider countryside are more open and evident when looking south from the footpath where the sense of enclosure is less defined. As such, the identified adverse impact would result in limited harm to the site's countryside setting.
28. Consequently, the proposed low-density scheme would accord with the surrounding loose knit pattern of existing development. Nevertheless, it would erode the dispersed loose grouping of existing buildings on the eastern side of Dunsfold Common Road and create a more consolidated form of development. Accordingly, the proposed development would result in some, albeit moderate, harm to the AGLV and the wider countryside. This would harm the character and appearance of the surrounding area in reducing the open and rural character of the site.
29. The proposal would therefore conflict with policies RE1, RE3 and TD1 of the Waverley Local Plan Part 1 (2018) (LPP1) and saved LP policies D1 and D4. These seek, among other matters, for development to respect, and where appropriate enhance, the distinctive character of the landscape in which it is located and safeguard the intrinsic character and beauty of the countryside.

Heritage assets

30. I am required to pay special attention and have regard to the desirability of preserving the setting of listed buildings⁷. The site is adjacent to the listed buildings of 1 and 2 Burdocks. These were originally a single dwelling that was erected in the 17th Century. They are part timber framed, with weather boarding, brick stacks and various architectural features of interest. The significance of this pair appears to derive from their origins, setting within a rural context and being of traditional rural character and intact historic material and detailing. The rear elevation of these buildings can be glimpsed through gaps in the hedge and tree screening along the rear boundary of the appeal site. These are located on lower land to the appeal site and would be some distance from the proposed development. There is nothing before me to indicate that there have been functional or historic links to the appeal site that would contribute to their significance, or that the appeal site is not part of their settings. As such, due to the limited intervisibility, their settings would be preserved by the proposal and their significance would be unaffected.
31. The listed buildings of 'Chennels' and 'Chennels Cottage' are located to the north of the appeal site. These were originally a single farmhouse, originating from the 17th century or earlier, and included extensive outbuildings. The farmhouse was subdivided into two dwellings and the southern component (Chennels Cottage) has since been extended several times with additions that occupy the gap between the old farmhouse and its side boundary with the appeal site. The building consists of a range of materials, but these principally

⁷ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

consist of red brick with hipped clay tile roofs and brick stacks providing a holistic and pleasant rural character.

32. These listed buildings are enclosed by mature landscape screening to most boundaries, creating a largely enclosed plot, albeit with some gaps adjacent to the appeal site. The significance of Chennels Cottage seems to derive from its original farmhouse character set within a traditional rural setting.
33. The 1871 map, submitted in evidence, shows that the site was classed as arable land, and Chennels Farmhouse as residential. It appears, in consideration of the evidence, that the farm use of the farmhouse probably ceased when the house was subdivided. Furthermore, the barn to the north of the site was removed by 1916 which would have further severed any farming relationship with the site. As such, the degree of a functional link between these plots is unclear and, in any event, seems to have been eroded by modern extensions and the evolution of the site over time. Nevertheless, there remains a relatively strong visual link between these, with views of the side elevation of Chennels Cottage being clearly evident from the appeal site, albeit largely taking in views of the modern extensions only.
34. The Inspector of the previous appeal found Chennels Cottage shared a degree of openness with the site. The Decision Letter noted that the site made an important contribution to the setting of Chennels Cottage with a historical functional connection. This found that the proposal would result in less than substantial harm to the significance of Chennels Cottage by failing to preserve its setting. It was also found that this harm would not be outweighed by any public benefits. Nevertheless, the current proposal has been amended to locate housing further from the side boundary, the access has also been realigned and a new planned buffer proposed in between the first plot and Chennels Cottage. The amendments have lessened the overall effect of the proposal on the listed building's significance compared to the previous appeal.
35. The Appellant has found that the effect on the setting of Chennels Cottage would be neutral. Whereas the Council concluded that the proposal would result in harm at the lower end of 'less than substantial harm'. The difference between these positions is relatively minor on the scale of harm but in policy terms it is substantial in that any harm found should be afforded substantial weight in the decision-making process. The functional link between the site and the adjacent farmhouse has been eroded by modern interventions. However, the site nevertheless still contributes to the rural setting of Chennels Cottage where development and the proposed screening would diminish the significance of its rural setting. I therefore find that whilst at the lower end of "less than substantial harm" the proposal would nonetheless result in harm to the significance of the listed building. As such, the proposal would not preserve its setting and would thus conflict with s66 of the Act.
36. Consequently, the proposed development would conflict with saved LP policies HA1, LPP1 policy HE3 and ELP policy DM19. These policies seek, inter alia, for development to safeguard the setting of heritage assets.

Heritage balance

37. Paragraph 202 of the Framework states that where development would result in less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

38. The public benefits agreed between parties include that the scheme would deliver required housing in the context of a district without a 5-year HLS. Furthermore, I have also found that the need in the district for self-build and custom housing is substantial and currently unmet. The overall magnitude of these public benefits would be of significant weight in favour of the proposal.
39. Therefore, despite applying great weight to the harm as required by the Framework, I find that delivery of five self-build and custom build housing would be regarded as a significant public benefit of the proposal. Accordingly, this benefit would outweigh the limited harm found to the setting of Chennels Cottage. As a result, the harm identified does not provide a clear reason to refuse planning permission.

Other Matters

40. The site includes a main badger sett and annexe. The partially used annex, with a single hole effected by the proposed access would be closed under licence from Natural England. The active badger sett would be retained within a wildlife buffer and this area would be protected during construction. Furthermore, a range of measures are recommended that would ensure this habitat would be protected during construction and post construction and could be suitably addressed through the submission of a Badger Mitigation Strategy. Furthermore, the Appellant's Ecological Report perimeter trees have negligible to low roosting opportunities for bats and the predominantly grassland limits foraging habitat for bats. The limited loss of trees, to widen the access into the site, would be off-set by the proposed replacement tree cover.
41. Great Crested Newts (GCN) have been found in the wider area of the site. The Ecological Survey has found that the site, being largely a grazed paddock, does not provide a suitable habitat for GCNs and none were recorded as being present on site. Nonetheless, due to the identified proximity of GCNs a tunnel under the access driveway has been recommended that would ensure that these can still migrate unfettered through the site.
42. Due to the presence of badgers, GCNs and other wildlife local to, and in some cases within, the site a Construction Ecological Management Plan (CEMP) to control working practices. Also, a Sensitive Lighting Strategy to reduce disturbance to wildlife and limit light pollution would also be required. Moreover, a Landscape and Ecological Management Plan would provide the biodiversity enhancements required by the Council. I have nothing before me to lead me to conclude that the CEMP and other mitigation measures would not provide sufficient mitigation. Consequently, I am satisfied that the impact of development on the identified wildlife interests could be adequately mitigated by the imposition of suitable planning conditions, a position agreed by Surrey Wildlife Trust.
43. Although the proposed scheme would cross common land, the Appellant has served the requisite notice on the owner (the Parish Council) notifying it that the proposal would include this parcel of land. Matters of ownership are not determinative and has no bearing on your reasoning.
44. Local residents have raised concerns that the access would be close to other junctions serving small housing estates opposite the site and a bus shelter affecting motorists and would harm pedestrian safety. The access of the proposal would connect onto a highway that has a 40 mph speed restriction.

The visibility, both north and south of the access, is clear for a substantial period along this relatively straight section of highway. As such, my own site observations indicate that the access would provide good visibility and would not be dangerous to use due to the anticipated speed of other road users. Furthermore, I am satisfied that pedestrian safety would not be compromised. Consequently, the minimal increase in traffic would not cause significant harm to highway safety. Moreover, the highways authority has not raised any concerns in this regard.

45. Interested parties have identified that the village has previously suffered problems due to sewerage capacity and water supply. However, this is a matter outside the scope of the proposal and would need to be addressed on behalf of existing and any new residents by the local statutory provider. Furthermore, concerns have been raised that the existing drains in the village are at capacity, resulting in flooding. Nevertheless, off-site outfall rates from the site could be adequately regulated by the imposition of a sustainable drainage condition without exacerbating any existing flooding issues.
46. A Construction Transport Management Plan would ensure that disturbance to adjacent occupiers would be limited. This could define the location of the site office, material stores and the parking on contractors vehicles, among other matters, to limit disturbance. Furthermore, any disturbance caused to local residents during construction would be temporary resulting in limited harm to their living conditions.
47. All proposals for development are required to be considered on their own merits. The site, the scheme and its relationship to the settlement, presents a relatively unique set of circumstances that would be unlikely to be readily replicated by other schemes. As such, I do not find that the proposal would establish an undesirable precedent.
48. The proposed development would be a reasonable distance from adjacent existing dwellings. Consequently, the development would not result in material harm to the living conditions of adjacent occupiers through by reason of privacy or outlook or would result in a substantial loss of sunlight or daylight.
49. Furthermore, none of the other matters raised by interested parties, raise considerations that would strongly weigh against allowing the proposal.

Conditions

50. I have considered the use of conditions in line with the guidance set out in the PPG. The conditions set out in the SoCG are agreed between parties. At the Hearing these were discussed, and some conditions were agreed as unnecessary, and others agreed to be adjusted.
51. It is necessary for details relating to a sustainable drainage strategy, an ecological management plan, bio-diversity management plan, archaeological assessment, sensitive lighting management plan, tree protection works and construction management plan to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because they may include works within the footprint of the buildings and relate to the initial setting out of the site. These measures ensure the development

would be suitably drained, ecological interests would be satisfied and that the construction process would have a limited impact on the living conditions of adjacent residential occupiers and highway safety.

52. I have imposed the standard conditions with respect to reserved matters, timeframes and approved plans as advised by the PPG for clarity and certainty. Conditions are necessary with respect to the provision of a sustainable drainage strategy and plan to ensure the site is properly drained, without causing off-site flooding in accordance with saved LP policy D1.
53. It is necessary for conditions to be imposed for an Ecological Management Plan, Badger Mitigation Strategy, Bio-diversity enhancement plan, Sensitive lighting management plan and Tree protection plan in the interests of the ecological value of the site and to satisfy the requirements of LPP1 policy NE1. The County archaeologist has advised that there is a potential for archaeological remains to exist on site. Consequently, a condition is required to ensure that an archaeological investigation takes place prior to the commencement of development in accordance with LPP1 policy HE15.
54. It is also necessary for the access and on-site hardstanding provision to be laid out, and that refuse and recycling areas are provided, in the interests of highway safety and for the development to function well. Furthermore, it is necessary for the scheme to make provision for electric car charging points and provide cycle storage to accord with the Council's recently adopted Climate Change and Sustainability SPD in the interests of sustainable development. Conditions are also necessary to enable the scheme to be brought forward in phases, and for it to be limited to self-build housing only, to ensure that it would deliver the five self-build units as proposed.
55. Conditions with respect to details of earth moving, burning of material on site and removal of Permitted Development Rights would not be necessary for the development to be acceptable in planning terms.

Planning balance and conclusion

56. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the National Planning Policy Framework (the Framework), which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date. The Framework explains that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
57. The adverse impacts arising from the proposal are the effect on the character and appearance of the area and heritage assets. The proposal would therefore not accord with the development plan. Existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. With regard to character and appearance, the relevant provisions of LPP1 policies RE1, RE3 and TD1 and saved LP policies D1 and D4 align with the Framework which recognises the intrinsic character and beauty of the countryside. Due to the consistency of these policies with the framework significant weight should be attached to the conflict with the

development plan. Whilst the countryside policies of the development plan are generally consistent with the Framework, the level of harm to the character and appearance of the area would nevertheless be modest.

58. The Council's policies, with respect to the effect of development on listed buildings, are generally consistent with the Framework, although only ELP policy DM19 identifies the need to balance any 'less than substantial harm' against public benefits. As such, only modest weight can be applied to saved LP policy HA1 and LPP1 policy HE3. Furthermore, only modest weight can be applied to ELP policy DM19 due to its emerging status. I have also found that the proposal's conflict with the Council's heritage policies would be outweighed by the public benefit of the provision of CSBH as set out in para 202 of the framework, although this does not in itself identify a clear reason to refuse the proposal as required by footnote 7, even having applied great weight to the identified harm.
59. Nonetheless, set against this, the Council's general housing supply position is deficient, although this may now be only by a modest shortfall. Furthermore, the proposal is for self-build and custom build housing for which there is demand and where the response to meeting this need is insufficient. Five new houses would not greatly improve the total supply, but in circumstances such as where the housing supply position is not met any additional provision would be valuable in meeting the governments objectives. Consequently, these are considerations of considerable weight in favour of the scheme.
60. The overall adverse impacts of the proposal would be moderate and qualified by the small scale of the scheme. The Council's objections need to surmount a high hurdle in order to prevail in this balance. Indeed, they do not significantly and demonstrably outweigh the benefits of five additional homes for self-build when assessed against the policies in the framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.
61. The Council's 5-year HLS position appears to have improved since the Hearing closed. Nevertheless, even if the 5-year supply position identifies only a modest shortfall, this absence of supply would outweigh the modest harm found to the character and appearance of the area.
62. There are also economic benefits associated with future occupiers delivering increased spending in the area and during construction. Environmental benefits, including increased native landscaping would also be of benefit. Whilst the economic and environmental benefits are limited, these weigh further in favour of the proposal.
63. For the above reasons, the appeal is allowed.

Ben Plenty

INSPECTOR

APPEARANCES

For the Appellant;

Mr Charles Banner KC - Advocate
Ms Janet Long, MRTPI – Planning consultant
Mr Andrew Cook, BA MLD MLI, MSEMA C Env – Landscape consultant
Mr Patrick Maguire, MA MST (oxon) IHBC – Heritage consultant
Mr Andy Moger, MRTPI – Self-build consultant

For the Council;

Ms Kimberly Corps – Development Lead
Mr Dan Holmes – Senior Planning Officer
Ms Sophie Piper - Planner

Interested parties;

Mr Nigel Waterson

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Self-Build figures – Housing Mix and standards (extract of evidence for different appeal) 17 June 2022
- 2 Statement of Common Ground 4/11/22
- 3 Climate Change and Sustainability – Supplementary Planning Document (2022)
- 4 Extract of the Council’s Surrey Landscape Assessment

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Housing Land Supply Position Statement, November 2022

SCHEDULE OF CONDITIONS

- 1) Prior to the commencement of development, details of the reserved matters set out below ('the reserved matters') shall be submitted to the Local Planning Authority for approval within three years from the date of this permission: Scale, Layout, Appearance and Landscaping. The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission.
- 3) The development shall be carried out in accordance with the approved plans with reference: 101, 227009/PD01 rev A and D500 'Parameter plan'.
- 4) Before the development is occupied, the proposed vehicular access to 'The Green' shall be constructed and provided with visibility zones in accordance with the Access Visibility Splay (reference 227009/PD01 rev A) and a maintenance scheme to ensure the visibility splays remain unfettered shall be submitted to and approved in writing by the Local Planning Authority, all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.
- 5) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 6) No development shall start until a Construction Transport Management Plan (CTMP) has been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of: a) Parking for vehicles of site personnel, operatives and visitors, b) loading and unloading of plant materials, c) Storage of plant and materials, d) Provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority (only the approved details shall be implemented during the construction period), e) HGV deliveries and hours of operation, f) vehicle routing, g) measures to prevent the deposit of materials on the highway, h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused and i) on-site turning for construction vehicles. Only the approved details of the CTMP shall be implemented during the construction of the development.
- 7) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

- 8) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include: detailed drawings of all the finalised SuDS/Drainage elements and layout; Confirmation that there is no flooding in the drainage network up to a 1 in 100 + CC year storm event; Confirmation of the half drain times of attenuation structures; Details of construction phasing, (i.e. how drainage will be dealt with during works including pollution prevention); Details of the required maintenance regime for the SuDS/Drainage elements and who will be responsible for that maintenance; and a post construction verification report by an engineer setting out that the elements have been installed as agreed and maintained in accordance with approved scheme thereafter.
- 9) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the SuDS/Drainage has been constructed as per the agreed scheme.
- 10) The development shall be carried out in strict accordance with an appropriately detailed Badger Mitigation Strategy in accordance with the recommendations of the Ecological Plan, dated October 2021, by AAe Environmental Consultants. This document shall be submitted to and approved, prior to the commencement of the development. The approved Strategy shall be fully implemented prior to the first occupation of any dwelling.
- 11) The applicant shall implement the development only in accordance with an appropriately detailed Construction Ecological management Plan (CEMP). This document shall be submitted to and approved by the LPA in writing, prior to the commencement of the development. The CEMP should include, but not be limited to: a) Map showing the location of all of the ecological features, b) Risk assessment of the potentially damaging construction activities, c) Practical measures to avoid and reduce impacts during construction, d) Location and timing of works to avoid harm to biodiversity features, e) Responsible persons and lines of communication, f) Use of protected fences, exclusion barriers and warning signs, g) Dunsfold Common and Green SNCI and HPI Protection Plan.
- 12) A biodiversity enhancement plan shall be submitted and approved in writing prior to commencement of the development. This shall provide specific ecological enhancement details that are proportionate to the site's ecology. Once agreed the plan shall be implemented in full prior to the occupation of the first dwelling.
- 13) A programme of archaeological work, in accordance with a Written Scheme of Investigation, shall be submitted and approved by the Planning Authority prior to the commencement of development. Once agreed the plan shall be implemented in full prior to the occupation of the first dwelling.
- 14) A Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing prior to the commencement of development. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to the following: Description and

evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management options for achieving aims and objectives; Prescriptions for management actions, together with a plan of management compartments; Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period; Details of the body or organisation responsible for implementation of the plan; Ongoing monitoring and remedial measures; Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery; and Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 15) Prior to the installation of any lighting, a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of any external lighting to be used in the construction phase of development and for the completed phase of development. The management plan should reflect and comply with the Bat Conservation Trust document titled 'Bats and Lighting in the UK - Bats and The Built Environment Series'. The agreed details of the specification of the installed lighting shall be maintained as agreed in perpetuity.
- 16) Within three months of the commencement of development details of all proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. The proposed street lighting shall be implemented in accordance with the Sensitive Lighting Management Plan agreed under condition 15. The development shall be carried out in strict accordance with the approved details.
- 17) No development shall commence, including any groundwork preparation, until a detailed, scaled Tree Protection Plan 'TPP' and related Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Area of trees shown to scale on the TPP including installation of service routings and site access. All works shall be carried out in strict accordance with the approved details prior to the commencement of development.
- 18) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 19) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a

- scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 20) Prior to the first occupation of the development, a detailed scheme for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling provisions shall be made in accordance with the agreed scheme prior to the first occupation of the dwellings.
- 21) No development shall commence until a CIL Phasing Plan has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved CIL Phasing Plan.
- 22) Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be constructed other than as self-build or custom build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

END OF CONDITIONS