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## Appeal Decision

Site visit made on 11 October 2016

**by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 07 November 2016**

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**Appeal Ref: APP/Y3615/W/16/3154084**

**Bell and Colvill, Epsom Road, West Horsley, Surrey KT24 6DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bell and Colvill Ltd against the decision of Guildford Borough Council.
  - The application Ref 15/P/02122, dated 29 October 2015, was refused by notice dated 13 January 2016.
  - The development proposed is for the demolition of existing workshop, showroom, three residential properties, the removal of hardstanding, and the construction of nine residential dwellings with associated improvements, car parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing workshop, showroom, three residential properties, the removal of hardstanding, and the construction of nine residential dwellings with associated improvements, car parking and landscaping at Bell and Colvill, Epsom Road, West Horsley, Surrey KT24 6DG in accordance with the terms of the application, Ref 15/P/02122, dated 29 October 2015, subject to the conditions set out in the attached Schedule.

### Main Issues

2. The main issues are whether or not the appeal scheme would constitute inappropriate development in the Green Belt and the effect of the scheme on the character and appearance of the area.

### Reasons

#### *Inappropriateness*

3. Policy RE2 of the Guildford Borough Local Plan (GLP) states that new buildings or extensions to buildings in the Green Belt will be inappropriate development unless it falls within the specified categories, none of which cover the proposed development. The National Planning Policy Framework (the Framework) states at paragraph 89 that new buildings in the Green Belt should be viewed as inappropriate and then specifies exceptions, which includes "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". There is clearly a degree of inconsistency between policy RE2 and the Framework and I consider the Framework to be more up-to-date in respect of national policy on Green Belts. Nevertheless, the policy is generally consistent with the aim of protecting the openness of Green Belts and seeking to resist the encroachment of urban areas into the countryside

4. The appellant sets out that the proposal would bring about a reduction in the footprint of buildings on the site of around 12%. Although the Council suggest that the floor space reduction would be in the order of 22%, it is apparent that either way the level of floor space reduction would be significant. The Council is more concerned with the increase in floor space above ground floor level and the higher buildings as a result than currently exist. However, in my view the new houses would not be unduly large or bulky and it has not been disputed that there would be a reduction in the volume of buildings of around 17%. Moreover, there would be a significant reduction in the amount of hardstanding within the site of around 55%.
5. Whilst the appeal scheme would increase the amount of two storey development the overall reduction in volume and footprint, coupled with the significant reduction in hardstanding as well as the removal of the closely packed parked cars would mean that its effect on the openness of the Green Belt would be no worse. This finding is also supported by the fact that the relatively unbroken run that the existing development presents to Epsom Road would be broken up by increasing the number of gaps within the frontage to the development.
6. Although the new houses would extend further to the north than the existing buildings, this would not lead to encroachment of the countryside as the site is well contained and the proposal would not extend beyond what is previously developed land. The other purposes of Green Belt would not be interfered with.
7. In view of the above, I find that the proposal would not be inappropriate development in the Green Belt. As such it would not conflict with the Green Belt protection aims of policy RE2 from the GLP and the Framework.

#### *Character and appearance*

8. To the north of the site lies the West Horsley Conservation Area (CA). The CA is characterised by a loosely built architectural form with dwellings situated fronting winding streets and rural lanes interspersed with small open spaces including a formal community orchard and other private orchards. It has a semi-rural character with open spaces contributing to its overall character. However, these features, as well as the historic core of the village, are beyond the wooded area to the north of the appeal site and sufficiently removed from the site. Given the degree of separation and the presence of the extensive screening backdrop, I concur with the Council's view that the new houses would not harm the setting of the Conservation Area or its significance.
9. The development would replace relatively utilitarian designed buildings with traditionally designed new houses incorporating facing materials that echo nearby development. Although the Council's point that the design of the houses appear urban in character by reason of their town house appearance, this is not harmful and I find that the bulk, scale and design would be an appropriate response to the street scene. Although there are flat roofed areas

to the houses including dormers, these features are discreet and acceptable. The proposed scheme would also lead to a reduction in the extent of hardstanding when compared to the extensive areas of parking and hardstanding associated with the existing commercial garage. In addition, the site is visually contained and would not be visible from public rights of way or public vantage points in the wider landscape beyond Epsom Road. Additional planting would also help tie the development into the wooded areas to the north and east. Overall, I consider that the proposed scheme would not detract from the character and appearance of the area.

10. Consequently, the proposed dwellings would respect and harmonize with the existing character and appearance of the area. This would comply with Saved Policy G5 of the GLP which seeks to ensure amongst other things that the scale and appearance of new development is in keeping with the local context. This policy is consistent with the Framework that requires development to be of a high quality that also respects local distinctiveness.

#### *Other matters*

11. Concerns relating to the proposed access arrangements have been raised by the governors of the adjoining school who point out the long delays experienced particularly at the end of the school day with drivers leaving the school premises via the lay-by, which is one way, in order to join Epsom Road. A suggestion is made to re-design the proposed access and lay-by so that traffic to and from the proposed housing scheme discharges directly on to Epsom Road.
12. However I do not have the power to modify the submitted plans to incorporate this suggestion. Moreover the proposal will lead to a rationalisation of access arrangements at this location. It will also result in a significant reduction in the number of vehicle trips generated at the site which will lead to a net benefit to the capacity of the service road and Epsom Road. Also the County Highways Authority has raised no objection to the proposed development, subject to conditions, including the provision of appropriate signage to prevent traffic from turning right out of the proposed access and entering Epsom Road at the nearest point together with a construction management condition that would seek to limit HGV traffic at school start/finishing times. I am satisfied that subject to appropriate conditions, the proposed development would not lead to problems of a highway safety nature.

#### Conditions

13. I have considered the Council's suggested conditions in the light of Planning Practice Guidance and have amended and amalgamated some for clarity and efficiency. In addition to the time limit for commencement, a condition is necessary specifying the approved plans in the interests of certainty. Conditions 3, 4 and 5 are necessary in order to safeguard the character and appearance of the area and condition 6 is justified for ecological reasons. Conditions 7 and 8 are appropriate highway safety reasons. Conditions 9-11 inclusive are needed to protect surrounding living conditions. Condition 12 is justified in order to address potential ground contamination and condition 13 seeks to ensure satisfactory site drainage. Given the situation of the site within the Green Belt and its prominence from Epsom Road, condition 14 that restricts permitted development rights is reasonable and necessary. Some of the

conditions are pre-commencement in nature which is justified given that they address matters that are fundamental to the development being permitted.

14. Having regard to the Written Ministerial Statement issued on 25 March 2015 it is not possible to impose the Council's suggested condition no. 4 relating to energy performance. No evidence has been provided to demonstrate that additional measures are necessary over and above Building Regulations standards.

### **Conclusion**

15. The Council cannot demonstrate a five year supply of deliverable housing sites. Accordingly, policies relevant to the supply of housing should not be considered up to date. That would include policy RE2. However, I have not identified any harm from the appeal scheme or conflicts with the policies from the development plan referred to by the Council in the reasons for refusal. Moreover, although the site is outside of the village boundary the Council has not raised any other objections to the scheme such as that the site is not an appropriate location for new housing. On this basis I conclude that the scheme represents sustainable development and that permission should be granted in accordance with the presumption in favour of sustainable development. Having regard to the above reasons and to all other matters raised, it is concluded that this appeal should be allowed.

*Gareth W Thomas*

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7334/P100\_A/DR1; 201880/1; 7334/P001A; 7334\_P110.1; 7334\_P110.2; 7334\_P111.1; 7334\_P111.2; 7334\_P112.1; 7334\_P112.2; 7334\_P101/DR3; 7334\_P103.1/DR1; 7334\_P103.2/DR1; 7334\_P104.1/DR1; 7334\_P104.2A/DR1; 7334\_P105.1A/DR1; 7334\_P105.2A/DR1; 7334\_P106/DR1; 7334\_P107/DR1, and; 1002/21214/B.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works, including a timetable for their implementation have been submitted to and approved in writing by the local planning authority to be in general accordance with the illustrative landscaping drawing 536-P-03D. These details shall include proposed finished levels or contours, boundary treatments and hard surfacing materials. All hard and soft landscape works shall be carried out in accordance with the approved details and timetable for their implementation.
- 5) The development shall be carried out in accordance with the tree protection plan, drawing number 8993/02 A. The tree protection measures shall be in place before the development is commenced and shall be retained until construction works have ceased.
- 6) The development hereby approved shall only be carried out in accordance with the recommendations contained within the Ecological Assessment (prepared by ERAs Consultancy, dated September 2014). The recommendations set out within the report shall be implemented before the dwellings are occupied and unless otherwise stated in the report, shall be retained for the lifetime of the development.
- 7) The car barn, garages and car spaces shall be provided in accordance with the approved plans and made available for use prior to first occupation of any dwelling on site and shall thereafter be retained solely for the parking of vehicles.
- 8) None of the dwelling houses hereby approved shall be occupied until the proposed vehicular access to Epsom Road, to include the provision of a traffic island and associated signage has been constructed in accordance with the approved plan drawing number 7334/P101 and the footway has been provided in accordance with the approved plan drawing number 1002/21214 Revision B. The vehicular access and footway as constructed shall be retained thereafter.
- 9) The development shall only be carried out in full accordance with the mitigation measures set out in the Noise and Vibration Impact Assessment (prepared by HSS, dated October 2015). The recommendations identified in section 14 of the report shall be

implemented in full in accordance with details and specifications that have been submitted to and approved in writing by the local planning authority prior to the occupation of the dwellings and shall be retained in perpetuity.

- 10) Secondary glazing shall be installed to all windows in living rooms and bedrooms in accordance with details to achieve sound insulation against external noise of not less than 34dBA have been approved in writing by the local planning authority prior to the installation of windows to any property on site. The installation shall include an alternative means to ventilate the dwellings suitable for the control of summertime temperatures. The windows thereafter shall be retained so that the agreed internal noise attenuation standard is maintained.
- 11) No development shall take place, including any works of demolition, until a Construction and Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction and Transport Management Plan shall be adhered to throughout the construction period for the development.
- 12) If, during the course of development, any contamination is found which was not previously identified in the Jomas Associates Ltd report dated June 2012, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the remediation works having been completed.
- 13) Before the development hereby approved is commenced, details of the proposed drainage strategy for the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of the dwellings and shall be retained in perpetuity.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions, alterations, porches, garden sheds or out buildings shall be erected or undertaken other than those expressly authorised by this permission.