



Appeal Decision

Hearing held on 12 May 2015

Site visit made on 12 May 2015

by **L Gibbons BA (Hons) MRTPI**

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

Decision date: 16 June 2015

Appeal Ref: APP/R3650/W/14/3000887

Land to the rear of and including Penlan and Garden Cottage, Cranleigh Road, Ewhurst, Surrey GU6 7SA

- 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 Ms S Thorpe (Thakeham Homes Ltd) against the decision of Waverley Borough Council.
 - The application Ref WA/2014/0878, dated 16 April 2014, was refused by notice dated 6 October 2014.
 - The development proposed is the erection of 27 dwellings and associated works following demolition of 2 existing dwellings, as clarified by additional information received on 30/7/14; 13/8/14; 8/8/14; and amended plans received on 13/8/14 and 9/9/14 and amplified by plan received 29/8/14.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal process, the appellant has submitted a copy of a signed S106 Agreement dated 22 April 2015, in respect of the provision of affordable housing and contributions towards local infrastructure. This was subject to a minor variation by agreement in a deed dated 12 May 2015. I return to this below.
3. The application was amended following submission to the Council but prior to its determination. The amendments included changes to the proposed site layout, car parking provision, Plots 4 & 5, 23-27 and other amendments. Interested parties were provided with an opportunity to comment on the revisions. I have determined the appeal on the basis of the revisions which are reflected in the description of development on the Council's decision notice and the Appeal form.

Background and Main Issues

4. Paragraph 47 of the National Planning Policy Framework (the Framework) indicates that in order to boost significantly the supply of housing, local planning authorities should ensure that they meet their full and objectively assessed needs for market and affordable homes. The Council confirmed that for the purposes of this appeal it could not demonstrate a five year supply of housing land and could only demonstrate 3.7 years supply.

5. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Furthermore, in the absence of a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. The appellant argues that Policy C2 of the Waverley Borough Local Plan (LP) 2002 is such a policy.
6. The Council refers to Policy C2 amongst other policies in the first reason for refusal. In general terms the policy is consistent with the aims of the Framework in respect of the intrinsic character and beauty of the landscape being recognised. Policy C2 seeks to control development in the open countryside to certain uses, allowing for the provision of affordable housing schemes under certain circumstances. Policy C2 may therefore be regarded in part as a relevant policy for the supply of housing. In the light of the above, I conclude that little weight should be attributed solely to the site being located in the countryside.
7. In these circumstances, paragraph 14 of the Framework sets out how the presumption of sustainable development should be applied and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
8. Taking the above into account, the main issues are:
 - a. The effect of the proposed development on the character and appearance of the area, including the historic environment; and,
 - b. Whether the proposal would be sustainable development

Reasons

Character and appearance

9. The wider area in which the appeal site is located is generally heavily wooded, interspersed with small irregular fields and mainly small settlements. The appeal site is located on the west side of Ewhurst and a small part of the site is within the settlement boundary, and the rest lies outside. Sayers Croft Outdoor Learning Centre (Sayers Croft) is adjacent to the northern boundary of the appeal site.
10. The site is an open field which has boundaries consisting of a mix of mature trees, wooded areas and hedgerows to the north and west and the rear of houses on the south and east boundaries. It is fairly well enclosed within the wider landscape. Being a small field with mature boundaries on the north and west, it is fairly representative of the wider character of the landscape.
11. Ribbon development along Cranleigh Road to the east of the main village is semi-rural in character with houses set back from the road; mature landscaping with trees and shrubs and gaps between most of the properties with views to the countryside beyond for those houses south of the appeal site. This differs from parts of the central area of the village which are slightly more densely developed. The dwellings along Cranleigh Road are a mix of bungalows, chalet bungalows and two storey houses.

12. The Council do not object to the individual design of the houses and use of materials and I agree these would be appropriate and characteristic of the dwellings within the village and immediate area. The mix of housing sizes would be acceptable. The development of 27 houses would be located around an area of open space with landscaped areas on the boundaries of the site. I accept that the proposed scheme would not be very visible within the wider landscape. When travelling by car, people would not be generally aware of the proposed development except where the new access road would join Cranleigh Road. I acknowledge that on the east side of the footpath, the fences which form boundaries of the houses to the east have a slightly more suburban appearance than the rear boundaries of the properties on Cranleigh Road.
13. However, the proposed development would be visible between the gaps in houses from the pavement on Cranleigh Road. The scheme would represent a very significant change in short distance views for those people using the public footpath which runs along the east boundary of the appeal site and exits in the north east corner. The footpath appeared to be fairly well used and provides access from Cranleigh Road to the recreation area to the east of the appeal site and beyond to the village centre.
14. The development on the north part of the appeal site would be viewed at a slight angle when approaching from the footpath to the south. I accept that the roof form and design details of the dwellings would provide some interest along this view. There would also be gaps at first floor level above the garages. I accept that the proposed development would increase the natural surveillance of the footpath. Nevertheless, due to the position and numbers of houses with only small gaps between them, the northern part of the development would appear as a solid built form, and it would have a greater mass and overall scale in comparison to the majority of dwellings in the surrounding area. It would not reinforce the more informal and semi-rural appearance of the properties on Cranleigh Road.
15. The northern part of the site would have a suburban appearance, particularly where it would be open to public view. This would be exacerbated by the apartment building which would be located within the northeast corner of the appeal site. Although fairly domestic in design, it would be of a greater scale and size than development on the eastern boundary of the appeal site. In combination with an area of forecourt parking this would be a prominent feature.
16. The layout would incorporate a number of areas of parking and hard standing. This would result in cars being a dominant feature within the streetscene. The appellant refers to the use of certain types of materials, shared surfaces and more detailed landscape proposals. However, due to the positioning of the car parking at the front of the houses and the size of the parking area in the northeast corner, I consider this would provide a very limited opportunity to mitigate the effect. As a result of the above factors, I consider the proposal would detract from the character and appearance of the area to an unacceptable extent.
17. The appellant refers to the mixed character of Ewhurst and that there is not a strong theme of a single character running through the village, although there are some examples of layouts where houses are in a cluster from a single point of access, which would be similar to the proposed scheme. At the Hearing it

was confirmed that the proposal would equate to 22dph. When compared to the other areas identified by the appellant with higher densities within the village, the proposal would be at the lower end of the range. However, with some limited exceptions in the more immediate area to the south and east of the appeal site dwellings are positioned within spacious plots and the density of development is somewhat below that proposed.

18. I accept that Larkfields which is one of the more modern developments within the village is of a higher density and includes forecourt parking areas. Lilyfields which is close to Larkfields is also representative of a development in the form of a cluster of houses around a single access road. Both of these developments were built before the year 2000 and I understand from the Council that Larkfields was built in accordance with specific density requirements which were in place at the time. As such, I do not consider that they represent a strong justification for the proposal before me.
19. The parties are in agreement that there are two separate elements to the historic environment, the first being the setting of the listed building within Sayers Croft and the non-designated heritage asset of the rest of Sayers Croft. Sayers Croft was one of the first national evacuee camps to be occupied in 1940 and was one of 33 camps established at a similar time. Due to the external appearance of the buildings remaining largely similar to their original form and the numbers in which they survive, Sayers Croft is considered to be the best preserved camp remaining in the country.
20. Sayers Croft contains a Grade II Listed Building in the form of the Combined Kitchen and Dining Hall, which is more elaborate than the other buildings on the site. Its special interest is in the prefabricated design and its special function, which it still has today. The main dining hall contains murals designed and executed by boys during the war which are on the national inventory of War Memorials. The Framework defines heritage significance as being archaeological, architectural, artistic and historic. Therefore I consider that the significance of the Combined Kitchen and Dining Hall lies in its historic and architectural interest.
21. I acknowledge that the boundary between the appeal site and Sayers Croft has been in place for some time and that there is no evidence to indicate that in recent history, the two sites have been linked to each other. I accept that the buildings situated in close proximity to the southwest of this building do form part of the setting of the listed building. I agree with the appellant and other parties that Sayers Croft was modelled around features in the landscape and that the setting is predominantly rural, encompassing the surrounding landscape of woodlands, meadows, ponds and fields. The appellant considers that the contribution of the rural setting is principally directed away from the appeal site with a focus on the Local Nature Reserve (LNR) to the north.
22. However, the Combined Kitchen and Dining Hall has a central position within the Sayers Croft site and the main entrance faces towards the appeal site. Due to the thickness of the hedgerow and other vegetation on the shared boundary; the entrance door of the Combined Kitchen and Dining Hall can be seen from the appeal site and there are views towards the appeal site. Whilst the building lies at the heart of Sayers Croft with others buildings close by, by the nature of the views towards the appeal site, it is clear you are standing within a countryside setting. Taking the above factors into account, I consider that the

- appeal site does make a contribution to the setting of the Combined Kitchen and Dining Hall. Having regard to its wider function serving the rest of Sayers Croft and its historical role, the proposed development would cause harm to the significance of the listed building by failing to preserve its setting.
23. When the proposed development is considered in the context of harm to the significance of the listed building, the harm would be less than substantial. The Framework requires that any such harm be assessed against any public benefit the development may bring, and I shall return to that. Nevertheless, having regard to the judgement in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, to which my attention has been drawn, the need to have special regard to the desirability of preserving the setting of the listed building is a matter of considerable importance and weight.
24. Paragraph 135 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I accept that many of the building at Sayers Croft have undergone internal alterations. I also note that Historic England referred to the rest of the Sayers Croft site being designated as a Conservation Area. I understand that this has not been taken forward by the Council and therefore I can give this matter little weight.
25. Notwithstanding these matters, based on the evidence before me, I consider the significance of the non-designated heritage asset to be in its historical role as an Evacuee Camp, surviving fairly intact and in a use today that reflects its former role by providing a community resource for children and others from urban areas to experience the countryside. At the Hearing it was confirmed that very few organised outdoor activities took place in the LNR to the north and that the majority of these take place in the southern half of the site. Sayers Croft also operates all year round, except at Christmas and Easter.
26. The landscape rises and falls within the Sayers Croft site and the south of the site beyond the buildings is below the level of the appeal site. When looking from this area up towards the appeal site, including from outside the main bird watching hide which faces south, there was an obvious sense of being within a countryside location, with the dwellings along Cranleigh Road not very visible at this point.
27. I consider that the proposed development with 14 houses in fairly close proximity to the boundary with Sayers Croft would be visible to those within the south part of Sayers Croft. It would form a more suburban backdrop when looking out from Sayers Croft towards the south, in combination with the 1.2m boundary fence and the 2m acoustic fence. This would have a negative effect on the countryside setting of Sayers Croft. Although landscaped areas on the northern boundary of the proposed development would provide some mitigation, I consider this would not reduce the effect to such an extent that it would maintain the appearance of a countryside location when viewed from within Sayers Croft. I consider that the scale of the harm to the non-designated heritage asset of Sayers Croft would be moderate, having regard to its historical significance and community role.
28. The appellant refers to glass houses which had been on the appeal site which would have had some impact on Sayers Croft, however such buildings would

not be uncommon in a countryside location and in any event, although still shown on some maps, these have not existed for some time.

29. I accept that the access road to Sayers Croft to the southeast has a slightly more suburban appearance than Cranleigh Road due to the position of the houses close to the access road. However, it is only a fairly short road and has a tall hedgerow on the east side and I consider that those arriving at Sayers Croft would not be affected by their presence significantly. The appellant also refers to bin storage and the parking area to the south of Sayers Croft; however these features do not appear too urban in nature, with woodland and hedgerows as boundaries to this small area. I therefore consider these factors do not have such a significant effect that they have already degraded or changed the rural setting of Sayers Croft.
30. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the area, including failing to preserve the setting of a listed building and causing moderate harm to a non-designated heritage asset. It would be in conflict with Policies D1 and D4 of the LP which amongst other things seek new development that does not result in harm to the visual character and distinctiveness of a locality, particularly in respect of the design and scale of the development and the relationship with its surroundings and which integrates well with the site and complements its surroundings. The proposed development would also be contrary to the Framework, where it relates to conserving and enhancing the historic environment.

Other considerations

31. The S106 Agreement, as varied sets out the terms for the provision for 9 affordable dwellings and the Council have indicated that they are satisfied with the proposed tenure and arrangements. The LP does not set out any specific requirements for affordable housing in the countryside, except in terms of 'rural exception sites'. Whilst there is no clearly identified policy basis for the requirement, I note that there is a need for affordable housing within the Borough. According to the Council, there are over 400 households on the Housing Register and that the most recent draft Strategic Housing Market Assessment for the Borough identifies an affordable housing need for over 500 homes per annum. Information provided at the Hearing on affordable housing requirements at the parish level was not conclusive. However, I accept that the affordable housing mix and proposed tenure would support more local housing needs and the obligation for affordable housing would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to it in scale and kind.

Whether sustainable development

32. The Framework identifies three dimensions to sustainable development – economic, social and environmental. In terms of the economic dimension, the proposal would make a contribution to the short term creation of jobs at the construction stage and I accept that the appellant is a local house builder with access to a local labour force. Over the longer term, there would be increased support for local commercial facilities such as the shop. The proposal would bring land which is not used back into use.

33. The proposal would make a contribution towards the identified need for market and affordable housing within the Borough and towards the overall housing supply within the Borough. These factors would weigh considerably in favour of the appeal proposal. In respect of the social dimension, Ewhurst has some community services and facilities and I accept that new residents would be likely to make use of those that exist.
34. In respect of the environmental role of sustainability, the presence of great crested newts close to the appeal site has been identified. From the evidence supplied by the appellant; there are very small populations which were found in ponds to the north of the appeal site. This is supported by anecdotal evidence from work undertaken by local volunteers. The appellant refers to the habitat on the appeal site being unsuitable for the Great Crested Newts, although I accept this is disputed by other parties. A Habitat Assessment¹ and other ecological surveys² were undertaken as part of the proposal. There are a series of mitigation measures proposed in particular in respect of great crested newts, bats, breeding birds and other protected species. Were the proposal acceptable in other respects these measures could have been secured by a suitably worded condition.
35. The proposed scheme would be constructed using sustainable construction techniques, materials would match those found locally, and the proposal also includes water and energy reducing measures. The appeal site is located close to bus stops in the village which provide access to a number of local bus services. However, these benefits would be very modest. In addition, due to the significant identified harm to the character and appearance of the area and the effect of the proposal on the historic environment, the overall environmental role would be negative. I return to this matter below.

Other matters

36. The contribution that the development would make towards meeting the need for market and affordable housing would be a benefit and the sustainable construction techniques may be also be considered in the widest sense, public benefits.
37. The S106 Agreement sets out the contributions which would be provided towards local infrastructure. At the Hearing, the Council confirmed that it would no longer be seeking contributions towards education, libraries, environmental improvements and highways with the exception of the contribution required for improvements to the public footpath which runs through the appeal site. However, the remaining contributions simply fulfil policy expectations and so attract no positive weight in support of the scheme.
38. Blue Cottage and Little Whinfields lie to the south of the appeal site. The proposal would involve the erection of two bungalows (Plots 4 & 5) to the north of these properties, separated by a strip of landscaping and garden areas. The Council do not object to the proposal in terms of its effect on the living conditions of the occupiers of Blue Cottage or Little Whinfields. As Plots 4 & 5 would be bungalows and the proposed boundary treatment on the southern boundary would reduce the potential for overlooking, I consider that the

¹ Extended Phase 1 Habitat Assessment, Enims October 2013

² Reptile Presence/Likely Absence Survey Bat Emergence and Activity Survey August, PJC Ecology 2014 & Great Crested New Survey Report, EAD, May 2015

proposal would not cause harm in this respect. However, this does not outweigh the harm I have found.

39. I acknowledge that there are local concerns about highway safety, including concerns that the junction of the access road with Cranleigh Road would be hazardous, however the Council do not object to the scheme on highway safety grounds subject to conditions. The proposal incorporates tree protection and retention measures and I note that the Council do not object to these. I see no reason to disagree with these matters.
40. In respect of the effect of the proposal on the economic viability of Sayers Croft, I note that it relies on visitors as the sole source of income and that it is not supported financially by its owner, Westminster City Council. However, I have not been provided with clear evidence that the proposal would negatively affect the income of Sayers Croft; therefore I can give this matter little weight.

Conclusion and balance

41. The appeal proposal would provide needed market and affordable housing in the area and would contribute to economic growth within the village. However, The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation, because they are mutually dependent. It also makes it clear that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. Given my concerns due to the significant identified harm to the character and appearance of the area including a negative effect on the historic environment, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
42. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Ms S Thorpe	Thakeham Homes Ltd
Mr A Ross	Boyer Planning
Mr C Richards	Urban Designer

FOR THE LOCAL PLANNING AUTHORITY

Mr B Lomax	Waverley Borough Council
Ms J Dawes	Waverley Borough Council

INTERESTED PERSONS

Mr I Davis	Chair of West Ewhurst Residents Association
Mr D Quoroll	Head of Outdoor Learning, Westminster City Council, Sayers Croft Outdoor Learning Centre
Mr T Bloomfield	Chair of the Steering Group, Ewhurst and Ellen's Green Neighbourhood Plan
Cllr A Young	County Councillor
Mr G Lock	Local resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 S106 Agreement dated 22 April 2015 supplied by the appellant
- 2 Deed of Variation dated 12 May 2015 under S106A supplied by the appellant
- 3 Drawing 13.04 101 Rev E (Sections A-A, B-B, C-C and D-D) supplied by the Council
- 4 Density character areas in Ewhurst supplied by the appellant
- 5 Extract from book showing the dormitories at Sayers Croft, supplied by Mr D Quoroll
- 6 Letter from Surrey County Council regarding highways contributions dated 11 May 2015, supplied by the Council
- 7 Map showing ponds recently surveyed supplied by Mr D Quoroll
- 8 Listed building notification and appeal and planning notification letters and a list of those persons notified supplied by the Council
- 9 Revised condition 37 supplied by the Council