



Appeal Decision

Site visit made on 1 February 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2023

Appeal A Ref: APP/R3650/W/22/3302405

Parcel Two – Land south of Ridgley Road, Ridgley Road, Chiddingfold

- 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 planning permission
 - The appeal is made by Mr Nathan Craker of Vanderbilt Homes against Waverley Borough Council.
 - The application Ref WA/2022/00888, is dated 28 February 2022.
 - The development proposed is described as the development of 13 dwellings with associated access and hard/soft landscaping.
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Appeal B Ref: APP/R3650/W/22/3302406

Parcel One – Land south of Ridgley Road, Ridgley Road, Chiddingfold

- 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 planning permission
 - The appeal is made by Mr Nathan Craker of Vanderbilt Homes against Waverley Borough Council.
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 - The development proposed is described as the development of 10 dwellings with associated access (through parcel two), and hard/soft landscaping.
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Decision

Appeal A Ref: APP/R3650/W/22/3302405

1. The appeal is dismissed and planning permission for the development of 13 dwellings with associated access and hard/soft landscaping is refused.

Appeal B Ref: APP/R3650/W/22/3302406

2. The appeal is dismissed and planning permission for the development of 10 dwellings with associated access (through parcel two), and hard/soft landscaping is refused.

Procedural Matters

3. The Council failed to issue a decision for the 2 proposed developments. It considered that they should have been submitted as one application as they both refer to different sections of a singular site, Meadow Nursery East and Meadow Nursery West (the MNS). This site has been allocated for residential development by Policy HA2 of the Chiddingfold Neighbourhood Plan (NP). Whilst it may not be common practice for 2 separate applications to be submitted under such circumstances, I have not been provided with any evidence or legislation that would prevent the appellant from doing so.

4. Nevertheless, it is appreciated that both appeals are closely linked and would ultimately form a singular development. This is reflected by the proposals' shared issues and, to some extent, that all parties have considered both together. As such I have dealt with each appeal on its individual merits but to avoid duplication, I have considered the proposals together in this decision. For ease of reference, I refer to the different cases as Appeals A and B, as set out in the headers.
5. Both appeals propose residential developments with a shared access. Notwithstanding the obvious difference in the number and type of dwellings proposed in each, the main variation is that Appeal A does not propose any affordable housing whilst Appeal B proposes 7 affordable houses.
6. Post the start of the appeal the appellant has submitted a signed Unilateral Undertaking (UU), and the Council has submitted additional evidence relating to the designation of the MNS as a Habitat of Principle Importance (HPI). The main parties have had opportunity to comment on both these matters, and in line with the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE 1982*, I am content that no parties would be unfairly disadvantaged by my consideration of these additional items within this decision.

Main Issues

7. The main issues are the effect of the proposed developments on the character and appearance of the area, highway safety, and the biodiversity of the MNS; and whether the proposals would provide adequate affordable housing.

Reasons

Character and appearance

8. The MNS is an area of trees and brush at the edge of Chiddingfold village within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and a locally designated Area of Great Landscape Value (AGLV). It is separated from Ridgley Road by a tall and dense hedge and to the rear the site opens out onto fields which slope up and away from the site. To one side is a series of large, detached houses along Ballsdown, and to the other a surgery and some modest semi-detached properties grouped around Field View Close.
9. Ridgley Road itself is residential in nature, and houses are mainly detached or semi-detached, two-storey, road-facing and traditional in form and appearance. The majority are set back from the road behind substantial areas of off-road parking and/or gardens and generally have well maintained hedges along their frontages. The main exception to this reasonably uniform street scene is the housing around the Ridgley Road and Ash Combe junction. Here there is a short terrace of properties which are angled away from the road and set back behind an area of open space. The amount of space and hedging between the houses and the road means the overall street scene retains a verdant and somewhat rural character.
10. Both Appeals A and B would not provide any significant space between the proposed new dwellings and Ridgley Road. This would fail to reflect the existing street scene and would have an urbanising effect which would dominate the road frontage and harming the otherwise verdant character of the road. This impact could not be softened by additional landscaping beyond the retention of the hedge. A feature which would be much reduced from its existing size both

- in terms of height and overall length due to the multiple pedestrian entrances proposed to cut through it and its proximity to the proposed dwellings.
11. The incongruity between the proposed layouts and its surroundings, is further exacerbated by the orientation of the 2 dwellings proposed at the entrance to the site within Appeal A. These would front the new access road and not Ridgley Road. This would be at odds within the street scene where the majority of properties face Ridgley Road providing cadence to its overall character, and this would not be overcome by the proposed articulation of the side elevations. Nor is this orientation commensurate to the residential properties around Field View Close, which are set significantly further back from Ridgley Road than the 2 proposed dwellings.
 12. Notwithstanding the detrimental affect the proposed layout of both Appeals A and B would have on the character and appearance of the area, the proposed density of landscaping and retention of trees along the rear and side boundaries of the MNS, along with the topography of the fields behind, would ensure the proposed developments would be unobtrusive within the wider pastoral landscape when viewed from the rear.
 13. It is also appreciated that the proposed dwellings across both Appeal A and B would be traditional in design, like the existing properties within the area. However, the proposed bulk, mass, and disproportionate roof of the 3 floor apartment block would be out of scale to many buildings within the area.
 14. Its bulk and proximity to the road would be visually awkward and obtrusive when viewed in relation to the single storey form of the surgery and the set back nature of the development around the Field View Close. Therefore, the proposed apartment block would constitute an incongruous feature within Appeal B, the wider proposals for the MNS, and would be out of character for the area.
 15. My attention has been drawn to an existing large house along Ridgley Road with multiple roof dormers. Although different to the general appearance of many of the properties in Ridgley Road, the dormers in this instance have retained the proportions of the house's roof, evidenced by the small amount of space between the dormers and ridge. In contrast the proposed apartment block would have a considerable expanse of roof slope between its dormers and ridge thus it would fail to reflect the roof to wall proportions apparent within the local area, and the other proposed buildings in Appeals A and B.
 16. The appellant states the proposed apartment block would book end the MNS with a proposed dwelling at the opposite end of the site. Notwithstanding both buildings are within separate Appeal schemes and the obvious disparity in width, size, height, and roof proportions, bookending the site would isolate the proposed development within the wider street scene. Thus, it would fail to provide visual cohesion and spatial connection with the surrounding area.
 17. AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Policy RE3 of the Local Plan Part 1: Strategic Policies and Sites (LP) also requires similar principles of protection for AGLVs as AONBs. Having regard to my findings above, the proposed developments, from a distance, from the rear, would have limited visual impact. However, the lack of visual and spatial parity

between Appeals A and B and Ridgley Road, as a main road through the village, and the erosion of the existing verdant street scenes and spaciousness would have a detrimental impact on the setting of Chiddingfold. Thus, both Appeals A and B would fail to conserve the natural beauty of this part of the AONB and the landscape qualities of the AGLV.

18. In conclusion, therefore, Appeal A and B would significantly harm the character and appearance of the area, singularly and in combination. This would be contrary to LP Policies TD1 and RE3, saved Policies D1 and D4 of the Local Plan 2002, and NP Policies BE1 and BE2, as far as they seek to promote high quality design and protect the distinctive local character of an area, including the AONB and AGLV.

Highway safety

19. Appeals A and B would introduce a new vehicle access on the opposite side of the Ridgley Road to the main body of the village, close to Ash Combe, which would alter the road usage of the area. This would increase hazards for pedestrians from the proposed developments wishing to cross over Ridgley Road, specifically from vehicles entering or existing the proposed new access and Ash Combe. Consequently, The County Highways Authority state that the pavement should be widened in front of the site, and an uncontrolled pedestrian crossing at the Ash Coombe junction installed.
20. Widening the pavement in front of the MNS would represent only a small portion of that along Ridgley Road and would narrow back down to the existing width at either side of the site. This would create bottle necks at either end which could potentially mean users would have to step into the road to pass by each other, thereby largely negating any benefit the wider section would have. Therefore, I find that the requirement to widen the footpath is unlikely to improve highway safety, and it would be inappropriate and excessive to require the appellant to amend the footpath along the entire length of Ridgley Road.
21. Appeals A and B would, however, increase the number of residents along this part of Ridgley Road on the opposite side of the road to much of the village. To access the village by foot or cycle they would likely seek to cross the road. This along with the increased number of car movements the proposal would create, and the proximity of the proposed new access to the Ash Combe junction, would impact the safety for users of this part of Ridgley Road. Therefore, from the evidence before me and my observations on site, I am satisfied that the proposed requirement to provide a crossing would create a safe environment for pedestrians and cycles which would otherwise be unavailable, thus it would reduce the potential of conflict with vehicles and ensure the safety of all road users.
22. The appellant has indicated that the crossing could be an obligation secured by section 106 agreement. This would be an appropriate mechanism to do so and as no details of how such an improvement would be developed have been submitted, a condition would be imprecise. However, such a provision has not been included in the appellant's UU and so it cannot be secured.
23. In conclusion, therefore, the proposed developments of Appeal A and B would have a detrimental impact on highway safety for existing and future road users and there is no mechanism before me to secure suitable mitigation. This would be contrary to LP Policy ST1, insofar as its seeks to improve accessibility and

give priority to pedestrians and cyclists, amongst other things, and Paragraph 111 of the National Planning Policy Framework (the Framework), which also seeks to prevent unacceptable impact on highway safety.

Biodiversity

24. LP Policy NE1, seeks to conserve and enhance biodiversity, and where adverse impacts are unavoidable, ensure they are appropriately mitigated against. The policy also seeks to protect locally designated habitats from development, which would include HPIs.
25. Within the appellant's Ecological Assessment and subsequent additional letter, dated 15 November 2022, both compiled by Ethos Environmental Planning (The EA submissions), it is identified that the trees on the MNS equate to a self-seeded woodland which has developed over the last 15-20 years. Consequently, the MNS would not constitute a HPI and the Surrey Wildlife Trust, as the Council's ecological consultee, agree with this evaluation. With nothing before me to the contrary I am satisfied the elements of LP Policy NE1 which would prevent development in locally designated habitats do not apply to either Appeal A or B.
26. The EA submissions set out adequate mitigation and habitat provision measures for reptiles, bats, and badgers. These measures could be secured by condition and would therefore conserve protected species.
27. A series of other 'environmental enhancements' have also been suggested with the EA submissions. The main parties agree these could benefit the local ecology, but as no technical assessment has been submitted setting out a baseline for the current biodiversity of the MNS, I am unable to conclude whether that proposed conserve and indeed enhance the net biodiversity for Appeals A and B.
28. Consequently, although Appeals A and B would be able to conserve protected species, it has not been shown that either appeal would conserve or enhance the existing biodiversity of the MNS. This would be contrary to LP Policy NE1.

Affordable Housing

29. Appeal A proposes 13 dwellings, with no affordable housing, whilst Appeal B would provide 10 dwellings, of which 7 would be affordable. For proposals of this scale LP Policy AHN1 and NP Policy H4 requires, amongst other things, for 30% of new housing to be affordable. Subsequently, Appeal A would fail to provide an acceptable amount of affordable housing and therefore would not comply with LP Policy AHN1 and NP Policy H4. Appeal B would, however, exceed the amount of affordable housing required and it would be of a suitable mix of sizes to also comply with the requirements set out in NP Policy H3.
30. However, the appellant has not sought to address this issue individually for each Appeal but to combine affordable housing provision across both Appeal A and B. This has been set out within the UU and requires an affordable housing plan to be agreed with the Council prior to commencement of development of either Appeal A or Appeal B. It also states that no more than 30% of the proposal market housing across both Appeal A and B would be occupied before the affordable housing has been completed and transferred to the Registered Provider. On review of the UU I am satisfied, in this instance, it would enable

the provision of an acceptable amount of affordable housing when considering Appeals A and B as a singular development.

31. Nevertheless, the adequacy of affordable housing is not limited to the amount provided. LP Policy AHN3 and NP Policy H4, also require affordable housing to be evenly distributed throughout the development. When considering Appeals A and B as a singular development, all the affordable housing would constitute one apartment block at one end of the MNS. It is appreciated as a singular development the layout is relatively linear. However, this does not account for, and there is nothing before me which justifies, the lack of distribution throughout the site, nor why the affordable housing is only provided as apartments, whereas all the market housing except 1 is provided as dwellinghouses. This disparity in housing type and lack of distribution fails to provide a cohesive approach to tenure and housing mix across the site.
32. When considered as a singular development Appeals A and B would, therefore, fail to provide adequate affordable housing, contrary to LP Policy AHN3 and NP Policy H4.

Other Matters

33. The Council consider that across both appeal schemes it would be necessary to provide a Local Area for Play (LAP) or Locally Equipped Area for Play (LEAP). The NHS have also set out a need for contribution toward local health services. These would need to be secured by obligation as the Community Infrastructure Levy would not cover them, and neither are referred to in the UU.
34. The UU would, however, secure contributions to the Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring of the Thames Basin Heath Special Protection Area (SPA). Natural England states that the MNS is beyond the 5km buffer zone of the SPA. Appeals A and B would contribute to an increase in local population which could lead to an increase in visitor and recreational pressure within the SPA, and the contribution would provide mitigation for potential harm this would cause.
35. The appellant has put forward a comprehensive drainage strategy which deals with Appeals A and B as a singular development, and on review of the details I am satisfied there is potential for the individual surface water drainage elements to be brought forward independently for each proposal. Both appeals would also provide adequate parking in excess of the recommended guidance set out in both the Council's Parking Guidelines and Surrey County Council's Vehicular and Cycle Parking Guidance. There would be enough space within the proposed layouts to provide adequate cycle and refuse storage, as well as adequate vehicle access and turning, and refuse collection. However, these are all elements of good design so their provision would not weigh for or against the proposal.

Planning Balance

36. The Council cannot demonstrate a 5 year housing land supply (5YHLS). The appellant has quoted a figure of 4.26 years from June 2021, but within the Council's 5YHLS Position Statement, published November 2022, this has increased to 4.9 years. Nevertheless, this would still constitute an undersupply and so it is necessary for me to apply paragraph 11 of the Framework.

37. As a singular development Appeals A and B would provide an additional 4 houses to the minimum required by NP Policy HA2 and it is understood the housing could be delivered quickly. I have also considered that the Framework seeks to boost significantly the supply of housing and recognises the importance of small and medium sites in meeting the housing requirement of the area. Therefore, the assistance the proposed over provision of dwellings would give to meeting the Borough's 5YHLS, the economic and social benefits of providing housing on an allocated site, and the environmental benefits attributed to mitigating harm to the SPA, would attract modest weight.
38. When considering Appeal B individually, the over provision of affordable housing, if secured by appropriate obligation, would attract modest weight. However, when Appeals A and B are considered as a singular development the provision of an acceptable number of affordable dwellings would only attract limited weight due to the lack of adequate distribution and housing mix.
39. Nevertheless, housing provision of any tenure should not come at the cost of good design, highway safety, and the environment, a position supported by the Framework, as far as it seeks to achieve well designed and safe places which conserve and enhance the natural environment. Consequently, in these circumstances, I find the adverse impacts of granting planning permission for either Appeal A or B would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

40. For the reasons given above, both the proposals of Appeal A and Appeal B would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. Appeal A and Appeal B are, therefore, dismissed and planning permission for both is refused.

RJ Redford

INSPECTOR