



Appeal Decision

Hearing held on 7 January 2025 & virtually on 27 January 2025

Site visits made on 6 & 7 January 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 MARCH 2025

Appeal Ref: APP/D3640/W/24/3347530

Land at Grove End, Bagshot

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Somerston Development Projects Limited against the decision of Surrey Heath Borough Council.
 - The application Ref is 23/1163/OOU.
 - The development proposed is development of up to 135 homes, including a minimum 50% affordable homes, with associated landscaping, parking, open space, play areas, etc.; the construction of a new vehicular access on to Grove End serving the proposed new dwellings; configuration of the existing vehicular access serving the Windlesham Golf Club; and all other associated development works (access only detailed matter with all other matters reserved).
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Decision

1. The appeal is allowed and planning permission is granted for development of up to 135 homes, including a minimum 50% affordable homes, with associated landscaping, parking, open space, play areas, etc.; the construction of a new vehicular access on to Grove End serving the proposed new dwellings; configuration of the existing vehicular access serving the Windlesham Golf Club; and all other associated development works (access only detailed matter with all other matters reserved) on land at Grove End, Bagshot, in accordance with the terms of the application, Ref 23/1163/OOU, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The application was made in outline form with all matters save for access reserved for future consideration. The submitted framework and parameter plans have therefore been treated as broadly indicative in nature.
3. On 10 December 2024, the Council submitted its emerging Surrey Heath Local Plan (2019 – 2038) (eLP) for examination. The Statement of Common Ground (SoCG) sets out that the main parties agree that the policies in the emerging plan do not attract any substantive weight for the purposes of decision making and I find no reason to reach an alternative conclusion.
4. On 12 December 2024, a new National Planning Policy Framework (the Framework) was published. All parties had an opportunity to provide written evidence on the implications of the new Framework during the hearing adjournment. Accordingly, no prejudice has occurred to any party in relation to the material change of circumstances.

5. The appeal proposal was refused for five reasons. Following the submission of the appeal, the Council agreed that the third, fourth and fifth reasons for refusal (RfRs) could be adequately addressed by way of planning conditions and/or planning obligation. As such, whilst some aspects of the conditions and obligation were further discussed, these RfRs were not defended by the Council.
6. The SoCG includes an agreement between the main parties on the Council's housing land supply position which was indicated to be between 3 and 3.7 years and thus, falling short of the Framework's minimum requirement for a five year supply with relevant buffer. On the basis of the shortfall, the parties agreed that no further interrogation of the housing supply evidence was necessary. I find no reason to reach an alternative conclusion.
7. A draft S106 planning obligation was agreed between the parties and submitted prior to the hearing. Prior to the resumption of the hearing on the 27 January, the appellant had altered the form of the obligation to a unilateral undertaking (UU). The completed UU was received on the 7 February 2025. A further UU was received on the 6 March 2025 specifically dealing with the provision of open space. Both of the UUs are addressed below.

Main Issues

8. The main issues in the appeal are:
 - whether the scheme amounts to inappropriate development in the Green Belt;
 - the effects of the proposal on the landscape character and visual amenities of the area; and
 - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate

9. The site extends to around 4.5 hectares and is formed of a single agricultural field adjoining Grove End, a railway and the dual carriageway section of the A322 and Footpath 27. Two dwellings lie in close proximity of the northern corner of the site, accessed via Footpath 27. The main urban extent of Bagshot lies to the south-west, separated from the site by the A322.
10. The appellant's position is that the appeal site should be considered to fall under the Framework's definition of Grey Belt land. This is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to Green Belt purposes (a), (b), or (d). These purposes are: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; and (d) to preserve the setting and special character of historic towns.
11. In this case, the site is not previously developed land, and the main parties agree that the site does not strongly contribute to purpose (a) or (d). The disagreement, therefore, is whether the site strongly contributes to purpose (b), i.e. whether this section of the Green Belt strongly contributes to preventing neighbouring towns from merging into one another. Central to this debate is whether the areas that

would be closer together if the development went ahead are ‘towns,’ or alternatively, other lower tier settlements.

12. The *Surrey Heath Core Strategy and Development Management Policies* (adopted 2012) (Core Strategy) in Policy CS1 which refers to Bagshot as a large village and Windlesham (including Snows Ride) as a smaller village.
13. The Council’s *Green Belt Review* (2022) (2022 GB Review) identifies a number of settlements within Surrey Heath as towns based on a combination of a minimum population of 3,000 and at least 500 dwellings within an 800 metre radius. Using these criteria, the 2022 GB Review includes the following as towns within Surrey Heath itself: Camberley; Frimley and Frimley Green; Mytchett; Bagshot; Bisley West End; Lightwater; Chobham, and Windlesham (including Snows Ride). It acknowledges that the definitions of some of these settlements as towns is without prejudice to how they may more commonly regarded or defined elsewhere. The approach of considering the settlements as towns in a manner inconsistent with the adopted development plan was also adopted in the earlier *2017 Green Belt and Countryside Study* (2017 GB CS). The 2017 GB CS and 2022 GB Review therefore conflict with the adopted development plan’s position concerning the definitions of settlements.
14. Whilst I understand the desire to maintain the separate identities of settlements within the Borough, that does not equate to the appeal site making a strong contribution towards preventing the merging of formally recognised towns under Green Belt purpose (b). Notwithstanding their respective conclusions about contributions to Green Belt purposes, the 2022 GB Review and 2017 GB CS are not capable of attracting the same weight as the development plan, and absent any more than limited weight being attached to any emerging policies that redefines Bagshot and Windlesham as towns, or endorsement of the conflicting definitions through the examination of the eLP and its evidence base, then I consider that Bagshot and Windlesham fall into the categories of villages of varying scales. Purpose (b) of Framework paragraph 143 is therefore not engaged in this appeal and even if it were, in my view, the development of the appeal site would not result in Bagshot or Windlesham merging or appearing materially closer to one another.
15. As the appeal site does not make a strong contribution to Green Belt purposes (a), (b) or (d), the appeal site falls under the definition of Grey Belt land as set out in the Framework. Paragraph 155 of the Framework states that development should be regarded as not inappropriate where the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable need for the type of development proposed; the development would be in a sustainable location; and where the development would meet the Golden Rules.
16. Given the scale, location and extent of the site area, and its containment by the A322, Grove End and London Road, the development would not fundamentally undermine the purposes of the remaining Green Belt across the plan area.
17. In view of the agreed shortfall in housing land, whether at 3 or 3.7 years, there is a demonstrable need for the type of development proposed.
18. In respect of the sustainability of the site, this is agreed between the main parties and, whilst I address this further below, I too agree that the site should be

considered suitably located in relation to its proximity to facilities and services and could offer some choice as to modes of transport other than the private vehicle.

19. Furthermore, the main parties agree that the scheme would comply with the 'Golden Rules' as set out in paragraphs 156 and 157 of the Framework, in recognition of its minimum 50% affordable housing, the provision of new green spaces accessible to the public, and improvements to local infrastructure, and I do not reach a finding to the contrary.
20. As the development would utilise Grey Belt land, meet the requirements of paragraph 155 of the Framework and complies with the Golden Rules, it would not be inappropriate development in the Green Belt by definition, and consequently, there is no need to further consider harm to openness.
21. Policies CP1, CP2 and DM9 of the Core Strategy are referred to in RfR1. Policy CP1 indicates that the current extent of the Green Belt within the countryside (as defined in the Proposals Maps) will be maintained. A development within the Green Belt does not, in and of itself, alter the extent of Green Belt, and nor would the appeal proposal. The strict application of the wording of the Policy means that there is no direct conflict with Policy CP1 on the basis of the site's location within Green Belt and countryside. As outlined above, the Framework has attracted greater weight as a policy basis for assessing a development within the Green Belt and the development accords therewith.
22. Policy CP2 is primarily concerned with sustainable development and design and is not specifically relevant to the Green Belt or location of the site. Similarly, Policy DM9 concerns design quality, not the consideration as to whether a site is definitionally or otherwise harmful to the Green Belt and is therefore, not a policy triggered by my findings above either.

Landscape character and visual amenities

23. As an arable field which folds down into a shallow cutting, bound by trees on the western edge and an area of woodland to the north, the site has some characteristics which fit with that of the defined landscape character type (LCT) within which it sits, SS: *Settled and Wooded Sandy Farmland*¹.
24. The agricultural use of the site does not spill over onto any adjoining parcels of land and the management of nearby land, such as the Golf Club, school and nursery, mean that there is a patchwork of land uses in the wider surroundings. The site has a highly exposed boundary to Grove End and its proximity and intervisibility, filtered only by a thin line of insubstantial trees, means that it is also visible from the A322. It is also experienced from users of the railway line at a lower level.
25. There are two dwellings to the north of the site, across from Footpath 27, which give a modest sense of the site being within a settled landscape, but the detachment from the settlement of Bagshot by the A322 is apparent. Overall, whilst the site is not entirely tranquil or understood within a typically rural context due to the presence of transportation infrastructure, it is not so well or visually related to the townscape context of Bagshot either. Whilst the site is not in a valued landscape, it has some attractive qualities and, despite the fragmentation of

¹ Surrey Landscape Capacity Study (2015)

surrounding land uses, the undeveloped nature of the site and some surrounding areas give relief from the built form and domination by road and rail.

26. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA), supplemented by an Appeal Statement and Additional Landscape Evidence. Despite the findings presented across this evidence, my view is that the site's sensitivity to change and magnitude of effect from the development of up to 135 dwellings of 2 – 3 storeys with associated infrastructure would result in a harmful change in landscape character terms of a moderate to substantially adverse nature. There would be some softening of the development over time with the implementation and maintenance of a landscaping scheme, but the benefit of such would be modest given the topographical characteristics of the site and proximity of built development to the boundaries. Therefore, the residual landscape character effects would, in my view, remain at least of a moderate adverse nature.
27. The visual envelope of the site is relatively confined with the receptor groups identified in the LVIA and supporting evidence including those on Footpath 27, on the A322, the A30 London Road, and on Grove End. From my visit, I did not identify any other areas from where the development would be particularly visible from public vantage points. Given the nature of users of the A30 and A322, and with intervening trees and landscaping having some filtering effects at certain times of the year, the development would have a moderate adverse effect, reducing in time to a minor adverse with the establishment of landscaping. The LVIA identifies that the views from Footpath 27 would be substantially adversely affected in Year 1 with a reduction to moderately adverse by Year 15. For users of Grove End, despite that many receptors would also be users of vehicles, the effects identified in the LVIA are of a substantial adverse nature and magnitude in Year 1, with a reduction to moderately adverse by Year 15. I do not reach different conclusions in respect of either of these viewpoints on completion of the development or thereafter. Overall, when considered with the other lesser harms to receptors from other surrounding viewpoints, the effects on completion would be substantial from the areas where the site is most visible, reducing to an extent after a not immaterial period of landscaping establishment.
28. I have considered the submitted *Land Use Parameter Plan* (Rev 01), and the appellant's assertion that the development would be high quality and beautiful. Given the outline nature of the scheme, I have not treated the layout or scale of the scheme as precisely fixed elements. The overall composition of the scheme detailed in the *Land Use Parameter Plan* would be logical and the density edging towards the higher end of what would be acceptable in such a location. Details of the final layout, design of the houses, green open spaces and landscaping will ultimately determine whether a scheme is beautiful, and therefore, my view is that it is not necessary to reach a conclusion on this particular aspect. The impact of the type and broad quantum of development on the site and the effect on the visual receptors are the key aspects under consideration at this stage. My findings above indicate that the development would have a harmfully urbanising impact, despite the confinement to a relatively localised context.
29. Taking these aspects together, I consider that the proposal would be harmful to the landscape character and visual amenities of the area, contrary to Policies CP2 and DM9 of the Core Strategy which, amongst other things, require that land is used efficiently within the context of its surroundings and respects and enhances the quality of the urban, rural, natural and historic environments.

Other Matters

Affordable Housing

30. Core Strategy Policy CP5 requires 35% affordable housing in most circumstances, or 40% from schemes of 15 dwellings or more. This requirement would be exceeded by the scheme which would provide 50% affordable homes as a minimum, with a prospect of 100% being secured and confirmed prior to commencement. The mechanism to secure this additionality sits within the submitted UU and I find no issue with it. The mix of dwelling sizes and tenures provided would depend on the percentage of affordable housing provided, but the initial 50% would at least conform with the Council's tenure mix expectations.
31. The appellant's evidence indicates that the Surrey Heath Local Housing Needs Assessment of 2024 (LHNA 2024) is the most recent evidence on projected affordable housing need and is already 3 years into its relevant period. Combining the affordable rental and affordable home ownership needs generates a need figure of 250 affordable dwellings per annum. Whilst the evidence looks further back at delivery against past targets, the most recent evidence suggests that since the start of the LHNA 2024 period, 72 affordable dwellings were constructed per annum against the need of 250 dwellings per annum, i.e. a cumulative total delivery of 217 affordable dwellings against the cumulative target of 750 dwellings, thus resulting in a shortfall accrued since 2021 of 533 dwellings.
32. Another source of evidence offered is a Freedom of Information Response² which shows that there were 409 individuals/households on the Housing Register in Surrey Heath in need of an affordable home to rent as at 31 March 2024, up from 347 from the 31 March 2023. Of the total number (409), around 215 have expressed a preference to live in the Bagshot area, indicating that it is a popular place to seek to live.
33. Other indicators of need detailed in the evidence include a high number of bids per affordable dwelling; 44 individuals/families currently in temporary housing and between over 100 families/individuals needing assistance with homelessness at some level. On the point of stock numbers overall, the losses through Right to Buy appear only modest, but I agree with the separate point about needing to avoid an overreliance on the private rental sector to address affordable housing needs. The affordability ratios are also emphasised, with the Surrey Heath area having a substantially above national median affordability ratio, also still significantly higher than the South East median.
34. All the above factors point towards an identifiable need for affordable housing, and though the Council dispute the severity of the need, the basic point about there being a need for affordable housing is a point which both parties at least agree. I reach the same view that an affordable housing for a range of tenures exists.
35. I have also considered the stated intention in a letter from Abri Group Ltd in its capacity as registered provider of housing to deliver all of the proposed dwellings as affordable housing rather than the minimum 50% specified in the UU. This intention was advanced verbally at the hearing as well. The UU provides the eligibility clauses in the event that the dwellings should be secured in such a way at a future point in time. However, I cannot bind such a requirement through the

² JS SoC Appendix 1

UU on the basis that it would preclude the use of grant funding. As such, whilst a laudable intention, I do not attach any additional weight to a proportion of affordable housing above 50% for which I cannot guarantee delivery.

Other Matters

36. I have taken the objections of local residents concerning numerous aspects other than Green Belt and landscape harms into consideration in reaching my decision. In relation to flooding issues, I note that there is an intention to provide a Sustainable Urban Drainage Scheme and the Lead Local Flood Authority have agreed this in principle, with further detail required prior to any commencement of development. In the absence of cogent evidence to the contrary, the scheme would not increase the risk of flooding elsewhere.
37. In respect of potential harm to biodiversity, the appeal proposal has been supported by adequate information to indicate that the development would secure adequate mitigation and enhancement measures, including Biodiversity Net Gain enhancements in excess of the statutory minimum.
38. The proposal includes road improvements such as alterations to the access to Windlesham Golf Club, removing a north-to-south in/out access, and providing a right turn lane into the site with adequate visibility splays. The speed limit would also be reduced to 40mph on Grove End by way of a Traffic Regulation Order. The Highway Authority has not raised any issues in relation to the safety of the access itself or the capacity of the surrounding road network to accommodate the development, despite suggestions from local residents that it is already a heavily congested area at peak times.
39. Though distances to many facilities and services are reasonable or at the upper end of what would be considered walkable or cyclable, there are some shortcomings with the existing infrastructure that the scheme will need to address through improvements to pedestrian access and connectivity. A combination of widened footways to provide combined cycle/footways and improved crossing points are proposed in various locations. These features would be secured in addition to a contribution towards a Demand Responsive Transport service which would enable future residents to use a more responsive public bus service to local destinations. The Highway Authority have not objected to the scheme on sustainability grounds subject to the aforementioned improvements being delivered by way of planning obligation and/or related conditions, and I find no reason to reach an alternative conclusion.
40. Whilst it has been suggested that there is a need for additional capacity at the local doctor's surgery, there is no cogent evidence before me to justify such contributions, particularly in the absence of a direct request from any relevant health authority.

Thames Basin Heaths Special Protection Area

41. The proposal has the potential to affect a site designated under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The potentially affected site is the *Thames Basin Heaths Special Protection Area* (Site Code: UK9012141) (TBH SPA) for which the qualifying species are: A224 *Caprimulgus europaeus*; European nightjar (Breeding); A246 *Lullula arborea*; Woodlark (Breeding); and, A302 *Sylvia undata*, Dartford warbler (Breeding).

Essentially, the TBH SPA comprises a network of heathland sites which support internationally important numbers of bird species which nest on or near the ground and as a result they are very susceptible to predation of adults, chicks and eggs (particularly by cats, rats and crows) and to disturbance from informal recreational use, especially walking and dog walking. Any proposal which by reason of its proximity of the TBH SPA, within a 'Zone of Influence' (ZoI), that may result in additional recreational disturbance is likely to have an adverse effect on the integrity of the TBH SPA. I must have had regard to the conservation objectives for the TBH SPA in undertaking my duties in accordance with the Habitats Regulations.

42. The appeal site is located within the 400m - 5KM ZoI for the TBH SPA as set out in the *Thames Basin Heaths Special Protection Area Avoidance Strategy SPD* (2019). The proposal is not directly connected with or necessary for the management of the protected site. However, the proposal, given its scale, nature, and distance from the protected site, would be likely to have significant effects either alone, or in combination with other projects. The effects of the proposal cannot, therefore, be screened out and in adopting a precautionary approach, the development would give rise to likely significant effects on the Protected Sites, such as to require an Appropriate Assessment under the Habitats Regulations.
43. The published SPD and a supplemental SANG Allocation Criteria (2020) provide guidance in relation to developments within the ZoI that may result in in-combination effects on the TBH SPA which outline the need for provision or contributions towards both Suitable Alternative Greenspace (SANG) and contributions towards Strategic Access Management and Monitoring (SAMM).
44. The appeal application site is situated at the nearest boundary point-to-point of circa 800m from a parcel of the TBHSPA. Accordingly, the appeal proposal would need to deliver both SANG and SAMM mitigation for up to 135 proposed new homes under the ambit of the SANG Allocation Criteria. The Council has confirmed that its own Windlemere SANG could be used as the means of offsetting the impact of the proposal given that it is within the catchment of the appeal proposal. This confirmation was belatedly provided in the lead up to the appeal hearing. Additionally, the appellant recognises the need to pay towards the appropriate SAMM mitigation. The Council's latest published tariff rates (effective as of 1 April 2024) for SAMM sets out a tariff per number of bedrooms which is detailed in the appellant's unilateral undertaking.
45. The appellant has provided a completed Unilateral Undertaking (dated 7 February 2025) (UU) to secure the provision of SANGs (by way of contributions) and a per dwelling tariff towards SAMM within the Borough's boundaries based on the relevant calculation at the time that the payment is due, payable towards the costs of providing, upgrading and maintaining SANG within the Council's Borough boundaries.
46. Overall, the form and wording of the UU is suitable to sufficiently bind the land and ensure that it is put towards the provision of SANG and the undertaking of access management and monitoring the effects of mitigation measures across the SPA. The contributions are necessary, directly related to the development and fair and reasonable in scale and kind to the development proposed. I am therefore satisfied that they meet the appropriate tests and are therefore obligations I can take into account.

47. As competent authority, I am satisfied that the SANG and SAMM mitigation measures secured through the UU will ensure that the development would not result in an adverse effect on the integrity of the TBH SPA when considered on its own and in combination with other plans and projects.
48. Whilst the appellant is seeking a Grampian style condition to provide the flexibility to allow alternative SANGs within the Borough boundaries to be explored should it be needed. The response from Natural England indicates that its acceptance of the scheme is on the basis that the mitigation measures are brought forward through in accordance with the Council's policies. Having taken the views of Natural England into account, I do not consider it necessary to impose a condition which could allow a deviation from the provision of SANG as agreed in the evidence before me.

Planning Obligations

49. The UU submitted as complete on the 7 February 2025 seeks to secure:
- a minimum of 50% affordable housing under Option A, with Option B being able to secure up to 100% affordable housing if grant funding were available;
 - contributions to secure transport infrastructure enhancements including bus stop works, works to Footpaths 26 and 27, reconfiguration of the access to Windlesham Golf Club, provision of pedestrian crossing facilities and related improvements to others, reduction of the speed limit on Grove End to 40 mph from 50 mph and contributions towards a Demand Responsive Transport Scheme; and
 - mitigation contributions towards the TBH SPA both towards SANG and SAMM.
50. The UU both dated and submitted on 6 March 2025 specifically seeks to secure the timely provision of public open space of at least 1.55 hectares in size and of a variety of typologies, along with ongoing maintenance of the same.
51. Regulation 122 of the Community Infrastructure Levy Regulations (2010), as amended and the Framework (paragraph 58) set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. I am satisfied based on the agreement between the main parties and the wording of both of the UUs that all of the obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the development.
52. Whilst the Council would not enter into a S106 on the basis that the Option B scheme would secure 100% affordable housing, this does not preclude me from taking both of the UUs into account in reaching my decision. For clarity, the Option A affordable housing is that to which I attach weight as a material consideration.

Planning Balance

53. Despite its siting within the Green Belt, under the terms of the Framework, the development would not be inappropriate development by definition.
54. Nonetheless, the proposal would harm the landscape character and visual amenities of the area in conflict with the Core Strategy Policies CP2 and DM9, which the main parties agree attract full weight. These harms bring the scheme

into conflict with the development plan when considered as a whole and the conflict attracts significant weight overall.

55. There is an acknowledged shortfall in the housing land supply. I find the Council's shortfall to be in the order of 780 dwellings, with a 3.7 year supply when compared to the necessary five year minimum with 5% buffer. This shortfall means that the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is engaged. The presumption in favour of sustainable development indicates that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
56. The main parties agree in the SoCG that the housing land shortfall should be considered significant, and I do not disagree. I attach substantial weight to the valuable contribution of up to 135 dwellings that the scheme would make to the housing supply relative to the significant shortfall. Such a contribution to the housing stock would offer a meaningful choice of house sizes and tenures to future households.
57. The significant weight to be attached to the compliance with the Golden Rules prescribed by the Framework recognises the minimum 50% contribution of affordable housing, which in this case exceeds the 40% existing policy requirement. There is demand for affordable homes in the area which such a provision would help to meet.
58. The scheme is intended to deliver around 1.55 hectares of publicly accessible greenspace. These areas would be accessible from a public footpath and could receive use from the wider public in addition to being accessible by new residents. As such, this aspect attracts modest weight in favour of a grant of permission.
59. A range of highways infrastructure improvements are proposed that would make the site access safe but also optimise the site in sustainability terms to help reduce the future reliance by residents on private vehicles. The measures could be used by the public at large such as to attract modest weight in support of the scheme.
60. Relative to the site size and context, I attribute the proposed ecological and biodiversity improvements limited weight in favour of the scheme.
61. The scheme would generate economic benefits throughout the construction phase which would be temporary in nature. There would also be longer-term economic benefits generated by new residents' dependence on local facilities and services. Collectively, such benefits attract limited weight.
62. In this case, the adverse impacts would not significantly and demonstrably outweigh the aforementioned benefits. Accordingly, the presumption in favour of sustainable development forms a consideration of such materiality that it indicates that planning permission should be granted notwithstanding the conflict with the development plan.

Planning conditions

63. I have considered the suggested planning conditions in the context of the Framework and Planning Practice Guidance in relation to the use of such. Where necessary I have made minor changes to ensure the enforceability of the conditions.

64. In the interests of certainty, conditions are required to specify the reserved matters and time limit for implementation of the development. Similarly, a condition is needed to require the provision of the access in accordance with an approved plan given that this is a detailed matter of the scheme. For related reasons, a condition is also needed to secure details of the finished floor levels of the proposed dwellings.
65. In the interests of highway safety, conditions are required to ensure all dwellings are provided with the necessary turning and parking areas prior to occupation. For similar reasons, conditions are also necessary to secure a construction traffic management plan. To promote the use of more sustainable modes of travel, conditions are necessary to secure cycle storage, electric vehicle charging points, and a residential travel plan. For related energy efficiency and sustainability reasons, a condition is required to secure adherence to a Sustainability Scheme.
66. In the interests of environmental protection and to avoid the increased risk of flooding elsewhere, conditions are needed to secure the implementation of a Sustainable Urban Drainage System.
67. To preserve any potentially surviving archaeological features, a condition is needed to secure the implementation of an investigation and recording scheme during the construction phase.
68. In the interests of biodiversity, conditions are required to secure a lighting design scheme, the approved ecological mitigation and enhancement measures and to secure a Biodiversity Net Gain scheme.
69. To protect the character and appearance of the area and protect biodiversity interests, conditions are required to secure the protection of trees throughout the course of construction and to secure replacement planting should any trees fail. For similar reasons, conditions are also required to secure the specification and implementation of the future landscaping scheme.
70. In order to provide a suitable quality of living environment, conditions are needed to secure the implementation of works alongside the approved noise impact assessment. To ensure that the construction phase takes place in an environmentally considerate manner, a condition is required to secure a Construction Environmental Management Plan.
71. In relation to the condition requiring the implementation of highway infrastructure changes, I have incorporated the full condition rather than the shortened version suggested by the appellant in the interests of clarity. The payment of contributions to the Highways Authority by way of the UU will fund these aspects, but the actual timely implementation of such requirements is necessary for the development to proceed so as to clearly deliver wider infrastructure improvements. The fuller condition is no less precise but avoids the ambiguity as to what the condition is intended to achieve.

Conclusion

72. For the foregoing reasons, the appeal should be allowed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle
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INTERESTED PARTIES:

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Valerie White
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Alistair Graham
Thomas Hill

Councillor, Bagshot Ward
Councillor, Bagshot Ward
Local resident
Local resident
Local resident
Local resident
Local resident
KC on behalf of Messrs
Woolsey, Tomlin, and Graham

DOCUMENTS

DOCUMENT 1	Enforcement notice for Hall Grove Farm
DOCUMENT 2	Appellant Addendum Statement of Case
DOCUMENT 2	Council Addendum Statement of Case
DOCUMENT 3	Hall Grove residents Framework representations
DOCUMENT 4	Statement of Common Ground (final version 14, with suggested planning conditions)
DOCUMENT 5	Completed unilateral undertaking 7 February 2025
DOCUMENT 7	Legal opinion in relation to the effect of unilateral undertaking 7 February 2025
DOCUMENT 8	Completed unilateral undertaking 6 March 2025
DOCUMENT 9	Legal opinion in relation to the effect of unilateral undertaking 6 March 2025

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
 - (b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) The proposed development shall be built in accordance with the following approved plans: 201110242-01 Rev E, DPP-01 Rev C, LUPP-01 Rev B, GBIPP-01 Rev. B, BHPP-01 Rev B and SLP-02 Rev A.
- 3) First occupation of any of the homes approved by this permission will not take place until the proposed vehicular access and right turn facility to A322 Grove End has been constructed and provided with visibility splays in accordance with Drawing No 20111042_01 Rev E. Thereafter, the visibility splays shall be kept permanently clear of any obstruction between 0.6 and 2 metres above the carriageway.
- 4) The development hereby approved shall not be occupied unless and until the following highway improvements have been constructed or implemented in accordance with the relevant approved plans:
 - (a) A shared footway/cycleway of minimum 3m width along the frontage of the site and to the south-eastern side of Grove End from A30 London Road and A322 to the south of the site and to continue south along the eastern side of the A322 as far as the informal crossing point on A322 in accordance with Drawing Nos 20111042-01 Rev E and 20111042-02 Rev F.
 - (b) Two 3 metre wide cycle/pedestrian refuge islands with dropped kerbs and tactile paving across Grove End, one to the south and one to the north of the proposed site access in accordance with Drawing No. 20111042-01 Rev E.
 - (c) Pedestrian crossing points on the Grove End and London Road (east) arms of the Grove End / London Road roundabout, including upgrading the existing refuge islands to provide dropped kerbs and tactile paving in accordance with Drawing No. 20111042-04 Rev E.
 - (d) A 3 metre shared footway/cycleway on the western side of Grove End approximately 35 metres south of the Grove End/London Road roundabout and continuing west onto London Road in accordance with Drawing No. 20111042-04 Rev E.
 - (e) Two pedestrian informal crossing points with dropped kerbs and tactile paving across the junction between A30 London Road and the A322 on both the entry and exit slip roads in accordance with Drawing No. 20111042-03 Rev E.
 - (f) Improvements to the existing crossing point on A322 serving PRoW FP26 with dropped kerbs and tactile paving in accordance with Drawing No. 20111042-02 Rev F.

(g) A modified access to Windlesham Golf Club with a priority junction and ghost right turn lane to allow ingress and egress movements in both directions, visibility splays and informal pedestrian crossing facilities, in accordance with Drawing No. 20111042 - 05 Rev C.

(h) A speed reduction scheme to reduce the speed of traffic on Grove End from 50 to 40mph.

- 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 plan to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and 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 purpose.
- 6) 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 to and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 7) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors and access thereto
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) on-site turning for construction vehicles.

Only the approved details shall be implemented during the construction of the development.

- 8) The development hereby approved shall not be first occupied unless and until a minimum of 1 secure cycle space per each 1 and 2 bedroom unit and 2 secure cycle spaces per each unit with 3 or more bedrooms has been provided either in a garage or otherwise in a covered and secure enclosure in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. and thereafter the said approved facility shall be provided, retained, and maintained for their intended purpose.
- 9) Prior to the first occupation of the development a Travel Information Welcome Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the

National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers and shall include:

- Details of local bus stops and services.
- Details of the proposed Demand Responsive Transport service and how to use it.
- Maps showing local walking and cycling routes and times to local community facilities including schools, shops, health, and leisure services.
- Information to promote the benefits and take-up of active travel.

The approved Travel Information Welcome Pack shall then be issued to the first time occupier of each dwelling, upon first occupation.

- 10) Prior to the occupation of the development a Residential Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the Travel Plan, including details of how the travel plan would operate after the initial occupation. And then the approved Travel Plan shall be implemented upon first occupation of the development.
- 11) 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 planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.94 l/s/ha applied to the positively drained areas of the site including multifunctional sustainable drainage systems.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c) Evidence that the onsite receiving watercourse is capable of receiving a point discharge from the site and identify any riparian works required.
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- 12) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 13) No development shall take place until a programme of archaeological work has been secured, to be conducted in accordance with a written scheme of investigation, which has been submitted to and approved, in writing, by the Local Planning Authority.
- 14) (1) Prior to commencement of work, a detailed scheme of lighting design, issued by a suitably qualified person, must be submitted to, and approved in writing by the Local Planning Authority. This Scheme shall reference the recommendations described in this Lighting Strategy by Alan Tully Lighting (Rev B dated 25 January 2024).
- (2) Prior to Occupation, the applicant shall appoint a suitably qualified person to submit a report to validate the implementation of the approved lighting scheme to be agreed in writing by the Local Planning Authority.
- 15) Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) document shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
- a) 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) Site working hours (incl. delivery, loading and unloading)
 - h) Details of proposed means of dust suppression and emission control
 - i) Details of proposed means of noise mitigation and control
 - j) Lighting impact mitigation (if artificial lighting will be used during the development)
 - k) Material and waste management
 - l) Procedure for implementing the CEMP
 - m) Procedure for handling complaints
- The approved CEMP shall thereafter be implemented throughout the construction period.
- 16) The development hereby approved shall be implemented in accordance with the noise impact assessment [Ref: RP01-24142-R1] by Cass Allen dated May 2024 and the glazing and ventilation shall achieve the acoustic abatement requirements set out in Table 2 of the assessment with frequency performance as described in Appendix 4 and in line with Appendix 5 (Acoustic Façade

Specification) and 1.8 and close boarded fencing in line with Appendix 6 (Fencing Markup).

17) No foundations or ground floor slabs shall be constructed on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including roads, private drives, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) have been submitted to and approved by the Local Planning Authority in writing. Once approved, the development shall be built in accordance with the approved details.

18) No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, which expands upon the Arboricultural Impact Assessment [Ref: 11262_AIA.001 Rev B] dated September 2023 by Aspect Arboricultural has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, nothing shall be stored or placed in any area fenced in accordance with this condition, the protective fencing shall be retained intact, for the full duration of the development and shall not be removed or repositioned. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

19) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged, or destroyed or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development or from the date of the occupation of the building hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species and shall be planted in the immediate vicinity unless the Local Planning Authority gives its written consent to any variation.

20) Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of hard and soft landscaping of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

These details shall include:

- A scaled plan showing vegetation to be retained along with details for sizes and numbers of all proposed trees/plants, including planting details;
- Proposed hardstanding and boundary treatment details (including a method statement if located within the RPA's); and

- Sufficient specification to ensure successful establishment and survival of new planting including a watering schedule and long term management objectives.

If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

21) The development hereby approved shall be implemented in accordance with the recommendations set out in Section 11 of the Energy & Sustainability Statement [Ref: SO.LA.GU10/R03] dated 30 November 2022.

22) The development hereby approved shall be implemented in accordance with the recommendations set out in Section 6 of the Phase 1 Desk Study Report by Hydrock, Section 9 of the Combined Extended Phase 1 Ecological Survey [Ref: R3545/c dated January 2024 by John Wenman Ecological Consultancy, Section 4 of the Reptile Impact Assessment and Mitigation Strategy [Ref: R3635a] dated January 2024 by John Wenman Ecological Consultancy, Sections 6, 7 and 8 of the Biodiversity Net Gain Design Stage Report [Ref: R3268/g] dated March 2024 by John Wenman Ecological Consultancy and Sections 5 and 6 of the Reptile and Breeding Bird Survey [Ref: R1573_RepBb_a] dated May 2024 by John Wenman Ecological Consultancy.

23) No development shall take place until a biodiversity net gain management plan, which shall ensure a minimum 20% biodiversity net gain ('BNG') in respect of habitats and 40% in respect of hedgerows, (unless otherwise agreed by the local planning authority) has been submitted to, and approved in writing by, the Local Planning Authority. The biodiversity net gain management plan shall be informed by the associated Biodiversity Net Gain Design Stage Report March 2024, the Biodiversity Metric 4.0 – Calculation Tool Results March 2024, and the Combined Extended Phase 1 Ecological Survey January 2024, all prepared by John Wenman Ecological Consultancy along with any updated ecological studies, as necessary. The biodiversity net gain management plan shall include details of:

- i. proposals for BNG relative to pre-development biodiversity value,
- ii. measures to minimise the effects of the scheme in respect of biodiversity,
- iii. measures to enhance ecological diversity,
- iv. monitoring arrangements in respect of BNG and habitats for a period of 30 years from the completion of the development.

The approved biodiversity measures shall be provided and maintained in accordance with the approved details whilst the development is in operation.

----- END OF SCHEDULE -----