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## Appeal Decisions

Hearing held on 16 September 2014

Site visit made on 16 September 2014

**by Louise Crosby MA MRTPI**

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

**Decision date: 8 October 2014**

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### **Appeal A Ref: APP/R3650/A/14/2220242**

#### **Chapel Field, Loxwood Road, Alfold, Surrey, GU6 8EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Richard Cooke against the decision of Waverley Borough Council.
  - The application Ref: WA/2013/1744, dated 23 September 2013, was refused by notice dated 16 January 2014.
  - The development proposed is residential and community development.
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### **Appeal B Ref: APP/R3650/A/14/2222163**

#### **Chapel Field, Loxwood Road, Alfold, Surrey, GU6 8EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Richard Cooke against the decision of Waverley Borough Council.
  - The application Ref: WA/2014/0685, dated 9 April 2014, was refused by notice dated 9 July 2014.
  - The development proposed is residential and community development comprising up to 33 dwellings (30% of which will be affordable housing) and 10 car parking spaces for use by the adjoining chapel.
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### **Decision**

1. Both appeals are dismissed.

### **Procedural matters**

2. Both planning applications were submitted in outline with all matters reserved. In both cases indicative layouts were submitted.
  3. The planning application the subject of appeal A was refused by the Council for 6 reasons. A number of these have been addressed through the submission of further information. A revised plan has been submitted to address the matter of affordable housing and the concerns about the housing mix. The Council agree that, in principle, it demonstrates the site could provide affordable housing and a suitable housing mix. Given that the application is in outline with all matters reserved, I have had regard to this plan as doing so would not prejudice any 3<sup>rd</sup> party interests. The affordable housing would be secured by the signed and dated unilateral undertaking (UU), that has been submitted. Further information has also been submitted to address the matters of archaeology and biodiversity and the potential loss of natural habitats.
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4. The submitted UU also seeks to address the reason for refusal which alleges that the proposal would fail to comply with the Waverley Borough Council Infrastructure Contribution SPD. The UU would secure a total of £153,821.05. There would be a £49,035.60 contribution for primary education, £3,510.72 towards libraries, £9,349.20 towards playing pitches, £8,586 towards equipped and casual play space, £12,440.16 towards sports and leisure facilities, £5,724 towards community facilities, £1,259.28 towards recycling, £5,724 towards environmental improvements and £50,867.28 towards transport improvement works.
5. The planning application the subject of appeal B was refused by the Council for 4 reasons. Two of these have been addressed through the submission of further information. A revised plan has been submitted to show that a local area of play could be accommodated within the indicative layout. Given that the application is in outline with all matters reserved, I have had regard to this plan as doing so would not prejudice any 3<sup>rd</sup> party interests.
6. A signed and dated UU has been submitted to address the reason for refusal which alleges that the proposal would fail to comply with the Waverley Borough Council Infrastructure Contribution SPD. The UU would secure a total of £210,876.27. There would be a £70,585.05 contribution for primary education, £5,053.56 towards libraries, £13,457.85 towards playing pitches, £12,359.25 towards equipped and casual play space, £17,907.18 towards sports and leisure facilities, £8,239.50 towards community facilities, £1,812.69 towards recycling, £8,239.50 towards environmental improvements and £73,221.69 towards transport improvement works.
7. Both schemes would provide 30% affordable housing. The Council do not have an adopted policy in relation to the provision of affordable housing, but they confirmed at the hearing that they are content with this offer.
8. The indicative plans for both schemes show car parking for the adjacent Chapel since its parishioners, who travel by car, currently have to park on Loxwood Road. The draft UUs covered this matter also. However, it was explained at the hearing that the relevant clauses have been removed in the final versions of the UUs because the Chapel is not a party to the agreement and there seemed to be some uncertainty about whether they actually wanted or needed the parking being offered. It seems to me that either this non-contentious issue that could be resolved at reserved matters stage if outline planning permission is granted.
9. I shall deal with the appeals on this basis and return to the matter of the unilateral undertakings later in my decision.

### **Main Issues**

10. The main issues in respect of both appeals, taking into account the matters set out above, are whether the principle of residential development would be acceptable and the effect of the proposal on the character and appearance of the surrounding area.
11. An additional main issue in respect of appeal B is the effect of the proposal on the setting of Alfold Conservation Area.

## Reasons

12. The appeal site is located outside of the settlement limits for Alfold and so for planning policy purposes it is in open countryside. It is outside, but adjacent to, Alfold Conservation Area. The large open field is bounded to the north by mature landscaping. Behind this there are 2 individual detached dwellings. The southern boundary of the appeal site is also formed by a dense hedgerow, beyond which is a public footpath and then dwellings and their gardens. The eastern and western boundaries are more open and provide public views from Loxwood Road, across the appeal site to Lindon Farm. This is a detached chalet style dwelling built in the 1970's.
13. Alfold is a small village surrounded by open countryside. It is made up of two parts that are very different in character and are separated by open fields. The northern section of the village is much more urban in character with some modern housing which, on the whole, is of no special architectural merit. By contrast the southern part of the village, which is where the appeal site is located, contains mainly frontage development.
14. The dwellings here are generally older and appear to have been added over time, with individual dwellings or small groups built in the style typical of the period in which they were built. This eclectic mix of well designed historic housing provides an important part of the character and appearance of this area of the village and indeed the significance of Alfold Conservation Area. The only modern estate type development I saw is near the site. However, this development, known as Glebeland Meadows, only consists of around 5 large dwellings. Opposite the appeal site, hidden behind a very tall hedge is Alfold House which is listed, grade II\*.
15. The schemes before me both propose housing for the appeal site. Appeal A is for 23 dwellings and appeal B for up to 33 dwellings. The proposals would conflict with policy C2 of Waverley Borough Local Plan (LP), which seeks to strictly control building in the open countryside. Paragraph 55 of the National Planning Policy Framework (the Framework), also advises against permitting new isolated homes in open countryside except in a number of special circumstances, none of which are applicable here. While it could be argued that this site is not isolated because it is close to other houses, it is in a small settlement with very few services.
16. Even 23 houses here would be a considerable number given the size of this part of the village. Moreover, both schemes would require the development of the whole of the deep site, as opposed to just the frontage, which is the predominant established character and grain of development here. The indicative plans for both schemes show modern suburban style housing estates that would appear incongruous in this setting. During my site visit I saw the mixed use development opposite. This consists of a combination of employment uses and dwellings. They are mostly contained in older buildings of varying styles and of some architectural merit. This small traditional development blends in well with the existing village since many of the buildings are rural in character and are laid out in an informal manner. This cluster of development bears very little resemblance to the schemes before me.
17. The introduction of a suburban style housing estate here would have a significant adverse effect on the character and appearance of the surrounding area and conflict with LP policy C2, as set out above.

18. In addition, because of the density of the development that would occur as a result of the larger scheme the subject of appeal B, the proposal would fail to preserve the character or appearance of Alfold Conservation Area which consists predominantly of frontage development. While the harm to its significance would be less than substantial the public benefits would be minimal and limited to the affordable housing that would be provided as part of the scheme. However, this does not outweigh the identified harm. As such appeal B would also conflict with LP policy HE8 which seeks to ensure that new development preserves or enhances the character of conservation areas.

#### Other matters

19. Regarding local concerns about overlooking, while I only have indicative layouts before me I am satisfied that the site would be large enough to accommodate up to 33 dwellings without impinging on the living conditions of neighbouring dwellings.
20. Alfold House is a grade II\* listed building. The timber framed building dates from the early 16<sup>th</sup> century and has 16<sup>th</sup> and 17<sup>th</sup> century extensions. Setting embraces all of the surroundings from which a heritage asset can be experienced or that can be experienced from or with the asset. It is opposite the appeal site and set back behind a high hedge. Consequently, very little of the dwelling is visible from Loxwood Road or the appeal site and vice versa. As such, the appeal site is outside of the setting of Alfold House.
21. An archaeological desk-top survey accompanied the planning application that is the subject of appeal B. This advises that there is potential for archaeological remains below this site and that following field observations it may be necessary to draw up a scheme to mitigate the impact of development on any below ground archaeological deposits. The Council and appellant agree that this could be dealt with by a planning condition and I concur. This would equally apply to either scheme.
22. Similarly an ecological survey was submitted in connection with the latter planning application. No rare plants were found nor any Great Crested Newts and so I am satisfied that neither scheme would result in any material harm to biodiversity or natural habitats.
23. The Council concede that they do not have a 5 year supply of housing land, as required by paragraph 47 of the Framework which seeks to boost significantly the supply of housing. This adds weight in favour of the proposal as does the provision of affordable housing that either scheme would secure.
24. As part of the work being carried out by the Council to allocate sites for their emerging local plan a review of the Green Belt has been undertaken with a view to providing housing in some areas that are within the Green Belt at present. Moreover, the Council concede that greenfield sites will need to be allocated to meet the Borough's housing need. However, these are matters to be resolved through the development plan process which allows for a comprehensive, objective assessment of all potentially suitable sites in the Borough.
25. There are local concerns about highway safety and drainage, but I am satisfied that subject to planning conditions both of these matters could be dealt with satisfactorily.

### ***Unilateral Undertakings***

26. Unilateral Undertakings under S106 of the Town and Country Planning Act 1990 have been submitted for each appeal case. They relate to the provision of the contributions and matters set out above. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, must be 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 development.
27. Waverley Borough Council Infrastructure Contribution SPD sets out the Council's approach to securing developer contributions. I am content that the amounts secured by the submitted UUs are reasonable. For these reasons and those set out above, I am satisfied that the provisions of the submitted UUs would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework.
28. I have had regard to the UUs as a material consideration, but they do not add weight in favour of the proposal as they would merely ensure that the proposals comply with relevant adopted policies of the Council.

### **Conclusion**

29. In favour of the proposal is the provision of both market housing and affordable housing. It is agreed that there is a need for both in the Borough. Nevertheless, these benefits are far outweighed by the significant adverse effect both schemes would have on the character and appearance of the surrounding area and in the case of appeal B the additional weight arising from the failure of the proposal to preserve or enhance the character or appearance of Alfold Conservation Area.
30. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Louise Crosby*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Graeme Keen	Barrister
Bill Baxter BSc (Hons) Dip LA MRICS	Vail Williams LLP
Stephen Dale	ACD Landscape Architects
Richard Cooke	Appellant
Steven Heard	Landowner

### **FOR THE LOCAL PLANNING AUTHORITY:**

Hilary Hobbs	Principal Planning Officer
Barry Lomax	Planning Area Team Manager

### **INTERESTED PERSONS:**

Betty Ames	Local Resident
Merle Beal	As above
Nigel Beal	As above

## **DOCUMENTS AND PLANS**

- 1) Drawing Ref: 13004-20 Rev A
- 2) Update regarding emerging local plan
- 3) Layout plans shaded to show extent of proposed built form
- 4) Council's Local Development Scheme
- 5) Waverley Borough Local Plan 2002 extract (pg 31)
- 6) Draft Report of Housing Survey – Alfold Parish (December 2012)
- 7) Alfold Conservation Map
- 8) Revised Unilateral Undertakings