

## Planning Committee

Thursday, 5th October, 2023 at 7.30 pm

Council Chamber, Council Offices, Station Road East, Oxted

### Agenda

The agenda for this meeting is set out below.

### Members of the Planning Committee

Councillor Claire Blackwell (Chair)	Councillor Jackie Wren (Vice-Chair)
Councillor Christopher Botten	Councillor Perry Chotai
Councillor Chris Farr	Councillor Sue Farr
Councillor Jeffrey Gray	Councillor Katie Montgomery
Councillor Judy Moore	Councillor Keith Prew
Councillor Lesley Steeds	

### Substitute Members

Councillor Bryan Black	Councillor Helen Bilton
Councillor Michael Cooper	Councillor Helena Windsor

If a member of the Committee is unable to attend the meeting, they should notify Democratic Services. If a Member of the Council, who is not a member of the Committee, would like to attend the meeting, please let Democratic Services know by no later than noon on the day of the meeting.

If any clarification about any item of business is needed, contact should be made with officers before the meeting. Reports contain authors' names and contact details.

David Ford

**Chief Executive**

### Information for the public



This meeting will be held in the Council Chamber, Council Offices, Oxted and the public are welcome to attend. Doors for the Council Offices will open 15 minutes before the start of the meeting.



The meeting will also be broadcast online at [tinyurl.com/webcastTDC](https://tinyurl.com/webcastTDC). In attending this meeting, you are accepting that you may be filmed and consent to the live stream being broadcast online and available for others to view.



Information about the terms of reference and membership of this Committee are available in the Council's Constitution available from [tinyurl.com/howTDCisrun](https://tinyurl.com/howTDCisrun). The website also provides copies of agendas, reports and minutes.



Details of reports that will be considered at upcoming Committee meetings are published on the Council's Committee Forward Plan. You can view the latest plan at [tinyurl.com/TDCforwardplan](https://tinyurl.com/TDCforwardplan).

## **AGENDA**

**1. Apologies for absence (if any)**

**2. Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

**3. Minutes from the meeting held on the 7th September 2023 (Pages 3 - 4)**

**4. Applications for consideration by committee (Pages 5 - 14)**

- 4.1 2023/839 - Ridgeway, Hollow Lane, Dormansland, RH7 6NR (Pages 15 - 28)
- 4.2 2023/806 - Alwyn, Green Lane, Shipley Bridge, Horley, RH6 9TJ (Pages 29 - 40)
- 4.3 2022/1255 - Blue Meadow, Birchwood Lane, Chaldon, Caterham, Surrey, CR3 5DQ (Pages 41 - 64)

**5. Recent appeal decisions received**

To receive a verbal update from officers relating to appeal decisions by the Planning Inspectorate resulting from previous committee decisions.

**6. Any urgent business**

To deal with any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

## THE DISTRICT COUNCIL OF TANDRIDGE

### PLANNING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 7 September 2023.

**PRESENT:** Councillors Blackwell (Chair), Botten, Chotai, Chris Farr, Sue Farr, Gray, Montgomery, Moore and Steeds

**ALSO PRESENT:** Councillors North, Groves and Nicholas White

**APOLOGIES FOR ABSENCE:** Councillors Wren and Prew

#### **92. MINUTES FROM THE MEETING HELD ON THE 6TH JULY 2023**

The minutes of the meeting were confirmed and signed by the Chair.

#### **93. 2022/1638 - HOLLOW LANE GARAGES, HOLLOW LANE, DORMANSLAND, SURREY, RH7 6NT**

The Committee considered an application for the demolition of existing garages on the site and the construction of one bungalow and one building containing five apartments. The proposed development also contained a new parking court.

The Officer recommendation was to permit, subject to conditions.

Ms Fiona Matthews, an objector, spoke against the application.

Councillor David Bright of Dormansland Parish Council spoke against the application.

Ms Nicola Cresswell spoke on behalf of the applicant.

During the course of the debate Councillor Sir Nicholas White requested that the Committee consider a motion for the application to be deferred so that the plans for the proposed developments could be reviewed by the application with a view to lowering the height of the building containing the five apartments. Councillor Botten also requested that any vote for a deferral should also allow Officers time to establish verge ownership and to consider solutions for parking issues on the site. The motion was proposed by Councillor Chris Farr and seconded by Councillor Sue Farr. Upon being put to the vote the motion was carried.

***RESOLVED*** – that the application be deferred.

#### **94. 2023/121 - 14 STANSTEAD ROAD, CATERHAM, SURREY, CR3 6AA**

The Committee considered an application for the demolition of an existing dwelling and the erection of four dwellings with associated hard and soft landscaping.

The Officer recommendation was to permit subject to conditions.

A recording of representations from Mr Robert Barber, an objector, was replayed to the Committee.

Councillor Mario Grasso of Caterham Hill Parish Council spoke against the application.

Mr David Ciccone, the applicant's agent, spoke in favour of the application.

Council Matthew Groves requested that the following motions for refusal be considered by the Committee:

1. *The proposal would result in a higher density development than the existing and would be an overdevelopment of the site, which by reason of the amount, scale and form of the development would have an adverse impact on the character and appearance of the surroundings contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014).*
2. *The proposal would provide a shortfall in on-site parking which would not accord in full with the adopted Parking Standards SPD (2012) resulting in additional on-street parking which would cause congestion and harm to amenity of existing neighbouring residents and future residents of the proposed development. The proposal would be contrary to Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014.*

Both motions were proposed by Council Chris Botten and seconded by Councillor Chotai. Upon being put to the vote, the motions were carried.

**RESOLVED** – that planning permission be refused.

## **95. TPO/02/2023 - LAND ON THE SOUTH SIDE OF LONG HILL, WOLDINGHAM, CR3 7LS**

The Committee considered a report on whether to confirm or otherwise a Tree Preservation Order relating to land on the south side of Long Hill, Woldingham.

The Officer recommendation was to confirm the Tree Preservation Order.

Mr Alex Rodrigues, an objector, spoke against the making of the order.

Councillor Deborah Sherry of Woldingham Parish Council spoke in favour of the confirmation of the order.

**RESOLVED** – that Tree Preservation Order No.2, 2023 be confirmed as made.

Rising 9.15 pm

## REPORT TO THE PLANNING COMMITTEE ON 5 OCTOBER 2023

### AGENDA ITEM 4

### APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the applications detailed in items 4.1 to 4.3

Notes:

- (i) All letters received commenting on applications adversely or otherwise will be available in the Council Chamber for inspection by Members prior to the meeting. Summaries of the public responses to applications are included in the reports although Members should note that non-planning comments are not included.
- (ii) Arrangements for public participation in respect of the applications will be dealt with immediately prior to the commencement of the meeting.

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Background papers: Surrey Waste Plan 2008; Surrey Minerals Plan Core Strategy 2011; The Tandridge Core Strategy Development Plan Document 2008; The Tandridge Local Plan: Part 2 – Detailed Policies 2014; Woldingham Neighbourhood Plan 2016; The Harestone Valley and Woldingham Design Guidance Supplementary Planning Documents 2011; Village Design Statement for Lingfield – Supplementary Planning Guidance; Woldingham Village Design Statement – Supplementary Planning Guidance; Conservation Area Appraisal of the Bletchingley Conservation Area Supplementary Planning Guidance; Limpsfield Neighbourhood Plan 2019

Government Advice: National Planning Policy Framework  
Planning Practice Guidance (PPG)

**PLANNING COMMITTEE – 5 OCTOBER 2023 – RECOMMENDATIONS**

<b>ITEM NO.</b>	<b>APPLICATION NO.</b>	<b>SITE ADDRESS</b>	<b>APPLICATION DETAILS</b>	<b>RECOMMENDATION</b>
4.1	<b>2023/839</b>	Ridgeway, Hollow Lane, Dormansland, Lingfield, Surrey, RH7 6NR	Demolition of existing dwelling and construction of replacement dwelling (Retrospective) with erection of new single storey rear extension with pitched roof.	<b>PERMIT subject to conditions</b>
4.2	<b>2023/806</b>	Alwyn, Green Lane, Shipley Bridge, Horley, Surrey, RH6 9TJ	The erection of a single storey flat roofed rear extension, along with a pitched roof over a flat roofed rear extension.	<b>PERMIT subject to the conditions and S106 agreement.</b>
4.3	<b>2022/1255</b>	Blue Meadow, Birchwood Lane, Chaldon, Caterham, Surrey, CR3 5DQ	Erection of an Agricultural Barn for livestock accommodation.	<b>Authorise Delegated Authority to the Chief Planning Officer to Grant Planning Permission subject to the completion of a Section 106 Agreement</b>

## SUMMARY OF RELEVANT POLICIES & NATIONAL ADVICE FOR PLANNING APPLICATIONS IN APPENDIX A.

### Core Strategy

Policy CSP1 sets several strategic aims in terms of the location of development. It seeks to promote sustainable patterns of travel, make the best use of land within the existing built-up areas.

Policy CSP2 sets out the Council's approach to housing supply.

Policy CSP3 seeks to manage the delivery of housing when the Council exceeds its rolling 5-year supply by more than 20%. When such an oversupply exists, the Council will refuse development of unidentified residential garden land sites of 5 units and above or site larger than 0.2ha where the number of dwellings is unknown. Account must be taken of smaller sites forming parts of larger sites and infrastructure provision as well as significant social or community benefits.

Policy CSP4 is an interim holding policy pending the adoption of a substitute policy in an Affordable Housing DPD. It sets a threshold within built up areas of 15 units or more or sites in excess of 0.5ha and within rural areas of 10 units or more. The policy requires that up to 34% of units would be affordable in these cases with the actual provision negotiated on a site by site basis. There is a requirement that up to 75% of the affordable housing will be provided in the form of social rented or intermediate or a mix of both.

Policy CSP5 refers to rural exception sites and states that exceptionally, land adjoining or closely related to the defined rural settlements which would otherwise be considered inappropriate for development may be developed in order to provide affordable housing subject to certain criteria.

Policy CSP7 requires sites providing 5 units or more to contain an appropriate mix of dwelling sizes in accordance with identified needs.

Policy CSP8 sets out the Council's approach to the provision of Extra Care Housing, including its targets for such provision.

Policy CSP9 sets out the criteria for assessing suitable Gypsy and Traveller sites to meet unexpected and proven need.

Policy CSP11 sets out the Council's approach to infrastructure and service provision.

Policy CSP12 seeks to manage travel demand by requiring preference to walking, cycling and public transport; infrastructure improvements where required and use of adopted highway design standards and parking standards.

Policy CSP13 seeks to retain existing cultural, community, recreational, sport and open space facilities and encourage new or improved facilities.

Policy CSP14 seeks to encourage all new build or residential conversions meet Code level 3 as set out in the Code for Sustainable Homes and that commercial development with a floor area over 500sq m will be required to meet BREEAM "Very Good" standard. On site renewables are also required.

Policy CSP15 seeks to ensure that the design and layout of development is safe and secure, that new buildings are adaptable for the disabled and elderly, that information technology can be included, that all development is accessible to all groups and that grey water recycling and/or segregated surface and foul water disposal is used.

Policy CSP16 sets out the Council's position on aviation development in the District with specific reference to its position on development at Redhill Aerodrome.

Policy CSP17 requires that biodiversity is taken into account.

Policy CSP18 seeks to ensure that developments have a high standard of design respecting local character, setting and context. Amenities of existing occupiers must be respected. Wooded hillsides will be respected and green space within built up areas protected. Development on the edge of the Green Belt must not harm the Green Belt.

Policy CSP19 sets a range of densities for new development.

Policy CSP20 sets out the Council's principles for the conservation and enhancement of the AONBs and AGLVs.

Policy CSP21 states that the character and distinctiveness of the District's landscapes and countryside will be protected, and new development will be required to conserve and enhance landscape character.

Policy CSP22 sets out how the Council will seek to develop a sustainable economy.

Policy CSP23 set out specific aims for the town centres of Caterham Valley and Oxted.

## **Tandridge Local Plan: Part 2 – Detailed Policies – 2014**

Policy DP1 sets out the general presumption in favour of sustainable development.

Policy DP2 sets out the policies for development in the town centres, including within the primary and secondary shopping frontages

Policy DP3 sets out the policies for development in local centres, other centres and villages

Policy DP4 sets out the circumstances under which proposals for the alternative use of commercial and industrial sites will be permitted.

Policy DP5 sets out criteria for assessing whether proposals are acceptable in relation to highway safety and design.

Policy DP6 sets out criteria for assessing proposals for telecommunications infrastructure.

Policy DP7 is a general policy for all new development. It outlines that development should be appropriate to the character of the area, provide sufficient parking, safeguard amenity and safeguard assets, resources and the environment, including trees.

Policy DP8 sets out a number of criteria for assessing whether the redevelopment of residential garden land will be acceptable.



Policy DP9 sets out the circumstances in which the erection of gates, walls and other means of enclosure will be permitted.

Policy DP10 confirms the general presumption against inappropriate development in the Green Belt and states that inappropriate development will only be permitted where very special circumstances exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm.

Policy DP11 sets out the circumstances in which development in the Larger Rural Settlements will be permitted.

Policy DP12 sets out the circumstances in which development in the Defined Villages in the Green Belt will be permitted.

Policy DP13 sets out the exceptions to the Green Belt presumption against inappropriate development in the Green Belt and the circumstances in which new buildings and facilities, extensions and alterations, replacement of buildings, infill, partial or complete redevelopment and the re-use of buildings will be permitted.

Policy DP14 sets out a number of criteria for assessing proposals for garages and other ancillary domestic buildings in the Green Belt.

Policy DP15 sets out criteria for assessing proposals for agricultural workers' dwellings in the Green Belt.

Policy DP16 states that the removal of agricultural occupancy conditions will be permitted where the Council is satisfied that there is no longer a need for such accommodation in the locality.

Policy DP17 sets out criteria for assessing proposals for equestrian facilities.

Policy DP18 sets out the circumstances in which development involving the loss of premises or land used as a community facility will be permitted.

Policy DP19 deals with biodiversity, geological conservation and green infrastructure.

Policy DP20 sets out the general presumption in favour of development proposals which protect, preserve or enhance the interest and significance of heritage assets and the historic environment.

Policy DP21 deals with sustainable water management, and sets out criteria for assessing development in relation to water quality, ecology and hydromorphology, and flood risk.

Policy DP22 sets out criteria for assessing and mitigating against contamination, hazards and pollution including noise.

## **Woldingham Neighbourhood Plan 2016**

Policy L1 is a general design policy for new development

Policy L2 sets out criteria for assessing new development proposals in relation to the Woldingham Character Areas

Policy L3 relates to landscape character

Policy L4 relates to proposals for new community facilities

Policy L5 relates to development proposals for The Crescent and its regeneration

Policy L6 seeks to support improvements to the accessibility of Woldingham Station

Policy L7 relates to the development of broadband and mobile communications infrastructure

Policy L8 seeks to safeguard a number of Local Green Spaces as designated by the Plan

Policy C1 seeks to promote residents' safety

Policy C2 seeks to support proposals and projects which improve local transport services

Policy C3 supports the improvement of pedestrian and cycle routes

Policy C4 supports proposals which promote networking and residents' involvement on local societies and organisations

### **Limpsfield Neighbourhood Plan 2019**

Policy LN1 sets out a spatial strategy for the Parish.

Policy LN2 requires that all new development provides an appropriate mix of housing types and size, including smaller units (3 bedrooms or fewer) for sites over a certain size.

Policy LN3 seeks a high quality of design, reflecting the distinctive character of particular areas of the Parish.

Policy LN4 relates to new development in the Limpsfield Conservation Area.

Policy LN5 relates to landscape character.

Policy LN6 identifies a number of Local Green Spaces, and seeks to protect their use.

Policy LN8 seeks to promote biodiversity.

Policy LN9 relates to business and employment, including in relation to Oxted town centre.

Policy LN10 relates to the rural economy.

Policy LN11 seeks to protect community services in Oxted town centre.

Policy LN12 seeks to protect community services in Limpsfield Village and other parts of the Parish.

Policy LN13 supports sustainable forms of transport.

Policy LN14 supports the provision of super-fast broadband.

## **Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021**

Policy CCW1 – gives support to proposals identified for their Housing Site Availability during the period 2015-2026

Policy CCW2 – supports proposals for sub-division of larger residential properties into one, two, three-bedroom dwellings

Policy CCW3 – supports proposals for housing which optimise housing delivery in accordance with guidance contained in the Urban Capacity Study and outlines density range of 30-55 dwellings per hectare for land not covered in the Urban Capacity Report.

Policy CCW4 – sets out that development is expected to preserve and enhance the character of the area in which it is located.

Policy CCW5 – sets out that development proposals which integrate well with their surroundings, meet the needs of residents and minimise impact on the local environment will be supported where they demonstrate high quality of design and accord with the criteria of this policy.

Policy CCW6 – support proposals which incorporate measures to deliver environmentally sustainable design to reduce energy consumption and mitigate effects of climate change in line with building design measures contained in the policy.

Policy CCW7 – supports proposals which provide incubator/start-up business space and/or establishes enterprise/business park developments.

Policy CCW8 – resists the loss of local and neighbourhood convenience shops unless justification is present on viability grounds. Proposals to improve the quality and appearance of shop fronts and signage will be supported which have regards to CCW6.

Policy CCW9 – proposals for recreational and tourism development including a Visitor Centre will be supported where the criteria of this policy are met. Proposals for the improvement of signage for local facilities will be supported provided they integrate with their surroundings.

Policy CCW10 – supports development proposals which do not have a significantly detrimental impact on locally significant views as listed/mapped in the Neighbourhood Plan (Figures 7.1, 7.2-7.5, with detailed descriptions in Appendix A).

Policy CCW11 – sets out that there are 22 areas designated as Local Green Spaces on the policies map for the Neighbourhood Plan. Proposals which demonstrably accord with development appropriate in the Green Belt will be supported.

Policy CCW12 – proposals for provision of allotments and/or community growing spaces will be supported where accessible and within/adjacent to defined settlement areas. The loss of such space will not be supported unless alternative and equivalent provision is provided.

Policy CCW14 – encourages proposals for new/improved community facilities where criteria in the policy are met. The loss of such facilities will only be supported if alternative and equivalent facilities are provided.

Policy CCW15 – proposals for the expansion of existing public houses to develop appropriate community-based activities will be supported subject to compliance with other relevant policies and provide the design is in keeping with local character/distinctiveness. Proposals for the change of use of public houses will only be supported if the use is demonstrably unviable.

Policy CCW16 – supports proposals for provision of both traditional consecrated and green/woodland burial sites provided the criteria of this policy are met.

Policy CCW17 – supports proposals which facilitate or enhance the delivery of health services on a pre-set list of sites (contained within the policy), except for those within the Green Belt. Proposals for relocation/expansion of health services will be supported where they satisfy the criteria of this policy.

Policy CCW18 – except on Green Belt land, proposals which facilitate and enhance existing schools and associated playing fields will be supported subject to compliance with the criteria in this policy (sub-paragraph A). Proposals for new schools will be supported where they satisfy the criteria of this policy (sub-paragraph B).

Policy CCW19 – supports new residential, commercial and community development proposals being served by superfast broadband (fibre-optic). Where this is not possible, practical or viable, the development should incorporate ducting for potential future installation.

### **Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs)**

SPG (Lingfield Village Design Statement), adopted in January 2002, seeks to ensure that the village retains its individuality and character through future development both large and small. It provides general guidelines for new development and requires amongst other things that the design of new buildings should be sympathetic to the style of buildings in the locality both in size and materials.

SPG (Woldingham Village Design Statement) adopted in September 2005 provides guidance for development within Woldingham. Residential extensions should respect the size and proportions of the original house and plot. Boundary treatments should maintain the rural street scene, imposing entrances are out of keeping, and front boundaries should be screened with plantings or have low open wooded fences.

SPD (Woldingham Design Guidance) adopted March 2011 and seeks to; promote good design, protect and enhance the high quality character of the area, and to apply design principles on a sub-area basis to maintain and reinforce character.

SPD (Harestone Valley Design Guidance) adopted March 2011 and seeks to; promote good design, protect and enhance the high quality character of the area, and to apply design principles on a sub-area basis to maintain and reinforce character.

SPD (Tandridge Parking Standards) adopted September 2012 sets out standards for residential and non-residential vehicular parking and standards for bicycle parking.

SPD (Tandridge Trees and Soft Landscaping) adopted November 2017 sets out the Council's approach to the integration of new and existing trees and soft landscaping into new development, and seeks to ensure that trees are adequately considered throughout the development process.

## **National Advice**

The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. It sets out the Government's planning policies for England and how these are expected to be applied. It states that there are three dimensions to sustainable development: economic, social and environmental, and confirms the presumption in favour of sustainable forms of development which it states should be seen as a golden thread running through both plan-making and decision-taking.

The Government has also published national Planning Practice Guidance (PPG) which is available online and covers a number of policy areas and topics.

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## ITEM 4.1

**Application:** 2023/839

**Location:** Ridgeway, Hollow Lane, Dormansland, Lingfield, Surrey, RH7 6NR

**Proposal:** Demolition of existing dwelling and construction of replacement dwelling (Retrospective) with erection of new single storey rear extension with pitched roof.

**Ward:** Dormansland and Felcourt

### **Decision Level: Planning Committee**

*Constraints – Areas of Special Advertising Consent, Ancient Woodland(s) within 500m, Gatwick safeguarding, Green Belt area, Road Local C - Hollow Lane, Special Protection Area(s)*

**RECOMMENDATION:** **PERMIT subject to conditions**

1. This application is reported to Planning Committee following a call in by Cllr Sir Nicholas White.

### **Summary**

2. Planning permission is sought retrospectively for the demolition of the existing dwelling and construction of a replacement dwelling. The dwelling was demolished during the implementation of approved application 2021/1553 for extension and alteration of the existing dwelling due to unforeseen structural issues with the walls and foundations of the original dwelling. The resultant dwelling in terms of its size and design has been built as submitted and approved under 2021/1553.
3. Planning permission is also sought for the proposed erection of a single storey extension to the rear (south west facing) elevation. The proposed rear extension had been amended during the assessment of 2022/1458 and this design has been carried through to this application.
4. The design of the proposal would respect the character and appearance of the site and surrounding area and is not considered to result in significant harm to neighbouring amenities. It is recommended that this application is approved.

### **Site Description**

5. The site, Ridgeway, is located on the south western side of Hollow Lane, approximately 30 metres south east from the junction with Beacon Hill within the Green Belt area of Dormansland. The dwelling is a detached two storey property with rooms in the roof and is located on land which slopes north west to south east. The surrounding area is predominantly residential in character and is characterised by dwellings of varied form and design. The area to the north of the site is ancient woodland.

### **Relevant History**

6. GOR/8796 - An application was submitted for the erection of a detached garage however no permission could be found on record.
7. 81/167 - Demolition of two garages and erection of one single storey dwelling Refuse 28/04/1981

8. 2013/9 - Demolition of garages & front porch. erection of single storey rear extension & single storey side extension incorporating retaining wall to north west boundary. erection of replacement front porch & detached 3-bay garage with storage over. enlargement of patio area, alterations to driveway & enlargement of vehicular access incorporating new 1.83m high brick piers & entrance gates. Approved (full) 10/04/2013
9. 2013/9/cond1 - Details pursuant to condition 5. Approval Details 06/08/2013
10. 2020/1876 - Erection of two storey side extension, alterations to existing roof on west side and reconstruction of existing dormer windows. (Amended description and plans) Granted 09/02/2021
11. 2021/667 - Erection of two storey side extension, extension and alteration to existing roof on west side, rebuilding of existing dormers and second floor extension to existing south facing roof slope. Erection of porch canopy. Withdrawn 06/05/2021
12. 2021/1553 - Erection of two storey side, front and rear extensions, alterations to existing roof with new dormer and roof light windows. (Amended plans) Approved 09/11/2021
13. 2022/1458 - Partial demolition and extension of existing rear single storey addition including the alteration from a flat to a crown roof (Amended plans and description) Not yet determined
14. 2023/838 - Demolition of existing dwelling and construction of replacement dwelling (Retrospective) Not yet determined

### **Key Issues**

15. The site is located within the Green Belt and a key consideration is whether the proposal would constitute inappropriate development and, if so, whether very special circumstances exist that would clearly outweigh the harm by reason of inappropriateness and any other harm. Other key considerations are the impact upon the character and appearance of the surrounding area, the amenities of neighbouring residents, highways and parking provisions, landscaping, biodiversity and renewable energy.

### **Proposal**

16. Planning permission is sought for the retention of the replacement dwelling and the erection of a single storey extension to the rear (south west facing) elevation of the dwelling. The proposed extension would have a depth of approximately 8.2m which is an increase of 2.4m approx. to the single storey extension approved and built as part of planning application 2013/9. The pitched roof and clock tower were removed from the design as part of application 2022/1458 thereby reducing the overall height of the proposed extension from 5.42m approx. (not including the clock tower) with a pitched gabled roof to a crown style roof and is now proposed to have a height of approximately 4.4m giving a reduction of 1m as well as a change to the roof design.

### **Development Plan Policy**

17. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP12, CSP14, CSP17, CSP18, CSP21,



18. Tandridge Local Plan: Part 1 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13,
19. Emerging local plan – Not applicable.
20. Woldingham Neighbourhood Plan 2016 – Not applicable.
21. Limsfield Neighbourhood Plan 2019 – Not applicable.
22. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable.

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

23. Tandridge Parking Standards SPD (2012)
24. Tandridge Trees and Soft Landscaping SPD (2017)
25. Surrey Design Guide (2002)

### **National Advice**

26. National Planning Policy Framework (NPPF) (2023)
27. Planning Practice Guidance (PPG)
28. National Design Guide (2019)

### **Consultation Responses**

29. County Highway Authority – Thank you for your email. We were consulted on planning applications 2023/838 and 2023/839 Ridgeway, Hollow Lane, Dormansland, Lingfield, Surrey, RH7 6NR. These applications are connected to planning application number 2021/1553, for which we were not consulted. Consequently, we abstain from making any remarks or comments on these applications.
30. Dormansland Parish Council – DPC would like the Planning department to assess the overbearing aspect of the pitched roof on this application. DPC have concerns about the impact on the neighbouring property and would ask TDC to consider the position of the neighbouring property in this regard. Mitigation to be put in place to avoid unnecessary noise from the heat pump positioning. DPC would ask that consideration that the pump is placed so that the noise of the pump does not affect the neighbouring property. The neighbours should not be disadvantaged by an overbearing extension which may overshadow their property.

### **Public Representations/Comments**

31. Third Party Comments –
  - High dominant roof line - overbearing, overshadowing.
  - ASHP noise intrusion will have harmful effect on health and wellbeing.

- Overbearing in terms of mass and scale and its presence overpowering.
- Replacement building materially larger, imposing on street scene, prominent.
- Replacement building has different roof shape, additional gable/apex incorporated over rear second floor bay window, enlarged dormers, domineering roof line contributes to light being lost. Overshadowing more severe from proposed extension.
- Excessive noise from construction activity.
- Harmful impact on Green Belt.
- Our side garden is integral part of property.
- Proposed extension exceeds rear wall of property, boundary treatment and extension cause overshadowing.
- Light obstruction, visual intrusion.

## **Assessment**

### Procedural note

32. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

### Green Belt

33. The NPPF (2023) supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence.
34. Paragraph 147 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 148 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
35. Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt constitutes inappropriate development lists exceptions to this rule, and under d) includes the replacement of a building; provided the new building is in the same use and not materially larger than the one it replaces.
36. Tandridge Local Plan Part 2 Detailed Policies (TLP) Policy DP10 recognises that inappropriate development which is harmful to the Green Belt will normally be refused and will only be permitted where very special circumstances exist such as to clearly outweigh any potential harms to the Green Belt.
37. Policy DP13 confirms that unless very special circumstances can be demonstrated the Council will regard new buildings in the Green Belt as inappropriate subject to certain specified exceptions. Such exceptions include DP13 F - the replacement of buildings within the Green Belt (outside the Defined Villages), where the proposed new building:

1. Is in the same use as the building it is replacing;
  2. Is not materially larger than the building it is replacing; and
  3. Is sited to or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt.
38. Within the report for application 2021/1553, the original dwelling as it existed on 31<sup>st</sup> December 1968 would be increased by 27.7%. This application also includes the demolition of the existing extension and erection of a single storey rear extension with a crown pitch roof. The calculations within the report were as follows: -
- Original dwelling 1009.78m<sup>3</sup>  
Previous additions 123.55m<sup>3</sup>  
Proposed extension 156.02m<sup>3</sup>  
Total 1289.35m<sup>3</sup>
39. There would be a marginal increase to the total increase taking into account the removal of previous additions/original elements of the dwelling. As such the total increase from 279.57m<sup>3</sup> or 27.7% would be approximately 301.5m<sup>3</sup> or 30% to the original dwelling.
40. The proposed dwelling is materially larger than the dwelling it replaced and as a result very special circumstances must be demonstrated and will be discussed later within this report.

#### Character and Appearance

41. The NPPF states that good design is a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. It also goes on to say that permission should be refused for development of poor quality which fails to take the opportunities available for improving the character and quality of an area and the way it functions.
42. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
43. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
44. Planning application 2021/1553 was approved for extensions and alterations to the dwelling as existed at that time. During the course of demolition works to implement the planning permission there were unforeseen structural issues with the walls and foundations of the original dwellings and as such the demolition works required are considered to have been substantial hence this application for the retrospective replacement of the dwelling.
45. In terms of its appearance, officers are satisfied that the replacement dwelling has been constructed to the same footprint, volume and design as the

approved extensions albeit with some cosmetic and fenestration changes. The materials that have been used within the construction of the dwelling are brick to the ground floor with a tile hung façade to the first floor and finished with a tiled roof. The two storey feature to the front of the dwelling has been finished in a herringbone design instead of the render previously approved and as a result blends in better with the appearance of the main dwelling but still gives enough change to provide a feature to the front elevation. This application also includes the proposed erection of a single storey extension to the rear of the dwelling which replaces the flat roofed extension built as part of approval 2013/9. The materials to be used within the proposed extension would complement those used within the dwelling.

46. The officer report for 2021/1553 stated that *'whilst visible from within the street scene, the proposal would not have a significant impact on the character of the site or surrounding area'*. It is noted from the third party comments that trees and vegetation have been removed from the front of the property. The boundary to the front now consists of a brick wall and piers. This application differs from planning permission 2021/1553 due to changes to:-

- Fenestration changes: alteration of two windows to a single window on the front elevation serving the utility room. provision of Juliet balcony to the rear elevation;
- internal layout changes: relocation of the plant room and second WC on ground floor; and
- changes to materials: addition of external brick skin to existing solid brick wall to the right flank elevation which was demolished due to poor structural strength and herringbone brickwork pattern in lieu of render to the feature front bay.

47. Whilst there have been no changes to the appearance of the dwelling from that previously approved, the consideration remains the same in that there is no significant impact to the character of the site or surrounding area to justify refusal of this planning application.

48. For the above reasons, it is considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with Policies DP7 and DP8 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

#### Residential Amenity

49. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.

50. Policy DP7 part (6) states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance. Part (7) of Policy DP7 states that proposals should not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect.

51. The site is flanked to the south east by Brandy House and to the north west by No.s 52 and 54 Beacon Hill.

52. Brandy House is a two storey dwelling which is located more than 25m from the south eastern flank of the replacement dwelling. It is therefore considered that there would be no significant overshadowing or overbearing impacts upon this neighbour given this separation distance.
53. No. 54 Beacon Hill consists of a bungalow and is considered to be the neighbour most likely to be impacted by the proposal. A third party has commented that Ridgeway is sited lower than this neighbour by approximately 1.2m.
54. The proposed floor plan and elevation drawing shows the proposed single storey rear extension to have an eaves height scaling at 3.35m and shows an overall height of approximately 4.38m. The main bulk of the proposed extension would extend above the ground level of No. 54 by just over 1m in height. The flat pitched design of the roof is such that this slopes away from the neighbouring dwelling giving a 3.77m gap between the top of the roof pitch to the boundary of the neighbour thereby reducing and potential overbearing or overshadowing impacts. The proposed extension is no closer to the boundary with the neighbour than the previous extension approved under 2013/9 and although will project a further 2.44m from the rear than the previous extension, the roof of this part of the extension is hipped which helps to limit further impacts.
55. Consideration of the potential impacts upon neighbouring amenities resulting from the extended dwelling as determined within application 2021/1553 were considered. The layout is similar to that within the approved plans with the exception of the relocation of the WC and plant room to the ground floor. As such the impact arising from the proposed development is not considered to be significantly harmful with the larger extension to the rear.
56. However, given this application is for a replacement dwelling, the opportunity arises to further protect the amenities of neighbours using conditions to limit permitted development. In this instance a condition is recommended to remove permitted development rights for the further enlargement of the property including dormer windows and rooflights. In addition to this, a condition will be added to control windows within the first floor of the north west facing elevation, in the interests of privacy.
57. Third party comments raised concerns about the provision of an Air Source Heat Pump (ASHP) close to the boundary with No. 54 with respect to noise. Therefore, a condition is recommended requiring full details of the ASHP to be submitted for consideration by the Local Planning Authority.
58. Should the application be approved, it is recommended that the aforementioned conditions are secured. For the above reasons, it is considered that the proposed development would not have a significant impact on the amenity of neighbouring dwellings and therefore would comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

### Sustainability

59. The NPPF 2023 states that Local Planning Authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located

where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

60. The application is for a replacement dwelling and as such the sustainability would be the same as that which currently exists within the locality.

#### Parking Provision and Highway Safety

61. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
62. The submitted design and access statement shows that access gates have been installed with an adequate approach space for a vehicle not to obstruct the highway whilst the gates are opening. The statement goes on to confirm that there will be no changes to the parking, garage spaces and access. An EV charging point is proposed to be installed in the location of the garage.
63. The County Highway Authority have abstained from comment on this application.
64. For these reasons the proposal would comply with the provisions Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP12 of the Core Strategy.

#### Carbon emissions and environmental quality

65. Core Strategy Policy CSP14 requires the reduction of carbon dioxide (CO<sub>2</sub>) emissions by means of on-site renewable energy technology. For new development of 1-9 residential units it is necessary achieve a minimum 10% saving in CO<sub>2</sub> emissions through the provision of renewable energy technologies.
66. The submitted renewable energy statement confirms that the proposal will meet the minimum 10% saving in CO<sub>2</sub> emissions. Within the energy statement at 2.2.2 it states that the '*current Part L Building Regulations which came into effect from 15<sup>th</sup> June 2022 place a requirement to reduce CO<sub>2</sub> emissions by 31% in comparison with the 2013 Part L regulations*'. Therefore any new or replacement dwellings now exceeds the requirements of CSP14 by virtue of the need to comply with Part L regulations.
67. The statement outlines what measures have been taken to achieve the 10% CO<sub>2</sub> savings which will include the installation of an Air Source Heat Pump (ASHP). As such, no objection is raised in respect of renewable energy provision subject to the condition recommended earlier within this report.

#### Landscaping and trees

68. Policy CSP18 of the Core Strategy required that development must have regard to the topography of the site, important trees and groups of trees and other important features that need to be retained. Criterion 13 of the Local Plan Policy DP7 required that where trees are present on a proposed development

site, a landscaping scheme should be submitted alongside the planning application which makes the provision for retention of existing trees that are important by virtue of their significance within the local landscape.

69. The Tandridge Trees and Soft Landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is 'essential that the design of the spaces around building is given the same level of consideration from the outset as the design of building themselves'. Trees are not only a landscape environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.
70. Whilst there are no important trees to be removed as a result of the proposal negating the need to consult with the Principal Tree Officer, it is considered necessary to require details of hard and soft landscaping through the imposition of a suitably worded condition.

#### Very Special Circumstances

71. The proposal constitutes inappropriate development in the Green Belt for which very special circumstances (VSC) are required in order to outweigh the harm by inappropriateness and any other identified harm.
72. During the implementation of application 2021/1553 the agent has confirmed that the extent of the demolition required exceeded what they had expected due to the structural condition of the walls and footings of the existing dwelling. As a result the dwelling had to be reconstructed and this was carried out to the same size and design specifications as approved previously which guarantees the safety of the dwelling and any future occupiers.
73. Consideration was given to the harm to the Green Belt and impact on openness through the assessment of the previous application and determined that the development would not result in harm either mathematically or visually. Although the dwelling has been rebuilt and is materially larger than the dwelling it replaced, it is no bigger than that approved under 2021/1553 and would therefore be unreasonable to consider a different conclusion in this instance.
74. It is also considered that there are positive benefits as outlined in the Carbon emissions and environmental quality, which indicate that the replacement dwelling has been designed to be more sustainable with a reduction in CO2 emissions of 31% when measured against Part L of the Building Regulations. Furthermore, the proposal seeks to use an air source heat pump which achieves the Council's policy requirement of a 10% reduction in CO2 from renewables. Officers highlight that it would not be possible to require these measures if this was an application for a single storey extension. Given that this is a replacement dwelling, the opportunity arises to secure a more sustainable design reflective of the Council's planning policies. Therefore, it is the case that that this enhancement to the reduction in CO2 would constitute a VSC.
75. The proposed extension does not add any greater harm to the openness of the Green Belt and the sustainable design of the proposal is considered to have a positive impact. As such it is considered very special circumstances have been demonstrated to outweigh the harm.

## Conclusion

76. In conclusion, the proposal is considered to be acceptable in all respects and, as such, it is recommended that planning permission is granted.

## CIL

77. This development is CIL liable.

## **RECOMMENDATION:**

**PERMIT subject to conditions**

### Conditions:

1. This decision refers to drawings numbered 2113-1-CAR-01-100-EXI-PLA-00, 2113-1-CAR-01-200-PRO-PLA-00, 2113-1-CAR-07-400-PRO-PLA-00, 2113-1-CAR-07-401-PRO-PLA-00 received on 7th July 2023, block plan 2113-1-CAR-01-020-PRO-PLA-00 and red-edged site plan 2113-1-CAR-01--010-EXI-PLA-00 received on 14th July 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

2. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

3. Within three months of the date of this permission, details of both hard and soft landscape works shall be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:

- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be



agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. **Within six months from the date of this permission** the upper floor window(s) within the northwest facing flank elevation shall be fitted with obscure glass and shall be non-opening unless the part(s) of the window(s) which can be opened is/are more than 1.7m above the floor of the room in which the window(s) is/are installed and shall be permanently maintained as such.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwelling(s) hereby permitted shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt, in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the District Planning Authority.

Reason: To preserve the openness of the Green Belt in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP10 and DP13 of the Tandridge Local Plan: Part 2.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the north west facing flank elevation of the extension/dwelling hereby permitted apart from those expressly authorised as part of this permission.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core

Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. Within three months of the date of this permission, full details of the Air Source Heat Pump shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows/dormer windows shall be inserted into the roof of the dwelling hereby permitted apart from those expressly authorised as part of this permission.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP2, CSP12, CSP14, CSP17, CSP18, CSP21, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7, DP10, DP13, and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.



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## ITEM 4.2

**Application:** 2023/806

**Location:** Alwyn, Green Lane, Shipley Bridge, Horley, Surrey, RH6 9TJ

**Proposal:** The erection of a single storey flat roofed rear extension, along with a pitched roof over a flat roofed rear extension.

**Ward:** Burstow, Horne & Outwood

**Decision Level:** Director of Planning (delegated Decision)

*Constraints – Green Belt, Article 4, Area of Special Advertising Consent, Ancient Woodland within 500m, Special Protection Area(s), Gatwick Bird Strike Zone, NATS Gatwick Radar 15m/all, Gatwick Safeguarding, LEQ noise contours 57-60, Class X Road, Footpath No. 451*

**RECOMMENDATION:** PERMIT subject to conditions and S106 agreement

1. This application is being reported to planning committee as the applicant has entered into a Unilateral Undertaking dated 18<sup>th</sup> August 2023 pursuant to Section 106 to secure this application as an alternative permission to that granted under 2022/222/NH and 2022/528 and not to carry out any further building operations or seek to complete the detached double garage and screen wall granted under terms of 92/356 on the 16<sup>th</sup> June 1992 which was subsequently considered an existing development under 2022/1243.

### Summary

2. The site is located within the Green Belt. The proposals would comprise inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. However, it is considered that very special circumstances exist which would outweigh the harm moderate harm to openness that has been identified. The design of the proposal is considered acceptable and would not cause harm to the character and appearance of the area, nor to the amenities of neighbouring residents. As such, it is therefore considered that planning permission be approved.

### Site Description

3. The site comprises a detached bungalow located on the east side of Green Lane within the Green Belt area in Horley. The site can accommodate for parking to the front of the dwelling and the surrounding area is rural.

### Relevant History

4. The relevant planning history is as follows:

GOR/403/70 - Extension to provide dining room, boxroom/store and lobby. Approved 14/08/1970

87/844 - Single storey rear extension to provide bedroom and bathroom for disabled person. Approved 29/09/1987

92/356 - Erection of detached double garage with games/playroom over and erection of screen wall. Approved 16/06/1992

2021/1353 - Erection of single storey rear extension pitched roof over existing flat roof (previous extension). Refused 15/09/2021

2022/222/NH - Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 2.75 metres, and for which the height of the eaves would be 2.75 metres (Notification of a Proposed Larger Home extension). Prior Approval is not required 28/03/2022

2022/528 - Erection of a single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Use or Development). Lawful 04/07/2022

2022/1243 - The digging of four trenches to contain foundations at each corner of the proposed double garage, relating to Application No. TA/92/P/356 concerning the erection of a detached double garage with games/playroom over. (Application for a Certificate of Lawful Development for an Existing Use or Development) Granted 24/01/2023

### **Proposal**

5. The erection of a single storey flat roofed rear extension, along with a pitched roof over a flat roofed rear extension.

### **Key Issues**

6. The site is located within the Green Belt and a key consideration is whether the proposal would constitute inappropriate development and, if so, whether very special circumstances exist that would clearly outweigh the harm by reason of inappropriateness and any other harm. Other key considerations are the impact of the proposal upon the character and appearance of the surrounding area and the amenities of neighbouring residents.

### **Development Plan Policy**

7. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP11, CSP12, CSP14, CSP17, CSP18, CSP21
8. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19
9. Woldingham Neighbourhood Plan (2016) (not applicable)
10. Limpsfield Neighbourhood Plan (2019) (not applicable)
11. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 (not applicable)
12. Emerging Tandridge Local Plan 2033

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

13. Tandridge Parking Standards SPD (2012)
14. Tandridge Trees and Soft Landscaping SPD (2017)

15. Surrey Design Guide (2002)

### **National Advice**

16. National Planning Policy NPPF (NPPF) (2023)

17. Planning Practice Guidance (PPG)

18. National Design Guide (2019)

### **Consultation Responses**

19. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

20. Burstow Parish Council – None received

### **Public Representations/Comments**

21. Third Party Comments:

- 3 representations received in support of the application.
- No representations have been received in objection.

### **Assessment**

#### Procedural note

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

23. The Tandridge District Core Strategy and Local Plan Part 2 Detailed Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF document. Instead, due weight should be given to them in accordance to the degree of consistency with the current NPPF.

24. This application has been submitted as an alternative to that submitted under 2022/222/NH, 2022/528 and the development which has commenced under 92/356 which was lawfully confirmed under 2022/1243. The applicant has entered a Unilateral Undertaking dated 18<sup>th</sup> August 2023 pursuant to Section 106 to confirm that the previously commenced development will not be completed or continued, nor will the previously approved applications.

## Green Belt

25. The NPPF supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence.
26. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists a number of exceptions. Exceptions to this include at section C “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.
27. Policy DP10 of the Local Plan reflects paragraphs 147-151 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be granted where very special circumstances can be demonstrated to outweigh the harm by reason of inappropriateness and any other harm identified.
28. Policy DP13 of the Local Plan lists exceptions to new buildings in the Green Belt being regarded as inappropriate development and includes an assessment for the extension/alteration of buildings and the re-use of buildings. In terms of extension/alteration proposals, these will be permitted where the proposal does not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (for residential dwelling) or if constructed after the relevant date, as it was built originally.
29. The planning history of the site indicates the property as it was before 1968. Since then a number of extensions have been constructed. The starting point for a consideration of whether the proposals would be considered disproportionate, is the original volume of the house. This was found to be approximately 313m<sup>3</sup>. The calculations are as follows:
- |                                 |                   |
|---------------------------------|-------------------|
| Original dwelling               | 313m <sup>3</sup> |
| Proposed and existing additions | 413m <sup>3</sup> |
| Total                           | 726m <sup>3</sup> |
30. The full volume increase from the original dwelling incorporating any additions since 1968 and that proposed within this application calculates at an increase of 132% over the original dwelling.
31. As such, the proposal is considered to result in the mathematically disproportionate enlargement of the dwelling and would therefore result in inappropriate development in the Green Belt contrary to the NPPF and Policies DP10 and DP13 of the Local Plan.
32. In addition to the above, it is necessary to assess the effect on the openness of the Green Belt. In this instance, due to the nature of the extensions and relationship to existing built form, the effect on openness would be limited. The rear extension would infill the rear corner and extend no further than the existing side elevations, whilst the roof extension would be set back and no higher than existing. The proposed development would therefore not result in more than limited harm to the openness of the Green Belt in this regard or result in a visually disproportionate dwelling. This does not overcome the mathematical assessment above which concludes that the proposal would result in a mathematically



disproportionate addition to the dwelling and it would more than double the volume of the existing dwellinghouse, which is considered to be inappropriate development.

33. In such circumstances, it would be necessary to consider whether there are any very special circumstances which would outweigh the harm that is caused by reason of inappropriateness and any other harm identified. This report therefore goes on to consider whether any other harm is caused by the proposed development before making an assessment of whether there are any very special circumstances.

### Character and Appearance

34. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to state that planning decisions should ensure that developments will function well, add to the overall quality of the area, be sympathetic to local character and history (whilst not discouraging innovation) and establish a strong sense of place. It also states that development that is not well designed should be refused.
35. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
36. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
37. Policy CSP21 of the Tandridge District Core Strategy advises that the character and distinctiveness of the Districts landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
38. The prevailing character of the area is mostly detached dwellings set of large spacious informal plots. There is no distinct character or pattern of development, where the style and appearance of each site varies along with the scale and arrangement. Planning permission is sought for the erection of a single storey side/rear extension and roof including loft accommodation over part of existing side extension.
39. In terms of the rear extension, this would infill the side and rear with a depth no greater than existing and would not extend beyond the side flanks of the existing dwelling. The design of the extension would remain single storey with materials to match existing. Given the modest scale, and relationship within the streetscene, this element of the proposal would not have significant impact upon the streetscene or character and appearance of the site.
40. The proposed roof extension over part of the existing side extension would be set behind the existing roof form, with a height and pitch to match the existing. Whilst

the roof would fail to directly integrate with the existing roof, it would be stepped back in nature and respectful to the existing design and would not detrimentally harm the character of the site to such degree where a refusal could be warranted.

41. For the above reasons the proposal would not have significant impacts in terms of character and appearance and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy.

#### Residential Amenity

42. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
43. The above policies reflect the guidance at Paragraph 130 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.
44. The site is isolated where there are no direct neighbouring properties adjoining the boundaries. The closest residential neighbour would be Fiveoaks Green opposite the highway to the east side. The application site is in close proximity to Green Barn which is understood to be a commercial premises run by Bianco Auto Developments. The proposed enlargements would not impact separation to boundaries, where sufficient distances are continued to be demonstrated. Given this, and the modest scale, it is not considered that the development would result in significant harm to neighbouring amenity by reason of overbearing, overshadowing or overlooking effects.
45. For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

#### Very Special Circumstances

46. As discussed above, it is considered that the proposed development would comprise inappropriate development within the Green Belt which would have a greater impact on openness than the existing development on the site. It has also been found that the proposed development would have a harmful impact on openness, albeit to a limited degree.
47. In such circumstances, and in accordance with paragraph 147 of the NPPF, inappropriate development is, by definition, considered harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

48. The applicants have referred to the planning history of the site and specifically to the Lawful Development Certificate under ref: 2022/528 for the erection of a single storey rear extension following 2022/222/NH. The applicants also refer to a Certificate of Lawfulness for an existing operation under 2022/1243 which confirms the commencement of the application approved under 92/P/356 for the erection of a detached double garage with games room over. Given the proximity of the approved structure to the existing dwelling, it is considered that its volume can be offset. The volume of the detached lawful garage building has therefore been included within the calculations below.
49. The rear extension permitted by the Lawful Development Certificate and the detached garage would result in a net increase 261m<sup>3</sup>. This would increase the volume by 135%. The applicants therefore claim that this is a worse alternative mathematically than the proposed extensions subject to this planning application which would result in a smaller increase of 413m<sup>3</sup> – 132%.
50. In the past, case law has determined that the existence of a fallback position can amount to very special circumstances. Furthermore, if a fallback position is claimed, the courts have found that the basic principle for a prospect to be a “real prospect”, it does not have to be probable or likely; instead, a possibility will suffice. In such cases, inspectors and the courts have found that in some cases a degree of clarity and commitment may be necessary.
51. In an appeal in the Oxford Green Belt relating to the replacement of an existing dwelling with a new dwelling, an Inspector found that the development would be clearly inappropriate in policy terms, being 73 per cent larger in volume than the original house. Looking at the area as a whole he found a moderate adverse impact on openness. He judged, however, that the proposed house was well designed and in keeping with other modern development in the area. He considered that it would cause no harm to the pleasant rural character and appearance of the settlement. The appellant had bought the site three years previously with a view to it being his retirement property. He had obtained planning permission for its extension. In addition, plans had been prepared to show further extensions that could be constructed under permitted development rights, and a lawful development certificate had been obtained in relation to these extensions. The inspector was satisfied that there was a strong likelihood of the fallback position being implemented were the appeal to be dismissed. He also noted a professional assessment which concluded that the energy demand and carbon dioxide emissions for the replacement house would be 59 per cent less than with the fallback position. In respect of design, the extended house would have a rather piecemeal appearance, whereas the replacement house would be an attractive and well-proportioned property. The more compact design of the replacement house would also result in a limited improvement to the openness of the green belt. Taken as a whole, the inspector concluded that these other matters clearly outweighed the harm so as to amount to the very special circumstances to justify the development
52. In this case, the applicants have obtained a written consent for extensions and a garage attached by a 2 metre high wall which would result in a dwelling much larger in volume than the proposed extensions along with a bulkier design. If the fallback position was to be exercised, in the event that this application was refused, the resulting dwelling would be of a piecemeal appearance with a significantly greater footprint overdeveloping the application site. In contrast the proposed extensions, would have a smaller volume and improved design benefitting the appearance of the dwelling and site. The resulting appearance would be significantly improved with a cohesive design where the extensions

integrate comprehensively with the existing dwelling. As a result, it is considered that only limited harm would be caused to the openness of the Green Belt. Further development on the site could also be controlled through the use of planning conditions to control extensions to the property and outbuildings within the curtilage.

53. In these circumstances, even affording substantial weight to the harm caused by the development being inappropriate development and the limited harm caused to the openness of the Green Belt, it is considered that very special circumstances exist which would outweigh the harm that would be caused. Therefore, the development on the site is considered to be justified.

### Conclusion

54. The site is located within the Green Belt. The proposals would comprise inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt and cause limited harm to openness. Both elements of harm are afforded substantial weight. However, it is considered that very special circumstances exist which would outweigh the harm that has been identified.
55. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 and 219 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
56. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

### **RECOMMENDATION: PERMIT subject to the following conditions and S106 Planning Obligation**

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered JBD/RH6/9TJ/059A, JBD/RH6/9TJ/051A, JBD/RH6/9TJ/060A, JBD/RH6/9TJ/061A, JBD/RH6/9TJ/062A, JBD/RH6/9TJ/063A, JBD/RH6/9TJ/064A, JBD/RH6/9TJ/065A, JBD/RH6/9TJ/066A, JBD/RH6/9TJ/067A, JBD/RH6/9TJ/068A received on 28<sup>th</sup> June 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Notwithstanding the provisions of Classes A, AA, B and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no further enlargement of the dwelling shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy DP10 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected without the express permission of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and to control further development of the site in the interests of the character of the area and amenities of nearby properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP7, DP10 and DP13 of the Tandridge Local Plan: Part 2.

#### Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP10, DP13 and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF, and has assessed the proposal against all material considerations including the presumption in favour of sustainable

development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.

**Planning Obligation pursuant to Section 106**

The applicant has entered into a Unilateral Undertaking dated 18<sup>th</sup> August 2023 to secure this application as an alternative permission to that granted under 2022/222/NH and 2022/528 and not to carry out any further building operations or seek to complete the detached double garage and screen wall granted under terms of 92/356 on the 16th June 1992 which was subsequently considered an existing development under 2022/1243.



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## ITEM 4.3

**Application:** 2022/1255  
**Location:** Blue Meadow, Birchwood Lane, Chaldon, Caterham, Surrey, CR3 5DQ  
**Proposal:** Erection of an Agricultural Barn for livestock accommodation  
**Ward:** Chaldon

*Constraints – Green Belt, Area of Special Advertising Control, Area of Great Landscape Value, Ancient Woodland within 500m.*

**RECOMMENDATION:** Authorise Delegated Authority to the Chief Planning Officer to Grant Planning Permission subject to the completion of a Section 106 Agreement that secures:

- The prevention of the implementation of the development granted planning permission under the terms of application 2022/1255 if the development approved under the terms of application 2021/2220 is implemented; and
- The prevention of the implementation of planning permission 2021/2220 if this planning permission is implemented.

1. This application is being reported to planning committee as it requires the entering into a Section 106 agreement to secure this application as an alternative permission to that approved at appeal under reference 2021/2220.

### Summary

2. The proposal is for the erection of an agricultural barn for livestock accommodation. When considered in isolation, an agricultural justification has been provided for the building which, in light of the appeal decision set out below, satisfies Officers that the development is not inappropriate development in the Green Belt. The proposal would also not adversely affect the amenities of neighbouring properties nor would the proposal have a detrimental impact upon the character and appearance of the site or the surrounding area. No harm is identified in any other respect.
3. However, as mentioned above, following the refusal of application 2021/2220, planning permission was granted at appeal for a similar building at an alternative position at the wider site. A copy of that appeal decision is attached as an Appendix to this Officer Report. The agricultural need justification that was provided in respect of that development is the same that has been presented for this application. Therefore, no justification is known to exist for the erection of both buildings on the site. On the basis that erecting both buildings would not be acceptable, the applicant has indicated that they would be willing to enter an agreement pursuant to Section 106 of the Town and Country Planning Act to provide a control over the implementation of either the existing permission or the development that is subject of this application, but not both. This would ensure that the built form at the site would remain in accordance with Green Belt policy.
4. As such, it is recommended that planning permission be granted subject to conditions and S106 agreement.

## Site Description

5. The site comprises open fields bounded to the south by Willey Farm Lane and on all other sides by field boundaries. There is a vehicular access to the north of the site off Birchwood Lane. The site is located within the Green Belt area of Chaldon. The site contains living accommodation and two agricultural buildings.

## Relevant History

6. The relevant planning history is as follows;

2012-423- Certificate of Lawfulness (Existing) for the stationing of a mobile home. Granted.

2014/942- formation of an access track to Willey Farm Lane. (Appeal Allowed 19/02/15)

2015/2181- Certificate of Lawfulness- 'Erection of replacement caravan'. Granted 16.2.16

2017/1725- Application for removal of condition (cond. 3 of upheld appeal approval of 2012/423- requiring development to be in accordance with approved drawings) to allow for a hardcore sub-base to be used to support the chalk covering. Approved 09/10/17

2017/1760 – Re-grading of land adjacent to mobile home – Approved 18/10/2017

2018/355- Planning application for erection of agricultural barn with access track. Approved 22/03/19.

2018/1649/N – Erection of agricultural barn and access track (Prior Notification) – Not lawful – planning permission required

2021/734/N – Erection of an agricultural building – Planning permission required 17/05/2021

2021/2220 - Erection of agricultural building- Refused (Appeal Allowed 06/04/2023)

2022/844 - Erection of an agricultural building. Prior Approval Not Required. 14/07/2022.

## Key Issues

7. The site is located within the Green Belt where the key issue is whether the proposal constitutes inappropriate development in the Green Belt and, if so, whether 'very special circumstances' are demonstrated that clearly outweigh the harm by definition and any other harm. Other key issues relate to character and appearance, landscape character, residential amenity, highways and biodiversity.

## Proposal

8. Planning permission is sought for the erection of an agricultural building measuring 12m x 18m with a ridge height of 5.6m. The applicant's submissions identify that the proposed building is a functional requirement of the operation of a goat farm at the application site. In support of this a Veterinary Report has been

provided along with details of the registration of the business. This is the same evidence that has previously been considered by the Planning Inspectorate and deemed to be adequate to demonstrate a need for a building of the size proposed at the application site.

### **Development Plan Policy**

9. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP21
10. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP22
11. Woldingham Neighbourhood Plan 2016 – Not applicable
12. Limpsfield Neighbourhood Plan 2019 – Not applicable
13. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – CCW4, CCW5
14. Emerging Tandridge Local Plan 2033

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

15. Tandridge Parking Standards SPD (2012)
16. Tandridge Trees and Soft Landscaping SPD (2017)
17. Surrey Design Guide (2002)

### **National Advice**

18. National Planning Policy Framework (NPPF) (2019)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)

### **Statutory Consultation Responses**

21. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, whilst the highway authority were consulted on this application, it is not considered that their comments are necessary for the determination of this application.
22. Chaldon Village Council – No representation received.
23. Gatwick Airport Safeguarding- The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

### **Non-statutory Consultation Responses**

24. Surrey Wildlife Trust - Advise PEA be prepared by a suitably qualified ecologist

## **TDC advice**

26. None requested

## **Third Party Comments**

27. Third Party Comments – Objection received in relation to development within the Green Belt.

## **Assessment**

### Procedural note:

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.
29. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.
30. This application has been submitted as an alternative to that submitted under 2021/2220 which at the time of submission was subject to a pending appeal. That appeal has since been allowed. The inspectors' conclusions will therefore form a material planning consideration in this application. As will be set out elsewhere, there is not an established need for both the proposed building and the approved building and, as such, this proposal is to be considered as an alternative development to that which has been approved under the terms of application 2021/2220. This will be secured through an appropriate planning obligation.

### Green Belt

31. Paragraph 147 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 148 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
32. Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt constitutes inappropriate development but goes on to list exceptions to this rule, which includes a) buildings for agriculture and forestry.
33. Local Plan Policy DP10 advises that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where 'very special circumstances' exist that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. Local Plan Policy DP13 similarly sets out the exception to new buildings in the Green Belt constituting

inappropriate development including the construction of new non-residential buildings directly related to agriculture or forestry.

34. As set out above this application is an alternative to the agricultural building proposed under 2021/2220, proposing a building of the same scale but in an alternative position at the site. The supporting information submitted with this application is the same as was considered as part of the appeal including the Greendale Brook food business registration and correspondence from a veterinary surgeon as mentioned by the inspector. The inspector concluded at paragraph 6 that, based on their observations and the substantive evidence before them, there is clear evidence of a farming enterprise of some size was operating from this site and that the proposed building was needed for and directly related to agriculture. Therefore, for the same reasons set out above the proposed development falls within the exception at paragraph 149a) of the Framework.
35. Given the same circumstances exist for this alternative application it can only be reasonable to reach the same conclusion for this alternative proposal. However, as there is only justification for a single building, and the proposals are in different locations, this permission should be secured as an alternative to that previously allowed by way of a Section 106 agreement.
36. As such, the exception defined by the NPPF and Local Plan Policies DP10 and DP13 is applicable, and the proposal does constitute an inappropriate form of development in the Green Belt.

#### Character and Appearance

37. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
38. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
39. Caterham, Chaldon and Whyteleafe Neighbourhood Plan Policy CCW4 relates to the character of development and states that development is expected to preserve and enhance the character area in which it is located. Policy CCW5 relates to the design of development which is expected to be of high quality integrating well with its surroundings.
40. The proposal would result in the erection of a large, substantial building on the site with a ridge height of 5.6m. Its overall scale and general appearance are however dictated by its use, with the inspector for 2021/2220 accepting a building of this scale was required for the proposed use. This application seeks to locate the building further east within the site, away from the cluster of existing barn and mobile home. The proposed barn would be approximately 40m east of the

existing cluster of buildings and therefore, whilst not clustered to the same degree as the previously permitted barn, it would not appear isolated or unduly detached from the hub of the agricultural activities occurring at the site. In this instance, whilst more visible from Birchwood Lane to the north and Willey Farm Lane to the south east, the changing ground levels and the distance from those roads would enable the building to have a lesser visual impact than the impact that would arise from the visual impact of the approved development in views from Pilgrims Lane. Therefore, it is considered that, if sited in the position now proposed rather than the approved position, there would be a benefit to the wider landscape arising from undertaking the development in this position.

41. In terms of appearance, the barn would be of a similar appearance to that approved at appeal, retaining the timber cladding considered by the inspector to mitigate its form. There are some minor changes to the appearance by providing gates to the lower section of the open frontage, however, this does not alter the appearance of the building to any significant degree.
42. For the reasons set out above, the proposed development would on balance be in keeping with and would not be harmful to the character and appearance of the area. It would not conflict with the aims of Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7 of the TLP and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021).

#### Area of Great Landscape Value

43. The site is located within a designated Area of Landscape Value (AGLV). The Area of Outstanding Natural Beauty (AONB) is located to the south and south west of the application site. Policy CSP20 relates primarily to the AONB but also applies to the AGLV, including 6 criteria that are required to be met. It is particularly relevant in this case that requirement b) is to conserve and enhance important viewpoints, protect the setting and safeguard views out of and into the AONB. In this regard, it is noted that the building is located to the opposite side of a substantial tree belt from the AONB and, as such, is far more discreetly positioned relative to the AONB than the approved development that would be sacrificed under the terms of the Section 106 agreement that is referred to above. The lower setting of the building in the landscape, as a result of the topography of the area, would also reduce the impact on the skyline from within the AONB. It is considered that the impact on the AGLV would be slightly greater as a result of it being more visible from Birchwood Lane and Willey Farm Lane but, given the alternative development which was found acceptable within the AGLV by the Planning Inspector, it is considered that the proposal should be found acceptable in relation to its impact on the AGLV. The proposal would, therefore, accord with the abovementioned development plan policy.

#### Residential Amenity

44. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan: Part 2 has the same objectives of protecting neighbouring amenity embodied in criterions 6-9.
45. The proposed building would be located approximately 85m away from the built form of the existing mobile home on the site at Blue Meadow. Given this separation distance and as the mobile home itself forms part of the application

site, it is not considered that the proposed building would be appear unduly overbearing or having an overpowering impact upon the amenity to warrant a refusal reason. Given the separation distances involved, it is not considered that the proposal would adversely impact the amenities of any other neighbouring properties in relation to the built form of the proposed agricultural building.

46. The proposal would not result in significant harm to residential amenities. As such no objection is raised in relation to Core Strategy CSP18 or Local Plan Policy DP7.

#### Ecology

47. Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
48. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
49. The site does not lie within an area of ecological designation however it does lie within 300m or more of several areas of ancient woodland. The position of the proposed barn is a field to the east of the main farmstead which appears to have been cultivated in recent years. As such it is unlikely to contain any protected species. No ecological or biodiversity requirement were stipulated within the appeal decision and is not considered justified in this case.

#### Other Considerations

50. The proposal would not impact access arrangements which would remain unaltered as part of the proposal. The proposal would not have a material impact upon the safety and operation of the public highway.

#### Conclusion

51. The proposed building is not an inappropriate form of development in the Green Belt as it falls within the exception as defined by the NPPF and Local Plan Policies DP10 and DP13. It is not considered to be harmful to character of the area, residential amenity or other relevant considerations. Planning permission should therefore be approved.
52. However, for the reasons set out above, it is considered that appropriate steps should be taken to ensure that two buildings are not erected at the site where there is no justification to do so. This can and should be secured through the agreement of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
53. The recommendation is made in accordance with the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with

paragraph 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

54. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION: PERMIT subject to the following conditions and S106 agreement to secure the following:**

- **The prevention of the implementation of the development granted planning permission under the terms of application 2022/1255 if the development approved under the terms of application 2021/2220 is implemented; and**
- **The prevention of the implementation of planning permission 2021/2220 if this planning permission is implemented.**

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans/drawings: Site Location Plan and Plans and Elevations received 27<sup>th</sup> September 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved plans.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the building shall only be used for agricultural purposes and no change of use occur without planning permission first being obtained.

Reason: To ensure the development would meet the identified agricultural need established within this application.

5. No part of this permission shall be implemented if any part of the permission granted under application 2021/2220 has been commenced.



Reason: To ensure there remains an agricultural need justification for the development in the interest of the openness of the Green Belt.

#### Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraphs 214 and 215 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP21, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP22, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW4, CCW5 and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

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Standard Section 106

Dated

2023

THE DISTRICT COUNCIL OF  
TANDRIDGE

and

TAMBUDZAYI EFILIDAH SMITH

---

DEED OF AGREEMENT

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Under Section 106 of the Town and  
Country Planning Act 1990  
relating to land on the South East  
side of Birchwood Lane, Chaldon,  
CR3 5DQ and land lying on the North  
West side of Willey Farm Lane, Chaldon  
and the land known as Mobile Home,  
Ashton, Birchwood Lane, Caterham,  
CR3 5DQ

David Ford  
Chief Executive  
Tandridge District Council  
Council Offices  
Station Road East  
Oxted Surrey RH8 0BT

Legal Ref: Iken 102-007822



(5) SINCE the appeal the Owner has submitted a second application for planning permission (Council Reference TA/2022/1255) for the Erection of an Agricultural Barn for livestock accommodation (“the Development”).

(6) THE relevant Planning Officers under delegated powers from the Chief Planning Officer resolved that subject to the completion of this Agreement planning permission (“the Permission”) for the Development should be granted, subject to the conditions set out in the draft Planning Permission at APPENDIX TWO hereto

**NOW THIS DEED WITNESSETH** as follows:-

1. This Agreement is made pursuant to Section 106 of the Act and is a planning obligation for the purposes of that Section and the District Council is the local planning authority by which the provisions of this Agreement are intended to be enforceable

2. This Agreement shall come into effect upon the date that the Deed of Agreement is made.

3. The Owner hereby covenant with the District Council for themselves and their successors

in title and all persons deriving title under them and with the intent to bind the Land to observe and perform the covenants restrictions and obligations set out in the Schedule hereto

4. The Owner hereby agree to produce a copy of this Agreement within three months of the date hereof to H.M. Land Registry to enable the covenants restrictions and obligations contained herein to be registered on the Charges Register of the title numbers SY301346, SY648582 and SY599885 and to provide the District Council thereafter

with evidence that such registration has been completed

5. It is hereby agreed that the expressions “the District Council” “the Owner” and “the

Mortgagee” shall include their respective successors in title and assigns and regards the District Council shall include any Local Authority successor

6. The Owner hereby covenant with the District Council to pay on demand the District Council’s

reasonable costs of and incidental to the preparation and completion of this Agreement

IN WITNESS whereof this Agreement has been executed in manner hereinafter appearing and delivered the day and year first before written.

THE COMMON SEAL of

THE DISTRICT COUNCIL OF TANDRIDGE

was hereto affixed in the presence of:-

Authorised Signature

Witness

EXECUTED AS A DEED BY  
TAMBUDZAYI EFILIDAH SMITH

in the presence of:--

.....

Signature of Witness .....

Name (in block capitals) .....

Address .....

.....

APPENDIX ONE

Plan 1 – Site Plan



## APPENDIX TWO

Draft Planning Permission

## SCHEDULE

### **Covenants, restrictions and obligations regulating the use of the Land**

The Owner hereby covenants with the District Council as follows:-

1. The Owner shall give the District Council at least 10 working days' notice of implementation of The Permission.
2. Should the Owner choose to implement the planning permission relating to the First Application with reference TA/2021/2220, the Owner shall not commence or implement the planning permission relating to the Development.
3. Should the Owner choose to implement the planning permission relating to the Development with reference TA/2022/1255, the Owner shall not commence or implement the planning permission relating to the First Application.



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## Appeal Decision

Site visit made on 6 April 2023

**by D Szymanski BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 April 2023**

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**Appeal Ref: APP/M3645/W/22/3306260**

**Blue Meadow, Birchwood Lane, Chaldon CR3 5DQ**

- 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 Mrs E Smith against the decision of Tandridge District Council.
  - The application Ref TA/2021/2220, dated 23 December 2021, was refused by notice dated 4 March 2022.
  - The development proposed is Erection of agricultural building.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for Erection of agricultural building at Blue Meadow, Birchwood Lane, Chaldon CR3 5DQ in accordance with the terms of the planning application Ref. TA/2021/2220 dated 23 December 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings: 3547-PL-01 (Location Plan); 3547-PL-02 (Proposed Site Plan); 3547-PL-03 (Proposed Floor Plans + Elevations); 3547-PL-04 (Proposed Floor Plans + Elevations).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved plans.
  - 4) Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the building shall only be used for agricultural purposes and no change of use occur without planning permission first being obtained.

### Main Issues

2. The main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt; and,
  - the effect of the proposal upon the character and appearance of the area.

## Reasons

### *Inappropriate development*

3. Paragraph 137 of the National Planning Policy Framework (2021) (the Framework) identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs 149 and 150, including buildings for agriculture and forestry at paragraph 149a).
4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the TLP) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. This is reflective of the approach in paragraph 147 of the Framework. Policy DP13 of the TLP states that unless very special circumstances are clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions. This includes buildings directly related to agriculture. This approach is similar to paragraph 149 of the Framework.
5. The Council's view is the floorspace would be appropriate to a herd of 69 nannies, although question the necessity of the height, and its position. It considered there was insufficient evidence with the application that an enterprise of the suggested scale exists. In consequence, it took the view it was not demonstrated the development was necessary for agriculture.
6. The appellant has provided further details of the Greendale Brook food business registration and website through which goat meat and corn can be purchased. Correspondence from a veterinary surgeon states the appellant has a goat herd of in excess of 60 Boer goats for producing meat. It states the building is necessary to provide a sufficient size area to ensure space to separate male and female goats, sufficient separate pens for kidding and nannie/kid bonding, avoid food competition within groups, is essential to protect the future of the farm, and will have positive effects upon animal health and welfare. This includes housing goats including during kidding, sickness, and foot trimming.
7. The building orientation is primarily guided by needing to maximise shelter from the sun and provide shade for much of the day. While it might not fully shelter animals from weather from the northeast, such events would only be a limited part of overall weather patterns. The development would ensure the herd could be kept under conditions recommended by the Animal Welfare Foundation and British Goat Society. This includes providing a dry space, reducing temperature variations, preventing mud building between the claws, dampness underfoot, and preventing foot rot to which Boer goats are prone. The height is necessary for ventilation to ensure healthy conditions for the animals and the levels of heat and moisture they produce.
8. The hardstanding would be a modest flat extension front of the building gates to prevent ground churn and mud. The Council has not fully explained how it has considered this aspect of the proposal, other than that it would affect openness. Given its modest size, function and continuity with the building floor, the hardstanding constitutes proportionate ancillary works that as a

matter of fact and degree are part of the building for agricultural purposes to be considered under paragraph 149a), and not a separate operation.

9. At my visit an existing building was in an agricultural use, housing agricultural machinery, paraphernalia and in excess of 50 adult and young goats. A variety of agricultural machinery and paraphernalia was present on the holding. There was pastureland used by animals and fields from which crops had been harvested. Based on my observations, and the substantive evidence before me, there is clear evidence of a farming enterprise of some size operating from this site, and that this proposal is needed for and directly related to agriculture. Therefore, for the reasons set out above the proposed development falls within the exception at paragraph 149a) of the Framework.
10. The Council did not provide further comment in response to the further appeal evidence. It also appears some of the evidence might not be dissimilar to that provided for a nearby building on the holding for a different agricultural purpose. That proposal was judged to be permitted development under Class A of Part 6 of the Town & Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) as it was concluded it was reasonably necessary, and the land was in use for agriculture for a trade or business.
11. The Framework does not require proposals to demonstrate that there is a genuine agricultural need or that the building is necessary for purposes of agriculture. I have determined this appeal as applied for. However, I consider that it is demonstrated the building is directly related to agriculture and an agricultural need is demonstrated.
12. Therefore, for the reasons set out above the proposal would not be inappropriate development in the Green Belt. It does not conflict with Policies DP10 and DP13 of the TLP, or paragraphs 147 and 149 of the Framework, the relevant provisions of which I have set out above. As I have found it is not inappropriate development, there is no need to assess the effect upon openness, or, whether there are other considerations and whether they amount to very special circumstances to justify the development.

#### *Character and appearance*

13. The character and appearance of the area and the landscape is characterised by rolling hills of fields defined by post and rail fencing, hedgerows and woodland areas punctuated by dwellings, ancillary buildings, farmsteads and other rural buildings. These are inherent elements of the landscape character. The appeal site holding contributes to this by virtue of its open fields, fencing, hedgerows, the dwelling and agricultural buildings. It is in keeping with and makes a neutral contribution to the character and appearance of the area.
14. The scale and appearance of the building is primarily led by its functional agricultural requirements. However, it would be similar to and not appear unduly large or high in scale or size in relation to other nearby appeal site buildings. The functional appearance including part concrete part vertical boarded elevations would not be out of keeping with similar such buildings in the wider area. Moreover, in my view the boarded elevations would appear more sympathetic to the local landscape than some in the area.
15. The position would mean it would be viewed against higher land and landscape features to its rear. It would relate well to the landscape and the neighbouring

barn and hardstanding, and result in it being viewed as part of a small broad cluster of buildings. As a matter of planning judgement, the development would not be harmful to and would protect, conserve and reflect the character and appearance of the area and landscape. Having regard to my findings above, the Council has not highlighted specific parts and there is nothing highlighted before me to suggest the Caterham, Chaldon and Whyteleafe Neighbourhood Plan Design Guidelines or any adopted Supplementary Planning Documents would be offended by the proposal.

16. For the reasons set out above, the proposed development would be in keeping with and would not be harmful to the character and appearance of the area. It would not conflict with the aims of Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7 of the TLP and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021). In combination and amongst other things these policies require that development is of a high standard of design that reflects, respects, protects or enhances the character, setting, context and local landscape character.

### **Other Matters**

17. The Council has concluded the proposal would not result in harmful living conditions to the appeal site occupiers or neighbouring occupiers, and it would not have a material effect upon highway safety or the operation of the public highway. Having regard to the position and nature of the proposal and based upon the evidence before me I see no reason to disagree.

### **Conditions**

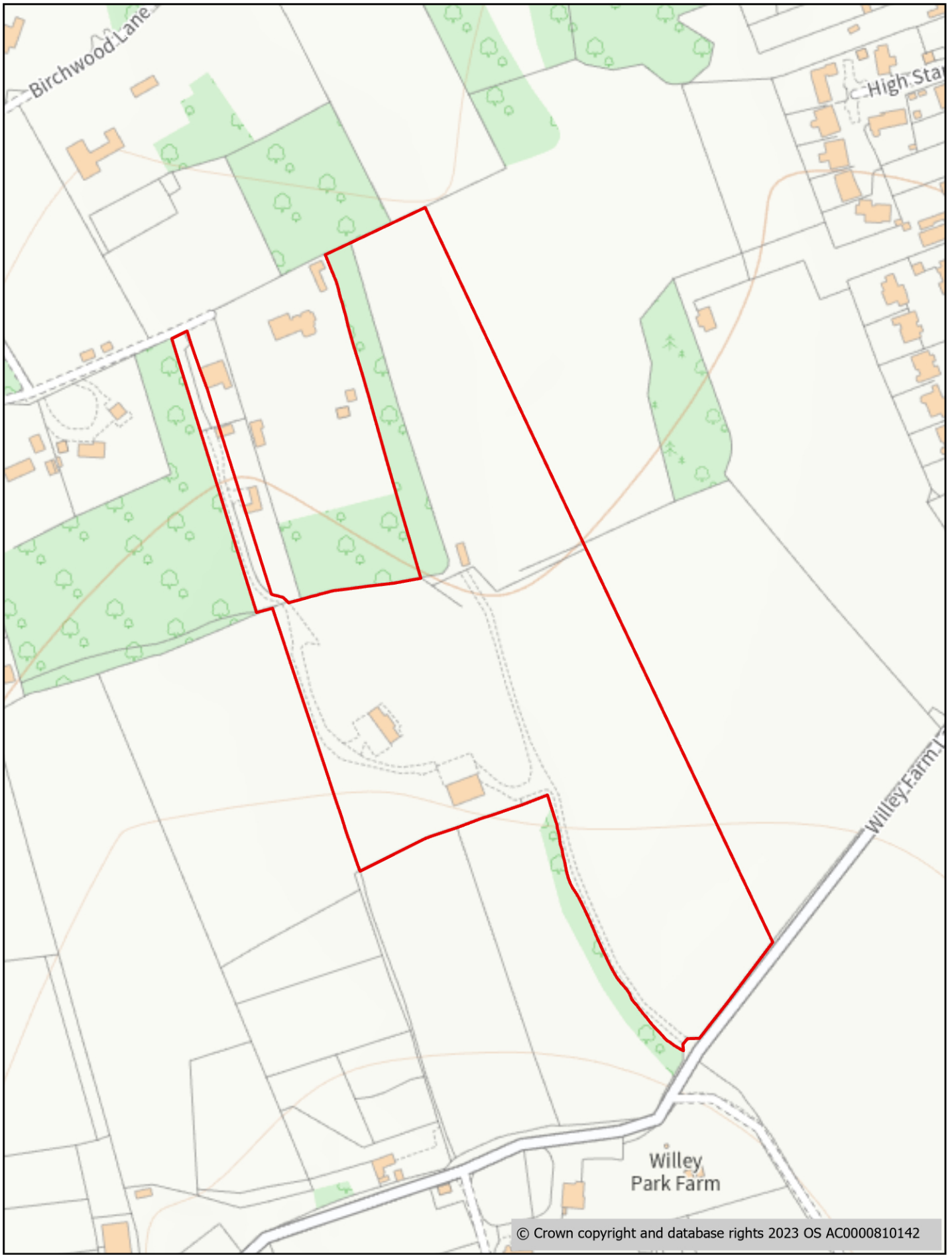
18. Conditions specifying the time limit and plans are necessary in the interests of certainty. A condition to require the materials are as set out on the plans is necessary in the interests of the character and appearance of the area. A condition to control the use of the building is necessary as it has only been permitted because it is an agricultural building and in the interests of the character and appearance of the area.

### **Conclusion**

19. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given above, the appeal is allowed.

*Dan Szymanski*

INSPECTOR



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