

## ITEM 3.2

**Application:** 2023/775

**Location:** Stables, Manor Livery, Manor Road, Tatsfield, Westerham, Surrey, TN16 2ND

**Proposal:** Demolition of existing buildings and erection of three no. single storey dwellings with associated parking and landscaping.

**Ward:** Tatsfield and Titsey

*Constraints – ASAC, Ancient woodland within 500m, Bigginhill Safeguarding, Green Belt, Road\_local x - Manor Road, Rights\_of\_way\_bdw 640, Source\_protection\_zones 3*

### **RECOMMENDATION:**

**PERMIT subject to conditions**

1. This application has been called in to planning committee by Cllr Allen to allow the Parish Council and residents to speak.

### **Summary**

2. Planning permission is sought for the demolition of existing buildings and the erection of three single storey dwellings with associated parking and landscaping.
3. The application site lies within the Green Belt. As the proposal would be the redevelopment of previously developed land with no greater impact on the openness of the Green Belt it is considered to be not inappropriate development within the Green Belt and would accord with the requirements of Policy DP13 G and Paragraph 154 (g) of the NPPF.
4. The development is considered to accord with the relevant policies in relation to character and appearance, residential amenity, highway safety, trees and renewable energy. The proposal would not result in an unacceptable impact on protected species and would secure a biodiversity net gain.
5. Consequently, it is considered that the proposal would accord with the requirements of the NPPF and with the policies contained in the Development Plan. Accordingly, it is recommended that permission is granted subject to conditions as outlined.

### **Site Description**

6. The application site consists of the stables and land associated with Manor Livery, Tatsfield. The site lies to the south of Manor Road, is bordered by Hillview House to the west, Nos. 1 & 2 Flowerdale to the east and Manor Farm (Sindolar) to the north.
7. The application site lies within the Green Belt. Public Bridleway 640 runs to the north of the site following Manor Road.
8. The site currently contains two blocks of stables, a mulch store and a sand school.

### **Relevant History and Key Issues**

9. The relevant planning history for the site is as follows:
  - GOR/8178 - ERECTION OF FIVE STABLES

- GOR/95/70 - ERECTION OF SECTIONAL STEEL BUILDING FOR EXERCISING HORSES Approved 07/04/1970
- 79/1230 - ERECTION OF IMPLEMENT/HAY SHED AND PONY SHELTER Approved 09/01/1980
- 80/629 - Erection of detached bungalow Outline Permission 30/09/1980
- 93/459 - Retention of 4 floodlights mounted on 5m poles at side of sand school Approved (full) 15/03/1994
- 93/460 - Retention of new shed for storage of equipment associated with livery stables, such as tractor, trailer and grasscutter Approved (full) 30/07/1993
- 93/71 - Covering of existing sand school to be used as indoor arena Refuse 20/04/1993 Appeal Dismissed

The key issues for this application are:

- the principle of development within the Green Belt,
- acceptability in terms of character and appearance,
- impact on neighbouring amenity,
- highway safety.
- Other considerations include renewable energy and ecology. Each of these will be addressed in the report below.

### **Proposal**

10. This application seeks approval for the demolition of the existing buildings on the site and the erection of 3no. single storey dwellings with associated parking and landscaping.
11. Each of the three dwellings would be 3-bed properties being single storey (3.5m in height). Each property would have 2no. parking spaces with a further 2no visitor parking spaces shared between the 3 dwellings. Access to the site would be via the existing access to the north.

### **Development Plan Policy**

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP12, CSP14, CSP17, CSP18
13. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19
14. Woldingham Neighbourhood Plan 2016 – Not applicable
15. Limpsfield Neighbourhood Plan 2019 – Not applicable
16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable
17. Tatsfield Neighbourhood Plan (Regulation 16)- TNP02G, TNP04A, TNP04E, TNP08A

18. Emerging Tandridge Local Plan 2033

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

19. Tandridge Parking Standards SPD (2012)

20. Tandridge Trees and Soft Landscaping SPD (2017)

21. Surrey Design Guide (2002)

### **National Advice**

22. National Planning Policy Framework (NPPF) (2023)

23. National Planning Practice Guidance (NPPG)

24. National Design Guide (2019)

### **Statutory Consultation Responses**

25. County Highway Authority –The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who, having assessed the application on safety, capacity and policy grounds, recommends that conditions be imposed in any permission granted.

26. Tatsfield Parish Council – Objection. On the grounds of:

- Inappropriate development in the Green Belt - change of use from livery stables to residential dwellings not supported [DP13, NPPF 149]
- Rural Economy- Loss of existing active and viable rural use for stabling of horses [DP17, Neighbourhood Plan]
- Amenity- Overlooking and loss of private amenity (1-2 Flowerdale)

Additional comments received by the Parish Council confirming objection to the application on the grounds that it represents inappropriate development, will result in the loss of an existing active and viable rural use and concerns about overlooking and loss of private amenity to two adjacent houses to the east (1-2 Flowerdale, Manor Road)

(Officer comment: each of these issues are addressed below)

27. Surrey County Council Flood and Water Services Team (LLFA): *We have reviewed the submitted documents. The Applicant has considered the surface water flood risk to and from the site and has suggested appropriate mitigation measures to inform the Planning Application.*

28. Surrey County Council Countryside Access Officer: *We have no objections but would make the following comments;*

- *Access is along Public Right of Way Tatsfield Bridleway 640*

- *To ensure public safety while work is underway, a temporary closure of the rights of way may be necessary. A minimum of 3 weeks' notice must be given and there is a charge.*
- *Safe public access must be always maintained along the Public Right of Way if no temporary closure is in place.*
- *There are to be no obstructions on the Public Right of Way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.*
- *There must be no encroachment onto the legal width of the Public Right of Way.*

29. Environment Agency- No comment

30. Surrey Wildlife Trust: Summary recommendation:

Planning Stage	Recommendation
Prior to commencement	<ul style="list-style-type: none"> <li>• Bat Mitigation Strategy</li> <li>• Sensitive Lighting Management Plan</li> <li>• Final Biodiversity Gain Plan and Landscape Management Plan</li> </ul>

**TDC advice**

31. Principal Tree Officer: *Three trees/groups are to be removed. One for arboricultural reasons and two for development purposes. None are of high quality, and I would not object to their removal, particularly considering the potential for replanting on site.*

*In arboricultural terms this proposal is likely to be to the benefit of the retained trees as currently a large proportion of their root protection area is taken up by existing buildings. Provided demolition is undertaken with care and as described within the submitted arboricultural method statement, the proposed layout will result in an improved rooting area for the retained boundary trees.*

*Overall, I have no objections to the proposal, subject to conditions.*

**Third Party Comments**

32. Neighbour Letters and Site Notice. Comments received raising the following matters:

- Loss of use/business, will impact wider fields which will be left unattended.
- Loss of recreational facilities (equestrian activities)
- Loss of community asset
- Inappropriate within the Green Belt- loss of visual and spatial openness, increased activity
- Amenity- light pollution, loss of privacy
- Highways-Access Road poor condition and unsuitable for large vehicles, question regarding vehicular movements/ traffic
- Impact on rural character- overdevelopment
- Incorrect red line/boundary (Officer comment: this is addressed below).
- Ecology- Badger sets, slow worms, nesting birds on site. Ecology reports not up to date, no phase 2 assessment (Officer comment: this has been subsequently and adequately addresses since submission).

- Impact on utilities
- Unsustainable location

## **Assessment**

### Procedural note

33. The Tandridge District Core Strategy and Local Plan Detailed Policies predate the NPPF as published in 2023. However, paragraph 225 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.
34. The Tatsfield Neighbourhood Plan has gone out for Regulation 16 consultation in on 1<sup>st</sup> December 2023. At this stage the neighbourhood plan has not been formally adopted and therefore only limited weight can be afforded to its policies although it remains as a material planning consideration and will be included within the assessment of this application.
35. In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
36. With regards to paragraph 11 (d) (i), footnote 7 explains the concept of “specific policies” in the NPPF indicating that development should be restricted. This includes development relating to sites within the Metropolitan Green Belt. It is therefore necessary to assess whether the proposal would be appropriate within the Green Belt before applying an assessment under Paragraph 11 (d) (i) which will be undertaken at the end of this report.

### Green Belt

37. The NPPF 2023 supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 142 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.
38. Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a number of exceptions identified. These include at section (g) “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.”

39. Policy DP10 of the Local Plan reflects paragraphs 152-156 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 clearly outweigh the harm by reason of inappropriateness and any other harm identified.
40. Policy DP13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Policy DP13 sets out the exceptions to this, one of which (Part G) is the limited infilling or the partial or complete redevelopment of previously developed (brownfield) sites in the Green Belt, whether redundant or in continuing use (excluding temporary buildings), where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
41. Annex 2 of the NPPF (2023) includes the following as a definition of previously developed land:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

42. In considering whether the site is previously developed land the application site forms part of a stable yard with stable buildings, hard surface and sand school currently on the site. The site is therefore previously developed land and can be considered against the exception under Policy DP13 (g) and Paragraph 154 (g).
43. Advice in the NPPG states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its irremediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation.
44. In first considering the spatial aspect of openness the applicant through their Planning, Design and Access Statement has provided figures to compare the existing and proposed hardstanding, footprint and volumes of the development. These are as follows:

	Existing	Proposed
Volume (cubic metres)	1419	1222 (-14%)
Footprint (square metres)	448	394 (-12%)
Hardstanding (square metres) (exc. sand school)	1,191	585 (-51%)
Hardstanding (square metres) (inc. sand school)	2,002	585 (-71%)
Ridge height (max)	4.45m	3.61m (-0.84m)
Eaves height (max)	3.05m	2.47m (-0.58m)

45. The table above demonstrates a reduction in both footprint and volume from the proposed dwellings when compared with the existing stables, resulting a reduction of 12% and 14% respectively. There would also be a reduction in the overall hardstanding on the site with the above table demonstrating a reduction of 51%, mainly due to the removal of the existing concrete stable yard.
46. Visually, the proposed dwellings would be set out in a linear pattern reflecting the existing stables. The dwelling on plot 3 would sit around 7m south of the southernmost stable building however it would not encroach beyond the position of the sand school which would be removed. The dwellings would be single storey with a height of 3.5m which broadly reflects the height of the existing stable building which ranges from 3m – 4.5m in height. As outlined above, the extent of hardstanding would be reduced in favour of soft landscaping. The dwellings would each have 10m deep rear gardens (residential curtilage) which, the applicant suggests, balances the need to provide adequate amenity space for the occupants whilst avoiding encroachment into the Green Belt.
47. Overall, the proposal would result in a reduction of built form and hardstanding on the site. The development would be broadly in a similar location to the existing built form proposing a linear layout. Taking the above into account, it is considered that the proposal would not result in a greater impact on the openness of the Green Belt therefore meeting the tests for the exception under Policy DP13 (g) and Paragraph 154 (g). The proposal is therefore not inappropriate within the Green Belt according with the requirements of Policy DP13 G and Paragraph 154 (g) of the NPPF.
48. In light of the above, the proposal is acceptable within the Green Belt and therefore the presumption in favour of development remains to be applied. It therefore needs to be considered whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole as is the relevant test under Paragraph 11 (d) (ii) of the NPPF.

#### Change of use

49. The stables at Manor Livery are currently used as a private stable yard, previously offering DIY and full livery. In addition to the re-development of the site it needs to be considered whether there would be any restrictions in terms of change of use of the land.
50. Policy CSP13 of the Local Plan relates to Community, Sport and Recreation Facilities and Services and requires that, existing community, recreational, sports facilities and services (see Glossary) and open space will be safeguarded. New or improved facilities to meet the needs of all sections of the community will be encouraged. The Council will encourage the dual use of community and sports facilities. The loss of open space, sport and recreation facilities is dealt with in national planning policies (PPG17).

51. The guidance within PPG17 has been superseded since the adoption of the Core Strategy and now forms part of the National Planning Policy Framework. Paragraph 97 of the NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

52. Policy DP4 of the Local Plan Part 2: Detailed Policies sets out that proposals for the alternative use of commercial and industrial sites (both premises and land), whether vacant or occupied, will be permitted only where it can be demonstrated that:

1. The site is unsuitably located, for example because of inadequate access for heavy goods vehicles or harm/potential harm to the amenities of nearby residential property by reason of traffic, noise or general disturbance, and that these issues cannot be sufficiently mitigated whilst retaining its use; or
2. The current site use is no longer viable, even for an alternative commercial use, or as part of a redevelopment or mixed-use development scheme. This should be through a minimum 12 month active marketing exercise (or minimum 6 months as set out in paragraph 4.5)\* where the site (whether vacant or occupied during that time) has been offered for sale or letting on the open

53. The current lawful use of the site is as private stables offering livery services. The use of the site for stables is not considered to be a commercial/employment use to be subject to the requirements of Policy DP4. It is also not considered to be a use that would provide a service to meet the day to day needs of the community and therefore not a community use as specified in the policies above. The change of use of the land would therefore not conflict with the requirement of CSP13 of the Local Plan and Policy DP4 of the Local Plan Part 2: Detailed Policies.

#### Character and Appearance

54. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character;



reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

55. 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.
56. 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.
57. Policy TNP02G sets out that development proposals which incorporate new or reworked landscaping must demonstrate, through submitted plans, that they will seek to retain and enhance the overall rural character of the parish and seek to protect and enhance biodiversity, wildlife and habitats.
58. Policy TNP04A of the Tatsfield Neighbourhood Plan is also relevant and requires;
  - a) The scale, layout and design of new development should contribute to local distinctiveness and make a positive contribution to the overall appearance and character of built development within the parish.
  - b) New buildings and extensions should reflect local character areas as defined in Section 02.4 of this Plan and the size and scale of existing buildings, neighbouring buildings and their position within the building plot.
  - c) Gaps between existing buildings allowing views through to gardens and trees should be substantially retained in any new development.
59. Policy TNP04E of the Tatsfield Neighbourhood Plan requires;
  - a) Development proposals including new boundary treatments should, with reference to Policy TNP02G, use appropriate boundary treatments relative to the location and setting of the development. These might include:
    - i) Using native hedges for boundary treatments where this is already prominent within the local area.
    - ii) Using low boundary walls in brick and flint, brick and stone or just brick where used locally.
    - iii) Using low timber palisade fences only where this may be suitable in the village centre on smaller houses/ cottages where these are part of the existing character of the setting.
  - b) Development proposals which seeks to retain, repair or improve existing walls and stonework will be supported, subject to other policies within the Development Plan.
60. The proposal would see the demolition of the existing stable buildings and the erection of 3no. dwellings. The dwellings are set within a linear form, with L-

shaped unit to the south to create a courtyard. The dwellings would be single storey and propose a design and external materials to reflect their rural location. The redevelopment of the site would allow for a larger extent of landscaping including to either side of the existing access than the current situation. The built form would be brought away from the western boundary increasing separation with the adjacent trees and that neighbour. Overall the proposal would result in a design and appearance appropriate to the rural character of the area and proposes materials to reflect its location. The layout would result in development that would not be overly prominent from the wider area and, whilst the introduction of a residential use would alter the character of the site, the overall improvements to landscaping brought by the scheme and the limited residential curtilage would not result in harm to character. A suitable soft landscaping scheme, including appropriate boundary treatment, can be secured by way of condition.

61. It is therefore considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy and Policy TNP02G of the Tatsfield Neighbourhood Plan.

#### Residential Amenity

62. Policy CSP18 of the Core Strategy requires 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.
63. Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies seek to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings. Policy DP7 also requires that the proposed development provide satisfactory living conditions for future occupants.
64. The above Policies reflect the guidance at Paragraph 135 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.
65. The proposed dwellings would be set away from the site boundaries with plot 3 10m from the closest neighbouring which lies to the west. Plot 1 and 2 would be at least 15m from the western boundary. Plot 1 lies 1.8m from the northern boundary and 7.7m from the dwelling to the north. Taking into account the position of the dwellings and height at 3.5m the proposal is not considered to result in a significant impact on the residential amenity of the neighbours in terms of loss of light or overbearing impact.
66. With regards to privacy, the windows for the dwellings face east, west or south. No windows are proposed on the northern flank of plot 1. The proposal would retain the trees on the western boundary providing suitable visual screening, although the dwellings are some distance from dwelling of Hillview House itself.
67. Specific concern has been raised with regards to the privacy of Nos.1 & 2 Flowerdale (Manor Road) which border the site to the east. The proposal would see the existing line of evergreen trees removed which currently provide screening of the site from those properties. The dwellings would be provided with a number of windows and doors facing east with plots 2 and 3 proposing windows

which align with the neighbour's dwelling. Due to the topography of the land, the dwelling would sit on higher ground than that of the neighbour and therefore have an elevated view towards the neighbour. Policy DP7 sets out specific guidance on separation distances and suggest that, *"In most circumstances, where habitable rooms of properties would be in direct alignment, a minimum privacy distance of 22 metres will be required."* The dwelling at plot 2 would be 26m from the eastern boundary of the site at its closest point and some 48m from the neighbour's dwelling. Plot 3 would be 30m from the site's eastern boundary and 50m from the neighbours dwelling. Although it is noted the topography of the land would not lead to a typical arrangement, the proposed dwellings would be sited well in excess of the typical separation distances set out within Policy DP7. Even taking into account the higher position of the proposed dwellings, as a result of the separation distances the proposal is, on balance, not considered to result in a loss of privacy to significantly impact on the residential amenity of the neighbouring properties to accord with the requirements of Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan Part 2: Detailed Policies. Although the proposal does not conflict with the above Policies an informative has been included to ask the applicant to consider the boundary treatment to the eastern boundary with a view to minimising intervisibility with the neighbours.

68. The proposal would not result in a significant impact on the residential amenity of the neighbouring properties to accord with the requirements Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan Part 2: Detailed Policies.

#### Highway and Parking Considerations

69. 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.
70. Policy TN04G of the Tatsfield Neighbourhood Plan requires that the location, layout and design (including materials) of all new vehicle parking areas, whether private or public, should:
- a) not have an undue negative impact on the quality of the landscape or biodiversity.
  - b) reflect the positive elements of the surrounding environment especially the semi-rural nature of the village.
  - c) make use of existing buildings and landscape features to shield views of parking areas.
  - d) keep signage, lighting and markings to a minimum (if required at all).
  - e) treat entrances, verges and boundaries to minimise their visual impact.
  - f) use permeable surfaces to minimise surface water run-off.
  - g) maintain green links and wildlife corridors between properties.
71. Policy TN08D of the Tatsfield Neighbourhood Plan requires that;
- a) Parking standards: All new development must make adequate provision for off-road parking in accordance with the Tandridge Parking Standards Supplementary Planning Document (SPD). Parking for new development should be appropriately located or screened to minimise landscape and streetscape impact.
  - b) Parking design: the design for new parking areas should be in accordance with Policy TN04G.

- c) Loss of parking: proposals for residential extensions should not reduce existing off-road parking provision unless this still meets the minimum requirements under the Tandridge Parking Standards SPD.
72. Policy TN05B of the Tatsfield Neighbourhood Plans requires that;
- a) All new homes where a dedicated parking space per home is provided will be required to have an appropriately located vehicle charging point.
  - b) Where shared parking areas are included in housing developments, these are required to provide 1 vehicle charging point for every space.
  - c) Developments proposing new employment, leisure or retail developments should provide electric vehicle charging points for staff and visitors.
73. The application proposes to re-use the existing access to the north of the site which leads on to Manor Road. The condition of Manor Road is noted however as the road currently serves the existing stables as well as other dwellings it would not be unsuitable for vehicular traffic. It however remains to be considered whether the traffic generation from the proposed use would be acceptable as well as acceptability of the access, turning and parking on the site.
74. The applicant has sought to address matters of highway safety by providing a Highways Technical Note produced by Motion dated 09/05/2023. The highways technical note suggested that the existing use of the site could generate up to 50 vehicular movements per day if it was operating at capacity. The proposed dwellings by contrast is calculated to produce 14 two-way vehicular trips. It is acknowledged that maximum capacity of the existing site has been considered however this does demonstrate that trip generation would not likely be exceeded compared to the situation if the stables continued to operate.
75. With regards to parking, the proposal would provide 2 allocated spaces per dwelling as well as 2no. unallocated visitor parking spaces. This would meet the minimum parking requirement set out within the Tandridge Parking Standards SPD.
76. Surrey County Council Highways have been consulted on this application and, having assessed the details, consider that the proposal would be acceptable with regards safety, capacity and policy grounds subject to conditions provision of parking, electric car charging points and secure bicycle parking. These will be secured by condition.
77. Taking into account the above and with the conditions imposed as recommended by the Highway Authority, the proposal is considered to accord with the access, parking and highway safety aspirations of Policy CSP12 of the Core Strategy and Policies DP5 and DP7 of the Local Plan.

#### Renewables

78. Policy CSP14 requires the reduction of carbon dioxide (CO<sub>2</sub>) emissions by means of on-site renewable energy technology of a minimum of 10%.
79. Policy TNP08A of the Tatsfield Neighbourhood Plan also requires that renewable and low carbon energy generation will be supported where the proposed development:-
- a) Is led by, or meets, the needs of the local community.
  - b) Does not cause harm to the openness and setting of the Areas of Outstanding Natural Beauty or the Green Belt.

- c) Is located and of a scale that is appropriate to character, setting and the wider landscape and does not harm the Notable Views defined in Section 02.10.
- d) Does not create an unacceptable impact on the amenities of local residents.

80. The application is accompanied by an Energy Statement which outlines a fabric first approach and the incorporation of an air source heat pump over 45% reduction can be achieved. This would achieve the requirement of Policy CSP14 and will be secured by way of condition.

### Trees

81. Policy CSP18 of the Core Strategy requires 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 Local Plan Policy DP7 requires that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape. It also outlines that where existing trees are felled prior to permission for development being sought, the Council may require replacement planting as part of any permission granted.

82. The application site contains a number of trees and tree groups as well as number of trees lying on or adjacent to the site boundary. The applicant has acknowledged this constraint and has provided a Tree Constraints Plan to identify the trees on or adjacent to the site as well as providing an arboricultural implications assessment and method statement report to provide some professional assessment into the impact on the trees. This report identifies that T18, T2 and G6 will be required to be removed to facilitate the development. Trees T3 – T12, all of which lie to the western boundary of the site, will also be effected through the removal of the hard surface as well as formation of the parking. In order to mitigate the potential impact on the trees the report recommends cellular confinement system to be utilities for the proposed parking area where they lie within the root protection areas of the trees. A tree protection plan has also been provided proposing tree protection fencing during development as well as suggesting area of supervised excavation.

83. The Council's Principal Tree Officer has been consulted on the application. In his comments he noted that three trees/groups are to be removed. However none are of high quality and, when taking into account the potential for replanting on site, no objection is raised. The comments also note that the proposal is likely to benefit the retained trees as currently a large proportion of their root protection area is taken up by existing buildings. Provided demolition is undertaken with care and as described within the submitted arboricultural method statement, the proposed layout would result in an improved rooting area for the retained boundary trees. Overall therefore he raises no objections to the proposal, subject to conditions relating to tree works, tree protection and the securing of an adequate landscaping scheme. These are considered reasonable and can be secured by condition.

### Ecology

84. 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.

85. The application site does not lie within an area of specific ecological designation however concerns have been raised by neighbours due to impact on protected species and other wildlife including badgers, slow worms and nesting birds.
86. To address impact on ecology the applicant has provided an ecological appraisal produced by LG Ecological Services dated May 2023. A biodiversity net gain report dated May 2023 was also submitted which predicted an 11.54% net gain for habitats and 19.76% net gain for linear features. Initial comments received from Surrey Wildlife Trust dated August 2023 requested further assessment with regards to bat roosts within the Cypress tree line as well as further details with regards to reptiles and a more detailed calculation of net gain. The applicant has responded to these concerns providing an ecological response in letters dated 22<sup>nd</sup> August 2023, 15<sup>th</sup> September 2023 and a biodiversity metric received on 30<sup>th</sup> October 2023. On review of the additional assessment provided, Surrey Wildlife Trust latest response received on 15<sup>th</sup> December 2023 consider that, subject to securing a bat mitigation strategy, sensitive lighting management plan and final biodiversity gain plan and landscape management plan by way of condition the development would not result in an adverse impact on ecology.
87. The comments received as part of the public consultation relating to ecology have been noted. The applicant has sought to address the points raised by neighbours and by Surrey Wildlife Trust through further submissions. Taking into account the assessment that has been undertaken and subject to the conditions suggested by Surrey Wildlife Trust it is considered that the proposal would not conflict with the requirements of Policy CSP17 of the Core Strategy.

#### Other Matters

88. This application seeks the formation of three dwellings with the change of use of that land to residential. The three new dwellings proposed would each have a garden area as shown on the proposed block and site location plan which extends 10m deep from the rear walls of the dwelling. Beyond that lies an area of meadow land which would be within the same ownership as the individual dwelling however it would fall outside of the residential curtilage of the dwelling and would be the responsibility of the respective owners to maintain. A condition will be imposed to clarify the extent of the residential land.
89. The residential land associated with the dwellings would, although sufficient for adequate amenity of the occupants, be limited. The uncontrolled extension of the dwellings into this amenity space either through extension or outbuildings could reduce the amenity space available and be harmful to the amenity of the occupants. Therefore in this case it is considered reasonable to impose conditions to remove permitted development rights.
90. As discussed earlier in this report the application proposes to enhance the landscaping within the site which would include the formation of meadows to the rear of the dwellings. Given the extent of landscaping, and its importance in terms of mitigating impact on openness as well as enhancement of character of this rural setting, it forms an important aspect to the compliance with the abovementioned Policies. In light of this, as well as requesting a detailed hard and soft landscaping scheme for the site, a landscape management plan will be secured by condition.
91. The public consultation has also raised a question over the red line submitted with the planning application suggesting that part of Hillview House has been

included within the red line and that the red line should straight across the back of the existing stable. Confirmation has been sought from the applicant who suggests the red line is correct. The Council is not in a position to conclude either way and any dispute would be a civil matter between the parties. Notwithstanding, no development is proposed within the disputed section of the site and therefore this would not preclude the development being undertaken in accordance with the submitted plans, including the provision of provision of the proposed parking.

#### Biodiversity Net Gain

92. The proposal would not be required to demonstrate a Biodiversity Net Gain as the requirement for such for Minor applications has not yet come into force. However, the applicant has submitted a BNG report and metric to demonstrate a net gain can be achieved and a final BNG plan will be secured by condition to achieve such a gain.

#### Viability

93. The proposal would raise no viability issues.

#### Equality Duty

94. The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equality Act 2010 and those who do not. The Case Officer has reviewed the proposed development and documentation and considers that the proposal is not likely to have any direct equality impacts.

#### Planning Balance

95. In now returning to the presumption in favour of development as set out above, the specific policy in relation to Green Belt does not provide a clear reason for refusing the development and therefore it remains to be considered whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
96. As outlined above, the development is considered to be not inappropriate development within the Green Belt, and it acceptable in terms of character and appearance, residential amenity and, subject to conditions, acceptable in terms highway safety, renewable energy, ecology and trees. Although limited in scale, the proposal also includes the benefit of additional housing and the economic benefits during the construction process. It is considered that there are no other factors which would warrant refusing the application.

#### **RECOMMENDATION: PERMIT subject to the following conditions**

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 23-1524-TPP, 23-1524-TCP-A, , PL 23-664-04 Rev A PL 23-664-05 Rev A, PL 23-664-07 Rev A, PL 23-664-08 Rev A, PL 23-664-09 Rev A, PL 23-664-10 Rev A PL, 23-664-11 Rev A, PL 23-664-12 Rev A, PL 23-664-13 Rev A, PL 23-664-14 Rev A, PL 23-664-15 Rev A, PL 23-664-16 Rev A PL 23-664-17 Rev A received 21<sup>st</sup> June 2023 and PL 23-664-01 Rev B, PL 23-664-02 Rev B and PL 23-664-06 Rev B received 19<sup>th</sup> January 2024 . 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. No development shall start until the tree protection measures detailed within the approved Tree Protection Plan (23-1524-TPP) and Arboricultural Method Statement dated May 2023 have been implemented. Thereafter these measures shall be retained and any specified methods of construction, arboricultural supervision or staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
- (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees

Reason: To prevent damage to trees in the interest of the visual amenities of the area 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. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - proposed finished levels or contours
  - means of enclosure
  - car parking layouts
  - other vehicle and pedestrian access and circulation areas
  - hard surfacing materials
  - tree and hedgerow planting as compensation for those elements being removed.

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 Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local 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 prevent damage to trees in the interest of the visual amenities of the area 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. Prior to the commencement of the development the applicant should submit a bat mitigation strategy for approval by the local planning authority. Then after development shall be undertaken in strict accordance with those approved details.

Reason: To ensure that the provision of any lighting on site minimises the impact on the Green Belt and biodiversity in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policies DP13 and DP19 of the Tandridge Local Plan; Part 2 – Detailed Policies 2014.

6. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG.

Reason: To ensure the development does not increase flood risk on or off site to accord with the requirements of the NPPF 2023.

7. 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.

8. No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by trees or plants of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans drawing number DR 23-664-05 Rev A for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework (2023).

10. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework (2023).

11. Before the development hereby approved is occupied the air source heat pumps as specified in the application details shall be installed and this system shall thereafter be retained in perpetuity in accordance with the approved details.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute to the reduction of carbon dioxide emissions in accordance with CSP14 of the Tandridge District Core Strategy 2008.

12. Details of any external lighting; including details of the lighting units and light spread, shall be submitted to and approved by the District Planning Authority in writing prior to any such provision on the site. The details shall be accompanied by a Sensitive Lighting Management Plan which sets out the measures to be taken to minimise the impact of any lighting on the area.

Reason: To ensure that the provision of any lighting on site minimises the impact on the Green Belt and biodiversity in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policies DP13 and DP19 of the Tandridge Local Plan; Part 2 – Detailed Policies 2014.

13. Prior to the first occupation of the dwellings hereby approved the applicant should submit to the local planning authority for approval of a final biodiversity net gain plan in general accordance with the Biodiversity Net Gain report and Biodiversity Metric. The development shall be undertaken in strict accordance with the approved plan.

Reason: To ensure the development does not cause undue harm to ecology in accordance with Policy CSP17 of the Core Strategy and Policy DP19 of the Local Plan Part 2: Detailed Policies.

14. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Ecological Appraisal (LC Ecological Services, May 2023), Ecological Response Letter (LC Ecological Services, August 2023), Ecological Response Letter (LC Ecological Services, September 2023), Ecological Response Letter (LC Ecological Services, October 2023) and Updated Ecological Response Letter from Surrey Wildlife Trust comments for Manor Livery (LC Ecological Services, December 2023).

Reason: To ensure the development does not cause undue harm to ecology in accordance with Policy CSP17 of the Core Strategy and Policy DP19 of the Local Plan Part 2: Detailed Policies.

15. The residential land shall be limited to that area containing the dwelling and shown as 'garden' on the proposed block plan PL 23-664 – 06 Rev B and no other land shall form the residential curtilage of the new dwellings.

Reason: To protect the openness of the Green Belt to accord with the requirements of Policy DP10 and paragraphs 152-156 of the NPPF

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions within Schedule 2, Part 1 Classes A, B or C to the dwelling hereby permitted shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: 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 Policy DP7, DP10 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure, swimming or other pool, within Schedule 2, Part 1, Class E, shall be carried out on the land the subject of this planning permission.

Reason: To preserve the openness of the Green Belt/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.

## Informative

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. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19, Tatsfield Neighbourhood Plan TNP02G, TNP04A, TNP04E, TNP08A and material considerations, including third party representations. 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.