

**LOCATION:** THE COTTAGE, HATTON HILL, WINDLESHAM, GU20 6AB  
**PROPOSAL:** Two detached two storey dwellings including new vehicular access following demolition of existing dwelling and garage.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr A Atkinson  
Woodcote House School and Forays Homes (Southern) Ltd  
**OFFICER:** Ross Cahalane

**The application would normally be determined under the Council's Scheme of Delegation, however, it has been reported to the Planning Applications Committee at the request of Cllr Conrad Sturt.**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for the erection of two detached two storey dwellings and a new vehicular access following demolition of existing dwelling and garage.
- 1.2 This report concludes the development is inappropriate development in the Green Belt which would be harmful to it. Further harm to the openness of the Green Belt would arise as a result of the additional built form and spread of development across the site. It is also considered the development would conflict with the purposes of including land within the Green Belt. In addition, harm would arise from the development upon the Thames Basin Heath SPA.
- 1.3 Notwithstanding the Council's lack of a five year housing land supply and the enabling benefits arising from the development as outlined by the applicant - providing funding towards the improvement of Woodcote House School's facilities, officers consider that the very special circumstances presented by the applicant do not clearly outweigh the substantial harm to the Green Belt as identified. The application is therefore recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a 0.14ha plot on the southwest side of Hatton Hill consisting of a detached two storey dwelling and a garage to the side/rear.
- 2.2 The site is within the Green Belt between the settlement areas of Windlesham Snows Ride and Windlesham village.

The adjacent streetscene of Hatton Hill comprises a number of detached and semi-detached two storey properties of varying age, size and architectural style with open land behind, including the grounds of Woodcote House School to the west. The Locally Listed Buildings of The Coach House and Hatton Hill are located to the northwest.

### **3.0 RELEVANT HISTORY**

- 3.1 None directly relevant to the application site. The applicant has made reference to a number of planning permissions for replacement dwellings granted within Hatton Hill and Westwood Road. However, as this application involves an additional dwelling they are not considered to be directly relevant to the application site. In any event, each application must be considered on its own site-specific planning merits.

### **4.0 THE PROPOSAL**

- 4.1 Planning permission is sought for the erection of two detached two storey dwellings including new vehicular access following demolition of the existing dwelling and garage.
- 4.2 The proposed dwelling 'Plot 1' would have a maximum depth of approx. 13.1m (excluding front canopy area), maximum width of 13.61m, maximum eaves height of approx. 5.2m and maximum height of approx. 7.7m (from adjacent ground level). The proposed dwelling 'Plot 2' would have a maximum depth of approx. 12.2m (excluding front canopy area), maximum width of 13.65m, maximum eaves height of approx. 5.3m and maximum height of approx. 7.6m (from adjacent ground level).
- 4.3 Both dwellings would consist of hipped pitched roof and catslide roof forms above an attached garage, with external walls consisting mainly of white render. Plot 1 would contain a tiled roof, whereas Plot 2 would contain a slate roof. Plot 1 would be served by a new vehicular access off Hatton Hill.
- 4.4 The application dwelling is currently vacant, having historically been used as staff accommodation and forms part of the estate of Woodcote House School, who are the applicants. The application form states that the above use ceased on 01 September 2015. The school, located on London Road with its grounds bordering the application site to the west, is privately run by a not-for-profit organisation and provides for around 100 boys aged between 7-13, most of which board or part-board at the same site. The proposal forms an enabling development to provide funding towards the improvement of the school's facilities, as an alternative to raising school fees or increasing the number of pupils.

### **5.0 CONSULTATION RESPONSES**

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|-----|--------------------------|--|
| 5.1 | County Highway Authority | No objections raised on safety, capacity or policy grounds. Conditions recommended |
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- |     |                           |   |
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| 5.2 | Surrey Wildlife Trust     | No objection, subject to compliance with actions recommended within the submitted bat survey report   |
| 5.3 | Windlesham Parish Council | Comment: Councillors queried the building of 2 properties as the site is in the greenbelt. Consideration should also be given to the emerging Windlesham Neighbourhood Plan |
| 5.4 | Conservation Officer      | No objection, subject to conditions   |
| 5.5 | Arboricultural Officer    | No objection, subject to landscaping condition including retention of native species  |

## 6.0 REPRESENTATION

At the time of preparation of this report, 4 objections have been received, raising the following concerns:

- Allocation conflicts with needs for village for smaller 2 and 3 bed dwellings as set out in the draft Windlesham Neighbourhood Plan *[See section 7.3.]*
- Not convinced there is need for four bedroom houses with tiny gardens in the green belt / Increase should be no more than 30% of existing dwelling *[See section 7.3 for the relevant in-principle considerations]*
- Houses too large for plot/ Inappropriate for low density of area / Semi-rural and traditional elements of Hatton Hill would be destroyed *[See section 7.4]*
- Access and visibility on to Hatton Hill is far too dangerous / Hatton Hill not designed for current traffic and further access would be even more dangerous /Where would building contractors etc park during construction? *[See Section 7.6]*
- Some neighbours have not been informed *[Officer comment: All neighbours adjoining the application site have been consulted, in accordance with the statutory requirement.]*

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The application site lies in the Green Belt and is outside of any defined settlement. The application proposed must be considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In this case the relevant policies are Policies CP1, CP2, CP6, CP12, CP14, DM9 and DM11. The National Planning Policy Framework (NPPF) is also a material consideration. The Windlesham Neighbourhood Plan is still under early preparation and therefore very limited weight can be given to this plan at this time.
- 7.2 The main issues to be considered are:
- Principle and appropriateness of development in the Green Belt;

- Impact on character of the surrounding area and trees;
- Impact on residential amenity;
- Impact on access, parking and highway safety;
- Impact on ecology;
- Impact on infrastructure;
- Impact on the Thames Basin Heaths SPA;
- Other matters; and,
- Very Special Circumstances;

### **7.3 Principle and appropriateness of development in the Green Belt**

7.3.1 The Government attaches great importance to Green Belts, stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence (Paragraph 79 of the NPPF refers). Paragraph 89 of the NPPF also states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this. Of the exceptions listed only two, namely the replacement of a building and the redevelopment of previously developed land (PDL) could be said to apply to the development proposal.

7.3.2 The NPPF is clear, however, that while replacing an existing building may not be inappropriate development the replacement has to be in the same use as the original and not materially larger than the one it replaces. The proposal seeks to demolish the existing dwelling and replace it with two separate dwellings. It is clear therefore that the stated exception of replacing one building with another cannot apply to this proposal as one building is to be replaced with two.

7.3.3 The NPPF provides a definition of PDL and this excludes private residential gardens in built up areas. In the officer's opinion the site is not PDL as it is formed by private residential curtilage in an area of built development (albeit of a lower density) and accordingly this exception does not take effect. However, even if the site could be considered to be PDL, the second limb of this exception must be satisfied. This requires the redevelopment of PDL not to have a greater impact on the openness of the Green Belt and the purposes of including land in it than the existing development.

7.3.4 It is long established that one method of assessing a proposal's impact on openness involves a comparative assessment of the size of the existing and the proposed development. In this regard it is noted that the floor area of the existing dwelling and garage amounts to approximately 103 sq. m. The proposed two dwellings would have a floor area of approximately 449 sq. m (346 sq. m above existing), which would amount to an increase of approximately 335% over the existing dwelling floor area ( $346 / 103 \times 100$ ). Such an increase is considered to be significantly greater than the existing development and would therefore have a materially greater impact on the openness of the Green Belt and the purpose of

including land within it than the existing development. The applicant accepts that the residential floorspace will be increased from existing, but contends that there will be no spread of built form from the established linear form of development adjacent to Hatton Hill and that the new development will be contained to the roadside/frontage of the site.

- 7.3.5 It is accepted that floor area is only one indicator of size and as such, it is also relevant to assess height, design, bulk and mass and the positioning and spread of the development within the site. No hard standing or volume calculations of the existing and proposed development have been provided by the applicant. It is, however, clear that there would be a significant additional presence of buildings and hard standing areas that includes further spread of development to the south, which is considered to also contribute to the harm to the openness of the Green Belt. Additionally, the proposed respective heights of the dwellings would be approx. 0.3m – 0.4m above the height of the existing dwelling. It is therefore considered that the proposed development as a whole would have a demonstrably greater impact upon the openness of the Green Belt.
- 7.3.6 In light of all the above, it is considered that the proposal does not benefit from support under Para 89 of the NPPF and is therefore inappropriate development in the Green Belt. Furthermore, owing to the substantially greater footprint and height increase and overall spread of development across the site, the proposal would be more harmful to the openness of the Green Belt and the purpose of including land within it than the existing development. The applicant has accepted within the Design and Access Statement that the proposal is contrary to Green Belt policy and has therefore outlined Very Special Circumstances which are outlined further in section 7.11, below.

#### **7.4 Impact on local character and trees**

- 7.4.1 Policy DM9 (Design Principles) continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The NPPF seeks to secure high quality design, as well as taking account of the character of different areas.
- 7.4.2 The application site is located near to the Locally Listed Buildings of The Coach House and Hatton Hill to the northwest. Policy DM17 of the CSDMP states that development which affects any Heritage Asset should first establish and take into account its individual significance, and seek to promote the conservation and enhancement of the Asset and its setting. The Council's Conservation Officer was therefore consulted and has commented that although the proposed development would continue the suburbanisation of this part of the village, it will not be harmful to the setting of the adjacent locally listed buildings.
- 7.4.3 The planning statement outlines a traditional design approach to the proposed dwellings, with the proposed white render external walls, low eaves levels and fenestration design attempting to reflect the respect features of the dwellings on either side. The proposed contrast of tiled and slate roof materials between the dwellings would also add interest and reflect the informal layouts of the older buildings within the streetscene.

It is considered that the proposed hipped pitched roof forms and gable end features would also respect the prevailing character of the surrounding area.

- 7.4.4 It is considered that the proposed spread of development would lead to a somewhat urban appearance. However, given the proposed plot ratios, siting of the dwellings establishing a building line set back from the highway and separation distances in relation to the surrounding established residential patterns, it is considered that this impact would not give rise to adverse harm to the character of the surrounding area. The precise landscaping details could be secured by means of a planning condition.
- 7.4.5 Policy DM9 (iv) of the CSDMP states that development will be acceptable if, inter alia, it would protect trees and other vegetation worthy of retention. A topographical survey has been provided outlining existing development and tree and shrub species and location, both within and adjacent to the site. The Council's Arboricultural Officer has been consulted and has commented that in this instance, a full arboricultural report is not necessary and given the site's rural location, has recommended a planning condition requiring provision of a landscaping plan to include retention of native species. On this basis, no objections are raised on tree impact grounds.
- 7.4.6 Given the above considerations and notwithstanding the in-principle Green Belt objection already outlined, the mass, design and appearance of the proposal is considered to sufficiently respect the character of the application site and the surrounding area including the adjacent Locally Listed Building. No objections are therefore raised on these grounds.

## **7.5 Impact on residential amenity**

- 7.5.1 Policy DM9 (Design Principles) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 requires that the amenities of the occupiers of the neighbouring properties and uses are respected. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.5.2 The proposed single storey rear outshot to the dwelling 'Plot 1' would project approx. 3.5m beyond the rear elevation of the detached two storey dwelling 'Dominies' to the southeast, but would be sited approx. 1.7-1.8m from the shared side boundary and approx. 3.7m from the side elevation of Dominies, which contains doors but no window openings. Given the site orientation and the above juxtapositions and separation distances, it is considered that this relationship would not give rise to adverse harm to this neighbour in terms of loss of light, outlook or overbearing impact. The proposed main two storey element of Plot 1 would be set further in and away from this neighbour and is therefore not considered to be materially harmful to residential amenity.
- 7.5.3 The proposed dwelling 'Plot 2' would primarily be sited beyond the nearest rear elevation of the two storey detached dwelling 'The Coach House' to the northwest. However, given the significant separation distances between the side elevations of approx. 5.8m at single storey level and approx. 9m at two storey level, coupled with the higher ground level of this neighbour, it is considered that the proposal would

not give rise to adverse harm to amenity in terms of loss of light, outlook or overbearing impact.

7.5.4 The proposed dwelling 'Plot 2' would primarily be sited beyond the nearest rear elevation of the two storey detached dwelling 'The Coach House' to the northwest. However, given the significant separation distances between the side elevations of approximately 5.8m at single storey level and approximately 9m at two storey level, coupled with the higher ground level of this neighbour, it is considered that the proposal would not give rise to adverse harm to amenity in terms of loss of light, outlook or overbearing impact.

7.5.5 Given the significant distance to the elevations and primary amenity areas of the other surrounding neighbours, it is considered that the proposal as a whole would not give rise to adverse harm to the amenity in terms of loss of light, outlook, privacy or overbearing impact. It is therefore considered that the proposal complies with the amenity requirements of Policy DM9.

7.5.6 It is considered that sufficient outlook, natural light and private amenity areas would be provided for future occupiers of the proposed dwellings. No objections are therefore raised on these grounds.

## **7.6 Impact on access, parking and highway safety**

7.6.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

7.6.2 An additional vehicular access off Hatton Hill is proposed, and both proposed dwellings would have an attached side garage with space at the front for additional parking and turning. The County Highway Authority has been consulted and has no objections to make on safety, capacity or policy grounds, subject to pre-occupation conditions requiring the provision of sufficient visibility zones and space within the site for parking, and a pre-commencement planning condition requiring the submission of a Construction Management Plan.

7.6.3 It is therefore considered that subject to conditions, the proposed development would not prejudice highway safety nor cause inconvenience to other highway users.

## **7.7 Impact on ecology**

7.7.1 A bat survey report has been provided, which found no evidence of roosting bats within the existing dwelling or the wider site and concludes that the site appears to be little used by breeding or resident bats of any species. Surrey Wildlife Trust has been consulted and has raised no objection, subject to compliance with actions recommended within the submitted bat survey report, which are the use of sympathetic lighting in accordance with best practice and the provision of bat boxes. It is therefore not envisaged that the proposal would give rise to adverse impact upon legally protected species.

## **7.8 Impact on infrastructure**

7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. As the proposal includes new Class C3 dwellings, the development would be CIL liable. However, CIL is a land charge that is only payable at commencement of works should full permission be granted. An advisory informative would be added accordingly.

## **7.9 Impact on the Thames Basin Heaths SPA**

7.9.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.

7.9.2 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

7.9.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available.

7.9.4 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SANG (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SANG is required. In this instance a payment of £842 would be needed. In order to comply with Policy CP14B and Policy NRM6 and the Thames Basin Heaths SPD, this would have to be paid by the applicant before full planning permission can be granted, if the scheme is considered acceptable regarding all other relevant planning merits. This has not been paid by the applicant. The lack of financial contribution towards SANG would be contrary to Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.



## **7.10 Other matters**

7.10.1 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan, as it would give rise to significant harm and that the above financial consideration would not outweigh this harm.

## **7.11 Very special circumstances**

7.11.1 Paragraph 88 of the NPPF states 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, is clearly outweighed by other considerations.”*

7.11.2 The applicants have put forward a case for ‘very special circumstances’ (VSC) as outlined within the Supporting Statement and a confidential letter from the Headteacher and Board of Governors of the applicant Woodcote House School, stating that the proposed development would enable funding towards the improvement of the school’s facilities as an alternative to raising school fees or increasing the number of pupils. These improvement works would include:

- The general updating and future maintenance of the historic and more recent buildings at the school, such as the refurbishment of the main entrance hall;
- The provision of new and improved education and leisure facilities, specifically the conclusion of the classroom refurbishments and the gym/theatre building
- Continued investment in energy efficient initiatives such as LED lighting.

7.11.3 It is noted that no details have been provided of any possible alternative fundraising methods that may have been attempted/explored and no explanation has been given as to why the existing dwelling has been vacant since September 2015 and not used as rental income. Furthermore, the site has been enlarged recently through a swap of rear garden land with the detached dwelling ‘Dominies’ to the southeast (which also appears to be under the ownership of the applicant), including the removal of trees/shrubs and installation of new boundary fencing.

Although Policy DM14 of the CSDMP supports opportunities to enhance and improve community and cultural facilities within the Borough, in the absence of information to demonstrate otherwise it is considered likely that the potential financial enabling benefits accruing from the development would be relatively short-term in nature - especially in the context of the lasting harm to the openness of the Green Belt, to an extent that this harm to openness would significantly and demonstrably outweigh the benefits.

- 7.11.4 As such, it is considered that the VSC, either alone or in combination, as outlined by the applicant does not outweigh the significant and permanent harm to the openness of the Green Belt, arising from the wholly disproportionate additional spread of development as already outlined above.
- 7.11.5 It is acknowledged that the proposal can provide one net dwelling unit and that the Council currently falls short of having a 5 year housing land supply. In such an instance, the Local Plan policies relating to the supply of housing (CP1 & CP3) cannot be considered up-to-date as outlined in Paragraph 49 of the NPPF. It is also accepted that a shortage of housing land when compared to the needs of an area is capable of amounting to VSC, although the Courts have held that a lack of a five year supply does not automatically lead to a case of VSC. However, Policy CP3 of the CSDMP states that the Council will make provision for additional dwellings by promoting the use of previously developed land in settlement areas and after 2025, if insufficient sites have come forward within settlement areas, then consider release of sustainable sites in Countryside beyond the Green Belt. Although the application site is considered to be previously developed, it is in the Green Belt outside of and detached from a settlement area and not within the Countryside beyond the Green Belt or a Housing Reserve Site.
- 7.11.6 Therefore, in this instance it is not considered that the current circumstances leading to the Council's lack of five year supply provision would, in itself or in combination with the VSC case outlined by the applicant, outweigh the substantial and demonstrable harm to the openness of the Green Belt.

## **8.0 CONCLUSION**

- 8.1 The proposed development, by reason of its significant additional footprint, bulk, height and spread of development across the site, would represent an inappropriate form of development within the Green Belt, as it would result in larger buildings and an additional spread of development across the site, leading to a materially greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Additionally, in the absence of a payment or a completed legal agreement, the applicant has failed to contribute towards strategic access management and monitoring (SAMM) measures. There are no known very special circumstances, outlined by the applicant or otherwise, which either alone, or in combination, clearly outweigh the harm to the openness of the Green Belt which would arise. The application is therefore recommended for refusal.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development;
- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal would be inappropriate development in the Green Belt and by reason of its significant additional footprint, floor area, bulk, height and spread of development across the site, would result in a quantum of built form that would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. There are no known very special circumstances which either alone, or in combination, clearly outweigh the inappropriateness and harm to the Green Belt. The proposal is therefore contrary to the objectives of Chapter 9 of the National Planning Policy Framework 2012.
2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

### Informative(s)

1. Advise CIL Liable on Appeal CIL3