

<b>LOCATION:</b>	Laurel Farm, Fairfield Lane, West End, Woking, Surrey, GU24 9QX,
<b>PROPOSAL:</b>	Erection of detached single storey three bedroom dwelling (Class C3) following demolition of two agricultural barns.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Mrs C Weston
<b>OFFICER:</b>	Mr Ross Cahalane

**The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Graham Alleway due to concerns regarding the impact on the Green Belt.**

**RECOMMENDATION: GRANT subject to conditions**

**1.0 SUMMARY**

- 1.1 This application seeks planning permission for the erection of detached single storey three bedroom dwelling following demolition of two agricultural barns. The proposed replacement building would have the same siting, dimensions, design and internal layout as the 20/0098/FFU approved dwelling - which was for a conversion/part-rebuild of the existing building, rather than a full replacement as currently proposed. Given this along with the legitimate fallback position of the extant Prior Approval scheme for conversion to two dwellings, it is considered that very special circumstances exist that clearly outweigh the identified by-definition harm to the Green Belt. The current proposed identical design would also respect the rural character of the surrounding area and neighbouring amenity. The proposal is supported by Surrey County Highway Authority and the Council's Scientific Officer, subject to conditions, and is therefore recommended for approval.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the northern side of the Fairfield Land cul-de-sac - an unadopted and unmade laneway off Benner Lane, West End. The site is relatively flat, and comprises residential cabins (one of which benefits from a lawful development certificate), animal barns/stables/shed buildings facing a yard area, along with garden, grazing and paddock areas to the north and west.
- 2.2 The site sits opposite an allocated housing site which has planning permission (and is now implemented), but set back considerably from Fairfield Lane by a private access drive running between two other dwellings (The Laurels and No. 1 Pankhurst Cottages). The site is within the Green Belt outside of the defined village settlement, and is surrounded on three sides by open land.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 90/0592 Retention of existing stables and cattle shed and erection of two calf sheds.  
Decision: Granted (October 1990- implemented)
- 3.2 02/0768 Certificate of Lawful use in respect of the stationing of a mobile home for residential use.  
Decision: Granted (October 2002)
- 3.3 03/0562 Erection of a mobile home of timber construction following removal of existing mobile home.  
Decision: Refused (July 2003)
- 3.4 11/0347 Certificate of Lawful Existing Development for the use of two log cabins as two self contained residential dwellings (Class C3).  
Decision: Split decision (September 2011) - first log cabin authorised under 02/0768; second log cabin refused as ten year use not demonstrated.
- 3.5 19/0609 Prior approval application for a proposed change of use of two adjoining agricultural barns to two dwellings (Class C3) with associated alterations under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended)  
Decision: Granted (not implemented)
- 3.6 20/0098/FFU Proposed conversion, extension and part demolition with rebuild operations of two agricultural barns into a single dwellinghouse (Class C3).  
Decision: Granted (not implemented)

### **4.0 THE PROPOSAL**

- 4.1 Planning permission is sought for the proposed erection of a detached single storey three bedroom dwelling (Class C3) following demolition of two agricultural barns.
- 4.2 The proposed dwelling would consist of crown roof forms with a mixture of hipped and gabled ends to the front, with eaves height of approx. 2.9m and maximum roof height of 4.56m (1.06m higher than the existing highest ridgeline). The proposed additional footprint to facilitate this dwelling would be to the front, with maximum projecting depth of approx. 1.9m.
- 4.3 The proposed dwelling would have three bedrooms. The proposal will utilise the existing vehicular access off Fairfield Lane, along with the yard area of the holding, to provide a parking/turning area adjacent the dwelling.
- 4.4 The current proposed replacement building to provide a dwelling would have the same siting, dimensions, design and internal layout as the 20/0098/FFU approved dwelling - which was for a conversion/part-rebuild of the existing building, rather than a full replacement as currently proposed.

### **5.0 CONSULTATION RESPONSES**

- 5.1 Surrey County Council Highway Authority: No objection [*See Section 7.6 and Annex A*]
- 5.2 Council Environmental Health Officer: No objection, subject to condition [*See Paragraph 7.9.2*]

- 5.3 Council Joint Waste Solutions Team      Comments [See Paragraph 7.9.4]
- 5.4 West End Parish Council:      Objection - due to concerns that this is over development in the Green Belt. It is requested that the officers examine the size of the development and whether there are any special circumstances for this development in the Greenbelt.  
[See Section 7.3]

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, no representations have been received.

## 7.0 PLANNING CONSIDERATION

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CP1, CP2, CP6, CP12, CP14, DM1, DM9 and DM11. The National Planning Policy Framework (NPPF) and the Surrey Heath Residential Design Guide Supplementary Planning Document (RDG SPD) 2017 form additional material considerations in the determination of this application.

- 7.2 The main issues to be considered are:

- Principle and appropriateness of development in the Green Belt;
- Impact upon the character of the area;
- Impact on residential amenity;
- Impact on access, parking and highway safety;
- 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 Para 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the listed exceptions to this is: 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' (Paragraph 145d).

- 7.3.2 The NPPF does not however contain specific percentage tolerance figures for replacement buildings in the Green Belt. The application building appears to have been erected in the 1970s or 1980s, and is shown on the 90/0592 plans. The following table indicates the differences in footprint, volume and height in comparison with the existing building:

	Existing building	Proposed dwelling	Difference
<b>Footprint</b>	191sq.m	209sq. m	+9%
<b>Volume</b>	605m <sup>3</sup>	762m <sup>3</sup>	+26%
<b>Maximum Height</b>	3.5m	4.56m	+1.06m

7.3.3 The proposed replacement building footprint, volume and maximum height increases, as set out above, is not considered to form a materially larger building either in visual or spatial terms. Notwithstanding the proposed increase in roof bulk, the new building would remain single storey in form and appearance, with the additional footprint contained within a lower pitched roof form to the side.

7.3.4 However, this NPPF provision for development in the Green Belt does not allow for the replacement and change of use of a building. As such, it is considered that the proposed replacement of the existing building to a dwelling does not benefit from support under Chapter 13 of the NPPF and therefore constitutes inappropriate development in the Green Belt by definition. The applicant acknowledges this and has provided a case for very special circumstances to clearly outweigh this identified harm, which is considered in Section 7.10 below. The following paragraphs firstly consider whether any other harm exists.

#### **7.4 Impact on character of the surrounding area**

7.4.1 The NPPF requires planning policies and decisions to ensure that new development makes efficient use of land, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character and history, including the surrounding built environment and landscape setting. 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, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraphs 122, 127 and 130 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reflect these requirements.

7.4.2 Principle 7.4 of the RDG advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.5 advises that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted unless it can be demonstrated that the proposals would make a positive contribution to the streetscape.

7.4.3 Although the main element of the proposed replacement building to provide a dwelling would contain a crown roof, it would remain single storey in form and scale with some traditional rural design features comprising timber cladding and false stable door details. The proposed additional maximum height of 1.06m would sit well within its farmyard setting, which includes stable and shed buildings to the southwest – with some roof forms higher than the existing building. It is therefore considered that the current proposed replacement building would not give rise to a contrived layout at odds with its immediate setting and the rural character of the surrounding area. Also to note is that the proposed replacement building to provide a dwelling would have the same siting, dimensions, design and internal layout at the 20/0098/FFU approved dwelling - which was for a conversion/part-rebuild of the existing building, rather than a full replacement as currently proposed. A pre-commencement planning condition is proposed to require agreement of the precise external material details, to ensure that the rural setting is respected.

7.4.4 On the basis of all the above, it is considered that the proposed replacement building to provide a dwelling would not lead to an overdominant or incongruous impact upon the rural character of the site and surrounding area, in compliance with the design requirements of Policy DM9 of the CSDMP and the RDG.

#### **7.5 Impact on residential amenity**

7.5.1 Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or

unneighbourly built form. Principle 8.1 of the RDG states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces.

- 7.5.2 The proposed replacement building to provide a dwelling would be sited approx. 17.5m from the nearest corner of the two storey semi-detached dwelling of No. 1 Pankhurst Cottages to the southeast, with shrubbery along its side and rear garden boundary. It is considered that given these separation distances along with the site orientation and the single storey form proposed, no adverse impact to amenity would arise in terms of loss of light, privacy, overbearing impact or general noise and light disturbance.
- 7.5.3 The proposed dwelling would be sited approx. 12.3m from the nearest corner of the detached dormer bungalow dwelling of The Laurels, sited on the other side of the site access to the southwest. Although the garden of this neighbour is more open, its rear elevation and primary amenity is at right angle to the proposed dwelling. Given this relationship along with the site orientation and single storey form proposed, it is considered that no adverse impact to the amenity of this neighbour would arise in terms of loss of light, privacy, overbearing impact or general noise and light disturbance.
- 7.5.4 It is considered that the proposed development would be sited at sufficient distance from other neighbouring boundaries and elevations to avoid material harm to amenity.
- 7.5.5 The proposed floorspace would meet the national minimum space standards. Given the extant 19/0609 Prior Approval for use of the existing building as two dwellings, the outlook and lack of immediate amenity space for the current proposed single dwelling is considered acceptable.
- 7.5.6 Having regard to all the above, it is considered that the proposal complies with the amenity requirements of Policy DM9 of the CSDMP and the supporting aims of the RDG.

## **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 The existing vehicular access off Fairfield Lane to the site would not be altered. The County Highway Authority (CHA) has been consulted and has no objections to make on safety, policy or capacity grounds, commenting that Fairfield Lane is a private road and that it is not considered that the proposal would have a material impact on the wider highway network under CHA control. The Public Footpath No. 19 referred to appears to run along Fairfield Lane in front of the application site, although an advisory informative will be added.
- 7.6.3 It is considered that sufficient off-street parking space would be provided within the retained hard standing area in front of the dwelling. It is therefore considered that the proposed development would not prejudice highway safety nor cause inconvenience to other highway users, in compliance with Policy DM11.

## **7.7 Impact on infrastructure**

- 7.7.1 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. 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 comprises a replacement building to provide a new dwelling, the development

is CIL liable. CIL is a land charge that is payable at commencement of works. However, the submitted CIL forms include the self-build exemption. Advisory informatives have been added.

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

7.8.1 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 states that no new residential development is permitted within 400m of the SPA. The application site is not within 400m of the SPA but 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 the CIL regime referred to above. There is currently sufficient SANG available.

7.8.2 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 £711.00 is needed. This payment was made by the same applicant under the 20/0098 application.

## **7.9 Other matters**

7.9.1 The proposed footprint increase would be to the front on an existing hard standing area. The proposed roof height increases would not appear to require any removal or works to the adjacent trees to the south or east. On this basis, it is considered that no adverse impact upon existing tree cover would arise.

7.9.2 A contaminated land risk assessment has been provided, which was also submitted under the 20/0098/FFU. The Council's Scientific Officer commented that the report identifies the site has potentially been used for farm storage and use of farming materials, chemicals and vehicles/equipment along with animals, but suggests no leakages or spillages etc would have penetrated the hardstanding. As such, no further investigations are recommended. However, the report does suggest that there may be gas contaminated land. Given the potential for contamination from the historic and current use of the land, design measures to prevent the ingress of gases and volatiles can only be determined once ground investigations have been carried out. As such, a pre-commencement planning condition was recommended by the Scientific Officer. This will be re-imposed, given that the current proposal now involves full replacement of the existing building.

7.9.3 The application building lies within Flood Zone 1 and is also not within an area of known risk from surface water flooding, according to Environment Agency data. The building also benefits from extant Prior Approval for use as two dwellings, whereby the Council's Drainage Officer raised no objection. It is however considered necessary and reasonable to re-impose the pre-occupation planning condition requiring agreement of full details of the proposed drainage system. On this basis, it is not envisaged that the proposed development would lead to a material increase in flood risk within or around the site.

7.9.4 The Council's Joint Waste Solutions Team has recommended provision of specific sized refuse, recycling and brown waste bins. An advisory informative will be added.

## **7.10 Very special circumstances**

7.10.1 Paragraph 144 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 resulting from the proposal, is clearly outweighed by other considerations.*

- 7.10.2 As set out in Section 7.3 above, the applicant accepts that the NPPF does not allow for a simultaneous change of use and extension to a building. An explicit case for 'very special circumstances' (VSC) has therefore been put forward. Case law has held that all factors which are in favour of a grant of planning permission for inappropriate development in the Green Belt are capable of contributing towards the assessment of very special circumstances. Whether the very special circumstances test is met, on the facts of a particular proposal, is a matter for the decision-maker.
- 7.10.3 The applicant's supporting statement refers to the 19/0609 Prior Approval already granted for the conversion of the building to two dwellings. This Prior Approval is extant and is therefore accepted as a legitimate fallback position. It authorises the use of the application building as two dwellings – one with two bedrooms and the other with one bedroom. The current proposed dwelling would have three bedrooms and although this would have the same bedroom capacity as the prior approval, it would have a lower average occupancy rate as set out in the TBH SPD.
- 7.10.4 During determination of the 20/0098/FFU application, notwithstanding the proposed increase in footprint, volume and height, it was considered that the proposed three-bed dwelling would form a less intensive use in the Green Belt than the extant Prior Approval scheme. This single dwelling proposal was therefore considered to better reflect the purposes of the Green Belt as set out in the NPPF.
- 7.10.5 The applicant now also argues that the Council cannot meet its 5 year housing supply and whilst the NPPF does not specifically provide for a tilted balance in the Green Belt, the contribution of a new dwelling nevertheless weighs in favour of the proposal as a material consideration. However, this provision is no greater than what has already been approved.
- 7.10.6 More crucially, the current proposed replacement building would have the exact same footprint, height and volume as the extended building as approved under 20/0098/FFU. As such, there would be no greater impact on the openness Green Belt than this extant 20/0098/FFU permission, and the current proposal is as also identical in terms of siting, layout and appearance.
- 7.10.7 Given this along with the legitimate fallback position of the extant Prior Approval scheme, it is considered that very special circumstances exist that clearly outweigh the identified by-definition harm to the Green Belt. A planning condition can be imposed removing permitted development rights for any extensions to the converted building, or any outbuildings, so that the openness of the Green Belt can continue to be maintained.

## **8.0 POSITIVE/PROACTIVE WORKING**

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:-
- a) 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.
  - b) 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.

## 9.0 CONCLUSION

- 9.1 The proposed replacement building would have the same siting, dimensions, design and internal layout as the 20/0098/FFU approved dwelling - which was for a conversion/part-rebuild of the existing building, rather than a full replacement as currently proposed. Given this along with the legitimate fallback position of the extant Prior Approval scheme for conversion to two dwellings, it is considered that very special circumstances exist that clearly outweigh the identified by-definition harm to the Green Belt. The current proposed identical design would also respect the rural character of the surrounding area and neighbouring amenity. The proposal is supported by Surrey County Highway Authority and the Council's Scientific Officer, subject to conditions, and is therefore recommended for approval.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The proposed development shall be built in accordance with the following approved plans:

Proposed block plan (Drawing No. 002); Proposed elevations, floor plan and roof plan (Drawing No. 005) - both received on 16 September 2020, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. No external facing materials shall be used on or in the development hereby approved until samples and details of them have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. (i) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.  
(ii) The above scheme shall include :-
  - (a) a contaminated land desk study and suggested site assessment methodology;
  - (b) a site investigation report based upon (a);
  - (c) a remediation action plan based upon (a) and (b);
  - (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;
  - (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d), and;
  - (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out.  
(iii) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. The development hereby approved shall not be first occupied unless and until full details of the proposed drainage system and foul drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, and thereafter be retained and maintained wholly in accordance with such details.

Reason: In order that the development is flood resilient and resistant, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Notwithstanding the provisions of Class A, Class B, Class D and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re enacting that Order), no further extensions, roof alterations, porches or outbuildings shall be erected or undertaken without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of preserving the openness of the Green Belt and visual and residential amenity, to accord with Policies DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **Informative(s)**

1. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Failure to pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.

2. The applicant is reminded of the self-build declaration on the completed CIL Exemption Claim form.

The Planning Authority will notify you in writing as soon as practicable, confirming the amount of exemption granted. If the development commences before the

Planning Authority has notified you of its decision on the claim, the levy charge must be paid in full within the time period specified by the Planning Authority.

Before commencing the development, you must submit a CIL Commencement Notice to the Planning Authority. This must state the date on which the development will commence, and the Planning Authority must receive it on or before that date. Failure to submit the Commencement Notice in time will immediately mean the development is liable for the full levy charge.

On completion of the development you must submit evidence of self-build and the property must remain your principal residence for a minimum of three years. If personal circumstances change and you want to dispose of the property before the three year occupancy limit expires, you can do so, but you must notify the Planning Authority and the levy then becomes payable in full. Failure to notify the Planning Authority will result in enforcement action against the applicant and surcharges will become payable.

3. The applicant is advised that the dwelling hereby approved shall be provided with its own set of waste and recycling bins as follows:
  - 1 x 240ltr recycling bin
  - 1 x 180ltr general waste bin
  - 1 x food set, including 1 x 23ltr caddy and 1 x 7ltr kitchen caddy.
4. The applicant is reminded that Public Footpath 19 crosses the application site along Fairfield Lane and that it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.