

PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

- | | |
|----------------------------------|--|
| * Councillor Jon Askew | * Councillor Angela Gunning |
| * Councillor Christopher Barrass | * Councillor Liz Hogger |
| Councillor David Bilbé | * The Mayor, Councillor Marsha Moseley |
| * Councillor Chris Blow | Councillor Ramsey Nagaty |
| * Councillor Ruth Brothwell | * Councillor Maddy Redpath |
| * Councillor Angela Goodwin | * Councillor Pauline Searle |
| | * Councillor Paul Spooner |

*Present

Councillor Tony Rooth was also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Ramsey Nagaty. Councillor Guida Esteves attended as a substitute member for Councillor Nagaty. Councillor David Bilbé was not present.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

No disclosures of interests were made.

PL3 MINUTES

The minutes of the Planning Committee meetings held on 21 and 30 March 2022 were approved and signed by the Chairman.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 21/P/00030 - YANA ALPACAS, HAWTHORN FARM, POLESDEN LANE, RIPLEY, WOKING, GU23

The Committee considered the above-mentioned application for proposed erection of a detached two storey permanent agricultural workers' dwelling, and a general-purpose agricultural building, creation of new access with installation of gate and piers (amended description and amended plans received 25 November 2021).

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Chris Lee (Chairman of Polesdon Lane Residents Association) (to object);
- Ms Josie Paul (to object) and;
- Mrs Vicky Webb (Applicant) (In Support)

The Committee received a presentation from the planning officer, Becky Souter. The proposal was for a new dwelling for the agricultural workers at an alpaca farm in Ripley as well as a general-purpose agricultural facility and new access. The site was part of Hawthorn Farm which is a small agricultural holding of 10.5 acres. The proposed site of the dwelling was in the northern part of the holding, outside of any identified settlement boundary and was within the Green Belt as well as a Site of Nature Conservation Importance and adjacent to a Site of Special Scientific Importance.

Given this siting as an isolated home in the countryside, the applicant had to prove an essential need, as per paragraph 80 of the NPPF. Furthermore, it was considered that if an essential need for the development in connection with agriculture can be identified then the proposed development would constitute appropriate development within the Green Belt. The site had up until recently focused on cattle farming, however in 2018 planning permission was granted for the siting of a temporary rural worker's dwelling as part of an alpaca breeding enterprise, as described in the Business Plan and Agricultural Assessment submitted as part of the 2018 application. This supporting letter submitted with the application stated that the enterprise had now been operating for three years and was demonstrated to be financially viable. The alpaca business commenced when the farm was purchased in 2018 and had therefore been established for at least three years. Officers were satisfied that the agricultural activity had been established for several years, had made sufficient profits to be financially sound and now had a clear prospect of remaining.

The site was in a rural position with only a handful of neighbouring properties. The Council's agricultural consultant advised that inspection of the locality and searches on the internet failed to identify any suitable property in close proximity to Hawthorn Farm either on Polesdon Lane or in Tannery Lane. Regardless, it had been demonstrated that there was an essential need for a worker to live on site and it was therefore considered unlikely that the urgent attention to livestock required by the workers could be properly provided by someone living further away from the holding. The proposed dwelling would be on a similar sized plot to the surrounding dwellings. The proposed dwelling would also be modest in height and in keeping with the two-storey scale of the surrounding dwellings. Whilst the design would vary to that of the established dwellings locally, it would be of traditional design. The elevations would incorporate traditional materials and detailing.

Given the spacious plots that characterised this part of Polesdon Lane it was not considered that the proposed dwelling would detract from the rural character of the streetscene or surrounding area. The proposed floor plans of the dwelling met with the national space standards and had a number of windows to ensure adequate daylight into the property. It also included an area to be used as a study but would allow for the operation of the business. There wouldn't be a need for an additional office space. The proposed agricultural building elevations had been designed clearly for agricultural purposes and would be functional in appearance with timber boarding to the elevations and fibre cement sheeting roof. This was in keeping with other agricultural buildings in the area and would not be excessive in size. It would measure a maximum height of 5 metres. The proposed dwelling would be in close

proximity to the rear of the proposed dwelling and would minimise its visual impact within the wider surroundings. The site was also well screened by existing mature trees and hedging along the boundaries which was to be retained. The proximity of the building to the proposed new dwelling would also ensure there was a good surveillance of the building. The agricultural building would have a total footprint of 148 square metres. The Highways Authority had raised no concerns subject to conditions. The Lovelace Neighbourhood Plan required the provision of three parking spaces for a 3 bedroom or larger dwelling. Parking for 3 cars was provided on the proposed driveway and to the front the new dwelling with an additional parking area for up to two vehicles adjacent to the proposed new agricultural building.

There was a minimum separation distance of approximately 10 metres between the northern flank wall of the proposed new dwelling and the boundary of the site which adjoined a private access track that ran between the site and a neighbouring dwelling. Officers considered overall that sufficient proof of evidence of essential need had been provided by the applicant as well as the limited impact on the area from the proposed development. Because of these reasons the application has been recommended for approval subject to a Section 106 agreement to secure a SANG and SAMM contributions and subject to the conditions.

The Committee discussed the application and noted concerns raised that the Council's agricultural consultant had rejected the proposal on the basis that the applicant had failed to prove the business would remain profitable and by virtue of that there was no need for a permanent dwelling. However, the applicant's agricultural consultants had countered the arguments put forward. The Committee also noted that a similar application had been made in Effingham a few years ago for a joint livery stable and smallholding with sheep which was refused as the Committee was not convinced by the business case. The decision was appealed and allowed and had now turned into a thriving business. The Committee was interested to know why the Council had not gone back to the Farm Consultancy Group. The Committee also discussed condition 11 which stated that any external lighting needed to be suitable for bats. External security lighting could also impact nearby residents and have implications for Dark Skies policies. Would the lighting proposed be movement sensitive or put on a timer?

The Head of Place, Dan Ledger confirmed that the Council had not received a response from the Farm Consultancy Group despite contacting them on a number of occasions. Planning officers therefore had to deal with the application as best they could and had assessed the information concluding that sufficient evidence had been submitted to warrant essential need for the house. With regard to condition 11, it could be altered to require no external lighting was permitted, unless already previously agreed in writing.

The Committee noted concerns that the proposed dwelling was specifically to house agricultural workers but what if one of the persons who lived there no longer worked in that field, how would that be managed? The Head of Place, Dan Ledger stated that conditions should not be used for such a scenario and would not be upheld on appeal. A temporary unit had been in situ for some years already and was an ongoing operation already in place. Therefore, it was in the interests of the applicant to build in accordance with the planning permission. If one of the persons, no longer worked in agriculture then a replacement person would be required to carry on those operations.

The Committee remained concerned that the Council’s agricultural consultant had not responded. It represented an injustice to the applicant given the Council was committed to supporting businesses in the countryside. The Committee discussed whether deferral was an option given the circumstances.

The Committee queried whether the planning authority did monitor when a property did become vacant to ensure that its inhabitants were employed directly with the agricultural work it had been built for.

The Head of Place, Dan Ledger confirmed that if no agricultural operation was in existence, then there would need to be an application to change that condition. However, the Committee also needed to look at the history of the site and the fact that there had been a temporary agricultural dwelling on the site for the last three years. With regard to the lack of comment from the agricultural consultants, planning officers had sought their feedback, but it was not forthcoming. There were also a limited number of agricultural consultants that are available. Planning officers were satisfied that the scheme met with the appropriate planning policy criteria and had undertaken a detailed assessment of the scheme. Deferral of the proposed application was not recommended.

The Committee noted concerns raised that the dwelling was too big, given it had four bedrooms and would impact the openness of the Green Belt. The planning officers confirmed that the applicants were currently living in a mobile home and therefore needed permanent accommodation as a temporary home did not constitute a building. The test that was being applied was whether the new dwelling met the criteria for fulfilling an exception test on a rural agricultural workers dwelling. It was not about whether the replacement structure in the Green Belt was materially larger than the one it replaced. Planning officers considered that its current siting was acceptable, and the size of the proposed dwelling had been reduced in size through negotiation of the application.

A motion was moved and seconded to approve the application which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|-----|---------|---------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Maddy Redpath | X | | |
| 2 | Colin Cross | | X | |
| 3 | Liz Hogger | X | | |
| 4 | Angela Goodwin | X | | |
| 5 | Marsha Moseley | X | | |
| 6 | Jon Askew | X | | |
| 7 | Chris Barrass | | X | |
| 8 | Fiona White | X | | |
| 9 | Pauline Searle | X | | |
| 10 | Chris Blow | X | | |
| 11 | Paul Spooner | | | X |
| 12 | Guida Esteves | | | X |
| 13 | Angela Gunning | | X | |

| | | | | |
|----|----------------|----------|----------|----------|
| 14 | Ruth Brothwell | X | | |
| | TOTALS | 9 | 3 | 2 |

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00030 subject to amended condition 11:

(i) That a S106 Agreement be entered into to secure the provision of:

- SANG and SAMM contributions in accordance with the formula of the updated tariff

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Head of Place. The preliminary view is that the application should be granted subject to conditions.

PL6 21/P/02454 - LAND BETWEEN SMUGGLERS END AND MERLINS, SMUGGLERS WAY, THE SANDS, FARNHAM, GU10 1LW

Prior to the consideration of this application, the Chairman wished to make an announcement and stated that the Council had received communication from the National Casework Unit within the Department from Levelling Up, Housing and Communities advising that they have been contacted about calling in the application which would mean the determination falls to the Secretary of State. The unit are currently considering this request and have asked that the Council do not make a formal decision on this application until they have advised of their decision on this request. This decision is expected in the next few days.

This remains an informal request only and is not a holding direction and has not paused the determination period of the application. Therefore, Councillors are able to consider the planning merits during the planning committee meeting as they would any other application. Whatever the outcome the decision would not be processed until a further response has been received from the Department.

The Committee considered the above-mentioned full application for erection of a single dwelling and attached garage on land between Smugglers End and Merlins, Smugglers Way.

Prior to consideration of the application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Jack Jordan (to object);
- Mr Matthew Keane (Applicant) (In Support) and;
- Mr Michael Conoley (Agent) (In Support)

The Committee received a presentation from the planning officer, Becky Souter. The Committee noted the supplementary late sheets which included an update on the impact on trees and vegetation as well as amendment to the wording of condition 5. A similar application for the site was presented to the Planning Committee in September 2021 and refused. The current application related to a parcel of land within the village of the sands, located to the south of Smugglers End and to the north of Merlin's which was formed of residential dwellings adjoining the site. The site was located within the Green Belt and formed part of the Surrey Hills AONB and AGLV. The site was predominantly surrounded by residential properties, to the east was the Barley Mow pub and its associated facilities. The application proposed the construction of a 5-bedroom detached 2-storey dwelling with attached single garage and new vehicular access from Smugglers Way. The development would be concentrated in the northern half of the site so to minimise its visibility in the wider area and to avoid a group of trees that were subject to a Tree Preservation Order (TPO). The pattern of development changed from fairly close-knit in this area to more sporadic and dominated by larger properties in significant plots as you move away from the village. The application site was located within the Green Belt and new dwellings were permitted in the Green Belt if they fell under the limited infilling within villages exceptions test. The test the proposal therefore needed to meet was whether the site was within a village and substantially surrounded by built development. In the planning officer's view, the site was substantially surrounded by other built form and did form part of the gap within a continuous frontage. The matter of whether a new dwelling could constitute limited infilling in this location had been debated previously in September 2021 when the Committee concluded that the development would not be harmful in the Green Belt.

The number of first floor windows were limited and only one was present to serve a bathroom which would be obscure glazed to limit any impact on neighbouring privacy. With regard to the proposed street scene, the land level rose to the south and as such the neighbouring property Merlin's was sat on much higher land. Owing to these land levels and the height of the dwelling this would represent a gradual step up in the height of the building. The revised scheme had reduced the scale and bulk of the dwelling and removed the detached garage in order to overcome the previous reason for refusal which related to the positioning of a detached garage and to the scale, bulk and design of the dwelling. Since the planning committee site visit that was undertaken last year, the neighbours at Smugglers had constructed a garage which was significantly bulkier and quite prominent in the streetscene compared to how it was previously. The proposed dwelling would be set well away from this property occupying the northern end of the site with the trees subject to a TPO to be retained. Due to the proposed positioning of the dwelling and its scale and design, the proposal would not have any materially harmful impact on views from this location where the site was most likely to be viewed from publicly.

In conclusion, the proposal was found to be acceptable and represented an appropriate form of development in this location which had been sensitively designed to respect its surroundings

and the character of the local area. The application was therefore recommended for approval subject to conditions.

In response to comments made by the public speakers, The Head of Place, confirmed that there was a separate application being considered at appeal. However, regardless of that fact, the Committee had to determine the application before it.

The Chairman permitted the Ward Councillor, Tony Rooth to speak for three minutes. The Committee noted concerns raised that the proposal did not qualify as limited infilling. Neither Policy P2 or the NPPF paragraph 149 specified what the gap was constituted of. The site frontage was approximately 100 metres wide and was therefore clearly not a small gap in a continuous built-up frontage. The Committee also noted concerns raised in relation to the impact upon trees and vegetation. Whilst TPO's had been confirmed on 13 of the trees in March 2022, it appeared that the layout and positioning of the site was actually closer to the TPO trees in the present application.

The Head of Place, Dan Ledger confirmed that with regard to limited infilling it was important to note the wording of the NPPF in defining what was and wasn't appropriate development in the Green Belt. Paragraph 149 of the NPPF stated that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and then listed exceptions to this and limited infilling in the villages was one of those exceptions. It was for the determining authority to consider whether it constituted limited infilling in the Green Belt. This reason was additionally not given previously when the Committee refused a similar application for this site in September 2021. With regard to the effect of the development on the TPO'd trees, the Council's Tree Officer had assessed the site and was content that the development would not harm those trees.

The Committee considered the application and noted points raised that the proposal did represent limited infilling. Previously the Committee had been concerned regarding the detached garage and its effect upon the surrounding views. However, the applicant had worked with officers to address those concerns and that the proposal did meet the Green Belt tests on balance.

The Committee requested clarification on the gross external floor area and whether it included the garage. The planning officer confirmed that a reduction in floor area had been achieved across the whole site. The side element had been removed to accommodate the garage.

The Committee noted continued concerns raised regarding infilling and whether the proposal represented a continuous built-up frontage. The Committee was reminded by the Chairman that this issue was not given as a reason in relation to the previous refusal and the Council had to remain consistent.

The Committee noted comments that it had to look at each application according to its own merits. The Committee considered if the application should be refused given the sites location in the AONB. The small gap was estimated to be some 48 metres long which was therefore surely not small. In addition, concerns were raised regarding the general bulk of the building, not just the garage which should be taken into account.

The Committee considered overall that the applicant had taken on board the concerns raised when the application had previously been refused in September 2021. The applicant had reduced the scale, bulk, height and footprint of the proposed scheme. In addition, the garage was now attached to the dwelling, positioned on the northern elevation.

A motion was moved and seconded to approve the application which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|-----------|----------|----------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Fiona White | X | | |
| 2 | Angela Gunning | X | | |
| 3 | Colin Cross | X | | |
| 4 | Chris Barrass | | X | |
| 5 | Chris Blow | X | | |
| 6 | Angela Goodwin | X | | |
| 7 | Pauline Searle | X | | |
| 8 | Marsha Moseley | X | | |
| 9 | Maddy Redpath | X | | |
| 10 | Jon Askew | X | | |
| 11 | Guida Esteves | | X | |
| 12 | Ruth Brothwell | | X | |
| 13 | Paul Spooner | X | | |
| 14 | Liz Hogger | X | | |
| | TOTALS | 11 | 3 | 0 |

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/02454 subject to the conditions and reasons as detailed in the report.

PL7 22/P/00179 - TWYNINGS, 33 GATEWAYS, GUILDFORD, GU1 2LF

The Committee considered the above-mentioned full application for variation of condition 2 (drawing nos) re 20/P/01887 approved 25/02/2021 to regularise discrepancies between approved plans and as built stage.

The Committee received a presentation from Planning Officer, Kieran Cuthbert. The Committee noted that this was a Section 73 application for the variation of conditions in relation to drawings to regularise changes made and as such was a retrospective application. The site was located in the Guildford urban area and there were no relevant planning constraints on site. The majority of objections received were in relation to the garage which had been converted into an office and were not relevant to this application. Enforcement had

been involved and closed the case at the end of 2021 as no relevant evidence could be found to substantiate claims.

The Committee discussed the application and agreed that the proposed works were considered to be of a modest scale which would have no adverse impact on neighbour amenity or the overall scale or character of the area.

A motion was moved and seconded to approve the application which was carried.

| RECORDED VOTE LIST | | | | |
|--------------------|----------------|-----------|----------|----------|
| | COUNCILLOR | FOR | AGAINST | ABSTAIN |
| 1 | Fiona White | X | | |
| 2 | Angela Gunning | X | | |
| 3 | Ruth Brothwell | X | | |
| 4 | Paul Spooner | X | | |
| 5 | Colin Cross | X | | |
| 6 | Chris Barrass | X | | |
| 7 | Jon Askew | X | | |
| 8 | Angela Goodwin | X | | |
| 9 | Pauline Searle | X | | |
| 10 | Chris Blow | X | | |
| 11 | Liz Hogger | X | | |
| 12 | Maddy Redpath | X | | |
| 13 | Guida Esteves | X | | |
| 14 | Marsha Moseley | X | | |
| | TOTALS | 14 | 0 | 0 |

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 22/P/00179 subject to the conditions and reasons as detailed in the report.

PL8 PLANNING APPEAL DECISIONS

The Committee noted and discussed the planning appeals.

The meeting finished at 8.47 pm

Signed

Date

Chairman