

6e PLAN/2020/0819

WARD: C

LOCATION: 8 Lockwood Path, Sheerwater, Woking, Surrey, GU21 5RH

PROPOSAL: Proposed use of the detached rear outbuilding as a separate residential unit for renting.

APPLICANT: Mr Jamil

OFFICER: Barry Curran

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### **REASON FOR REFERRAL TO COMMITTEE**

The decision on whether to take enforcement action falls outside the scope of delegated powers.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application seeks permission to use the detached building in the rear amenity space as separate free standing independent accommodation.

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)

### **RECOMMENDATION**

That planning permission be REFUSED and authorise formal enforcement proceedings.

### **SITE DESCRIPTION**

The application site is located on the southern side of Lockwood Path close to the apex of the residential cul-de-sac and contains a semi-detached two storey dwelling. Properties with the Road are of similar size and design, with Nos.8 and 9 set forward of the prevailing building line. The property affords hardstanding to the front of the site and upon inspection it was observed that Lockwood Path has limited parking.

### **PLANNING HISTORY**

PLAN/2007/0755 - Retrospective side extension and front canopy – Permitted 23/05/07

PLAN/2001/0691 - Alterations to 2 storey and single storey and single storey rear extensions granted under planning permissions 00/0811 and 01/0065 – Permitted 19/07/01

PLAN/2001/0065 - Erection of a single storey rear extension – Permitted 22/02/01

PLAN/2000/0811 - Erection of a two storey rear extension – Permitted 26/10/00

**PROPOSED DEVELOPMENT**

Planning consent is sought to retain the detached rear outbuilding as a separate residential unit for renting.

**CONSULTATIONS**

County Highway Authority: No highway requirements (03.11.20)

**REPRESENTATIONS**

None received

**RELEVANT PLANNING POLICIES**

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Core Strategy Document 2012

CS1 - A Spatial Strategy for Woking

CS8 - Thames Basin Heaths Special Protection Area

CS9 – Flooding and water management

CS18 - Transport and accessibility

CS21 - Design

CS22 - Sustainable Design and Construction

CS24 - Woking's Landscape and Townscape

CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD 2016

DM9 – Flats above Shops and Ancillary Accommodation

DM10 – Development on Garden Land

Supplementary Planning Guidance

Supplementary Planning Document 'Parking Standards' 2018

Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008

Supplementary Planning Document 'Design' 2015

Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015

**PLANNING ISSUES**

1. The planning issues that need to be addressed in the determination of this application are; principle of development, whether retention of the accommodation would be detrimental to the character of the area, whether the development causes material harm to the amenities of neighbours, whether the development would include acceptable layout for potential occupiers, highways and parking implications, impact on the Thames Basin Heaths Special Protection Area (TBH SPA) and local finance considerations.

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### Principal of Development

2. The existing outbuilding has been converted into habitable space including a shower and toilet and in total covers an internal floor area of approximately 27 sq.m. Given the siting and internal floor area of the accommodation space, it is considered that, as a freestanding unit, whilst it is proposed to change the use of the building to a separate independent unit it would be difficult to demonstrate that it is not already fitted to serve as an independent unit.

3. Policy DM9 of the Development Management Policies DPD 2016 states that:

*“Ancillary residential extensions, including ‘granny annexes’ and staff accommodation, designed in accordance with Core Strategy policy CS21 and the Council’s Design SPD, will be permitted provided they share a common access with the main dwelling and are physically incorporated within it, and are designed in such a way that renders them incapable of being occupied separately from the main dwelling. Freestanding units that can demonstrate they are genuinely ancillary to the occupation of the main house will be considered in light of the character and amenities of the area and may be subject to conditions restricting their occupancy. Separate, freestanding, independent accommodation will be treated in the same way as a proposal for a new dwelling.”*

4. The wording *“freestanding units that can demonstrate they are genuinely ancillary to the occupation of the main house will be considered in light of the character and amenities of the area and may be subject to conditions restricting their occupancy”* within Policy DM9 of the Development Management Policies DPD 2016 is considered to be relevant in this instance. A ‘freestanding unit’ could be a smaller (than that subject to this application) building within the residential curtilage which contains habitable accommodation although does not contain all the requirements for separate freestanding accommodation. Given that the development includes an internal floor area of approximately 27 sq.m, together with the provision of a bedroom/living room/kitchen with separate toilet and shower provisions, in this instance it is considered that the current space represents separate, freestanding, independent accommodation. The internal facilities include running water, kitchen sink, fridge, washing machine along with grill/hob which points towards an independent living space and should, therefore, be treated in the same way as a proposal for a new dwelling as outlined by Policy DM9.
5. It is noted that this space represents a modest living space and falls short of the ‘Technical housing standards - nationally described space standard (2015) for a 1 bed, 1 person dwelling. However, since the introduction of Prior Approval Change of Use from Office to Residential (Class O Schedule 2 Part 3 of the General Permitted Development Order 2015 (as amended) 2015), it is apparent that a number of residential unit are commonly below the minimum standard as set out by the Department for Communities and Local Government and are still utilised and counted as independent dwellings.
6. The detached nature of the outbuilding along with its separation and fact that it does not have to interact physically with the existing dwelling on site, provides access to the building gained through a pergola-like structure with doorway on the front elevation which in-effect acts as a covered walkway from Lockwood Path to the rear amenity space of the property. This indicates

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that the structure operates separately to the building and therefore it has no reliance on it.

7. It should be noted that separate, self-contained living accommodation (as per the application) would be incapable of being constructed by virtue of Article 3, Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as Class E requires a *“purpose incidental to the enjoyment of the dwellinghouse”*; separate, self-contained living accommodation is not considered incidental. Considering the paragraph above, there is, therefore, not considered to be a ‘fall-back’ position in this instance.
8. As such, the development represents unauthorised development which is not considered to constitute an ancillary annex and has not been designed in such a way which renders it incapable of being occupied separately from the main dwelling. It has not been demonstrated that the outbuilding is genuinely ancillary to the occupation of the main dwelling considering the level of facilities available within this space including kitchenette with plumbed sink, fridge and separate toilet and shower room. The development is, therefore, contrary to Policy DM9 of the Development Management Policies DPD 2016 and as proposed will be assessed against National and Local Policies as a new detached dwellinghouse in the rear amenity space of 8 Lockwood Path.

### Impact on Character

9. Section 12 of the National Planning Policy Framework 2019 states that development should be *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”*. Policy CS21 of the Woking Core Strategy 2012 echoes this provision and notes that new developments *“should respect and make a positive contribution to the street scene and the character of the area in which they are situated”*.
10. The existing outbuilding is located towards the terminus of the rear amenity space and had been erected under Schedule 2, Part 1 Class E The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Considering the provision of E (A), however, it is difficult to see how the outbuilding meets the limitation of which states that *“any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure”*. The outbuilding, as noted in the application form, is intended to serve as private letting accommodation indicating that the outbuilding is being used/proposed to be used for independent non-ancillary purposes.
11. It is not considered that the existing building has not been designed in such a way which would render it incapable of being occupied separately from the main dwelling and it is difficult to consider the building to be anything other than independent from the main dwelling given the level of facilities provide internally. The application is, therefore, considered to be similar to the creation of separate, freestanding, independent accommodation and is therefore assessed in the same way as a proposal for a new dwelling in line with Policy DM9 of the Development Management Policies DPD 2016.

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12. The surrounding area is urban in character with the application dwelling forming part of a relatively consistent grain of semi-detached and terraced two storey dwellings. The northern side of Lockwood Path contain rear amenity spaces stretching between 23-25 metres in depth. The southern side is materially different with rear amenity spaces significantly shallower and between 10-15 metres in depth in most cases. There is an overriding character in terms of built form amongst these dwellings, some of which demonstrate detached ancillary garages/sheds/outbuildings in the rear amenity space. These sheds, however, adopt a much smaller scale than that of the proposed. Policy CS21 of the Core Strategy 2012 notes that *“buildings should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land”*. It is acknowledged that while the outbuilding would adopt the form and design of a secondary building including an angled flat roof form and standing at 3 metres in height, its overall floor area and internal layout lends itself to a separate detached dwelling incommensurate with the area.
13. In terms of grain and pattern of development, the properties on the southern side of this part of Lockwood Path are set out in a relatively linear grain of development. It is proposed to introduce a detached outbuilding resulting in garden land/tandem development. Policy DM10 (Development on Garden Land) of the Development Management Policies DPD 2016 states that housing development on garden land and/or that to the rear or side of an existing property will be supported provided that it meets the other relevant Development Plan policies and that:
- *it does not involve the inappropriate sub-division of existing curtilages to a size below that prevailing in the area, taking account of the need to retain and enhance mature landscapes;*
  - *it presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area, including frontage width, building orientation, visual separation between buildings and distance from the road;*
  - *the means of access is appropriate in size and design to accommodate vehicles and pedestrians safely and prevent harm to the amenities of adjoining residents and is in keeping with the character of the area; and*
  - *suitable soft landscape is provided for the amenity of each dwelling appropriate in size to both the type of accommodation and the characteristic of the locality.*
14. As noted earlier, dwellings on the southern side of Lockwood Path contain rear amenity spaces stretching from as shallow as 10 metres in depth with many of them encroached upon further by the addition of rear extensions. The application site contained a rear amenity space measuring just 10 metres in depth considering the rear and side extensions carried out previously. Erection of the building measuring 7.3 metres in width and 4.6 metres in depth has reduced the rear amenity space further. This has resulted in much of the rear amenity space being developed upon and considering this along

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with the design of the proposed unit, it would appear discordant in terms of the character of the locality and would fail to successfully integrate with the prevailing character.

15. Due to the siting of the proposed residential unit, it is considered that any subdivision of the plot would involve the inappropriate sub-division of an existing curtilage to a size below that prevailing in the area. It is considered that the design of the proposed unit would appear discordant in terms of the character of the area and would fail to respect and make a positive contribution to the character of the area. The proposal is therefore contrary to provisions outlined in the National Planning Policy Framework, Policies CS21 and CS24 of the Woking Core Strategy 2012, Policies DM9 and DM10 of the Development Management Policies DPD 2016 and Supplementary Planning Document 'Design' 2015.

### Impact on Neighbour Amenities

16. Policy CS21 of the Woking Core Strategy 2012 advises that proposals for new developments should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Detailed guidance on assessing neighbouring amenity impacts is provided within Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008. The key neighbouring amenity considerations are those to the North and the neighbouring sites to the East, West and South of the site.
17. Considering the location of building towards the terminus of the rear amenity space along with its height at approximately 3 metres, much of which will be concealed by the existing boundary fencing, the amenities of the neighbours to the East and West are not considered to be significantly affected given the scale of detached building.
18. To the rear, Nos. 18 and 20 Lambourne Crescent back onto the application site and contain relatively large rear amenity spaces. The boundary treatments to the rear of the application site consist of 2 metre high close timber board fencing and therefore provides some concealment to the detached structure. These boundary treatments as well as the height of the proposal and distance from the rear elevation of both of these properties, of at least 10-12 metres, are considered sufficient to mitigate significant harm which may arise as a result of the proposed development.
19. While the development may be considered acceptable, in terms of impact on neighbour amenities, this does not outweigh the fact that the development would fail to comply with both National and Local Policies with regards to principle of development and acceptable design.

### Layout and Creation of Acceptable Residential Development for Proposed Occupiers

20. One of the Core planning principles set out within Section 12 of the National Planning Policy Framework is to *“secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

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21. The building is currently fitted out to serve as independent accommodation. The internal GIA of the accommodation amounts to approximately 27 sqm. Further to this, the fenestration provision is limited with just a single door and 2 no windows on the northern elevation serving the internal accommodation. Given these facts, this level of GIA would fall short of the minimum standards of the 'Technical housing standards - nationally described space standard (2015) for a 1 bed, 1 person 1 storey dwelling at 37 sq.m falling a significant 10 sq.m short of the relevant minimum gross internal floor area and would therefore fail to provide a good standard of amenity for future occupants, contrary to Policy CS21 of the Woking Core Strategy 2012 and the core planning principles of the National Planning Policy Framework.
22. In terms of private amenity space, the Council's Supplementary Planning Document on 'Outlook, Amenity, Privacy and Daylight' 2008 recommends that *"family accommodation will be taken to mean all houses with two bedrooms or more and exceeding 65 sq.m gross floor area"*. It goes on to state that *"all dwellings designed for family accommodation (as per above) need to provide a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for outdoor domestic and recreational needs of the family it is intended to support"*. The area of amenity space should approximate with the gross floor-space of the dwelling or at least be as large as the footprint of the dwelling. Section 4.6 of the SPD states that *"Private amenity space is best provided as an enclosed garden to the rear or side of the property where it is clearly separate from more public areas of the site"*. As the areas to the front of No.8 Lockwood path would not constitute enclosed spaces to the side or rear, or indeed separate from more public areas of the site, these could not be taken into account in the provision of amenity space. Furthermore, access paths down along the side of dwellings are not considered to constitute amenity space as they consist of passage-like spaces providing a route to the rear with little room to be utilised as anything else and therefore could not be considered as usable amenity space.
23. It is noted that the SPD affirms that its guidance should be used flexibly having regard to the individual circumstances of each case. In this case, the application site is located in a suburban setting where properties demonstrate generous amenity spaces on the northern side of Lockwood Path with amenity spaces on the southern site properties commensurate with the size of the dwellings.
24. Paragraph 130 of the NPPF states that *"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"*. The proposed amenity provision or lack thereof, fails to adhere to the standards or meet minimum standards with regard to size and shape of the space provided. Surrounding sites include large rear amenity spaces and this characterises the area. Policy CS21 of the Core Strategy 2012 calls for development proposals to create buildings and places to *"respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land"*. The proposed rear amenity spaces of both existing and proposed units are not commensurate with surrounding sites which is symptomatic of cramped and contrived development and is not in line with site characteristics throughout Lockwood Path.

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25. Overall, it is considered that retention of the detached building as a separate dwelling would eliminate the private amenity space of the existing family dwelling at 8 Lockwood Path whilst failing to provide any amenity space for the proposed independent unit. The proposed development is, therefore, considered contrary to the core principles of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

### Highways and Parking Implications

26. The resulting residential unit would provide 1-bedroom habitable accommodation with the existing main dwellinghouse provides 4 or more bedrooms. Supplementary Planning Document 'Parking Standards' 2018 identifies a car parking standard for dwellings providing 4 or more bedrooms of 3 car parking spaces, and of 1 space per 1 bedroom/studio unit; cumulatively a parking standard of 4 spaces across both resulting units is therefore required. The submitted plans show an area of hard-standing to the front of the dwelling which is considered to provide car parking spaces which could accommodate a maximum of 2-3 cars given the limited space and front porch addition.
27. On-street parking is severely limited along Lockwood Path and given the location of the application site close to the apex and turning-head of the cul-de-sac the scope of on-street parking is severely restricted. The County Highway Authority have been consulted on this application and raise no objection to the scheme subject to conditions. The remit of the County Highway Authority is, however, limited to highway safety and operation rather than parking pressure and amenity.
28. The additional residential unit would increase the parking demand on the site on an already heavily restricted street in terms of parking whilst delivering an insufficient number off-street parking. It is considered that this places further pressure on the existing on-street parking much to the detriment of the amenities of the area and parking provision generally. Consequently the Local Planning Authority cannot be satisfied that there would no adverse effect upon the free flow of traffic or car parking provision within the locality. The proposal is therefore contrary to Policy CS18 of the Woking Core Strategy 2012, Policy DM11 of the Woking Development Management Policies DPD 2016 and Supplementary Planning Document 'Parking Standards' 2018.

### Local Finance Considerations

29. CIL is a mechanism adopted by the Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. The Local Planning Authority considers the development to constitute the creation of an independent self-contained residential unit by way of conversion of the pre-existing ancillary garage. Therefore the proposal would be liable for the Community Infrastructure Levy (CIL) on internal GIA. 27 of sq.m and therefore liable to the measure of £4,335.58 (including the 2020 Indexation). The development, therefore would be liable to a total CIL contribution of £4,335.58 which would be payable in the event of an approval.

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### Impact on the Thames Basin Heaths Special Protection Area

30. The application site falls within the 400m - 5km (Zone B) of the Thames Basin Heath Special Protection Area (TBH SPA) buffer zone. The Thames Basin Heath Special Protection Area (SPA) is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations). The Habitats Regulations designate the Local Planning Authority as the Competent Authority for assessing the impact of development on European sites and the LPA must ascertain that development proposals will not have an adverse effect on the integrity of the site, alone or in combination with other plans and projects, either directly or indirectly, before granting planning permission. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species: Dartford Warbler, Woodlark and Nightjars. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive.
31. Policy CS8 of the Woking Core Strategy 2012 requires new residential development beyond a 400m threshold, but within 5 kilometres, of the SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
32. The Suitable Alternative Natural Greenspace (SANG) and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL) however the Strategic Access Management and Monitoring (SAMM) element of the SPA tariff is required to be addressed outside of CIL. The applicant has not submitted a Legal Agreement to secure the relevant SAMM contribution of £515 (1 studio unit at £515 per unit) in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy as a result of the uplift of a studio unit that has arisen from the conversion. Due to other substantive concerns with the application proposal, the applicant was not requested to provide a signed and completed Legal Agreement during assessment of the application.
33. In view of the above, and in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwellings would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan 2009 and The Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations").

### Conclusion

34. To conclude, by reason of its detached nature and internal accommodation, the outbuilding would not share a common access with, nor be physically incorporated within, the main dwelling indicating that it is currently fitted to serve as an independent unit. Additionally, the accommodation has not been designed in such a way which would render it incapable of being occupied separately from the main dwelling and it has not been demonstrated that the accommodation would be genuinely ancillary to the occupation of the main dwelling. As such, the proposal represents the creation of an independent

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self-contained residential unit and would involve the inappropriate sub-division of an existing curtilage to a size below that prevailing in the area. Furthermore, the layout would appear discordant in terms of the character of the area and would fail to respect and make a positive contribution to the character of the area.

35. The development is tantamount to the creation of an independent self-contained residential unit sited to the rear of the existing dwelling at No.8 Lockwood Path. It has not been demonstrated that a good standard of residential amenity, in terms of private amenity space, would be retained for the existing dwelling nor the separate detached accommodation for potential future occupiers. Further to this, adequate parking facilities are not provided on site which could lead to increased pressure on off-street parking in an area already under increased pressure by such provision.
36. In addition, in the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures or to secure the proposed units as affordable housing, the Local Planning Authority is unable to determine that the additional dwellings would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policies CS8 and CS12 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan 2009 and The Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations").
37. Consequently it is considered that the development is contrary to provisions outlined in the National Planning Policy Framework, Policies CS8, CS9, CS21 and CS24 of the Woking Core Strategy 2012, Policies DM9 and DM10 of the Development Management Policies DPD 2016, the Council's Supplementary Planning Documents on 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008, the Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 and the Conservation of Habitats and Species Regulations 2017 (SI No. 1012 - the "Habitats Regulations") and is, therefore, recommended for refusal for the reasons outlined below. It is further recommended that enforcement action be authorized to ensure the separate accommodation is reverted back to its original state as an ancillary outbuilding.

### **BACKGROUND PAPERS**

1. Site visit photographs.
2. Response from County Highway Authority

### **RECOMMENDATION**

It is recommended that planning permission be REFUSED for the following reason:-

1. By reason of its detached nature, internal accommodation and the size of the accommodation in relation to the main dwelling, the accommodation has already been designed in such a way which renders it capable of being occupied separately from the main dwelling and has not been demonstrated to be genuinely ancillary to the occupation of the main dwelling. The development is therefore contrary to Policy DM9 of the Development Management Policies DPD 2016.

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2. Retention of the separate independent accommodation would appear as an anomaly and discordant to the prevailing plot characteristics of the surrounding area failing to make a positive contribution to the area contrary to guidance outlined in the National Planning Policy Framework, Policies CS21 and CS24 of the Woking Core Strategy, Policies DM10 of the Development Management Documents DPD 2016 and Supplementary Planning Document 'Design' 2015.
3. No private amenity space has been demonstrated for the independent accommodation. The development is therefore contrary to provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Policies DM10 and DM11 of the Development Management Policies Development Plan Document 2016 and Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2008.
4. The development would increase the parking demand of the site on an already heavily parked street and fails to meet the minimum standards set out in the Council's Supplementary Planning Document 'Parking Standards' 2018, much to the detriment of the amenities of the area and would set an undesirable precedent for similar future developments in the local area. Consequently the Local Planning Authority cannot be satisfied that there would no adverse effect upon the free flow of traffic or car parking provision within the locality. The development is therefore contrary to Policy CS18 of the Woking Core Strategy 2012 and Supplementary Planning Document 'Parking Standards' 2018.
5. In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Policy CS8 of the Woking Core Strategy 2012, the Thames Basin Heaths Avoidance Strategy, saved Policy NRM6 of the South East Plan (2009), the Conservation of Habitats and Species Regulations 2017 (SI No.1012 - the "Habitats Regulations") and Policy DM11 of the Development Management Policies DPD 2016.

It is further recommended that:-

The Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the Outbuilding in the rear garden of the Property requiring the remedy of the breach of planning control to be achieved through:

Enforcement Issue an Enforcement Notice in respect of the above land requiring the following within Six months of the notice taking effect;

- (i) Cease the use of the Outbuilding as a self-contained independent residential unit.
- (ii) Remove from the land and lawfully dispose of all the cooking facilities, bathroom facilities, fixtures and fittings facilitating the use of the outbuilding as a self-contained residential unit

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### **Informatives:**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019.
2. The plans/particulars relating to the development hereby refused are numbered / titled:

Block Plan (Received 13.10.20)

Drawing No. 99/16 dated November 2016 (Received 13.10.20)