

25 JULY 2023 PLANNING COMMITTEE

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PLAN/2021/1110

WARD: Byfleet And West Byfleet

LOCATION: Manor House, Mill Lane, Byfleet, West Byfleet, Surrey, KT14 7RS

PROPOSAL: Erection of an outbuilding including an indoor swimming pool and gym and associated landscaping works and pergolas, following demolition of existing outbuilding.

APPLICANT: Mr N Hayden

OFFICER: Brooke Bournague

REASON FOR REFERRAL TO COMMITTEE

The application has been called in by Cllr Boote.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of an outbuilding including an indoor swimming pool and gym and associated landscaping works and pergolas, following demolition of existing outbuilding.

PLANNING STATUS

- Floodzone 2 and 3
- Surface Water Flood Risk
- G C Newt Green Zone
- Green Belt
- High Archaeological Potential
- Listed Buildings (within curtilage of Grade II* Manor House and site bounded by Grade II listed wall)
- Close to River Wey Site of Nature Conservation Importance (SNCI)
- Byfleet Neighbourhood Area
- TBH SPA Zone B (400m-5km)
- TPO Polygons

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The application site and the complex of buildings including the Manor House are accessed via a track leading off Mill Lane. The site is located in the Green Belt to the north of the River Wey.

The application site relates to an area of land sited to the east of the Manor House and contains a detached garage located to the south of the listed wall, although the applicant has advised the building is currently used for storage of equipment use to maintain the land. The application site is part of the residential curtilage of the Manor House but the red line of the application site does not include the whole curtilage or, indeed, the house itself.

PLANNING HISTORY

Recent planning applications just relating to the application site:

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PLAN/2021/0692: Certificate of Lawfulness to establish whether permission ref: PLAN/2018/0183 (Erection of a glasshouse, a basement, an outdoor pool/pond and associated decking/ pergola/ landscaping following demolition of two existing outbuildings) was lawfully commenced. Permitted 06.09.2021

PLAN/2020/0660: Erection of an outbuilding including an indoor swimming pool and associated landscaping works and pergolas, following demolition of existing outbuildings. Refused 16.04.2021

Refusal reasons:

01. The proposal is inappropriate development in the Green Belt with a reduction in openness and does not meet exception criteria, by way of the proposed being materially larger than the building(s) it would replace. 'Very Special Circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to the Section 13 of the National Planning Policy Framework (2019), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary to section 16 of the National Planning Policy Framework (2019), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).
03. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2019), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).
04. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
05. The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not adequately assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).
06. The application fails to demonstrate that the proposal would have an acceptable impact on biodiversity and protected species and habitats. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).

PLAN/2018/0183: Erection of a glasshouse, a basement, an outdoor pool/pond and associated decking/ pergola/ landscaping following demolition of two existing outbuildings. Permitted 25.06.2018

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PLAN/2018/0184: Listed Building Consent for the proposed Glass House, Natural Pond and associated landscaping following the demolition of existing outbuildings. (Please refer for documents online to PLAN/2018/0183). Permitted 25.06.2018

PLAN/2017/0444: Planning application for proposed Glass House, Natural Pond and associated Landscaping following the demolition of existing Garage Building. Refused 07.08.2017

Refusal reasons:

01. The proposal would represent inappropriate development in the Green Belt with a reduction in openness, by way of its leisure use being a different use to the garage/storage buildings it would replace and by way of it being materially larger than the buildings it would replace. 'Very Special Circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (2012), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The submitted drawings fail to demonstrate that the proposal would have an acceptable impact on the setting of the Grade II* Manor House. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2012), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).
03. The submitted application fails to demonstrate that the proposal would have an acceptable impact on the character and appearance of this area as it has not been demonstrated that the proposal would have an acceptable impact on the Green Belt or the setting of the Grade II* Manor House. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).
04. The submitted application fails to demonstrate that it would have an acceptable impact on neighbouring amenity by way of a lack of information on proposed noise and light levels. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy (2012), policy DM7 of the Development Management Policies DPD (2016) Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).
05. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
06. The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 10 of the National Planning Policy Framework (2012) and policy CS9 of the Woking Core Strategy (2012).
07. The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. The proposal is therefore contrary to section 11 of the National Planning Policy Framework (2012), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).

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PLAN/2002/1265: Oak framed garage complex. Permitted 09.12.2002

CONSULTATIONS

Byfleet, West Byfleet, Pyrford Residents' Association: No comments received

Council's Conservation Consultant: *'I consider the extensive footprint of this scheme to be excessive and to harm the setting of this important listed historic complex. Though said to be simple and modern, this building lacks the unique features of the [previously] approved, mainly glass building. It is claimed that that consent has been commenced. In my view the limited ground works which technically count as a 'start' do not amount to an extant consent in the fuller sense. As stated in 2018, if this extant consent was to be completed, I would find that building's siting and unique presence would not harm the setting of the Manor complex. I cannot say the same for the current proposal.'*

Environmental Health: No objection

Arboricultural Officer: No objection subject to condition

Flood Risk and Drainage Team: No objection subject to condition

County Archaeologist: No objection subject to condition

Historic England: No comments

Surrey Wildlife Trust: No objection subject to conditions

SCC Highways: No objection

REPRESENTATIONS

1 letter raising the following points have been received:

- The additional leisure facilities would give this historic mansion a definitive slant into the 21st century living.
- The landscaping will also enhance an area of the property which has previously been neglected

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021):

Woking Core Strategy (2012):

- CS6 – Green Belt
- CS7 – Biodiversity and nature conservation
- CS9 – Flooding and Water Management
- CS16 – Infrastructure and water delivery
- CS20 – Heritage and Conservation
- CS21 – Design
- CS24 – Woking's Landscape and Townscape

Woking Development Management Policies DPD (2016):

- DM2 – Trees and Landscaping
- DM7 – Noise and light pollution
- DM13 – Buildings within and adjoining the Green Belt

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- DM20 – Heritage Assets and their Settings

Supplementary Planning Documents:

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2022)

In addition to the above, Section 72(1) places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of conservation areas and states that *'with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in sub section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have *'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

PLANNING ISSUES

Background:

1. There have been a number of planning applications on the application site that have been refused (PLAN/2017/0444 and PLAN/2020/0660) and planning application ref: PLAN/2018/0183 has been permitted. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. Implementation of this permission has currently stopped as the applicant has changed their leisure requirements and wishes to pursue a different scheme. The current planning application is an amended version of previously refused planning application PLAN/2020/0660.

Impact on Green Belt

Whether Appropriate Development?

2. The application site is located in the designated Green Belt and as such Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of DM Policies DPD (2016) and section 13 of the NPPF (2021) apply and these policies seek to preserve the openness of the Green Belt. The essential characteristics of the Green Belt are its openness and permanence. Paragraph 149 of the NPPF regards the erection of new buildings in the Green Belt as 'inappropriate development'. Exceptions to this include:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

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- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
3. The general position, established by case law, is that development in the Green Belt is inappropriate and so needs to be justified by very special circumstances unless it falls within one of the specific exceptions set out in paragraphs 149-150 of the NPPF (2021).
 4. Policy CS6 of the Woking Core Strategy (2012) and Policy DM13 of DM Policies DPD (2016) reflects the NPPF (2021) regarding the Green Belt. In addition Policy DM13 of DM Policies DPD (2016) states that replacement buildings in the Green Belt are inappropriate unless the proposed new building:
 - ‘(i) is in the same use as the building it is replacing;*
 - (ii) is not materially larger than the building it is replacing; and*
 - (iii) is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt’.*
 5. The supporting text for policy DM13 of the DM Policies DPD (2016) advises that when assessing whether a replacement building is materially larger than the one it replaces, the Council will compare the size to that existing, taking account of siting, floorspace, bulk and height. As a general rule a replacement that is no more than 20-40% larger than the one it replaces will not usually be considered disproportionate, although this may not be appropriate for every site.
 6. The existing building to be demolished was granted planning permission under planning application PLAN/2002/1265 to be used as garages and was considered incidental to the residential use at Manor House. The proposed building is for a swimming pool and gym which the applicants have advised will not be open to the public and are solely for the use of the residents of Manor House. It is considered that both buildings have the same use. The proposed building would also be sited in the same position as the building to be demolished.
 7. The difference between the existing garage building and proposed building in volume, footprint and height are summarised below.

	Existing building	Proposed building	Total Percentage change
Volume	425m ³	1890m ³	+344%
Footprint	159m ²	420m ²	+164%
Height	3.9m	4.5m	+15%

8. The proposed replacement building would result in a 344% uplift in volume and 164% uplift in footprint compared to the existing building. These figures indicate that the proposed buildings would be materially larger than the existing building to be demolished and it is therefore considered to be inappropriate development within the Green Belt.

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9. The proposed buildings would be materially larger than the building they would replace. The proposal would therefore not fall within the exception to inappropriate development under paragraph 149(d) of the NPPF (2021) and would be contrary to Policy DM13 of the DM Policies DPD (2021).
10. The proposed development would not fall within any of the other exceptions set out in the NPPF and would therefore be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Impact on openness of the Green Belt

11. In addition to the question as to whether the proposals are harmful by definition by being inappropriate development, harm caused by the impact on the openness of the Green Belt must also be considered. Paragraph 137 of the NPPF (2021) states that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
12. Assessing the impact of developments on the openness of the Green Belt is not a simple mathematical or volumetric exercise. In Turner v SSCLG [2016] EWCA Civ 466 it was established that the concept of 'openness' is capable of having both a spatial and visual dimension and that in assessing the impact on openness, the decision maker should consider how the visual effect of the development would bear on whether the development would preserve the openness of the Green Belt. Furthermore, current Planning Practice Guidance sets out what factors can be taken into account when considering the impact on openness and includes *"the degree of activity likely to be generated, such as traffic generation"* and states that *"openness is capable of having both spatial and visual aspects"* (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22.07.2019).
13. The impact on the openness of the Green Belt resulting from the proposed buildings is considered different to the impact on the existing building to be demolished. The bulk, mass and height of the proposed building are all greater than the existing building to be demolished and would not maintain openness.
14. The existing building to be demolished is sited approximately 1.2m from the listed wall and projects a maximum of approximately 6.8m from the boundary. The proposed building would be sited approximately 2.5m from the listed wall and would project approximately 28m from the boundary. It is considered that the significant increase in projection from the north-east boundary and spread in development across the site would have a greater impact on the openness of the Green Belt than the existing buildings.
15. Overall, it is considered that the proposed building would have a greater impact on the openness of the Green Belt than the existing development and therefore the proposal would not accord with the exceptions to inappropriate development at paragraph 149(d) of the NPPF. In addition, given this identified harm to the openness this harm will be added to the other identified harm to the Green Belt resulting from the inappropriateness of the development.
16. The proposal would be inappropriate development and harmful to openness and is contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the NPPF.

Very Special Circumstances (VSC)

17. Paragraph 147 of the NPPF (2021) goes on to state that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special*

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circumstances'. Paragraph 148 of the NPPF (2021) states '*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*'. As such it must be established whether any 'very special circumstances' clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm identified below.

18. The applicant has advanced several arguments in favour of the proposal.

Very Special Circumstances Argument – improve the openness of the Green Belt when compared to the existing situation

19. The submitted planning statement advises '*that there will be a subsequent loss of 345sqm of hard standing on this eastern side of the property*'. The submitted existing site plan does not indicate how large the existing area of hardstanding. The proposed site plan indicates that some footpaths are proposed to the west of the proposed building. Notwithstanding this the proposal would also have a 261sqm increase in footprint and 1465m³ increase in volume over the existing building which would have a much greater impact on openness than the loss of the existing area of hardstanding. This argument is therefore considered to carry no weight in the planning balance.

Very Special Circumstances Argument – high quality design

20. The submitted planning statement advises the proposed building would be '*architecturally interesting, which results in a positive enhancement to the site*'. Although the proposed building 'T' shaped building has a simple and modern design with a flat roof building finished in buff brick, timber cladding and metal cladding it is considered that this would not represent a building that is of exceptional design. The building does not contain any of the unique design features such as the curved glazed profile that the building permitted under planning application PLAN/2018/0183 had. This conclusion is consistent with the views of the Council's Conservation and Heritage Consultant (see above). Again, this argument is therefore considered to carry no weight in the planning balance.

Very Special Circumstances Argument – improve the setting of the Listed building

21. The applicant has advised the proposal would improve the setting of the Listed Building due to the proposed landscaping. The impact on the setting of the Listed building has been assessed in the "*Impact on the architectural and historical interest of the Statutory sited Buildings and their setting*" section below. It is considered that the proposal would not improve the setting of the listed wall or Manor House. In any case, Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the NPPF, Policy CS20 of the Woking Core Strategy (2012) and DM20 of DM Policies DPD (2016) all require proposals to preserve and enhance the character of heritage assets as a matter of course. Therefore, negligible weight is afforded to this argument.

Very Special Circumstances Argument – extant permission

22. Planning application ref: PLAN/2018/0183 permitted a glasshouse, a basement, an outdoor pool/pond and associated decking/pergola/ landscaping following demolition of two existing outbuildings on 25 June 2018. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. Implementation of this permission has currently stopped as the applicant has changed their leisure requirements and a less ambitious scheme is proposed to meet the applicant's budget constraints.

23. The building proposed under planning application ref: PLAN/2018/0183 constituted inappropriate development in the Green Belt. However, it was granted permission on the basis that Very Special Circumstance outweighed the harm. A detailed explanation of the

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assessment leading to this conclusion is set out in the officer's report at the time. However, in essence, the building was considered to be of an exceptional design utilising a visually permeable, lightweight glass structure; it provided benefits to the setting of the listed wall resulted in the removal hardstanding and enjoyed the support of Historic England and the Council's Conservation and Heritage Consultant. These circumstances were all considered to clearly outweigh the inappropriate development in the Green Belt and harm to the openness.

	Building permitted under PLAN/2018/0183	Proposed building	Total Percentage change
Volume	1305m ³ below ground 1930m ³ above ground	1890m ³	-44% -2%
Footprint	235m ²	420m ²	+78%
Height	8.7m	4.5m	-48%

24. The current proposal has adopted a completely different design approach to planning application ref: PLAN/2018/0183. It is acknowledged that the proposed building would have a lower percentage increase in height, and both above and below ground volume compared (see table above). The permitted glazed building was considered to be a lightweight transparent building compared to the current proposed building which is a large solid bulky structure. It is also noted that planning application PLAN/2018/0183 had a greater height to reflect the design of the glazed structure which resulted in a larger volume of the building. It is considered that a building that was justified due to its exceptional design cannot be used to justify a building with a 78% increase in footprint compared to that previously approved that is not considered to represent exceptional design and would harm the setting of the listed wall and building at Manor House.

Very Special Circumstances Argument – creation of a Masterplan for the site

25. The applicant has provided a masterplan that provides details of the long-term renovations and repair programme of the property which include new planting. It is not clear why the provision of a masterplan of the site can justify a substantial building for a gym and swimming pool which is otherwise unacceptable in Green Belt terms.

Conclusion

26. The proposed development is not considered to fall within any of the exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness, its impact on openness and the further harm identified below. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

Impact on the architectural and historical interest of the Statutory Listed Buildings and their settings

27. The wall sited to the north-east of the proposed building is Grade II Listed and Manor House which is sited to the south-west of the application site is Grade II* Listed.

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28. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located.
29. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
30. Policy CS20 of the *Woking Core Strategy* (2012) states that *'alterations and extensions to listed buildings must respect the host building in terms of scale, design, use of materials, retention of the structure and any features of special historic or architectural importance. Planning applications will be refused for any alteration or extension to a listed building that will not preserve the building or its setting'*.
31. The NPPF, Policy CS20 of the *Woking Core Strategy* (2012) and DM20 of DM Policies DPD (2016) seek to ensure that development should preserve or enhance the character of heritage assets.
32. Planning application ref: PLAN/2018/0183 permitted a glasshouse, a basement, an outdoor pool/pond and associated decking/ pergola/ landscaping following demolition of two existing outbuildings on 25.06.2018. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. It has been advised that the implementation of this permission has stopped as the applicant has changed their leisure requirements and a less ambitious scheme is proposed to meet the applicant's budget constraints.
33. The building permitted under planning permission PLAN/2018/0183 was sited adjacent to the Listed wall, however the proposal was of a completely different design to the building proposed under planning application PLAN/2020/0660 and the current planning application. The permitted building had a height of approximately 8.1m but this was considered an appropriate height as it was function of the high quality design for the building which was considered to be an exceptional building with a modern approach with curved walls and finished in tinted glass. Due to the smaller footprint and unique design the proposal would not have harmed the Grade II* Listed building at Manor House and had benefits to the setting of the Listed wall.
34. Planning permission PLAN/2020/0660 has been refused and refusal reason 02 of planning application PLAN/2020/0660 states:

The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary to section 16 of the National Planning Policy Framework (2019), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).*
35. Planning application PLAN/2020/0660 and the current proposal have a completely different design and footprint to the building permitted under planning application PLAN/2018/0183.

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36. The size of the proposed building has been amended since planning application PLAN/2020/0660. The maximum width of the proposed building has been reduced from 37m to 29m, the maximum depth has been reduced from 28m to 25m and the separation distance to the listed wall has increased from 2m to 2.5m. The maximum height of the building has increased from 4m to 4.5m.
37. The proposed building would be 'T' shaped with a maximum depth of approximately 25m and maximum width of approximately 29m and would be sited approximately 2.5m from the Listed wall. The proposed building would have a flat roof which would vary in height from approximately 3.2m to 4.5m. Due to a change in ground levels and varying height the proposed building would project between 0.5m and 2.2m above the Listed wall. The applicant is proposing to plant a line of pleached trees between the Listed wall and proposed building, however this is considered a contrived solution to screening the proposed building. Natural screening cannot be relied on to screen a building as the proposed trees may not survive and thrive in this location due to the lack of space and sunlight between the wall and proposed building.
38. Although the width of the building has been reduced by 9m and the separation distance to the Listed wall has increased by 0.5m since refused planning application PLAN/2020/0660 it is considered that the proposal would still have an extensive footprint and still lead to less than substantial harm to the Listed wall as the proposal would obscure a significant proportion of the wall when viewed from the south. The north elevation of the of the proposed building with buff brick and dark grey metal cladding would be visible above the wall when viewed from the north. As the proposed building would be for private use only it is considered that there would not be any public benefit from the proposal that would potentially outweigh the identified harm.
39. The footprint of the proposed building has been reduced since refused planning application PLAN/2020/0660 from 575sqm to 425sqm. However, this remains much larger than the approximate 248sqm above ground footprint of the building permitted under planning application PLAN/2018/0183 and is considered excessive in scale as an ancillary building to the main dwelling and to put this in context is over 3 times the minimum recommended gross floor area of a 6 bedroom, 8 person, 2 storey, dwelling. Although the height of the building is lower than the height of the building permitted under planning application PLAN/2018/0183 the building extends much further south into the site and is closer the Grade II* Listed Building. The Council's Conservation Consultant has been consulted and advised that although the proposed building is "*simple and modern, this building lack the unique features of the approved, mainly glass building.*" It is considered that the proposed building would cause harm to the setting of the Grade II* Listed building by way of the loss of the open and semi-rural parkland character of this area of the grounds of the Listed building.
40. Overall, it is not considered that Reason 02 for the refusal of planning application PLAN/2020/0660 has been overcome. Moreover, the proposal would cause less than substantial harm to the setting of the Grade II Listed wall and the Grade II* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.

Impact on character and landscape

41. The NPPF (2021) states '*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*'.

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42. Policy CS21 of the Woking Core Strategy (2012) requires development proposals 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*” whilst policy CS24 ‘Woking’s landscape and townscape’ requires all development to provide a positive benefit in terms of landscape and townscape character.
43. Policy CS20 of the *Woking Core Strategy* (2012) states that ‘*alterations and extensions to listed buildings must respect the host building in terms of scale, design, use of materials, retention of the structure and any features of special historic or architectural importance. Planning applications will be refused for any alteration or extension to a listed building that will not preserve the building or its setting*’.
44. The NPPF, Policy CS20 of the Woking Core Strategy (2012) and DM20 of DM Policies DPD (2016) seek to ensure that development should preserve or enhance the character of heritage assets.
45. Refusal reason 03 of planning application PLAN/2020/0660 stated:
- The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2019), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).*
46. The application site is characterised by the Grade II* listed building (Manor House) to the west and its surrounding gardens which are open grassed areas with mature trees, sloping away from the house to the east (the application site) and the south (area behind the house) towards the river. As with the previous proposal, the bulk and massing of the proposed building would be overly dominating of the grounds of the Listed building and out of proportion for an ancillary building to the Manor House.
47. As such, the application has not demonstrated that it would have an acceptable impact on the openness and character of this Green Belt area or on the setting of the Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF.
48. It is considered that Reason 03 for the refusal of planning application PLAN/2020/0660 has not been overcome.
49. Refusal reason 04 of planning application PLAN/2020/0660 stated:
- The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).*
50. Although the proposal does not propose external lighting it is noted that the extensive glazing of the swimming pool, particularly the full height glazed doors to the south elevation and large rooflights, could potentially create light pollution. Policy DM7 of the *Development Management Policies DPD (2016)* states that “*Particular attention will be paid to schemes*

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in or close to open countryside or intrinsically dark landscapes". It is noted that the proposal is in what is considered to be an intrinsically dark landscape. A Lighting Impact Assessment has not been submitted and as such, the application has failed to demonstrate that the proposal would have an acceptable impact on the landscape.

51. It is considered that 04 of planning application PLAN/2020/0660 has not been overcome.

Impact on Neighbours

52. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook'*.

53. Planning applications PLAN/2020/0660 and PLAN/2018/0183 did not raise any objections to neighbouring properties including noise.

54. The application would be sited approximately 56m from the boundary with the nearest neighbouring property Manor House Cottage, Mill Lane. Due to the separation distance to neighbouring properties, it is considered that there would not be an unacceptable loss of privacy, overlooking or loss of daylight to neighbouring properties.

55. Environmental Health have been consulted and have not raised any objections.

56. Overall, the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).

57. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on private amenity

58. Planning application PLAN/2020/0660 did not raise any objection to the impact on private amenity space. It is considered that sufficient private rear amenity space would be retained for the Manor House.

59. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on parking and highways

60. The proposal would result in the loss of an existing 6 bay garage granted planning permission under ref: PLAN/2002/1265 although the application has advised the garage is currently used for the storage of garden machinery for the upkeep of the ground. SCC Highways have been consulted and raised no objection. Planning application PLAN/2020/0660 did not raise any objection to the loss of the garaging and it is considered that the proposal would not increase generate any additional parking demand. It is considered that the proposal would have an acceptable impact on parking and highways.

61. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

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Drainage and Flood Risk

62. Refusal reason 05 of planning application PLAN/2020/0660 states:

The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not adequately assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).

63. The application site itself is located in Flood Zone 3 and in and adjacent to areas with medium and high surface water flooding. A flood risk assessment and surface water drainage strategy have been submitted with the planning application. The Flood Risk and Drainage Team have been consulted on the application and raised no objection subject to conditions requiring the proposal to be constructed in accordance with the submitted flood risk assessment and surface water drainage strategy, the submission of a sustainable drainage scheme and the condition that there shall be no land raising or storage of equipment within the 1 in 100 (1%) plus climate change flood extent as demonstrated in the submitted FRA. Had the application been considered acceptable a condition could have required the proposal to be built in accordance with the flood risk assessment and surface water drainage strategy, submission of additional information and restrict land raising or storage of equipment.

64. It is considered that Refusal Reason 05 of planning application PLAN/2020/0660 has been overcome.

65. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on archaeology

66. The application site is located in an Area of High Archaeological Potential related to Byfleet Manor. The County Archaeologist has been consulted and reviewed the submitted Archaeological Desk Based Assessment and recommended that further archaeological work is undertaken in relation to this proposal. The County Archaeologist has advised that a Written Scheme of Investigation can be secured by condition. Had the application been considered acceptable a condition could have ensured the submission of this information.

67. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on trees

68. There are mature trees within and adjacent to the application site that could be affected by the proposed development and during the construction phase. Policy DM2 of DM Policies DPD (2016) states the Council will '*require any trees which are to be retained to be adequately protected to avoid damage during construction*' and Core Strategy (2012) Policy CS21 requires new development to include the retention of trees and landscape features of amenity value.

69. The planning application has been supported by up-to-date arboricultural information which reflects the current proposal. The Council's Arboricultural Officer has been consulted and considers the information is acceptable. Had the application been considered acceptable a condition could have ensured compliance with the submitted information.

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70. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on Ecology

71. Refusal Reason 06 of planning application PLAN/2020/0660 stated:

The application fails to demonstrate that the proposal would have an acceptable impact on biodiversity and protected species and habitats. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).

72. The current planning application has been supported by a Protected Species Report and supplementary letter from The Ecology Co-op.

73. Surrey Wildlife Trust have been consulted and have raised no objection subject to the applicant complying with the recommendations in the supplementary letter from The Ecology Co-op, which includes the requirement for a low impact mitigation licence.

74. Had the planning application been considered acceptable a condition could have required the development to be implemented in accordance with the recommendations and an informative advising a mitigation license is required prior to any works which may affect bats commencing.

75. It is considered that refusal reason 06 of planning application PLAN/2020/0660 has been overcome.

76. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Community Infrastructure Levy (CIL)

77. As the proposal would result in a net increase in floor space over 100sqm the proposal would be CIL liable.

CONCLUSION

78. The proposed development is not considered to fall within any of the exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

79. The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II* Manor House, with no public benefit to be weighed against this. The

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proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.

80. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the area which is rural in nature and in the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF.
81. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
82. The lack of objection on neighbours, parking and highways, Drainage and Flood Risk, archaeology, trees and ecology do not outweigh the other objections to the application. The application is contrary Policies CS6, CS20 and CS21 of the Woking Core Strategy (2012), Policies DM13 and DM20 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

Refuse planning permission for the following reason:

01. The proposed development is not considered to fall within any of the other exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
02. The proposal would cause less than substantial harm to the setting of the Grade II Listed wall and the Grade II* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.
03. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the area which is rural in character and within the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF.

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04. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to Policy CS21 and CS24 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

Informatives

1. The plans relating to the application hereby refused are numbered:

PL.101 Rev A received by the Local Planning Authority on 03.11.2021

PL.102 Rev A received by the Local Planning Authority on 03.11.2021

PL.103 Rev B received by the Local Planning Authority on 11.10.2021

PL.104 Rev A received by the Local Planning Authority on 03.11.2021

PL.105 Rev C received by the Local Planning Authority on 11.10.2021

PL.106 Rev B received by the Local Planning Authority on 11.10.2021

PL.107 Rev B received by the Local Planning Authority on 11.10.2021

PL.108 Rev A received by the Local Planning Authority on 03.11.2021

PL.109 Rev B received by the Local Planning Authority on 11.10.2021

PL.110 Rev A received by the Local Planning Authority on 11.10.2021

Archaeological Desk Based Assessment by ADAS limited dated April 2017 received by the Local Planning Authority on 11.10.2021

Archaeological Trail Trenching Report Addendum by ADAS limited dated 23.10.2022 received by the Local Planning Authority on 11.10.2021

Master Plan by al3d received by the Local Planning Authority on 11.10.2021

Bat Mitigation note by ADAS dated April 2018 received by the Local Planning Authority on 11.10.2021

Covering letter by The Ecology Co-op dated 14.07.2021 received by the Local Planning Authority on 17.12.2021

Planning statement by Planit Consulting received by the Local Planning Authority on 29.09.2022

Arboricultural Implications Assessment by David Archer Associates dated August 2022 received by the Local Planning Authority on 16.08.2022

Flood Risk Assessment ref: J-14004 dated 23.12.2020 received by the Local Planning Authority on 20.05.2022

Protected Species Report by ADAS dated June 2020 received by the Local Planning Authority on 11.10.2021

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Draft Written Scheme of Investigation for an Archeological Programme of works by ADAS limited dated March 2019 received by the Local Planning Authority on 11.10.2021