



Appeal Decision

Hearing held on 22 July 2025

Site visit made on 22 July 2025

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 AUGUST 2025

Appeal Ref: APP/R3650/W/25/3362383

Springfield, Dunsfold, Godalming

Land coordinates 500925 136002 to the north of Miller Lane and Alfold Road, Dunsfold, Godalming, Surrey.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert and Christopher Miller against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/01020.
 - The development proposed is outline application with all matters reserved except for scale and access, for the erection of 21 dwellings including 7 affordable dwellings together with allotments, parking, public open space, footpath and associated landscape and new drainage infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for an outline application with all matters reserved except for scale and access, for the erection of 21 dwellings including 7 affordable dwellings together with allotments, parking, public open space, footpath and associated landscape and new drainage infrastructure at land coordinates 500925 136002 to the north of Miller Lane and Alfold Road, Dunsfold, Godalming, Surrey, in accordance with the terms of the application Ref WA/2023/01020 subject to the conditions in the attached schedule.

Costs Application

2. An application for costs was made by Mr Robert and Christopher Miller against the Waverley Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with approval being sought for access and scale. The appellants confirmed that approval for the point of access of the appeal site with Miller Lane, the internal access road/footways and the footpath along Alfold Road was being sought under the matter of access. The footpath shown on the Illustrative Masterplan to the north of the site was confirmed as not forming part of the application. In terms of scale, they also confirmed that this was as set out within Figure 6 of their Design Statement¹ and that the title of this Figure should be amended to delete reference to 'Indicative'. I have assessed the proposal accordingly, treating the other indicative drawings as such.

¹ Springfield, Dunsfold Design Statement April 2023

4. The description of development above differs from that included on the application form. The appellants have however confirmed in writing that it accurately describes the proposal. The Council determined the proposal on this basis and so shall I. The site address is taken from the appeal form as it more accurately describes the location of the site than that contained on the application form. I have however deleted the duplication of reference to the easting and northing points for conciseness.
5. During the course of the appeal the appellants submitted additional information in respect of ecology. The Council indicated that its concern in respect of protected species (reason for refusal 8) has been suitably addressed.
6. A draft unilateral undertaking (UU) was submitted with the appeal and the Statement of Common Ground (SoCG) indicates that subject to the completion of the planning obligation in respect of various matters that the Council's concerns in respect of reasons for refusal 4 and 5 (affordable housing and accommodation schedule), 7 (public open space, play area and allotments) and 9 (self and custom build) have been satisfactorily addressed.
7. However, at the Hearing the Council raised concern about the cascade clause within the UU in respect of affordable housing considering that a 3 month period was not sufficient. The appellants said that they would consider this matter and with my permission I allowed for this to be explored further within an adjournment of the Hearing.
8. A completed UU was submitted dated 24 July 2025. I will consider this matter later in my decision.
9. An application for costs was made at the Hearing and with my permission I allowed the Council to provide a written response to this, allowing the appellants to respond accordingly.
10. The Hearing was closed in writing on 4 August 2025.

Main Issues

11. The main issues in this case are:
 - Whether the location of the appeal site is suitable for the proposal, having particular regard to the development plan's spatial strategy and the site's relationship to services and facilities, and accessibility;
 - The effect of the proposal on the character and appearance of the area, including the Surrey Hills Area of Great Landscape Value (AGLV);
 - Whether the contributions sought towards affordable housing are reasonable and necessary and if so, whether they could be suitably secured;
 - Whether or not the proposal would preserve the setting of nearby listed buildings, and
 - Whether the proposal would preserve or enhance the character or appearance of the Dunsfold Conservation Area.

Reasons

Location

12. Policy SP2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) sets out the spatial strategy for Waverley. Amongst other matters, it directs major development away from land of the highest amenity and landscape value such as the Surrey Hills Area of Outstanding Natural Beauty and the Green Belt; focussing development at Farnham, Godalming, Haslemere and Cranleigh; allowing moderate development in larger villages, of which Dunsfold is not identified and allowing limited levels of development in and around a number of villages, including Dunsfold.
13. LPP1 Policy ALH1 identifies the amount and location of housing stating that a minimum of 100 new homes will be provided within Dunsfold Parish (not including Dunsfold Aerodrome) in the period from 2013 to 2032.
14. The appeal site is located within the countryside for planning policy purposes, in close proximity to the built form of Dunsfold. It is located outside of the Green Belt and the Surrey Hills AONB (now National Landscape), within the Surrey Hills AGLV. Whilst the site and its environs have been identified as a candidate for inclusion in the Surrey Hills National Landscape (SHNL), further consultation in this regard is necessary. As such whilst there is a high probability that the appeal site and its environs will be included in the SHNL in the future, at this time it is not.
15. The proposal for 21 dwellings comprises major development which is not disputed. At this quantum, there is no dispute that the proposal would not result in limited development around Dunsfold for the purposes of LPP1 Policy SP2.
16. Although not referred to within the Council's decision notice, it asserts that the proposal would conflict with criteria 1 of Policy SP2 of LPP1 in that the proposal would comprise major development on land of the highest amenity and landscape value. It is submitted that whilst AGLV is not specifically mentioned within the policy that it is its intention to cover such areas. I have not been directed to any policy supporting text to support this claim, and it is reasonable to surmise that the absence of reference to a local designation such as AGLV was intentional, elevating national designations (AONB and Green Belt) above local landscape designations in terms of the highest amenity and landscape value. Indeed, LPP1 Policy RE3 recognises the difference between the AONB and the AGLV in that the protection of the AGLV is commensurate with its status as a local landscape designation. I note different Inspectors² have interpreted this aspect of the policy differently, but for the reasons set out I find that there would be no conflict with Policy SP2 1. in this regard.
17. Dunsfold has a number of services and facilities including a village shop and post office, public house, village hall, churches, sports and social club and recreation ground and play park. The No 42 bus service also frequents the village and whilst services are limited to Monday to Saturday (excluding bank holidays), it provides a reasonably regular service to Cranleigh and Guildford, as well as Godalming, serving places of education as well as larger shops.

² Ref: APP/R3650/W/23/3332590 - Land at Coombebury Cottage, Dunsfold Common Road; Ref: APP/R3650/W/23/3326412 Land East of Knowle Lane Cranleigh

18. Other than the sports and social club and recreation ground and play park, the services and facilities are within 700 metres of the appeal site and they could reasonably be walked to from the appeal site. Whilst this distance accords with established principles relating to walkable neighbourhoods, this is normally on the premise that the facilities can be accessed comfortably on foot.
19. In this instance in order to reach nearby services on foot residents of the scheme would need to walk along Alfold Road. This road within the vicinity of the site is covered by the national speed limit. Although there is no dispute between that parties that the road is lightly trafficked, vehicles travelling along it could be travelling at speed given the straight stretch of road out of the village. It has no street lighting and other than a small area of pavement at the junction with Miller Lane, it is devoid. Accordingly, it is unlikely that Alfold Road would be a comfortable route to traverse to access facilities in the village from the appeal site, particularly for people with disabilities, with young children and in inclement weather and after dark. In this respect the services and facilities within the village would be unlikely to be accessible other than by car.
20. That said, the appellants propose a footpath along the Common linking the site with the facilities in the village. This would require a separate consent³, but if it were provided, and a condition could secure its provision, I am satisfied that the services and facilities within the village, including the bus would be accessible to the intended future occupiers of the new housing, within a 20 minute walk/cycle as promoted by the Local Transport Plan 2022-2032 (Surrey County Council) (LTP). Accordingly, I find that the appeal site would not be isolated from everyday services and facilities and the provision of a footpath would encourage more sustainable patterns of movement, reducing people's reliance on the car, particularly for day-to-day goods.
21. Whilst a car journey would be required to higher order settlements when the bus service was not running, that is so for the existing residents of the village. The occupiers of the scheme would have access to sustainable travel modes, and facilities to encourage walking are part of the scheme. It is noteworthy that LPP1 Policy ST1 and the National Planning Policy Framework (Framework) at paragraph 110 recognise that sustainable transport solutions will vary between urban and rural areas. The appeal does not fall on this matter.
22. Although the new dwellings would not be isolated from services and facilities and would contribute to the amount of housing within the parish of Dunsfold supporting the objectives of Policy ALH1 of LPP1 and Policy DM15 of Waverley Local Plan Part 2 (LPP2), the development of the site would not be in a way that is supported by the spatial strategy of the development plan, it not comprising limited development adjoining Dunsfold. Accordingly, the location of the appeal site is not suitable for the proposed housing because of the conflict with Policy SP2 of LPP1.

Character and Appearance

23. The appeal site comprises an 'L' shaped area of grassed land, currently used as paddock. It is accessed from Miller Lane, which serves 8 dwellings. It comprises part of the open, undeveloped setting of the village and is largely contained by woodland to the north, residential properties at Bridge House and Springfield House to the northwest, mature landscaping between the site and Nursery

³ Under the Commons Act 2006

(Springfield Garden), residential development at Miller Lane and a gappy hedgerow along the eastern boundary. Views of the site are limited and localised given these characteristics.

24. It is common ground that the site is located within a valued landscape for the purposes of paragraph 187 a) of the Framework. It is located within the Surrey Hills AGLV. Nearby is the boundary with the SHNL but the parties are in agreement that due to distance and the high level of containment of the appeal site that the proposal would result in no material effect on the setting of the SHNL. From all that I have seen and read I have no reason to find differently in respect of these matters.
25. The Surrey Landscape Character Assessment (April 2015) (SLCA) identifies that the appeal site is located within landscape type Wooded Low Weald, within West Dunsfold Wooded Low Weald. Key characteristics of the Wooded Low Weald include significant amounts of tree cover with small field sizes, predominantly laid to pasture and enclosed by tree cover and hedges. Secluded villages include Dunsfold. West Dunsfold Wooded Low Weald's key characteristics include Dunsfold Common, woodland blocks, arable fields and smaller areas of pasture and the enclosed nature of the character area is recognised as limiting long distance views. A further characteristic is the rural, tranquil landscape, with areas of very limited disturbance from settlement and roads, and a sense of remoteness and intimacy particularly with woodland.
26. Dunsfold is an attractive rural village, with residential development largely focussed on Dunsfold Common, set in spacious plots, with mature landscaping, following a linear pattern of development. There is however more modern, higher density housing development to the north of the village, including at Gratton Chase and Nugent Close which are set back from the road through the village, and served by cul-de-sacs. Agricultural land and woodland surround the village, and mature landscaping is a feature of the area. These features give the locality a sense of openness and tranquillity. The appeal site makes a positive contribution in this regard.
27. The appeal proposal would introduce development onto a site where there is none at present. It would erode the open, countryside setting of the village and would introduce a depth of residential development that would be uncharacteristic of the ribbon form of development that is characteristic of the area. The cul-de-sac layout would introduce a suburban type of housing development into this edge of village location, which would be uncharacteristic of the pattern of development along Alfold Road.
28. However, the appeal site is well contained with a belt of woodland to the north, mature vegetation along Alfold Road, and there is limited visibility of it other than from Miller Lane and from nearby dwellings, with glimpsed views from Bridleway 282, and from the cricket pitch and Common particularly when the vegetation is not in leaf. It is well related to the built form of the village. As a consequence, these features limit the harm that would be caused by the proposal, resulting in a localised and limited visual and spatial impact.
29. It is my judgement that subject to the detailed design of the scheme and landscaping, including external lighting that there is no reason why the proposed housing could not be successfully integrated into the village in a similar way to

more recent developments at Gratton Chase and Nugent Close. Moreover, the indicative drawings show generous areas for landscaping which would complement the mature landscaping within the area and would serve to mitigate the impact of the scheme, particularly from the site's access and fields to the east. The residential nature of the scheme and the quantum of development proposed would be unlikely to harmfully reduce the remoteness or the tranquillity of the area or the other key landscape characteristics, including the enclosed nature of the site, as set out within the SLCA.

30. The footpath proposed across the Common would not be unique, there being paths across the Common elsewhere in the village. Whilst this aspect of the proposal would change the Common's appearance where it would be placed, it would be likely be of a limited width, and subject to the details of the construction and materials which could be controlled, I am satisfied that it would be unlikely to result in harm to the character or appearance of the area.
31. Given my findings and acknowledging that any harm would be localised and limited, it is clear that the proposal would erode the open countryside setting of the appeal site, which is a valued landscape in terms of the Framework and within the AGLV. The countryside would not be safeguarded, respected or enhanced, in conflict with the local character objectives of LPP1 Policy TD1, the character and beauty of the countryside objectives of LPP1 Policy RE1, the landscape character objectives relating to AGLV of Policy RE3 of LPP1, the landscape value objectives of Policy DM1 of LPP2, and the character and pattern of development objectives of Policies DM4 and DM15 of LPP2. There would also be conflict with paragraph 187 of the Framework which sets out, amongst other matters, that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Affordable Housing

32. LPP1 Policy AHN1 requires that a minimum provision of 30% affordable housing is provided on all housing developments where certain criterion applies. This is applicable to the appeal proposal and the submitted UU would make provision for 7 affordable housing units upon the site.
33. Although not raising concern in terms of the number of affordable housing units, the Council is concerned that in the event that an affordable housing provider decides to dispose of the units that a period of three months is not sufficient for an alternative provider to be found. The implications of the UU would be that in such circumstances the affordable housing upon the site would not be secured.
34. It is submitted by the appellants that the disputed clause (5.1.2) is an industry standard with my attention drawn to the National Housing Federation – Example Standard Mortgagee Protection Clause. The Council accepted the same clause in the appeal at land at Coombebury Cottage⁴, as did the Inspector in determining that appeal. English Rural Housing Association who intend to deliver the affordable housing on the appeal site have stated that it would be unable to agree an extended period because any longer would likely reduce the borrowing potential they could achieve.

⁴ Ref: APP/R3650/W/23/3332590

35. Having regard to the above, and the absence of evidence to demonstrate that the clause results in affordable housing not being provided on development sites, I am satisfied that the submitted UU would be unlikely to result in a situation where policy compliant affordable housing would not be provided. Accordingly, the proposal accords with Policy AHN1 of LPP1.

Listed Buildings

36. Within the vicinity of the appeal site are a number of listed buildings. In this regard I am mindful of my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me 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.
37. Common House is a handsome detached property dating from the 17th century and is a Grade II listed building. It was restored in the 20th century. Its significance and special interest derive from its aesthetic, architectural style, surviving historic fabric and layout. Special interest is also derived from its relationship to Dunsfold Common, and the open land around it which comprise its setting. In this regard the appeal site forms part of the setting of this designated heritage asset.
38. Although not before me at this outline stage, I am satisfied that given the relationship of the appeal site to Common House and the visual and physical separation, that details of layout and landscaping could be secured which would ensure that the proposed housing scheme would have a neutral effect on the significance of this listed building, through development within its setting. In this regard there would be no conflict with the statutory duties contained within the Act.
39. Yonder Lye is also Grade II listed and dates from the 17th century. Although extended and remodelled in the 19th and 20th centuries, it is an attractive residential property and its significance derives from its architectural style, surviving historic fabric and layout. Its strong relationship to Dunsfold Common, despite being enclosed from it, is part of its significance providing an open outlook to the front and an appreciation of the property from the Common within the vicinity of the designated heritage asset.
40. The proposed housing scheme would not have an effect upon the setting of Yonder Lye, being separated from by extensive landscaping and distance. However, the proposed footpath along the Common on the opposite side of the road would be likely to alter the surfacing of the Common in close proximity to the listed building. At this stage little detail has been provided in respect of the design of the footpath, including its surfacing and construction. If the path were constructed similar to other paths within the village, which are relatively informal with no kerbstones, unlit and with levels similar to the grassed surface of the Common, I am satisfied that the setting of the listed building would be preserved. Such matters could be controlled by way of planning condition and would of course need separate consent under the Commons Act as set out earlier in this decision.
41. Dunsfold War Memorial and surrounding enclosure, upon the Common on the opposite side of the road to Yonder Lye is a grade II listed building. Unveiled in 1934 it commemorates the men of the parish who died during the First World War and following the Second World War the memorial was updated to commemorate those who lost their lives in this conflict. The significance of this listed building is historical and social. It is located within a prominent position with open land around

it forming its setting, highlighting the focal point for remembrance and the significance of the structure within the village.

42. The new housing upon the site would, because of distance and landscaping, preserve the setting of the listed building, but the footpath proposed would cut across the path leading to the War Memorial thereby reducing the primary route to it. This would erode the significance of the setting of the listed building, which would not be preserved, in conflict with the Act.
43. In terms of the Framework, I find that the harm that would be caused to the significance of the designated heritage asset would be less than substantial. This would be at the lower end of the scale, given the footpath's likely width, construction and the localised nature of the harm. However, this is a matter to which I attach considerable importance and weight. In accordance with the Framework, this harm needs to be weighed against the public benefits of the proposal, and this is assessed later in this decision.
44. Given the harm that I have identified to the significance of the Dunsfold War Memorial, there is conflict with LPP1 Policy HA1 which seeks to preserve or enhance the setting of listed buildings. At this point I am unable to conclude on LPP2 Policy DM20 because the public benefits of the scheme have not been assessed.

Conservation Area

45. The proposed housing site is located outside of the Dunsfold Conservation Area as are parts of the proposed footpath along Dunsfold Common, however some of this proposed path is located within it.
46. The conservation area focusses on the swathe of Common running through the centre of the village, taking in numerous historical buildings on either side. It comprises residential development of a domestic scale and is open and verdant in character with mature trees lining the main road and throughout the area. There are open vistas along the Common from one end of the Conservation Area to the other. Small paths run along the edge of the Common along with some access roads, and whilst the grass was long at the time of my visit, a number of informal paths through the Common were apparent.
47. The proposed path along the Common would alter the surfacing of Common where it is constructed. However, small paths on the edge of the Common are a feature of the area, including within the conservation area, and subject to the details of the path being appropriate for its context, it is my judgement that the proposal would preserve the character and appearance of the conservation area. There would be no conflict with LPP1 Policy HA1 which seeks to conserve or enhance the significance of heritage assets. Moreover, there would be no conflict with the duty under section 72(1) of the Act.
48. There is no statutory requirement in respect of the setting of conservation areas. The Framework however recognises that development within the setting of a designated heritage asset could result in harm to the significance of the designated heritage asset. In this regard the proposal would erode the landscape setting of the village, but the boundary of the conservation area is separated from the appeal site by houses at Springfield House and Bridge House, by the site at Springfield Garden and development at Miller Lane. Given the mature landscaping that exists as well

as nearby development outside of the conservation area, there is little intervisibility between the appeal site and the conservation area. Subject to suitable materials and construction of the footpath outside of the conservation area, it is my judgement that the proposal would have a neutral effect upon the setting of the conservation area.

Public Benefits

49. The proposal would provide a mix of market and affordable homes at a time when the Council cannot demonstrate five years of deliverable housing sites. At a supply of 1.28 years, as agreed, there is a pressing need for the supply of new housing to be increased. The delivery of market housing is afforded substantial positive weight and the provision of affordable housing is separately afforded substantial positive weight.
50. This medium sized site would be likely to be built out relatively quickly, a matter to which I give moderate weight. The proposal would provide biodiversity enhancements with reference being made to a net gain of habitat units in the region of 15.6%. This biodiversity net gain, which whilst not mandatory in this case given the date of the planning application, is a public benefit which carries moderate positive weight in favour of the proposal.
51. The economic benefits of the scheme, both during construction, and once occupied with the likely support that the occupiers of the new dwellings would give to local services are public benefits which carry moderate weight. Likewise, the social benefits that would result from the occupation of the new homes carries moderate positive weight.
52. The provision of a footpath link between the village services and facilities and Miller Lane would be used by occupiers of the scheme, by the occupiers of the affordable housing in Miller Lane, and by other members of public. This provision is therefore a public benefit which weighs in favour of the scheme.
53. The provision of allotments and public open space, whilst a policy requirement of the scheme would be likely to be available to non-occupiers of the scheme, particularly the allotments. This public benefit carries moderate positive weight, given the lack of accessibility to allotments in the locality as demonstrated by the Council's Open Space, Sport and Recreation Study - Allotments.
54. In light of the above, I am persuaded that there would be wider public benefits of the scheme, of sufficient magnitude to outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset, and the considerable importance this carries. Accordingly, the proposal accords with LPP2 policy DM20, the historic environment policies of the Framework and the expectations of section 66(1) of the Act.

Other Matters

Planning Obligation

55. The submitted UU would, in the event that planning permission was granted and implemented provide for, amongst other matters 7 affordable homes of different sizes and tenure, 10 allotments, a local equipped area of play, public open space, along with measures for future maintenance, and a self-build and custom-build plot.

56. I have considered the obligations set out in the UU in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), along with guidance on the use of planning obligations. In terms of the affordable housing, such provision is a requirement of the development plan (Policy AHN1 of LPP1), as is the open space, allotments and play area, along with their maintenance (Policy LRC1 of LPP1). The provision of a self and custom build plot is a requirement of Policy DM36 of LPP2. Given the above I am satisfied that all of the obligations contained within the UU are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development.

Biodiversity

57. A number of Protected Species have been identified which may be affected by the proposal as included in the appellant's Ecological Impact Assessment (Deepdene Ecology July 2004) (EIA) and bat activity studies. I am mindful of protected species legislation and duties including the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981 as amended, and the Protection of Badgers Act 1992, and the Natural Environment and Rural Communities Act 2006 (as amended).
58. The EIA identified that the appeal site supports a diverse assemblage of foraging and commuting bats primarily along the boundary vegetation and into the woodland beyond the site, including Barbastelle and Bechstein Bat. The majority of boundary vegetation is to be retained on the site and the woodland outside of it would not be affected by the proposal. A number of trees are proposed to be removed, but the submitted evidence indicates that they are located within areas of lowest bat activity and their removal would not have a significant impact on bat populations, they being not suitable for significant numbers of roosting bats. Mitigation measures are proposed within the surveys, including checking the trees that are to be removed for signs of bats, felling methods, limiting external lighting and new landscaping provision. Such matters could be secured by planning conditions to ensure that the protected species would not be adversely affected by the proposal.
59. A Badger survey was also undertaken and subject to the mitigation therein, and in the absence of substantive evidence to demonstrate otherwise I am satisfied that the proposal would not have an adverse impact on this protected species.
60. Although there are no water bodies on the appeal site, the EIA identified that there were a number within 500 metres of the site. Of these Great Crested Newts were confirmed in 4 of them. The appeal site was identified as suitable foraging for this protected species as well as other amphibians, however this varies depending on whether the site is being grazed or not. The survey identified a number of mitigation measures to ensure that protected species were protected and enhanced, which could be secured via planning conditions.
61. I am satisfied that suitably worded planning conditions would provide the necessary detail and certainty to secure the required mitigation and that no significant harm would be caused to protected species in accordance with LPP1 Policy NE1 which, amongst other matters, seeks to ensure that adverse impacts on biodiversity are avoided, or if unavoidable, are appropriately mitigated. The Council found similarly in this regard as set out earlier.

Drainage

62. Concerns have been raised in respect of foul drainage in terms of both the suggested private sewage treatment plant and capacity issues with foul water. Thames Water have indicated that it would take approximately 20 months to model, design and construct reinforcement measures to allow capacity for the proposed development. Such a timeframe would ensure that the grant of planning permission would not expire and to address these concerns it seems reasonable to me to attach a planning condition requiring drainage details to be approved. It is noteworthy that the Council did not refuse planning permission in respect of these matters.

Highway Safety

63. The highway conditions of Alfold Road are set out earlier in my decision. It is likely that following the development of Dunsfold Park that vehicle numbers using this road may increase. However, the Highway Authority has not raised highway safety as a concern in respect of the proposal. The number of vehicle movements associated with the development would not be significant. In the absence of evidence to substantiate the highway safety concerns raised, I am unable to find differently to the Highway Authority in this regard.

Loss of Agricultural Land

64. The Council has indicated that the appeal site is Grade 3 agricultural land which does not fall within the definition of best and most versatile agricultural land. My attention has not been drawn to any planning policies which prohibits the development of this grade of agricultural land. The proposal does not fall on this matter.

Living Conditions

65. Bridge House is in close proximity to the boundary of the appeal site and there may be the potential for a loss of privacy to its rear garden from new housing upon it. However, the detailed design and the location of the houses is not before me at this stage. This is a matter that would be considered as part of a subsequent planning application which would be made to the Council in the first instance.

Need for dwellings

66. Interested parties have questioned the need for more housing in Dunsfold, particularly given the development at Dunsfold Park. As I have set out earlier, there is a pressing and urgent need for new houses within the Borough and the development of this site would go some way in addressing the housing needs of the population of the Borough, both for affordable and market housing.

Coalescence with Dunsfold Park

67. Dunsfold Park is located some distance from the appeal site and between the 2 sites are areas of woodland and agricultural land. The Council has raised no concern in respect of this matter and from what I saw on my visit I have no reason to find that the merging of the 2 sites would occur.

Housing Land Supply

68. Although the parties have differing views on how they describe the housing land supply shortfall, they are in agreement that at 1.28 years supply, the Council is unable to demonstrate a five year supply of housing land as required by the Framework. In these circumstances Policy SP2 of LPP1, in so far as it limits development in/around other villages, including Dunsfold, is out of date, as is Policy ALH1 since it fails to provide for the minimum number of homes over the plan period.

Planning Balance

69. I have found that the proposal would result in harm to the spatial strategy of the area with the proposal comprising more than limited development in Dunsfold, but I give limited weight to the conflict with the development plan in this regard because the Council's development strategy is out of date. I have also found that the character and appearance of the area would be harmed by the proposal, which whilst limited and localised would not protect and enhance the valued landscape within which the appeal site is located, in conflict with the development plan and the Framework. This weighs significantly against the proposal. Great weight is given to the harm to the significance of the designated heritage asset at the War Memorial.
70. Both main parties acknowledge that given that the Council is unable to demonstrate a five year supply of housing land, paragraph 11. d) of the Framework is engaged, which sets out that planning permission should be granted unless certain circumstances apply which are set out in paragraphs 11. d) i and ii.
71. Whilst I have found that the proposal would result in harm to a designated heritage asset, I have found that the public benefits of the proposal outweigh the identified harm. Accordingly, the effect of the proposal on designated heritage assets does not provide a strong reason for refusing the development proposed. Given the issues in this case, there would be no other policies within the Framework that protect areas or assets of particular importance. The proposal would not conflict with Framework paragraph 11. d) i.
72. This then leads me to Framework paragraph 11. d) ii. which sets out that a proposal should be assessed against the policies in the Framework taken as a whole, having regard to the key policies within it which should be applied to a proposal as set out in footnote 9.
73. Whilst the proposal would result in harm to the character and appearance of the area, including the AGLV, that harm would be limited and localised. Taking the AGLV as a whole, I find that the proposal would be unlikely to undermine this landscape designation given its scale. The prevailing character of the area could be maintained through careful design and landscaping, in accordance with Framework paragraph 129, and the proposal would make a valuable contribution to providing housing to address an identified need. It would also provide a mix of affordable housing, which meets identified local need, at a time of significant under delivery thus there is no conflict with Framework paragraph 66.
74. Isolated homes in the countryside for the purposes of Framework paragraph 84 would not result, the appeal site being located a short distance from the services and facilities within the village and nearby dwellings. Paragraph 91 of the Framework is not relevant given the nature of the proposal. For the reasons set out

above sustainable transport solutions would be available to occupiers of the scheme, whilst recognising that such solutions will vary between urban and rural areas, in accordance with Framework paragraph 110. The evidence before me indicates that there would be no harm to highway safety or other matters referred to in paragraph 115 of the Framework. Subject to the detailed design of the scheme, I am satisfied that the proposal could be integrated into the local character and history of the area and that a strong sense of place could be created, along with other matters set out in paragraphs 135 and 139.

75. Other considerations which weigh in favour of the proposal are the economic benefits associated with the new dwellings, both during construction and upon occupation supporting the Framework's objectives of building a strong, competitive economy and its economic objectives of sustainable development. This is a matter that carries moderate positive weight. Social benefits associated with occupation of the new dwellings and the support that would be likely given to services and facilities in the village and nearby settlements would support the Framework's social objectives of sustainable development, as would the provision of outdoor space, allotments and footpath which would have a wider community benefit. These are given moderate positive weight also. Biodiversity enhancements would support the Framework's aims of conserving and enhancing the natural environment and the environmental role of sustainable development, to which I give moderate positive weight.
76. The size of the site is likely to be attractive to Small and Medium Enterprise housebuilders who often build out relatively quickly supporting the delivery of new homes at a time when there is a chronic under delivery. The fact that a Housing Association who has delivered the housing currently on Miller Lane is party to the planning obligation indicates a commitment to deliver the much-needed affordable homes. Moderate positive weight is given to these matters. The provision of a self and custom build plot supports the Framework's objectives in this regard, but being in accordance with policy does not weigh in the proposal's favour. The delivery of homes would support the Government's objective of significantly boosting the supply of homes, and the support it gives to providing affordable homes on site. Given the Council's housing land supply position, the provision of market homes carries substantial positive weight, and the provision of affordable housing is separately afforded substantial positive weight.
77. Given the above I find that the conflict with the settlement strategy for the area and the limited harm that would be caused to the character and appearance of the area and the AGLV as a whole, in conflict with the development plan, would not significantly and demonstrably outweigh the benefits of the proposal in terms of the delivery of market and affordable housing when assessed against the policies of the Framework taken as whole, including the key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Accordingly, in such circumstances and having regard to Framework paragraph 11.d), planning permission should be granted.
78. In reaching this conclusion I am mindful that the Inspector in the North Graddon Chase appeal⁵ found differently to me when dismissing the appeal. However, the circumstances in this case do not appear to be directly comparable to the scheme

⁵ Ref: APP/R360/W/22/3293777

before me, particularly in respect of the character of that site, being a wooded plantation as opposed to an area of paddock, and the vestigial link that this site provided to the adjoining woodland. Furthermore, the Inspector identified that the housing land supply shortfall was minor-modest at between 4.3 and 4.9 years, as opposed to 1.28 years in this case. Each application and appeal must be determined on its merits and this decision does not alter my findings.

Conditions

79. The main parties have agreed a list of conditions which I have considered in light of guidance on conditions set out in the Framework and Government guidance. I have amended some of the wording in the interests of conciseness and precision and to ensure that the tests relating to the application of planning conditions are adhered to.
80. Time limit conditions for implementation and the submission of reserved matters as well as defining what they are, are necessary to define the permission, as is a condition requiring that the development is carried out in accordance with the approved drawings in so far as they relate to matters for which approval is sought.
81. A condition requiring the reserved matters to be undertaken in general accordance with the illustrative masterplan is necessary to protect the character and appearance of the area, however in terms of layout and appearance care will need to be taken to ensure that the living conditions of nearby occupiers are not diminished. Conditions relating to levels is necessary to protect the character and appearance of the area, as are ones requiring details of the Local Equipped Area of Play, management of the allotments, and the external materials of the dwellings. In the interests of the character and appearance of the area including its effect on designated heritage assets, and to encourage sustainable travel modes a condition requiring the provision of and controlling the materials and construction of the footpath along the Common is necessary. A condition requiring archaeological investigation is necessary to ensure that accurate recording is undertaken in the interests of the historic environment.
82. To ensure that the site is suitably drained, conditions requiring the approval and implementation of a surface water and foul water drainage scheme is necessary. In the interests of the living conditions of nearby occupiers and highway safety, a condition controlling transport associated with the development of the scheme is necessary. A condition requiring a Waste Management Plan to be approved and implemented is necessary to protect living conditions and the character and appearance of the area. To promote sustainable travel a condition requiring the submission, approval and implementation of a travel plan is necessary. Conditions to enhance biodiversity, trees and protect protected species are necessary, including controlling external lighting.
83. The appellants have agreed the pre-commencement conditions in writing. Separate conditions relating to landscaping details as suggested are not necessary as this is a matter that is reserved for future consideration.

Conclusion

84. For the above reasons, there are material considerations in this case which outweigh the identified harm and conflict with the development plan particularly those associated with affordable and market housing when assessed against the

key policies of the Framework set out in footnote 9, and the policies of the Framework taken as a whole.

85. The appeal is therefore allowed with the identified conditions.

RC Kirby

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr Robert Miller	Appellant
Mr Christopher Miller	Appellant
Mr Aaron Smith	Master Land and Planning Ltd
Ms Ellie Sims	WH Landscape Consultancy Ltd
Mr Nick Hughes	English Rural Housing Association

FOR THE LOCAL PLANNING AUTHORITY

Mr David Jobbins	Luken Beck
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INTERESTED PARTIES

Mr Alan Ground	Local Resident
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DOCUMENTS SUBMITTED AT THE HEARING

HD1	Officer report in respect of WA/2017/1815
HD2	Speaking notes of Mr Alan Ground
HD3	Appellant's application for costs

DOCUMENTS SUBMITTED AFTER THE HEARING

PHD1	Completed Unilateral Undertaking dated 24 July 2025
PHD2	Council's Costs Rebuttal
PHD3	Applicants' Response in respect of Costs

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. Details of the appearance, landscaping and layout, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (22007/PLBD-P001-A)
 - Scale Plan (Figure 6 Revision A)
 - Access Plans (1134/SK1, SK2, SK3)
5. Details of the reserved matters shall be in general accordance with the Illustrative Masterplan 22007-MP-P001-D.
6. Any reserved matters application relating to layout shall be accompanied by full details of the finished floor levels for each building and finished levels of all roads and footpaths.
7. Any reserved matters application relating to layout shall include details of the proposed Local Equipped Area of Play and layout and management of the proposed allotments which shall be available for use prior to the first occupation of any dwellings hereby approved.
8. The reserved matters application relating to layout/landscaping shall include a Landscape and Ecological Management Plan (LEMP). Proposals for ecological enhancement, and where required, compensation and mitigation put forward within the LEMP should be based on the impact avoidance, mitigation and biodiversity enhancement recommendations of the Preliminary Ecological Appraisal and the Ecological Impact Assessment prepared by Deepdene Ecology and that of subsequent surveys and assessments.
9. Any reserved matters application relating to layout/landscaping shall be accompanied by a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - recommendations (or in an equivalent British Standard if replaced). The scheme for the protection of the retained trees shall be carried out as approved
10. Prior to development commencing on site, full details, including constructional details and surfacing material, of the proposed footpath on the western side of Alfold Road shall be submitted to and approved in writing by the Local Planning Authority. The proposed footpath shall be completed in accordance with the approved details and available for use prior to the first occupation of any dwelling on the site.

11. No development shall commence on site until a programme of archaeological work has been implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
12. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.
13. No development shall commence until a Construction Transport Management Plan has been submitted to the Local Planning Authority for approval which shall include, but shall not be limited to details of:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) HGV deliveries and hours of operation
 - f) vehicle routing
 - g) wheel washing facilitiesThe approved Construction Transport Management Plan shall be adhered to for the duration of the construction of the development.
14. Prior to any development commencing on site a Waste Management Plan (WMP) shall be submitted to and approved by the Local Planning Authority. The WMP shall demonstrate measures to minimise all waste arising from the construction of the development and once approved, shall be implemented in full for the duration of all building works.
15. No development above damp-proof course level shall take place until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed in accordance with the agreed scheme along with details of its future management and maintenance.
17. No dwellings hereby permitted shall be occupied until works for the disposal of foul sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
18. The development hereby approved shall not be occupied unless and until a Travel Plan based on the principles of the Framework Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to occupation of the development, and thereafter it shall be maintained in accordance with the approved Plan.

19. No external lighting shall be installed on site until a bat sensitive lighting plan has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.

END OF CONDITIONS



Appeal Decision

Site visit made on 15 September 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/L3815/W/25/3368828

Loxwood Hall West, Loxwood, Billingshurst RH14 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Gilbert against the decision of Chichester District Council.
 - The application Ref is 25/00601/FUL.
 - The development proposed is subdivision of existing dwelling to create 1 no. additional residential unit, with associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the subdivision of existing dwelling to create 1 no. additional residential unit, with associated works at Loxwood Hall West, Loxwood, Billingshurst RH14 0QP in accordance with the terms of the application, Ref 25/00601/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made against Chichester District Council. This is the subject of a separate decision.

Preliminary Matters

3. The address on the application form refers to 'land at Loxwood Hall West' as opposed to the existing dwelling i.e. Loxwood Hall West. The appeal form correctly refers to the appeal site as Loxwood Hall West, therefore the site address in the banner heading and decision above has been amended to correlate with this document, as this best reflects the address of the appeal site.
4. The development plan against which the application was determined has changed, as Chichester District Council adopted a new local plan in August 2025. The Council detailed policies from the plan that has now been adopted in its decision notice. I have therefore determined the appeal based on the policies detailed as 'emerging' in the decision notice which are taken from the Chichester Local Plan 2021-2039, adopted in August 2025 (Local Plan). The policy numbers in the Local Plan have been revised since they were referred to in the decision notice as emerging policies, as a result emerging Policy NE10 is now Policy NE11.
5. In September 2021, Natural England advised that new development within the Sussex North Water Supply Zone (SNWSZ) – which includes Chichester – should demonstrate water neutrality to protect the Arun Valley habitats from impacts linked to Southern Water's abstraction at Pulborough. Based on new evidence, reviewed by the Environment Agency and Natural England, Natural England are

now withdrawing that position. This is because a collaborative, long-term solution has been developed to enhance ecological resilience, support habitat recovery, and ensure nature can thrive.

Main Issue

6. The main issue is whether the proposal would be a suitable location for a dwelling having regard to the Council's spatial strategy.

Reasons

7. The appeal site is located outside of a settlement boundary and is therefore in the countryside as defined in the Local Plan. Policies S2 and NE11 of the Local Plan restrict changes of use and/or re-use of existing buildings outside of settlements and requires development to comply with eight criteria.
8. Policy S2 of the Local Plan restricts proposals outside settlements to those requiring a countryside location, meeting an essential local rural need, or supporting rural diversification in accordance with Policy NE11. The Council contends that the scheme conflicts with its spatial strategy; however, the only disputed criterion appears to be Policy NE11's requirement to demonstrate that economic and community uses have been considered before residential use. Residential development is only permitted where such uses are shown to be inappropriate and unviable. In this case, economic and community uses do not appear to have been explored. The appellant argues that, given the site's residential context, conversion to an economic function would be neither viable nor desirable. While this may be so, it has not been adequately evidenced. No conflict with other criteria of Policy NE11 has been identified, and the evidence before me does not lead to a different conclusion. Furthermore, references to Policy 46 of the superseded Local Plan carry no weight following adoption of the current Local Plan.
9. Three previous appeal decisions have been referenced, two relating to earlier proposals on the current appeal site¹ and a third approximately 300 metres away at Alford Bars². These decisions have been cited to suggest that the location of the proposed development is inconsistent with the Council's spatial strategy. However, all three appeals were determined prior to the adoption of the current Local Plan. As such, Policy NE11 was not afforded full weight in their assessment. This is an important distinction, as former Policy 45 imposed significantly more restrictive criteria. It required that all development proposals in the countryside either demonstrate a functional need for a rural location or meet an essential, small-scale, and local need that could not be accommodated within or adjacent to existing settlements.
10. In contrast, Policy S2 which aligns with Policy NE11, provides a more supportive framework for rural diversification. This shift in policy marks a material change in the planning context. Accordingly, the circumstances under which the previous appeals were considered differ substantially from those relevant to the current proposal. Given this updated policy, the earlier appeal decisions are of limited relevance and should be afforded minimal weight in the determination of this appeal.

¹ APP/L3815/W/21/3277901 and APP/L3815/W/23/3331297

² APP/L3815/W/24/3357207

11. Policies 2 and 12 of the Loxwood Neighbourhood Plan (NP) have been referenced; however, they are not considered directly relevant to the determination of this appeal. Policy 2 supports sustainable development within the Neighbourhood Plan Area but does not seek to restrict development outside of it. Therefore, it does not apply to the appeal site in this context.
12. Similarly, Policy 12 does not address matters of locational sustainability or the subdivision of dwellings. Instead, it requires proposals to be consistent with the National Planning Policy Framework (the Framework), the Local Plan, and the General Permitted Development Order. As such, it does not provide specific criteria relevant to the main issue in this appeal.
13. Furthermore, reference has been made to paragraph 84 of the Framework. However, this is not pertinent in this case, as the parties agree that the appeal site does not constitute an isolated location. Accordingly, the cited policies of the NP and paragraph 84 of the Framework should be afforded limited, if any, weight in the assessment of the appeal.
14. For the above reasons, the proposal would be contrary to Policies NE11 and S2 of the Local Plan which seek to restrict changes of use and/or re – use of existing buildings outside of settlements.

Other Matters

15. Reference has been made to the red line of the site encompassing a section of the driveway shared by users of the neighbouring dwellings. An appellant does not have to own a site to seek planning permission, and I have been provided no evidence that land ownership matters would impede delivery of the development.

Conditions

16. I have considered the suggested conditions in light of the Framework and the PPG. In the interests of precision, clarity and brevity I have undertaken some rationalisation and rewording of the conditions suggested.
17. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
18. Conditions have been imposed requiring details of the proposed covered cycle parking and boundary treatments to be submitted. These conditions are intended to promote sustainable modes of transport by encouraging cycling as an alternative to car use, and to ensure that the development respects and preserves the character and visual amenity of the surrounding area.
19. Additional conditions secure ecological enhancement and restrict external illumination. These conditions are required to protect wildlife and provide biodiversity enhancement.
20. A condition was suggested to secure the mitigation detailed in the Water Neutrality Report. Given that a long-term solution has been developed to enhance ecological resilience and Natural England no longer seek water neutrality, this condition is no longer necessary. However, to reflect the seriously water stressed status of the area, a condition is required to ensure that the proposal would be water efficient.

Planning Balance and Conclusion

21. While the proposal does not align with the Council's spatial strategy for the location of new dwellings, the harm arising from this conflict is limited. The scheme broadly complies with Policies NE11 and S2 of the Local Plan, which do not require marketing evidence to demonstrate consideration of economic, or community uses prior to residential use. Furthermore, there is no substantive evidence of demand for such uses in this location. Given the site's existing residential use and its setting within a residential enclave, the proposed dwelling would be more compatible with the established residential character than an economic or community use.
22. The proposal would deliver a new dwelling, contributing positively to housing supply within the district. Although the Council can demonstrate a five-year housing land supply, small-scale developments such as this can make an important contribution to meeting the housing requirements of an area and contribute to the Government's aim of significantly boosting the supply of homes. Significant weight is given to this benefit.
23. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal is allowed.

V Goldberg

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - DP100 - PROPOSED LOWER AND GROUND FLOOR PLAN
 - DP101 - PROPOSED FIRST FLOOR PLAN
 - DP102 - PROPOSED ROOF PLAN
 - DP103 - PROPOSED FRONT AND REAR ELEVATION
 - DP104 - REV A - PROPOSED EAST AND WEST ELEVATION
 - DP110 - BLOCK PLAN
- 3) The dwelling hereby approved shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans to be submitted to and approved by the Local Planning Authority. The covered cycle spaces shall thereafter be kept available for the storage of bicycles.
- 4) Prior to first occupation of the dwelling hereby permitted, the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatments shall be maintained as approved in perpetuity.
- 5) Prior to first use of the development hereby permitted the following ecological enhancements should be carried out:
 - a bat box to be installed on the building facing south/south westerly positioned 3-5m above ground,
 - a swift box or brick and an additional bird box to be installed on the building and/or tree within the garden of the property, and
 - a hedgehog nesting box to be installed within the site.

Thereafter the ecological enhancements shall be retained in perpetuity.
- 6) The proposal must be designed to utilise no more than 110 litres of mains supplied water per person per day.
- 7) No external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.



Appeal Decision

Hearing held on 4 February 2025

Site visit made on 5 February 2025

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/P5870/W/24/3352826

27-29 High Street, Carshalton, Surrey SM5 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Maplespring Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01097.
 - The development proposed is the demolition of the existing single storey building and the erection of a 3-storey building to provide 2 commercial units (Class E) at ground floor and 9 self-contained residential units (Class C3) at ground, first and second floor with associated amenity areas, provision of off-street car parking at rear, refuse and cycle storage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Over the course of the appeal the appellant amended the submitted plans by removing the gates to the access, and deleting reference to materials. I have considered the scheme on that basis and consider no one is prejudiced as a result. At the Hearing the parties agreed the above description accurately described the proposal.
3. An application for costs has been made by the appellant against the Council, and that is the subject of a separate decision.

Main Issues

4. Although refused for 9 reasons, 4 of those fell away during the course of the appeal. As a result, the main issues in this case are
 - a) whether, through its built form and its effects on trees, the scheme would fail to preserve or enhance the character or appearance of the Carshalton Village Conservation Area (the conservation area), and whether it would harm its significance as a designated heritage asset,
 - b) the effect on the living conditions of neighbouring residents,
 - c) the effect on the living conditions of future occupiers and
 - d) whether the mix of flats proposed would be satisfactory,and, if harm would be caused by any or all of the above,

- e) whether there are any public benefits that outweigh any harm to the conservation area's significance, and any material considerations that justify a decision otherwise than in accordance with the development plan.

Reasons

Heritage impacts

The effect of the built form on the conservation area

5. The conservation area covers a large and diverse portion of Carshalton, encompassing housing of various ages, community buildings, parks, water features and the village's commercial core. Its character and appearance is therefore a varied mix of built form of differing layouts, styles and ages, interspersed with open areas of gardens, parkland or water, while its significance is in the way it reflects the evolution of the village from a collection of hamlets along the north side of The Downs, through to it becoming part of the London conurbation.
6. Due to the size of the conservation area, the *Carshalton Village Conservation Area Character Appraisal and Management Plan* (the CAMP) divides it into sub areas. The appeal site falls in Sub Area D, which is called *Carshalton High Street* and broadly covers the commercial core of Carshalton.
7. This Sub Area is focussed on High Street, with the south side of the road being lined generally by narrow 2 and 3 storey terraced properties of various ages. These stand at the back of the pavement and often comprise a retail use or similar on the ground floor, with residential above. Turning to the northern side of High Street, when approaching from the west, initially the road is similarly lined by what appear to be 2 and 3 storey terraces of various ages that are in retail and residential use and abut the rear of the pavement. Coming from the east the streetscape is slightly different, comprising the bowls club and the now derelict Fox and Hounds public house, with the tall theatre adjacent and, next to that, an older detached building set back behind a car park. Although not having the appearance of a terrace, the nature, form and detailing of these buildings mean they too add positively to this diverse conservation area. Overall, the preponderance of retail activity and similar on the ground floor, the quality of the built form, and the more intense nature of the development all serve to emphasise the role of this section of High Street as the conservation area's historic commercial centre.
8. However, on the north side of this road, in between the elements described above at the eastern and western ends of the Sub Area, are developments of a far more modern character. The appeal site appears to be about 50-60 years old and is now used as a pharmacy. It is a single storey unit, albeit with a taller ground floor front elevation than is found at the properties around, and it has a distinctive mono-pitched roof that slopes down from its frontage to a flat roof over the rear element.
9. To its east is Beacon Grove, which appears to be of a similar age. Seen from the front, this is a 3-storey flat-roofed block with shops and cafes on the ground floor and on the upper floors, set back behind balconies, are maisonettes. A wing runs off at the rear, and there is a detached 4 storey block at the back of the site.

10. On the west side of the appeal site is The Forge, which is a 3-storey block, albeit with the top storey mainly in the roofspace with gables and dormer windows. It was built following the grant of planning permission in 2018, but not in accordance with the approved plans, and so is subject to enforcement action. Indeed, following an appeal (the previous appeal decision), if various alterations to its appearance are not agreed with the Council and implemented within certain specified timeframes, it would be necessary to demolish the entire building to ground level. However, the alterations required would not change the arrangement of windows or rooms, and would not affect the overall uses in the building, but rather would be focussed more on altering the building's appearance. Given this, while I have been mindful that the total removal of The Forge could occur, the nature of the required works means that in my opinion that is extremely unlikely, and instead it is reasonable to assume it will remain but be altered in line with the previous appeal decision.
11. The enclosed nature of High Street to the east and west limits long-distanced views of the appeal site, Beacon Grove and The Forge. However, from where they can be seen, they do not make a positive contribution to the significance of the conservation area either collectively or individually. This is not so much because of their age, but rather because of their limited architectural value. In particular, the appeal site itself is of a discordant scale, being not only appreciably lower than other properties along High Street but also being wider than the rhythm and grain generally perceived in the older terraces. Furthermore, it is of a design that does little to reflect the historic character around. Similarly Beacon Grove and The Forge are at odds with the more nuanced and sensitive designs of the terraces to the west and south.
12. Indeed, the CAMP identifies Beacon Grove as making a negative contribution to the Sub Area, with its poor quality being a weakness, while the pharmacy lacks the historic character of the rest of High Street. Furthermore, Guideline SS4 of the CAMP seeks a comprehensive redevelopment of both the appeal site and Beacon Grove to create a new shopping frontage, while Policy 6 in the *Sutton Local Plan* (2018) identifies, as a long-term aspiration, the redeveloping of the pharmacy and Beacon Grove, to improve the appearance of the north side of High Street in order that it respects the key elements of the conservation area. This is followed through in the emerging Local Plan, which identifies Beacon Grove and the pharmacy as having poor design quality and a negative effect on the character of the conservation area.
13. In this regard the previous appeal decision found the building on the appeal site before me to be 'odd', and described the pharmacy and Beacon Grove as 'uninspiring'. Moreover, it also said that the changes it approved in relation to The Forge would not harm the conservation area, but added that would not mean they enhanced its character or appearance either. Similarly, in the Statement of Common Ground the parties agreed the appeal site has a negative effect on the significance of the conservation area. All these are views I share.
14. At the Hearing the Council confirmed what was already stated in the various documents above, namely it was acceptable in principle to demolish and replace the pharmacy. Furthermore, it also said it had no objections to ground floor commercial uses with residential above, and that a suitably designed frontage development of some 3 storeys would be acceptable to reflect the nature of the

surrounding buildings. Moreover, the need for parking/servicing meant a vehicular access to the rear would be expected.

15. I consider the scale and proportions of the proposal's frontage to be satisfactory. Being 3 storeys high it reflects what is around, and although the slope of the roof on the rear gables is shown on the elevational plans, that would be set some way back and would be scarcely apparent when directly in front of the proposal at ground level. I also find that the nature of the elevation substantially accords with the grain of what is around, as it comprises 2 ground floor shop units, firmly separated by a substantial brick pier, with sets of double windows above creating a vertical emphasis akin to that of the older terraces on High Street. I accept that the buildings to either side are of poorer quality, while Grove Hall and 1-4 The Green, identified as unlisted buildings of merit, abut the northern and western boundaries. However, these unlisted buildings of merit are not now appreciated from the front, and indeed being single storey are at odds with the denser, more intense character of High Street. As such, from this side they should not be used to define the frontage's context.
16. Although the front elevation would be taller than that of either Beacon Grove or The Forge, there is a degree of variation in the height of buildings in the vicinity, and I consider any such difference would not be sufficient to make the scheme unduly dominant. This would be especially so as the separation between the 4 gables would bring relief to the elevation's topmost element. Concern was raised about the introduction of these gables, but I see no reason why, if suitably detailed, these need to be discordant. Indeed, I accept that detailing overall is likely to be important, but mindful that materials, windows, drainage goods, panels of brickwork and other similar elements could all be agreed under conditions, they need not be a decisive concern at this stage.
17. The blank side wall projecting beyond the frontage of The Forge would be apparent when looking from the west. Blank or relatively blank end walls and gables are not uncommon across the conservation area though, and I see no reason why this should be deemed harmful.
18. Behind the front 3 storey block, it is proposed that the building would continue, at the same height, in 4 modules or 'units' that ran across the site, parallel to High Street, and each would have its own gable on either side of the building. In accepting the redevelopment of this relatively sizeable site, it is reasonable to anticipate that any scheme would include some rear element. I accept that historically, before the pharmacy was there, the land was developed in depth, but I have no particular evidence to show the height of such works.
19. The orientation and position of the ridges on the rear 'units' would not be comparable to anything in the vicinity. However, there was, nonetheless, a great diversity in roof forms in the surroundings, and so, of itself, that does not render the scheme alien or jarring.
20. It was also the Council's contention that this rear element would be too tall and would lack any sense of subservience. When looking from the front down the access to the side of Beacon Grove, the northernmost pair of rear 'units' would be set back and scarcely visible. As a result, the full depth and scale of the building would not be readily apparent and, in any event, the opportunity for such views would be limited. Looking down the proposed access from in front of the site, the

western elevation would not be as staggered. However, the access would not be wide, and so it would allow only restricted sight of the rear element. In the brief, oblique viewpoints from where it could be seen, there would be relief and variation in the extent of each individual 'unit', again breaking up the overall impression of the elevation's scale when seen from here.

21. The rear element could also be seen behind the terrace containing 1-4 The Green when in the car park to the west. This car park seems to be well-used as it not only provides parking for those visiting the nearby shops, but also allows pedestrian links between Grove Park to the north and the commercial centre of Carshalton. From here, the upper storeys of the scheme's rear 'units' would be readily apparent over the alms houses. The most noticeable of these would be the 2 northernmost ones, though the 2 other 'units' closest to the front block would be apparent behind The Forge, especially in angled views from the north-east. The scheme would be taller than The Forge, as the eaves of the new building would be at a height that was roughly comparable to the ridge of the front element of that neighbouring premises with the 4 gables rising above. Moreover, as the uppermost floor of The Forge is in a roof slope, and as the rear wing of that property is somewhat lower, its ability to conceal when seen from the back is reduced.
22. In my opinion, these 4 'units' at the back of the scheme would offer no sense of subservience to the front part, as tends to be common with rear elements around. Instead, collectively they would form a large block of development that would relate poorly to its context due to its height (both in absolute terms and relative to the frontage element) and its scale. As a result, and mindful of its prominence from the car park and the approach to the park, it would be a striking and discordant element in the location generally and in the conservation area in particular. It would therefore be at odds with the historic pattern of development in the vicinity, and would cause harm to the significance of the conservation area.
23. The scheme's east elevation would be seen in the context of the rear of Beacon Grove and its car park, which of themselves, add little to the significance of the area. Furthermore, on this side the 'units' would be stepped as they extended rearwards. However, whilst these factors would reduce the impact of the scheme's rear element, it would still appear as a dominant block that offered little sense of subservience, relating poorly to and diminishing the historic form of the conservation area. As such, in this view too there would be harm to the significance of the designated heritage asset.
24. In assessing the impact on these 2 viewpoints, I accept there is development of an appreciable scale behind Beacon Grove and also at the theatre. I accept too that these now form part of the conservation area's character and appearance, and so, whatever their merits, inform the wider context. However, the rear wing of Beacon Grove is narrower and, with the exception of what I understand is a subsequent addition at its northern end, is generally lower than the frontage block, and so maintains a sense of subservience. Furthermore, the 4-storey block behind is detached and an appreciable distance further back, and consequently reads as a separate development. I noted too that the theatre is of a distinctive design befitting a community building and so not comparable to what is before me. In any event, when looking from the west of the scheme, even in winter neither Beacon Grove nor the theatre is readily apparent from this car park. Indeed the appellant appeared to accept development at Beacon Grove detracted from the character of

the area by reason of the height and roofscape, and so to my mind clearly it contains elements that should not be replicated. Any screening of these by the scheme when looking from High Street could be achieved by the front portion and does not justify rear 'units' of similar height. As such, although I have taken them into account, these existing developments do not lead me to different findings.

25. Finally, the parking, servicing and garden beyond the northern elevation of the proposal would ensure a sense of openness would remain at the back of the site. Whilst the rear elevation may be visible from the park on the other side of Grove Hall, such views would be limited and distant, and would be restricted to the upper floor and roof slope. As such they would not be harmful when seen from that direction.

The effect on trees

26. On the site behind the pharmacy building are, at the moment 13 trees or groups of trees. These are mainly around the edge of the site, and while 4 are deemed category B, the remainder are in categories C or U. They generally tend to be self-seeded, and show little sign of programmed maintenance. It is not common to see trees within the curtilages of properties on this side of High Street. However, when looking from the north, east and west, in the summer months they no doubt establish a comprehensive canopy over the back of the site. Consequently, they form a connection with the park behind, soften the built form of the conservation area and emphasise its established nature. They therefore make a positive contribution to its significance.
27. Given the Council's aspiration to redevelop this site, and mindful of the need for servicing and parking provision, some loss of this tree cover would be expected, and it is difficult to see how, in such a scenario, the coverage of the crowns could be as comprehensive. However, 2 of the B category trees would remain, and opportunity would exist for some limited (and as yet unconfirmed) planting around, although this would, of course, take time to become established. Moreover, to my mind tree cover this extensive adjacent to Carshalton's commercial core is not necessary to maintain the significance of the designated heritage asset. As such, I consider that, while appreciably reduced in number, trees on the site would continue to make a positive contribution to the significance of the conservation area and the diminution proposed would not be harmful.

The effect on non-designated heritage assets

28. Both Grove Hall to the rear and 1-4 The Green to the west are defined in the CAMP as unlisted buildings of merit and so I have treated them as non-designated heritage assets. Although the Council cited a concern about the adverse effects of the scheme on these buildings, it provided me with little assessment of their significance or history.
29. Grove Hall is a single storey building that seems to have originally been an outbuilding for Grove House, which is located a few metres to its north-west. Its significance therefore rests in its probable historic link to that property, as well as in its attractive detailing, especially around the windows. Although lying within Sub-Area D of the conservation area, its setting is very much defined by its location within the park rather than its relationship to the commercial activity on High Street. This is not only because of its origins in relation to Grove House, but also by the manner in which it is embedded in the park's landscaping, and it is

separated from the appeal site along much of its southern boundary by a substantial wall. I am aware too that the northern elevation of the proposal would be some way back, and so the sense of Grove Hall sitting within an area of parkland would be maintained. I therefore conclude that the effect of the scheme on the setting of that non-designated heritage asset would not harm any significance it enjoys.

30. The single-storey terrace of alms houses, that accommodates 1-4 The Green, runs down the western side of the appeal site, immediately to the rear of The Forge, and faces onto the public car park beyond. This terrace is pebble-dashed, and although having a certain charm and being of a pleasant appearance, it seems to contain few architectural details of note. There is a date stone of 1912 on the west elevation, although maps from the 19th century show a development with a similar footprint in what appears to be the same place. Either way, it is clearly a building that has been part of the centre of Carshalton for an appreciable time, and so for this reason has a historic significance.
31. As stated above, when on the car park looking eastwards towards the front elevation of the terrace, the proposal would be visible behind. However, there is presently an awareness of The Forge to one side and, being adjacent to the commercial activity around High Street, it is not unreasonable to expect taller buildings nearby. Overall, I consider this would still be appreciated as a small historic terrace on the edge of the commercial centre of Carshalton, and so any impact the proposal would have on the setting of this terrace would not cause harm to its significance.
32. I accept I have found the element of the scheme visible above this row of alms houses would harm the significance of the conservation area. However, the significance of that is not the same as the significance of this non-designated heritage asset, and so different findings can be made.

Other heritage assets around

33. A number of other listed buildings are scattered along High Street, and the significance of each varies depending on their own circumstances. However there is not a strong functional or visual inter-relationship between any of these and the appeal site, and so none would have their significance harmed by the effect of the scheme on their setting.

Conclusions on this issue

34. The statutory test is that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. It has long been established that preserving the character and appearance is sufficient to satisfy this test. This is reflected in the *National Planning Policy Framework* (the Framework), which says great weight should be given to an asset's conservation, with any harm to its significance requiring clear and convincing justification.
35. I have found that the existing pharmacy has a negative effect on the character and appearance of the conservation area by reason of its design and scale, and harms the area's significance. I recognise the Council's strong aspiration to redevelop this site, I accept that built form across the conservation area is eclectic, and I note the Framework seeks to achieve the site's '*optimum viable use*'. However, none of

these means that any form of redevelopment is necessarily acceptable here. Rather, the tests in legislation and national policy still have to be met, and consideration given to whether, in resolving one area of harm caused to the conservation area, a scheme does not create harm of a different type.

36. Furthermore, I see no reason why, even within the context of those tests, the requirement for good design found in Framework paragraph 135 should not also be applied. Otherwise, there is the prospect of accepting poor design in conservation areas just because it would be preserving the character and appearance by redeveloping an existing site of poorer design or appearance.
37. From the front the scheme would benefit the conservation area by improving a site of poor character, and by introducing a building that better reflected the nature of High Street in terms of its design and scale. As a result, it would enhance the area's significance. I also acknowledge that the significance of adjacent non-designated heritage assets would not be harmed, and while the tree cover on site would be reduced, sufficient would remain to maintain a suitable presence.
38. However, when seen from the east and west, the discordant scale of the rear element would cause harm to the conservation area's significance. The nature of the harm caused by the pharmacy at the moment is clearly different to this harm that I have identified with the proposal. For all its failings though, the existing building is now an accepted part of the conservation area. In contrast, I consider the effect of the proposed rear 'units' from the car park would be a new and strident element of harm, which would not be sympathetic to local character and history (including the surrounding environment). On balance, I find this new element of harm would outweigh any benefits to the significance of the conservation area that the scheme would otherwise bring.
39. Accordingly, I conclude that on balance the proposal would cause harm to the conservation area's significance. However, given the relatively localised impact and the size of the conservation area as a whole, I consider the significance of this designated heritage asset could not be said to be vitiated altogether or very much reduced. As a result, I find the harm to be less than substantial. Moreover, for this reason I also conclude that as it would not be sympathetic to local character and history (including the surrounding environment) it would conflict with *Sutton Local Plan* Policy 28, Policy D3 in *The London Plan 2021* and the Framework, which seek good design that respects the local context and responds to local character and heritage assets.

Neighbours' living conditions

Beacon Grove

40. Each maisonette on the upper floor levels of the Beacon Grove frontage block has a large south-facing balcony overlooking High Street and a smaller terrace at the rear by its main entrance. The block is separated from the appeal site by the access to Beacon Grove's car park.
41. The maisonette closest to the appeal site, at the west end of the frontage block, is 9 Beacon Grove. The resident here has opted to use her smaller rear terrace as her main outside space, rather than the larger balcony at the front. This, to my mind is not unreasonable. Although it is not as sizeable and has less sunlight, it is screened to an extent from the noise and fumes of High Street, and it has an

aspect towards the park and the trees on the appeal site. Moreover, being at the end of the block people accessing the other maisonettes would not be passing and so, when taken with its rearward aspect, it would have a degree of privacy.

42. In built-up areas such as this it is reasonable for there to be some compromise in the privacy experienced in outside gardens and terraces, due to the inevitable proximity to nearby properties. Indeed, this rear terrace can be seen to a degree from the access to the other frontage maisonettes, and is also overlooked to some extent by a number of the other units in Beacon Grove.
43. The appeal scheme would result in more windows, as well as new balconies, facing the outside area favoured by the resident of No 9. From the windows and balconies closest, any views though would be appreciably impeded by the walling and fencing along that side of the neighbour's terrace. Although the new building would then extend further northwards, the distance from the terrace, the set back from the boundary, the angles involved and the staggered arrangement of the elevation all mean opportunity for overlooking from the more rearward elements of the scheme would be limited. Any resultant loss of privacy would therefore not be unacceptable.
44. This maisonette also has a kitchen window on the rear elevation of its lower floor and a bedroom on the floor above, but any inter-visibility between these and the scheme would not be harmful due to the angles involved, the stepping of the proposal away from the boundary, the walling/fencing by the terrace and, in the case of the bedroom, the projecting wing at No 9. There is also a bathroom window on this elevation but having obscured glazing means it should not experience undue overlooking.
45. With regard to the proposal's effects on daylight and sunlight, the development would be separated from this neighbouring maisonette by the intervening access and most of it would lie to the north-west. Furthermore, the scheme's top floor would be at a similar height to the top floor of No 9. Given these factors, and also taking into account the walling/fence at the edge of the terrace, I consider that neither daylight nor sunlight would be reduced unduly.
46. Finally, I accept that from the rear of No 9 there is a pleasant view over the trees at the back of the appeal site. However, it is not the purpose of the planning system to protect an individual's view and so this is not a matter that can be a basis to resist the scheme.
47. Other properties in Beacon Grove also look towards the proposal but the separation and/or the angles involved mean there would be no adverse effects on the living conditions of those residents.
48. Overall, I conclude that the scheme would not have an unreasonable effect on the living conditions of Beacon Grove. It would therefore not conflict with Policy 29 in the *Sutton Local Plan*, which amongst other things aims to protect the living conditions of neighbouring residents with consideration being given to the sense of enclosure and to the effects on daylight, sunlight and privacy.

1-4 The Green

49. No 4 The Green is the southernmost bungalow in the terrace, and is immediately behind The Forge. Its triangular back garden is about 4m deep on its northern

side, though tapers away to virtually nothing at the southern end. All told, the proposed building would be about 10.5m from the rear elevation of No 4, separated by that dwelling's garden, the boundary fence and the site access. I was unaware of the uses of the rear rooms in this property. It appeared though that the window closest to The Forge was in use as a boiler room, while the next was possibly a bathroom and then a kitchen.

50. When I visited it was a bright morning with the sun to the south-east. Moreover, being February there were no leaves on the trees along the boundary between the site and No 4. Even in these circumstances though the trees appreciably shaded the back garden and rooms of this dwelling. As such, irrespective of the uses of the rear rooms, I consider any impact the scheme may have on daylight or sunlight at No 4 would not be unacceptable. Similarly mindful of the effects in the fencing and trees at the moment, I consider any sense of enclosure created by the scheme would not be a basis for its resistance. Windows facing this property, would have obscured glazing, while the north-facing balconies on the development would have screens at their western ends, so privacy would not be affected.
51. Although the other 3 bungalows in The Green have views towards the proposal, the separation and/or the angles involved mean there would be no adverse effects on the living conditions of those residents
52. Accordingly, I conclude that the scheme would not have an unreasonable effect on the living conditions at 1-4 The Green, and so would not be in conflict with Policy 29 in the *Sutton Local Plan*,

The Forge

53. An outside amenity space is to the rear of The Forge. This though is already hemmed in by a tall fence on the boundary, and by the rear elevation of the building itself, while the amenity area has a roof over it. I understand there is no requirement under the previous appeal decision for this roofing to be removed, and so it is fair to assume it will stay. As such the proposal would not have a material effect on the sense of enclosure or light levels in this outdoor space.
54. In the east elevation of The Forge, more or less on the boundary with the appeal site, there are 3 first floor windows. The one nearer the front I was told served a lounge while the 2 nearer the back were to a bedroom. These windows would directly face the side elevation of the front portion of the proposal, across the intervening access to the intended rear car park.
55. The appeal scheme proposes bedroom windows to Flats 4 and 8 opposite these bedroom windows at The Forge. However, these proposed windows are to be fitted with projecting triangular frames, one plane of which would have obscured glazing. As a result, there would be no overlooking of this neighbouring property.
56. There may well be some interference with the levels of daylight and sunlight that these neighbours in The Forge currently enjoy. For the lounge that should not be a problem as I was told that room was also served by windows on the south-facing elevation. In relation to the bedroom, the technical submissions from the appellant showed these effects would not be unacceptable, given the limited sunlight that would be experienced by these east-facing windows, and mindful that, being on the first floor, the appeal scheme is only one storey higher. I have no reason to consider differently. However, the limited separation and the height of the

development, mean the outlook from the bedroom would be constrained to an unacceptable degree by what is before me.

57. Accordingly I conclude that the harm to the living conditions at The Forge as a result of the impact on outlook would result in conflict with *Sutton Local Plan* Policy 29.

Residents' living conditions

58. *Sutton Local Plan* Policy 9 says that the Council will not grant planning permission for residential development that does not provide adequate private amenity space. This, it says, will be considered on a case-by-case basis, with reference to the minimum standards in the Council's *Urban Design SPD* from 2008 (the SPD). The SPD advises that, concerning accessible private garden space, 3 bed units should have 70m² and 2 bed houses should have 40m², while for flats (with no size stated) 25m² needs to be provided. However, *The London Plan 2021* Policy D6 states that 'where there are no higher local standards in the Borough' 5m² should be provided for 1-2 person dwellings, with a further 1m² for each occupant.
59. There seems no justification to require space in line with the figure of 40m² in the SPD, as this scheme includes no houses. Furthermore, as flats have their own specific requirement, I assume the 70m² figure also concerns housing so is not relevant. Mindful of the range that would still exist between the standards in *The London Plan 2021* and the SPD, at the Hearing the Council accepted my decision should be based on the former despite the higher local standard in the latter.
60. The ground floor flat would open straight onto the rear garden area. Of the remaining 8 flats, which are all to be located on the first and second floors, 5 would have access to their own balcony. The remaining 3 would have a dedicated part of the garden area for their use, while beyond the car park, adjacent to the Grove Hall boundary, would be a further communal garden area. Moreover, I am aware that the park is only a short walk away. Taking all this evidence together, and mindful of the standards in *The London Plan 2021*, and indeed the higher local standards in the SPD, I consider there would be adequate outdoor amenity space for the residents of the scheme.
61. It was said that the dedicated garden areas for Flats 4, 8 and 9 would be overlooked from other flats. That though is not an unusual situation with apartment schemes such as this, whether the garden is divided for the use of specific flats or, more commonly, a communal provision is favoured. Indeed such overlooking is difficult to avoid. As such, I consider any loss of privacy would not be unacceptable in this apartment block.
62. While Flat 7 would have only a single aspect, I see no harm necessarily resulting from this. Indeed in Policy D6, *The London Plan 2021* gives specific guidance about single aspect accommodation, implying there is no problem in principle with such a layout. Nothing before me demonstrates that this arrangement would cause issues of privacy, ventilation, overheating or daylight, and given this I accept it contributes to optimising the site's capacity. Finally, although the triangular, part obscured windows would restrict outlook from bedrooms in Flats 4 and 8, this would not be to an unreasonable degree.
63. Accordingly, I conclude the proposal would not result in unacceptable living conditions for future residents, and so would not be in conflict with Policy D6 in

The London Plan 2021, while any conflict with the *Sutton Local Plan* Policy 9 would not be a basis to resist the scheme.

Housing mix

64. *Sutton Local Plan* Policy 9 says that new residential development should include a mix of dwelling sizes. It adds that all developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings as having 3 bedrooms or more '*unless it can be demonstrated this would be unsuitable to the location or not viable*'.
65. Policy H10 in *The London Plan 2021* says schemes should consist of a range of unit sizes, with the precise mix having regard to numerous factors. Overall, this policy appears more flexible than the slightly older Policy 9 in the *Sutton Local Plan*. However, despite this, *Sutton Local Plan* Policy 9 allows development of a lesser percentage if viability or unsuitability can be demonstrated, and I assume it is this flexible interpretation that is shown in many of the various cases elsewhere to which I was referred.
66. The scheme is outside Sutton Town Centre and only one of the 9 units, or roughly 11%, would be 3 bed roomed. It therefore would not meet the minimum requirement of *Sutton Local Plan* Policy 9.
67. No viability evidence has been forthcoming from the appellant to show a higher proportion of 3-bed roomed flats cannot be achieved. Moreover, the Council said there was need for larger units in the Borough, and although little evidence was submitted to support this the appellant did not contradict the position to any great extent. If at least 50% of units in the scheme were to have 3 bedrooms or more it would result in a reduction in the overall number of units on the site, when compared to the alternative of using a similar built form to deliver 1 or 2 bed apartments. However, this is an inevitable consequence of the application of the percentage found in *Sutton Local Plan* Policy 9, and it is reasonable to assume it was a factor that was accounted for when the policy was drafted. As such, the contention that smaller flats should be pursued merely to maximise the unit numbers here is not something I accept. Moreover, the site is not inherently unsuitable for 3-bed flats just because it is a place where there is a stronger market for 1 and 2 bed units, as presumably it is only in such places where the policy would bite. There is also no certainty that approving this scheme would necessarily free up under-occupied family homes elsewhere in the area as the units it delivers could be occupied by those living as, say, concealed households at the moment. Rather, the only way to ensure more 3-bed roomed housing becomes available is to secure it through new development. These factors therefore do not support the combination of different sized flats now before me.
68. Having said all that, criterion 6) of Policy H10 in *The London Plan 2021* says that, to determine the appropriate mix of unit sizes, regard should be given to the nature and location of the site, '*with a higher proportion of 1 and 2 bed units generally more appropriate in locations ... with higher public transport access and connectivity*'. This is such a location. It has a higher level of access to public transport than much of the Borough, with numerous bus services passing along High Street and the railway station a short walk away. As such, the delivery of a higher proportion of 1 and 2 bed units is a matter to which regard should be given under that criterion and no particular reason was offered by the Council to suggest

it should be put aside. I am mindful too that, as well as seeking 3 bed units, *Sutton Local Plan* Policy 9 identifies a '*pressing need*' for 2 bed units as well, 5 of which are found in this scheme.

69. Therefore, I do not perceive a conflict with *The London Plan 2021* Policy H10. Given this, and mindful it is more recent than the *Sutton Local Plan*, I consider the need to take into account the policy requirement to have regard to securing a higher proportion of 1 and 2 bed units generally in locations with higher public transport access and connectivity is sufficient to mean that a greater preponderance of 3-bed units here would be unsuitable, and the mix now proposed is satisfactory. As such, the scheme would not be in conflict with *The London Plan 2021* Policy H10 or *Sutton Local Plan* Policy 9.

Other Matters

70. The removal of the gates mean appropriate access is achievable. Consequently, the scheme would not compromise highway safety, whether through traffic flows or parking demands. Conditions could ensure suitable biodiversity enhancements.
71. Although a conflict with *Sutton Local Plan* Policy 18f) was suggested, as the scheme is not for a conversion or change of use that criterion does not apply.

Public Benefits, Other Considerations & Balance

72. Accordingly I have found harm, albeit less than substantial, would be caused to the conservation area. The Framework states that heritage assets are an irreplaceable resource, and great weight should be given to an asset's conservation. It adds that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, if less than substantial harm is caused to its significance, that harm should be weighed against the public benefits. The appellant has cited a number of matters to be assessed in this balance, each of which I will examine in turn.
73. With regard to the Council's aspirations to see the site redeveloped, it is fair to assume that would be in the context of any redevelopment not harming the significance of the conservation area but preserving its character and appearance. While I accept the proposal would therefore be removing an acknowledged negative feature from the conservation area, in the light of the harm to the designated heritage asset any weight to be given to achieving the Council's aspirations must be limited. Similarly, putting aside the fact that I have no substantive information about viability, I am not satisfied this can be defined as the optimum (or best) viable use of the site given the harm I have identified. I appreciate too that the development would be making use of previously developed and under-utilized land, which is strongly promoted in the Framework, and particularly in paragraph 125c). Again though I have no basis to consider that, in this instance, this aim should outweigh the statutory tests, or the great weight that, in its Chapter 16, the Framework places on the conservation of heritage assets.
74. Whilst the appellant has referred to this mix and level of development being necessary for viability reasons, I have insufficient evidence to substantiate that point so I am unable to afford it even moderate weight.
75. Turning to the potential traffic benefits, it was said that the scheme would result in fewer trips to and from the site, mainly because of the reduction in retail floorspace.

Even if this would be so, I am not aware of any problems arising in this regard at the moment, and the reduction cited would, in my opinion, be scarcely of note when weighed against the volume of movements in Carshalton District Centre. Moreover, the contention that 2 smaller shops would bring greater benefits to the vitality and viability of the District Centre than a single larger retail unit seemed to be based on anecdotal evidence, and is, to a great extent, dependent upon the occupiers. I therefore do not give significant weight to these matters.

76. However, I nonetheless accept that there would be economic benefits through increased footfall and spending, both during the construction phase and afterwards. There could also be some ecological benefit if suitable conditions are imposed. Moderate weight is therefore afforded to these matters.
77. Moreover, while this development is not needed to meet the Council's housing land supply requirements, it would nonetheless be boosting the delivery of housing, in line with Government policy in the Framework. I also accept that this would be a contribution towards achieving the level of delivery on small sites that is sought through Policy H2 in *The London Plan 2021*. I afford these considerations significant weight.
78. Therefore, while I recognise the benefits of the scheme, including those arising from additional housing and small site delivery, I consider that the potential of developments in conservation areas in relation to these matters may often be restricted to a degree by the requirements of the statutory test and the Framework. To my mind, these public benefits, even if taken together, do not outweigh the less than substantial harm I have identified to the significance of the conservation area, and the great weight that should be given to this asset's conservation. As such, the scheme would conflict with Policy 30 in the *Sutton Local Plan*, which expects development to conserve the elements that contribute to the special character and appearance of conservation areas.
79. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. In relation to the harm to the living conditions at The Forge, the benefits of redeveloping the appeal site with a taller frontage block, the location of the windows in question virtually on the boundary, and the fact that they serve a bedroom with other rooms in the flat no doubt having more open aspects, when taken together, are sufficient to mean they constitute a material consideration sufficient to justify a decision otherwise than in accordance with *Sutton Local Plan* Policy 29.
80. However, having found the scheme's public benefits would not outweigh the heritage harm, I conclude the material considerations offered by the appellant and discussed above, even if taken together, would not be sufficient to justify a decision otherwise than in accordance with Policies 28 and 30 in the *Sutton Local Plan* and Policy D3 in *The London Plan 2021*.

Conclusion

81. I therefore conclude that the appeal should be dismissed.

JP Sargent

INSPECTOR

APPEARANCES AT THE HEARING

FOR THE APPELLANT:

J Cooke	Heritage consultant
D Mistry	Daylight & sunlight consultant
M Smith	Planning consultant
A Williams	Counsel, instructed by D&M Planning Limited

FOR THE LOCAL PLANNING AUTHORITY:

E Bucton	Arboricultural Officer
K Johnson	Area Planning Manager
B Rochford	Senior Planning Officer

INTERESTED PARTIES:

Cllr A Jenner	Borough Councillor for Carshalton Central
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FOR THE APPELLANT:

APP1: A3 versions of the submitted plans

APP2: Suggested conditions (dated February 2025)

APP3: *Green Roofs Planning Advice Note 1* by the London Borough of Barking & Dagenham

APP4: Drawings of intended obscured glaze windows

FOR THE COUNCIL

LPA1: Email to the Planning Inspectorate confirming agreement with the wording of the conditions in Document APP2 (dated 13 February 2025).