

# DUNSFOLD PARISH COUNCIL

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Unit 3, The Orchard  
Chiddingfold Road  
Dunsfold  
GU8 4PB

7th December 2023

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## **NOTICE OF A PARISH COUNCIL MEETING**

Councillors are hereby summoned to attend the meeting of Dunsfold Parish Council to be held in the Nugent Room, Winn Hall, Dunsfold at **7.30 pm on Tuesday 12th December 2023**.

Members of the public are welcome to attend Parish Council meetings and are invited to put questions, relevant to the agenda, to the Council between 8.30 pm and 8.45 pm.

Celeste Lawrence - Clerk to the Council

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## **AGENDA**

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1. APOLOGIES FOR ABSENCE

**Recommendation: To receive apologies for absence.**

2. DECLARATIONS OF INTEREST AND DISPENSATIONS

**2.1 To receive declarations of interest from councillors on items on the agenda**

**2.2 To receive written requests for dispensations for disclosable pecuniary interests (if any)**

**2.3 To grant any requests for dispensation as appropriate**

3. PARISH COUNCIL MINUTES

**Recommendation: To approve the Minutes of the Parish Council meetings held on the 19th September, 10th October and 14th November as a correct record of decisions taken and the Chair of the Council to sign the Minutes. To approve the Minutes of the Commons Committee meeting on 19th September 2023 and the Chair of the Council to sign.**

4. REVIEW OF ACTIONS FROM THE PREVIOUS PARISH COUNCIL MEETING MINUTES

**Recommendation: To review any matters outstanding from the previous minutes and record progress.**

5. PLANNING NOTIFICATIONS

Attached to agenda.

**To receive notification of decisions made by Waverley Borough Council on recent planning applications.**

6. PLANNING APPLICATIONS

**Recommendation: To consider the applications pending.**

WA/2022/03032 – Land at Coombebury Cottage, The Green, Dunsfold, GU8 4NB

Outline application with some matters reserved except for access for erection of up to 53 dwellings public open space landscaping and related infrastructure following demolition of existing buildings. Attached to the agenda: Draft Appeal Response, June 2023 Appeal Decision Notice, January 23 Appeal Decision.

Draft response attached to the agenda.

WA/2023/02460 - Woodcote, Fisher Lane, Dunsfold, GU8 4PH  
Certificate of lawfulness under section 192 for erection of single storey extension.

WA/2023/02496 - Barbarons, Plaistow Road, Dunsfold, GU8 4PF  
Erection of extensions and alterations following demolition of existing single storey element.

WA/2023/02495 - Barbarons, Plaistow Road, Dunsfold, GU8 4PF  
Certificate of lawfulness under section 192 for erection of a single storey extension.

WA/2023/02582 - Knightons Lodge, Knightons Lane, Dunsfold, GU8 4NU  
Certificate of lawfulness under section 192 for erection of a two storey rear extension following demolition of existing single storey rear extension.

WA/2023/02556 - Wrotham Hill Cottage, Wrotham Hill, Dunsfold, GU8 4PA  
Certificate of lawfulness under section 192 for the proposed siting of a shipping container for use ancillary to residential property.

WA/2023/02564 - Land at Chiddingfold Storage Depot, Chiddingfold Road, Godalming, GU8 4PB  
Erection of two extensions to building a to provide additional storage processing office and amenity space. (County matters planning application registered for county planning authority).

WBC Licensing Application - An application has been received for a new premises licence. The application is for Off sales and Opening hours 08:00-20:00 Monday to Friday and 09:00-20:00 Saturday and Sunday (A distillery for the production of spirit based alcohol products (primarily gin), with online retail and wholesale sales. The premises shall not be open to the public). If you would like to make comment or representation on this application, the last date for representations is **2nd January 2024**. All correspondence in relation to this application or if you have any queries in respect of this application, please do not hesitate to contact this office via email to [licensing@waverley.gov.uk](mailto:licensing@waverley.gov.uk).  
Premises: Surrey Copper Distillery; Application Type: New; Address:222 Dunsfold Park, Stovolds Hill, Cranleigh, GU6 8G; Applicant: PEMI Brands Limited.

7. NEIGHBOURHOOD PLAN

Attached to the agenda: Draft Structure of Policies, Sustainable Housing Site Selection Criteria, Informal Consultation on NP Site Criteria.

**Motion: That this Council authorises expenditure up to a maximum of £750 on an informal village consultation on draft Housing Site Selection Criteria for the Neighbourhood Plan.**

8. COOMBEBURY COTTAGE/SIGMA APPEAL

Attached to the agenda: DPC'S Status at Sigma Planning Appeal Inquiry

**Motion: That this Council authorises the Chair, Cllr. Nigel Waterson, (or a substitute councillor if he is unavailable) to appear at the Inquiry to represent the Council and present its views on the planning appeal relating to Coombebury Cottage, Dunsfold ( APP/R3650/W/23/3332590).**

9. KGV

Note attached to the agenda.

**Motion: To resolve to release funds from the budget to fund maintenance works and internal and external changes to the KGV buildings and maintenance of the KGV playground as well as repairs.**

10. PRECEPT 2024/25

Draft precept document attached to the agenda.

**Precept is due 5th January.**

**Recommendation: To AGREE the precept amount for the year 2024/25**

11. PRECEPT 2024/25 AND FINANCE

Attached to the agenda: Investment Strategy and Unity Bank paper. Note: Precept outlook paper not available.

**1) To agree a Precept increase in line with Inflation currently 4.6%.**

**2) To adopt an investment strategy as per the attached document recommended by our internal auditor.**

**3) To authorise the Clerk to begin the process of opening an additional current and deposit banking account arrangement with Unity Bank - see attached paper**

**4) Financial Deposits: To authorise financial signatories to transfer an appropriate amount of Council reserves to an interest bearing account with the exception of sufficient funds to pay the Council obligations resolved to be funded at the most recent meeting.**

12. WAVERLEY BOROUGH COUNCIL

**To receive a report on matters from Waverley Borough Council**

13. SURREY COUNTY COUNCIL

**To receive a report on matters from Surrey County Council.**

14. RECEIPTS AND PAYMENTS

Attached to agenda.

**Recommendation: To receive accounts for payment and approve outstanding items.**

15. FUTURE AGENDAS

**Recommendation: To receive items of business for information or inclusion on a future agenda.**

16. PRESS AND PUBLIC

**Exclusion of press and public in accordance with section 100A (2) and (4) of the LGA 1972 by reason of the confidential nature of the business to be transacted.**

## Planning Notifications from Waverley December 2023

WA/2021/03164 - Wetwood Farm, Chiddingfold Road, Dunsfold, GU8 4PB

Demolition of existing buildings and construction of 12 dwellings with associated access parking and amenity areas (as amplified by ecological information submitted 04/01/2022 and archaeological assessment submitted 05/01/2022).

Decision: Pending. Email sent 28/9 for an update.

WA/2022/01395 - Ashdown, Chiddingfold Road, Dunsfold, GU8 4PB

Erection of fencing gates and piers.

Decision: Pending. Email sent 28/9 for an update.

WA/2022/02373 - Wetwood Farm, Chiddingfold Road, Dunsfold, GU8 4PB

Erection of 12 dwellings and associated works including vehicular access parking and carports following demolition of existing buildings and removal of hardstanding.

Decision: Pending. Email sent 28/9 for an update. 30/10 WBC "Sorry for the delay in replying to you. I am on leave for most of this week but I will respond to you next week."

S52/2022/02266 - Land Centred Coordinates 500866 135914 Alfold Road, Dunsfold

Request to modify a section 52/106 legal agreement (wa/2017/1815) requires changes to the out of date mortgagee in possession clause and any associated clauses to be amended.

Decision: Pending. Email sent 28/9 for an update.

WA/2022/02567 - High Billingshurst Farm, High Loxley Road, Loxhill

Application under section 73 to vary condition 13 of WA/2020/1646 (restricts events to 75 per calendar year) to allow 100 events per calendar year.

Decision: Pending. Email sent 28/9 for an update.

WA/2022/02960 - Wrotham Hill Cottage, Wrotham Hill, Dunsfold, GU8 4PA

Certificate of lawfulness under section 191 for use of roof space of the garage building for the purposes of habitable accommodation - contrary to condition 2 of consent wa/2003/2383 - (revision of wa/2022/02476).

Decision: Appealed for non-determination. Email sent 28/9 for an update.

WA/2023/00902 - Loxley Well Site - Land South of Dunsfold Road and East of High Loxley Road, Loxhill Details of a pre-development baseline geochemical testing report pursuant to condition 26 of appeal decision ref: app/b3600/w/21/3268579 dated 7 June 2022. (County matters planning application registered for county planning authority).

Decision: No objections raised

WA/2023/00927 - 38 Gratton Chase, Dunsfold, GU8 4AL

Erection of bay window and construction of two additional window openings.

Decision: Pending. Email sent 28/9 for an update.

WA/2023/01033 - Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of a transport management plan pursuant to condition 9 of appeal decision ref: app/b3600/w/21/3268579 dated 7 June 2022 (county matters planning application registered for county planning authority).

Decision: No objection is raised

WA/2023/01032 - Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of a construction environment management plan (cemp) pursuant to condition 24 of appeal decision ref: app/b3600/w/21/3268579 dated 7 June 2022 (county matters planning application registered for county planning authority).

Decision: No objection is raised

WA/2023/01034 - Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of highway and access works pursuant to condition 7 of appeal decision ref: app/b3600/w/21/3268579 dated 7 June 2022 (county matters planning application registered for county planning authority).

Decision: No objection is raised

WA/2023/01020 - Land Coordinates 500925 136002 to the North of Miller Lane and Alfold Road, Dunsfold

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.

Decision: Pending

WA/2023/01093 - Land Adjacent to Elm Corner House, The Green, Dunsfold GU8 4LX

Erection of an agricultural barn; use of existing land for an existing farm and rural contracting business (use class sul generis).

Decision: Pending - now subject to Enforcement Notice EN/2023/04. Appeal against EN made by the applicant 7th August.

WA/2023/01478 - Wrotham Hill Cottage, Wrotham Hill, Dunsfold, GU8 4PA

Certificate of lawfulness under section 192 for the siting of a caravan ancillary to residential property.

Decision: Certificate granted. Appeal withdrawn 11th September 23. The remaining appeal references APP/R3650/X/22/3311558 and APP/R3650/X/22/3315023 will now be proceeding to the Inquiry to open on 12<sup>th</sup> December 2023.

WA/2023/01259 - Loxley Well Site, Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of a noise mitigation scheme pursuant to condition 12 of appeal decision ref: app/b3600/w/

21/3268579 dated 7 june 2022 (county matters planning application registered for county planning authority).

Decision: No objection is raised

WA/2023/01258 - Loxley Well Site, Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of a noise monitoring plan pursuant to condition 13 of appeal decision ref: app/b3600/w/21/3268579 dated 7 june 2022 (county matters planning application registered for county planning authority).

Decision: No objection is raised

WA/2023/01530 - Knightons Court, Knightons Lane, Dunsfold, GU8 4NU

Application for a deemed consent under section 37 form b (type iii) of the electricity act 1989 to removal of 3 poles (142377 142378 142379) and overhead span. Install 2 new poles and lv overhead span and install 4 new stay wires knightons court knightons lane dunsfold godalming gu8 4nu

Decision: Pending

WA/2023/01663 - Loxley Well Site - Land South of Dunsfold Road and East of High Loxley Road, Loxhill

Details of an ecology and biodiversity supporting scheme pursuant to condition 29 of appeal decision ref: app/b3600/w/21/3268579 dated 7 june 2022. (County matters planning application registered for county planning authority).

Decision: SCC full permission

WA/2023/01960 - Wetwood Cottage, Chiddingfold Road, Dunsfold, GU8 4PB

Erection of extensions.

Decision: Pending

WA/2023/02073 - Land Centred Coordinates 501615 137177 High Loxley Road Loxhill

Erection of an agricultural workers dwelling and associated works.

Decision: Granted

WA/2023/02068 - The Gate House, Burningfold Hall, Chapel Hill, Godalming, GU8 4NZ

Erection of extensions and alterations following demolition of existing attached garage and outbuild- ing with associated landscaping.

Decision: Pending

TC/2023/02325 - King George V Playing Fields, Dunsfold Common Road, Dunsfold

General permitted development order 2015 schedule 2 part 16 class a. Installation of a 20m monopole supporting 3 no. Antennas 1 no. 0.6M microwave dish and 1 no 3 dish the installation of 2 no. Equipment cabinets 1 no. Meter cabinet and ancillary equipment within a 2.4M high fenced compound and

associated ancillary equipment. Due 20/11

Decision: Pending

PRA/2023/02323 - Dungate Farm, Plaistow Road, Dunsfold, GU8 4PJ

Erection of a single storey rear extension which would extend 8 m beyond the rear wall of the original house for which the height would be 4 m and for which the height of the eaves would be 2.50 M.

WA/2023/02073 - Land Centred Coordinates 501615 137177 High Loxley Road Loxhill

Erection of an agricultural workers dwelling and associated works. Due 20/11

Decision: Refuse not permitted development

WA/2023/02364 - Dungate Farm, Plaistow Road, Dunsfold, GU8 4PJ

Certificate of lawfulness under section 192 for alterations to existing stable outbuilding for use as ancillary residential accommodation. No due date

Decision: Pending

WA/2023/02366 - Dungate Farm, Plaistow Road, Dunsfold, GU8 4PJ

Certificate under section 192 for erection of a single storey extension to existing dwelling. No due date

Decision: Pending

WA/2023/02365 - Dungate Farm, Plaistow Road, Dunsfold, GU8 4PJ

Erection of extensions and alterations. Due 25/11

Decision: Pending

PRA/2023/02372 - Woodcote, Fisher Lane, Dunsfold, GU8 4PH

Erection of a single storey rear extension which would extend 8 m beyond the rear wall of the original house for which the height would be 3.95 M and for which the height of the eaves would be 2.30 M.

Notice under Article 13 and 36 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Due 01/12

Decision: Pending

# Dunstable NP – Draft Structure of Policies

## Sustainable Growth

### **SG1: Employment and Community Facilities**

Support employment and diversification in brownfield and existing employment sites, subject to impacts  
Support rural diversification  
Support community facilities in and around built settlements.  
Resist loss of employment space – name estate(s)?

### **SG2: Residential Development**

Housing - support on allocated sites, brownfield and infill in built settlements  
General requirements for residential development.  
Housing suitable for older people as part of the mix.

### **SG3: Site Allocation**

### **SG4: Site Allocation**

Etc.

To incorporate sites, any site-specific requirements.

## Environment

### **ENV1: Natural Environment**

Habitats and Biodiversity  
Landscape character  
Trees, Woodland, Hedgerows  
Impact on designated landscapes  
The Common  
Avoid harm to proposed AONB  
Avoid coalescence between built settlements (landscape settings and green gaps).

### **ENV2: Flood Risk**

But only if the policy adds a local dimension to NPPF and Local Plan policies. Otherwise, no point including this policy.

### **ENV3: Environmental Impacts and Amenity**

Light Pollution and Dark Skies  
Noise Pollution  
Residential amenity

#### **ENV4: Local Green Space?**

Designation and protection of Local Green Space?

### **Design and Character**

#### **D&C1: Character**

Complement context – scale, height, massing, etc.

Key characteristics of both conservation areas

Key principles from the Dunsfold VDS

Views?

#### **D&C2: Sustainable Design**

Building for a health life – key principles

Support green design

Public realm, pedestrian/cycle movement, etc.

Green infrastructure

### **Infrastructure**

#### **INF1: Transport and Active Travel**

Balanced transport provision

Support active travel – walking and cycling

Impacts on footpaths

#### **INF2: Renewable Energy**

Support renewable energy, subject to impacts.



# Dunsfold

## Sustainable Housing Site Selection Criteria

	Criteria	Assessment
1.	Natural environment and landscape impacts.	<p>Consideration of adverse impacts on landscape character, ecology, wildlife and biodiversity, especially nationally or locally designated landscapes, such as SSSI or TPOs. The proposed AONB extension should also be considered.</p> <p><b>Red:</b> Site includes designated landscape.  <b>Amber:</b> Site outside of designated landscape, but could have adverse impact.  <b>Green:</b> Little or no landscape sensitivity.</p>
2.	Heritage assets.	<p>Potential for positive or adverse impacts on conservation areas and listed buildings and their settings. This is about the impact in principle, as consideration is being made of sites rather than actual schemes.</p> <p><b>Red:</b> The undeveloped site is part of the character or setting, so any development would be harmful.  <b>Amber:</b> Limited development could be accepted.  <b>Green:</b> Development provides an opportunity to enhance the character or appearance of conservation areas or the setting of listed buildings.</p>
3.	Brownfield Site?	<p>Preference for development of brownfield sites.</p> <p><b>Red:</b> Greenfield site.  <b>Amber:</b> Part brownfield/greenfield; mitigation possible..  <b>Green:</b> Brownfield site.</p>

4.	Proximity to village services.	<p>Distance to village services (shop, pub, Winn Hall, KGV, cricket club, church, fire station).</p> <p><b>Red:</b> remote from village services, so that car-based travel is always required.</p> <p><b>Amber:</b> walkable distance from facilities.</p> <p><b>Green:</b> in the centre with other facilities.</p>
5.	Proximity to the existing built settlements.	<p>Sites within or adjacent to existing settlements, so it does not involve isolated incursions into the rural area.</p> <p><b>Red:</b> remote from existing settlements.</p> <p><b>Amber:</b> close or adjacent to existing settlement.</p> <p><b>Green:</b> Within existing built settlements.</p>
6.	Flood risk and surface water.	<p>Consideration of flood risk or existing surface water drainage issues.</p> <p><b>Red:</b> Evidence of occasional flooding or adverse impacts from surface water.</p> <p><b>Amber:</b> Flooding and surface water issues could be overcome.</p> <p><b>Green:</b> No flood risk or surface water runoff issues.</p>
7.	Vehicular access.	<p>Safe vehicular highway and site access.</p> <p><b>Red:</b> Satisfactory access not possible or viable or would involve access across the Common or other adverse environmental impact.</p> <p><b>Amber:</b> No existing access, but clear potential to create new access.</p> <p><b>Green:</b> Existing satisfactory access.</p>
8.	Coalescence	<p>Ensuring that settlement maintain their separation, identity and landscape setting.</p> <p><b>Red:</b> Development would close the green gap and lead to settlements merging.</p> <p><b>Amber:</b> Development would reduce the green gap, but some separation would be maintained.</p> <p><b>Green:</b> No coalescence issues.</p>

9.	Impacts on community green spaces.	<p>Consideration of impacts or loss of community spaces, including the common.</p> <p><b>Red:</b> Development of the Common or other community spaces.</p> <p><b>Amber:</b> Outside of the common or other community spaces, but potential impact on their setting, amenity or accessibility.</p> <p><b>Green:</b> No impacts.</p>
10.	Deliverability	<p>Availability for development. Viability.</p> <p><b>Red:</b> site owner does not intend to develop or sell the site.</p> <p><b>Amber:</b> Could be available, but constraints to overcome or questions over viability.</p> <p><b>Green:</b> Site viable and owner intends to develop the site, or sell for development.</p>

**Notes:**

Brownfield sites remote from the existing settlement could be considered for other uses, for example employment and diversification of the rural economy.

## **INFORMAL CONSULTATION ON NP SITE CRITERIA.**

We are proposing, on the advice of UVE, an informal consultation on the criteria for site allocation under the Neighbourhood Plan (see separate document). This Note covers the format of such consultation.

It will take place in the second half of January 2024 and last three weeks. A leaflet inviting comments will be delivered to every household. It will also be advertised online (Dunsfold ENews, Love Dunsfold etc.) and appear on the DPC website.

Respondents will be given the choice of responding by email (a dedicated email address should be set up for the purpose) and in writing to the DPC office.

A “drop-in”/”speed-dating” session with councillors present should be held at the Winn Hall.

A banner advertising the informal consultation could be considered, subject to cost.

The consultation will be managed by a working group consisting of Councillors Shone, Wright and Waterson, and the Clerk. There is an accompanying formal Motion allowing for a possible Budget of £750.

NW

4/12/23

## **DPC'S STATUS AT SIGMA PLANNING APPEAL INQUIRY.**

At the request of the developers, this is to be a full-blown formal Inquiry which will not only involve barristers, experts etc., but also examination and cross-examination of witnesses.

I have asked Kevin Deanus to facilitate an early meeting with the Waverley planners. It is of course for them to do the "heavy-lifting" as it's an appeal against their refusal. However, previous experience shows that they do not necessarily perform well at appeals, and the officers attending may not be well briefed on the detail. In view of the very large scale of this proposed development and its likely effect on the village, I would expect WBC to instruct counsel and (possibly) expert witnesses.

The other concern is that the normal procedure is for the parties (which does not include DPC at present) – see below - to agree in advance of the hearing a Statement of Common Ground (SOCG). Villagers who attended were let down last time there was an appeal – on North Gratton Chase – because unbeknown to us WBC had conceded certain issues, especially biodiversity, in advance of the hearing.

So the point of an early meeting with the planners is to establish that WBC intend to take this seriously, devote the necessary resources to it and not abandon issues which we believe should be aired at the Inquiry.

What happens if we are not satisfied as to WBC's intentions?

The accompanying Motion on this appeal simply asks that DPC attend the Inquiry as an "Interested Party". Unlike members of the public, a parish council has a statutory **right** to be heard.

There is an alternative option – to become what is called a "Rule 6" party. This would entitle us to be treated like any other party, be involved in setting the agenda for the Inquiry, calling our own witnesses, questioning witnesses (and being cross-examined in turn) etc.. This is a daunting prospect in view of the work and responsibility involved. (I cannot imagine DPC would consider the expense of instructing a barrister).

There is a potential issue as to costs which I have researched. In theory, an interested party who choose to be a Rule 6 party **could** be liable to an award of costs where “they behave unreasonably” (and could in turn be the beneficiaries of such an award). However, the Guidance is clear that costs will only be awarded “**in exceptional circumstances**”. NALC Legal have today advised as follows:

*“Costs can be awarded against parties to a planning appeal but only if that party has behaved unreasonably and that unreasonable behaviour has cost another party money. Thus, if the Parish Council were to, for example, change its arguments during the appeal resulting in the applicant having to do extra work in respect of those changed arguments, then the parish council may be ordered to pay those extra costs. However, so long as the Parish Council behaves properly and reasonably in the appeal then no costs would be awarded against it.”*

I am not urging this course at this stage. But if it becomes apparent that WBC are not intending to fight this appeal vigorously we may need to reconsider.

In any event, the Guidance states we need to pass the accompanying formal Motion authorising the Chair (or a substitute if I am unavailable for some reason) to appear and represent the DPC at the Inquiry.

**NW**

**4/12/23**

**Ref: APP/R3650/W/23/3332590**

LAND AT COOMBE BURY COTTAGE THE GREEN DUNSFOLD GODALMING GU8 4NB

Outline application with some matters reserved except for access for erection of up to 53 dwellings, public open space landscaping and related infrastructure following demolition of existing buildings.

Dunstable Parish Council (the “**Council**”) wishes to reiterate in the firmest terms its objection to the above proposed development, and its settled view is that this appeal should fail.

The Council submitted a fulsome objection to the original planning application listing a number of areas of policy conflict and discrepancies, and which was submitted to the planning authority on 13 January 2023.

Without wishing to repeat the contents of that objection, and subject to the below additional comments, the Council wishes to reiterate its contents in the strongest possible terms. There were some 71 individual objections to this application.

The Council wishes to make the following additional observations to supplement its original objection.

#### **Access over registered common land**

*Application under Commons Act 2006 – refusal by the Planning Inspectorate (acting on behalf of the Secretary of State)*

In its original objection, the Council noted that the developer had applied to the Secretary of State for consent under Commons Act 2006 concerning its proposed access arrangements.

This separate application was subsequently refused on 22 June 2023 as being contrary to Government policy, and a copy of the refusal is attached at **Appendix 3** for information. That refusal highlighted the view there would be a determinantal impact on landscape arising from expanding the access road, which would “*introduce a more urbanising feature into this part of the common which, despite the existence of the track, still retains a strong rural, semi-natural character.*” The Council considers that these landscape harm observations, although relating to a separate application under the common land regime, are also relevant to the determination of this appeal.

In addition, the Council remains unaware of any negotiations with relevant parties for a right of access over the common (which is owned by Waverley Borough Council, and leased to the Council), nor is the Council aware of any approach to discuss the proposed improvements to the common.

In light of these issues, the Council also remains concerned that the applicant cannot demonstrate that the site is in fact deliverable.

#### **Adjacent land (“Land North of Gratton Chase”) – planning appeal refused on 4 January 2023**

The Council’s original objection very briefly referenced the Inspector’s conclusions in refusing an appeal concerning the proposed development to land immediately to the south of the subject of this appeal. A copy of the Appeal Decision is attached for information at **Appendix 1**.

The Council considers that the Inspector’s observations on the sensitivity of the landscape and detrimental impact on the character and appearance of the area are highly material and relevant to the present appeal. This is even more so given that the present appeal site is bordered by a public footpath FP281 which links Dunstable Common with the Grade 2 listed farm complex at High Loxley Farm to the east, meaning that the development will be directly visible to footpath users, where currently the land is open field.

It is also worth noting the terms of the objection at the time to this application (relating to the site right next door) by the owners of Coombebury Cottage: “The impact of this development would be devastating...” “This site is outside of the village settlement boundary and would create an unacceptable extension to the village” (bearing in mind this application was for 21 houses as opposed to the current appeal for 53), and “This development will destroy the rural aspect to the north of the village.”

### **Surrey Hills AONB / National Landscape – extended boundary review process**

Since the Council’s objection, the Natural England proposals for the expansion of the Surrey Hills AONB (now National Landscape) have progressed substantially, with a public consultation concluding in June 2023. The appeal site is included in a large swathe of the Dunsfold parish which is included in the proposed extended boundary under that consultation. The Council’s submission to that consultation was to warmly endorse the inclusion of the area in which this site is situated and the reasons provided for that inclusion.

As a result, the Council has a reasonable expectation that the appeal site will be included in a newly extended AONB (National Landscape) when an order is eventually made by Natural England and confirmed by the Secretary of State. This amounts to a “material consideration” when considering this appeal.

In anticipation of the area being included within that expanded boundary, the Council is of the view that this should enhance the weight given to landscape arguments concerning the protection and enhancement of the AGLV/AONB (National Landscape). Given the advanced stage of the boundary extension, the area should be regarded as heavily constrained.

### **Sustainable transport – ST1**

The Council is concerned that the appellant overstates the significance of the Digital on Demand Bus service, which is:

- Available 6 days a week only until 7pm
- Only serves the centre of Cranleigh and surrounding villages – it is useless for trying to get to Godalming or Guildford, or anywhere else. Cranleigh itself is not a major hub for transport – there is no railway station and a bus would be needed to take an individual to either Horsham or Guildford for further public transport connections.

The future status of the scheduled number 42 bus service (provided by Compass) in the village (once per hour during “peak” times, 6 days per week), servicing the route to Guildford is uncertain – there is local concern that this might shortly be axed altogether, following a recent consultation.

The mention of several train stations within a 10 mile radius overlooks the fact that individuals will inevitably need to use personal transport to get to those railway stations (the closest station, Milford, involving a narrow country road with passing places which condition and delays is a source of local complaint).

On a separate issue, the SOC talks of a GP surgery when this closed several years ago and there are no plans to replace it.

### **Housing supply requirements in Dunsfold**

The Statement of Case para 6.2.17 mentions Dunsfold parish’s requirement to deliver at least 100 dwellings, that 50 have been delivered and a further 25 have been consented. Subsequent to the



Council's original objection, an application for 21 units has come forward (WA/2023/01020 "Springfield"), which the Council responded to express its support in principle to, subject to additional comments. A further application for 12 dwellings at Wetwood Farm (WA/2022/02373) is due to be determined imminently.

Assuming that the Springfield site is granted consent, the addition of the present appeal site together with Wetwood Farm would take the total number of new dwellings to 161 (excluding any future consents or allocations), against a total minimum requirement of 100 dwellings. Indeed the Inspector in the North Gratton Chase appeal (see above) commented: "Good progress has been made towards meeting this target".

The Council considers that this development is in breach of SP2 and ALH1.

The Statement of Case also notes that "any delivery over and above the minimum housing target identified for an area would not represent a breach in policy" and references the Inspector's comments in another planning appeal (APP/R3650/W/21/3278196).

However, by response, the Council is concerned that that selective statement disguises the nuance and context to the Inspector's findings in relation to that particular appeal, which concerned a different village (Alfold):

- Whilst the policy does not establish a ceiling on the number of new dwellings to be accommodated, the Inspector accepts that "it does not allow for unlimited development". The application of SP2 is therefore relevant for the Inspector to consider in the context of this particular development and the specifics of Dunsfold.
- Exceeding the minimum number of homes required in Alfold "adheres to the fact that growth in a less constrained settlement is to be supported and is consistently being supported on appeal." As the Inspector will be aware, Dunsfold is a materially more constrained settlement than Alfold, as identified in the Sustainability Appraisal (SA) for Waverley Borough Council's LPP1, which is extracted in **Appendix 2**. The SA notes in relation to Dunsfold alongside other smaller villages, that "there is little in the way of strategic argument for higher growth in these villages". The Council considers that consenting to this development would therefore be contrary to LPP1 (including SP2) and the SA which underlies it.
- The Inspector was concerned that Alfold's housing requirement of 125 new dwellings is "a fairly arbitrary number to reflect the facilities and services in the village.... it is worrying that reasonable alternatives with a higher minimum figure attributed to Alfold were therefore not assessed by the SA (Sustainability Assessment) for LPP1". Dunsfold is treated materially differently under the SA.
- LPP2 has now been adopted by Waverley Borough Council (see further below), with its policies carrying material weight to the determination of this appeal.

The Council disagrees that Dunsfold offers "more scope for growth" – the SA indicates the opposite.

### **Adoption of Waverley Borough Council Local Plan Part 2 (LPP2) and dismissal of the Statutory Review**

The Statutory Review hearing referred to in 5.2.3 has concluded with its dismissal. LPP2 therefore remains in full force and effect.

The Council queries whether the list of relevant LPP2 policies in the Statement of Case is complete. DM15 (b) requires that development in rural areas should:

*b) Recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements, while making efficient use of land;*

The site in question is a rural area, being outside the existing settlement boundary of Dunsfold as set out in LPP2 (factual update). The Explanatory Note to DM15 also appears to be relevant:

*3.35 The introduction of substantial built form into the countryside has the potential to have a harmful urbanising impact on the countryside, including in areas adjacent to existing settlements. The benefits of any such development will need to be considered against the level of harm, taking into account the extent and form of development and the sensitivity of the site and surrounding area to development. All rural areas, including those outside of designated landscapes, are potentially sensitive to development, and as a starting point developers are advised to consider the Surrey Landscape Character Assessment and the Waverley Landscape Report. When considering the need for and benefits of development in the Countryside, the Council will be mindful of the Spatial Strategy set out in Policy SP2 which sets out that the built up areas of the four main settlements, together with site allocations, should be the focus of development in the Borough.*

The Council considers that this policy and guidance is relevant to the appeal.

#### **Harm to protected species**

The Council is concerned that the appellant's Ecological Impact Assessment is materially incorrect regarding its amphibian data (para 4.79):

*The data search showed one record of great crested newt within 2km of the site within the past 15 years. This record was from 2013 and approximately 1800m from the site. No records were returned for any other newt species. One record for common toad (Bufo bufo) within 2km of the site within the past 15 years was returned.*

The Council is aware that a short distance south of the site (starting at TQ 00658 36948) there is an amphibian crossing and associated volunteer patrol during spring migration season, which is registered with Froglife (Site 851) . The Council provides its annual consent for volunteers to erect a temporary amphibian net to assist the patrol.

The Council understands that patrol volunteers have, over the past three seasons of consistent recording, successfully recorded common toad, frogs and all species of newt (including Great Crested Newt). The full data is provided by volunteers to the following bodies/organisations:

- Waverley Borough Council and Surrey County Council
- Froglife
- Surrey Amphibian and Reptiles Group (SARG)
- Surrey Biodiversity Information Centre, administered by the Surrey Wildlife Trust
- Surrey Wildlife Trust (including its Ecological Planning Advisory Services)

The Council understands that the total (live) figures supplied to the above for 2023 were:

- 99 Common Toad
- 144 Frog
- 5 Great Crested Newts
- 172 Other newts

In 2022, the Council understands that the total (live) amphibian figure was 919, of which 309 were common toad and 7 were Great Crested Newts.

It is therefore of some concern to the Council that the appellant's ecology data and impact assessment does not consider this data.

The site is not just AGLV land, but also within a Site of Nature Conservation Importance. The SOC concedes "there will be areas of direct habitat loss as a result of the access widening works."

And from January 1<sup>st</sup> 2024 the biodiversity net gain legislation will require all new developments to achieve at least a 10 per cent increase in on-site diversity.

### **Dunsfold Neighbourhood Plan**

Following a report prepared by Urban Vision Enterprise CIC (UVE) which drew attention to some material issues with the Council's draft Regulation 15 Neighbourhood Plan submitted to Waverley Borough Council in [April] 2023, the Council is revisiting the policies and site assessment criteria in conjunction with UVE, in order to bring forward a revised draft as soon as is reasonably practicable. Given that the draft Neighbourhood Plan is noted to have limited (if any) weight, the current status of the draft being revisited ought not to impact the determination of this appeal.

However, the Council can confirm that at no stage in the 6+ years of work on the draft Neighbourhood Plan has this included the appeal site as a potential site allocation, in fact, earlier drafts of the site assessments and allocations were negative towards the land to the south (the subject of the Appeal Decision in [Appendix 1](#)). Given that Dunsfold's minimum housing requirement is fast approaching being met or even exceeded (see above), the Council considers that a scheme of this size and density, with its urbanising effect, and its ecological, landscape and other sensitivities, is highly unlikely to be considered appropriate.

The Council would wish to be heard at the Inquiry as an "Interested Party".

**Appendix 1**

Appeal Decision

Appeal Ref: APP/R360/W/22/3293777

Land to the North Gratton Chase, Dunsfold, Surrey GU8 4NW

**Appendix 2** – Sustainability Assessment Waverley Local Plan Part 1, p 24 (referred to in APP/R3650/W/21/3278196, referenced in the Statement of Case)

- **Alfold** is a smaller village, in the southeast of the borough, 3-4km from Cranleigh and within 1km of Dunsfold Aerodrome, which stands-out somewhat from the other smaller villages in that there are relatively few environmental constraints, and a large number of sites are promoted. The LAA identifies seven sites as 'suitable', with a total capacity of 180 dwellings; however, there is a strong argument to suggest that not all of these sites should be developed due to its very limited level of facilities. There is a need to consider the in-combination effects of developing several sites, and also recognise the likelihood of a strategic scale scheme at nearby Dunsfold Aerodrome. The Council is of the firm view that 100 homes is an appropriate scale of growth at Alfold, and hence this figure was identified as **a given** for the purposes of developing strategy alternatives.
- Churt, Dunsfold, Ewhurst, Frensham, Tilford, Wonersh and Shamley Green are the **other smaller villages**, at which the LAA identifies 'suitable' greenfield sites with a total capacity of 137 dwellings in total (82 dwellings at Dunsfold and 55 dwellings at Ewhurst). No other sites are potentially suitable (and indeed there are no additional sites available at several of these villages), and there is little in the way of strategic argument for higher growth at these villages. As such, a figure of 137 dwellings across these three villages was identified as **a given** for the purposes of developing spatial strategy alternatives.

**Appendix 3**

Common land access- refusal



# Application Decision

**by Barney Grimshaw BA DPA MRTPI(Rtd)**

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

**Decision date: 22 June 2023**

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**Application Ref: COM/3311552**

Register Unit: CL162

Registration Authority: Surrey County Council

- The application, dated 18 November 2022, is made under Section 38 of the Commons Act 2006 (“the 2006 Act”) for consent to carry out restricted works on common land.
- The application is made on behalf of Waverley Borough Council.
- The works comprise the creation of a 5.5m access road, a 1.5m footway and associated works.

## Decision

1. The application is not approved.

## Preliminary Matters

2. I have not visited the site, but I was satisfied I could make my decision without the need to do so.
3. For purposes of identification only the location of the proposed works is shown marked in red on the attached plan.

## The Application

4. The application relates to the construction of a new access road associated with an outline planning application for up to 53 homes on land adjoining the common. This is proposed to replace the existing narrower (2.5m) access to Coomebury Cottage. I understand that the planning application has now been refused but the applicant has not sought to withdraw the current application and I have therefore proceeded to consider it.

## Main Issues

5. I am required by Section 39 of the 2006 Act to have regard to the following in determining this application:
  - (a) The interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
  - (b) The interests of the neighbourhood;
  - (c) the public interest, which includes the public interest in nature conservation; the conservation of the landscape; the protection of public

rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

(d) any other matter considered to be relevant.

6. I will also have regard to published guidance (Department for Environment, Food and Rural Affairs (Defra) Common Land Consents Policy Guidance, November 2015) in relation to the determination of applications under Section 38.

### **Representations**

7. Fourteen objections were submitted from individuals and organisations, including Dunsfold Parish Council, Dunsfold Planning Action Group, the British Horse Society, Natural England (NE) and the Open Spaces Society. Some of the objectors opposed not only the works applied for but also the proposed housing development intended to be served by the new access road.

### ***The interests of persons occupying or having rights over the land***

8. The land affected by the proposed works is owned by Waverley Borough Council and leased to Dunsfold Parish Council.
9. The owners of Coomebury Cottage have the right of access with or without vehicles along the existing access road. This right is exercised on a daily basis by the current owners but will become obsolete if and when the property is developed.
10. There is also a general right of access for the wider community which will still be exercisable over the proposed new access road.

### ***The interests of the neighbourhood***

11. The 2006 Act does not define the term 'neighbourhood'. However, in this case it seems logical to consider the village of Dunsfold to be the appropriate neighbourhood.
12. The published guidance states that the consent process seeks to ensure that *"...works take place on common land only where they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact."* In addition, in respect of applications for works under section 38 of the 2006 Act, it states that *"Commons should be maintained or improved as a result of the works being proposed on them. The Secretary of State sees section 38 as conferring additional protection on common land, rather than enabling common land to be used for purposes inconsistent with its origin, status and character."*
13. The works proposed in this application are not temporary and will have a lasting impact on the common. Also, it cannot be said that the construction of a 5.5m road and 1.5m footway will maintain or improve the condition of the common. By its nature, the proposed new access road will not only reduce the area of common available for recreational use but will also introduce a more urban type of feature into part of the common.
14. However, the guidance also recognises that the construction of a paved vehicular way may be the only practical means of providing access to land adjacent to the



common. That would seem to be the case here and it appears to be generally accepted that the proposed access road would be the most practical means of providing improved access to the adjoining land, if such access is needed.

15. In cases where proposed works do not benefit the common but there is a potential underlying public benefit, the guidance also states that such projects “...are more likely to be successful under section 16(1), so that an exchange of land is proposed and can be considered on its merits.”
16. In this case, any wider benefit of the proposed works is not clear, particularly in the light of the refusal of planning permission for the housing development that would be enabled by the construction of the road. In any event, the deregistration of the land to be covered by the new road would not result in greater fragmentation of the common than currently proposed as the road would still be accessible to the public. Also, there would appear to be no reason why a suitable area of replacement land could not be provided on land adjoining the common as part of the proposed residential development.

#### *Conclusions on the interests of the neighbourhood*

17. The proposed works will not maintain or improve the common but will damage it to some extent. In addition, they are not temporary, will have a lasting impact and will not confer any clear wider benefit.

#### **The public interest**

##### *Nature Conservation*

18. Construction of the proposed access road will require the removal of 5 trees. These are said to be classed as either of low quality or recommended for removal as a result of their existing condition. It is proposed that these will be replaced with English Oak, Hawthorn and Hazel to be planted within the common.
19. Dunsfold Common is not subject to any statutory designation for nature conservation. Natural England (NE), the body responsible for advising the Secretary of State on matters such as nature conservation, landscape and countryside access, has stated that the common supports a good diversity of habitats and has been designated as a (non-statutory) Site of Nature Conservation Interest (SNCI). NE has expressed pleasure that the wildlife interest of the site has been recognised and measures to mitigate any adverse effects of the proposed works put forward although they are not able to say whether these would increase the nature conservation value of the common.
20. Overall, the proposed works are likely to have only a limited effect on the nature conservation interest of the common and the mitigation measures proposed may actually enhance it.

##### *Landscape*

21. The site is located within an Area of Great Landscape Value defined in the Waverley local Plan.
22. NE has expressed the view that the upgrading of the existing concrete track which is proposed will introduce a more urbanising feature into this part of the

common which, despite the existence of the track, still retains a strong rural, semi-natural character.

23. Although the impact of the proposed works on the wider landscape will be limited, it will to some extent be detrimental.

#### *Public Access*

24. If the application is approved and the proposed access road constructed, it will remain as part of the common and therefore still be open to public access. However, people walking from north to south or south to north will have a wider and busier road to cross which may be regarded as something of a barrier to movement. In addition, access will have to be temporarily restricted during the construction of the road.
25. A public footpath runs along the existing driveway to Coomebury Cottage. The application proposes that this would remain and run along the footway adjacent to the new access road.

#### *Archaeological remains and features of historic interest*

26. The proposed works will not affect any known archaeological remains or features of historic interest. The Historic Environment Officer of Surrey County Council has raised no objection to the application subject to the imposition of appropriate conditions on the planning application.

#### *Conclusions on the public interest*

27. Any adverse effects of the proposed works on nature conservation are likely to be mitigated by measures put forward in the application. However, the works will have a negative effect on the landscape of the area and on public access, albeit of a limited nature.

#### **Conclusions**

28. Overall, the proposed works would not maintain or improve the common, would not be temporary and would not confer wider public benefit. Accordingly, the application does not comply with government policy and should not be approved.

*Barney Grimshaw*

**INSPECTOR**





## Appeal Decision

Hearing Held on 13 December 2022

Site visit made on 14 December 2022

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 04/01/2023

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**Appeal Ref: APP/R360/W/22/3293777**

**Land to the North Gratton Chase, Dunsfold, Surrey GU8 4NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kitewood Investments Limited against the decision of Waverley Borough Council.
  - The application Ref WA/2021/0413, dated 12 February 2021, was refused by notice dated 22 October 2021.
  - The development proposed is described as erection of 21 dwellings (including 8 affordable) together with associated access, parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council has withdrawn 3 of its reasons for refusing planning permission. These related to the provision of 'sustainability measures', sewers, and to amphibians. I shall therefore consider these matters only to the extent that they otherwise remain relevant.
3. A Section 106 agreement (S106) was submitted to secure the provision of affordable housing and the management of open space and drainage. I shall again return to this where relevant below.

### Main Issues

4. The main issues are:
  - whether the site is a suitable location for the proposed development having regard to its effect on the character and appearance of the area; and
  - whether the development would make adequate provision for/provide suitable access to play areas.

### Reasons

#### *Character and appearance*

5. The spatial strategy for the Borough is set out within Policy SP2 of the Local Plan Part 1 2018 (the Local plan). This allows for limited levels of development in and around Dunsfold. Within this context Policy ALH1 of the Local Plan allocates a minimum of 100 houses to Dunsfold up to 2032. Good progress has

been made towards meeting this target. Neither policy makes any reference to settlement boundaries, albeit these remain designated under saved Policy RD1 of the Local Plan 2002 (the LP2). Whilst the site lies outside the settlement boundary for Dunsfold, the terms of Policy SP2 do not act to restrict development in the same way as is common elsewhere. They instead simply highlight where development is likely to be most appropriate. Insofar as the decision notice references the location of the site outside a settlement boundary, the Council has confirmed that no conflict would arise with the spatial strategy, and that its concern relates solely to the effect of the development on the character and appearance of the area.

6. Dunsfold is distinctively laid out around Dunsfold Common. Within this context the settlement historically fell within 2 main north/south parts. Modern housing development on the east side of the settlement, including at Gratton Chase to the south of the site, has however greatly diminished any sense of separation between the northern and southern parts of the village. Some gaps do nonetheless remain, and these provide important linkages between Dunsfold Common and the broader landscape beyond. Whilst these spaces chiefly exist on the west side of village, the site forms a component of a vestigial gap on the east side.
7. The site itself is a triangular piece of land which contains a small plantation of broadleaved trees. This was established during the late 1990s, and many of the trees are now well grown. The appellant states that the trees are rotationally felled for firewood, thus implying a regular cycle of planting and cropping. Only a small proportion of the trees appeared to have been felled at the time of my visit, and no replanting had yet occurred. Be that as it may, under the management regime described, the site could be expected to remain under some form of continuous woodland cover.
8. The site adjoins a thick belt of mature woodland which forms a distinctive linear feature on the east side of Dunsfold Common. The plantation and woodland effectively merge at the north end of the site and along its western margin, where there is little to differentiate the two aside from the size of the trees and the presence of a fence. Despite the existence of mowed grass beneath some of the trees at the centre of the site, its existing character thus generally complements that of the woodland to the west. This is most appreciable from Gratton Chase, and from the permissive path which runs through the belt of woodland, close to the site boundary. It is also appreciable from Dunsfold Common, and from the public footpath which enters Dunsfold through the open landscape towards the northeast of the site. From all these locations the site is simply perceived as containing woodland.
9. The site falls within a locally designated Area of Great Landscape Value (AGLV). This is a historic designation which has been retained pending review of the Surrey Hills Area of Outstanding Natural Beauty (AONB) whose boundary currently lies towards the north. Given shared characteristics, it is anticipated that in due course the boundary of the AONB will be expanded into the AGLV. It remains uncertain when, where, and whether or not the site will be included. In this regard a 2013 appraisal which excluded the site from potential inclusion cannot be taken as definitive. Thus, for the time being, the AGLV acts to highlight the quality and sensitivity of the landscape that it contains, and in this regard, I share the Council's view that the AGLV should be considered as a

'valued landscape'. Indeed, on the above basis it clearly has attributes which take it out of the ordinary, and these are recognised in its designation.

10. A landscape is a sum of its parts, and as the landscape in question is the AGLV, it would make little sense to assess whether the site itself constitutes a valued landscape. I appreciate that a different approach was taken by an Inspector in another appeal, however in that case the parties appear to have agreed that a site specific approach was appropriate. That is not the case in the current appeal, and no such approach is set out in national policy. Clearly however, the contribution that individual parts of a landscape make to the character and value of the whole may vary. In this regard Policy RE3 of the Local Plan, which relates to the AGLV, makes no suggestion that it exists as an absolute constraint on development.
11. The site is not highly exposed within the broader landscape, but it does occupy a visually sensitive location on the settlement fringe. As set out above, its wooded character both complements that of the more established woodland adjacent, and that of the broader landscape, within which woodland is a key characteristic. The vestigial link it helps to provide between Dunsfold Common and the broader landscape on the east side of the settlement is also clearly of importance. The site is not publicly accessible, but that is true of most of the landscape within the AGLV. As established above, the site is however visible from various locations outside it, and its attributes are readily perceived. As such I am satisfied that as well as making an important contribution to the character of the settlement, the site makes a positive contribution to the broader AGLV.
12. The development would entail clearing the site. Though it is suggested that some trees might be retained, the plans do not provide clear confirmation of this. It is also generally stated that boundary vegetation would be retained. However, whilst that along the southern edge of the site largely falls outside the site boundary, the east boundary of the site is defined by a fence. Whilst no detailed landscaping proposals have been provided, it is highly unlikely that new planting would conceal the development from the viewpoints identified above.
13. Even with buffer planting, clear and direct views would exist from within the adjacent woodland, whose character and sense of integrity would be greatly diminished by the close encroachment of housing and domestic space. This would be particularly pronounced at the north end of the site. The resultant harm would be increased in cumulative terms given the scale of development which has already occurred on the east side of the wood towards the south. Clear visibility of the development from Dunsfold Common would in turn further underline the loss of this important remaining link to the broader countryside and landscape on the east side of the settlement. In this regard the development would also be exposed along its east side and visible from the footpath to the northeast. From this vantage point it would be perceived as encroaching into the open setting of the settlement. In all these regards a harmful sense of increased urbanisation would arise.
14. The development would employ a similar range of dwelling designs as seen at Gratton Chase. However, there would be very little direct integration of the development with that at Gratton Chase, which would remain well separated by a band of trees and shrubs. Though the development would represent a



continuation of the creeping pattern of growth along the east side of the village, given the harm I have identified above, this does not indicate that the development should therefore be considered as an acceptable or 'logical extension' to the village. Neither of these considerations therefore alters my findings above.

15. For the reasons set out above I conclude that the site is an unsuitable location for the proposed development given the harmful effect that it would have on the character and appearance of the area. The scheme would therefore conflict with Policy TD1 of the Local Plan, which requires development to respond to the distinctive local character of the area in which it is located; saved Policy D1 of the LP2 which similarly seeks to restrict development where this would be detrimental to the visual character and distinctiveness of a locality; Policy RE3 of the Local plan which seeks to protect the AGLV; and Policy RE1 of the Local Plan, which more generally seeks to safeguard the intrinsic character and beauty of the countryside

#### *Play areas*

16. Policy LRC1 of the Local Plan states that proposals for new residential development will be expected to make provision for play space having regard to Fields in Trust standards. A development of the size proposed would therefore be expected to provide a Local Area for Play (LAP) designed for use by very young children, and a Local Equipped Area for Play (LEAP) designed for use by older children. The guideline accompanied walking distance for a LAP is 100 metres. The guideline walking distance for a LEAP is 400 metres. Some flexibility clearly exists within reason. In this regard use of the existing joint LAP/LEAP (the existing play area) just to the south of the site at the north end of the Gratton Chase development is proposed.
17. The plans show a footpath crossing the site boundary and linking the development to the existing play area. It was however confirmed at the Hearing that provision of the path could only be secured as far as the site boundary. The remainder would not therefore be provided. In the location shown a user of the proposed path would consequently find their way barred by a band of thorny vegetation. In the event that this was passable, a steep grass covered slope lies beyond, along which runs a low rail fence. Each would need to be navigated before the existing play area could be reached. The conditions would be little better were the path to be moved to any other point along the boundary. In the absence of any means by which provision of the section of path shown outside the site boundary could be secured, no realistic direct access into the existing play area from the development would therefore exist.
18. Occupants of the development could instead access the existing play area by walking out of the site and along the road. This would however be far less convenient, less attractive, and less safe given that it would involve travelling a greater distance, and children crossing or walking in the road. The 100m accompanied walking distance recommended in relation to a LAP would also be considerably exceeded from within much of the site. Given that LAPs are intended for use by very young children, the above cannot be considered desirable. Clearly, not all potential users of the existing play area would be deterred, and the walking distance would not exceed that recommended in relation to a LEAP. However, the above would nonetheless make use of the existing play area by future occupants of the development far less likely. The

existing play area would therefore neither fully nor properly serve the purpose required of it in relation to occupants of the proposed development.

19. The appellant has pointed to on-site provision of informal open space around the margins of the site, whose use for recreation was to have originally been secured within the S106. Whilst such space could not directly compensate for the lack of a suitably accessible LAP, most such 'open space' within the layout has been earmarked for planting and ecological mitigation, including as a buffer to the SNCI to the west, and as a receptor site for protected species. Indeed, the submitted LVIA proposes planting the space along the west side of the site with dense thorny shrubs, whilst the Ecological Impact Assessment indicates a requirement to plant it with scrub together with creation of hibernacula. Both the lack of overall consistency in the treatments proposed, and the absence of a detailed landscaping scheme create uncertainty. Nonetheless, it is apparent that a large proportion, if not most of the open space shown on the plans, would be neither available nor suitable for recreational use.
20. A larger play area exists towards the north end of the village. The Council previously accepted that this was suitably accessible from Gratton Chase, and, notwithstanding the requirement to walk along a busy road in order to reach it, this play area would be equally accessible from the site. This however has little relevance in relation to the lack of suitable provision of/access to a LAP.
21. The supporting text of Policy LRC1 states that contributions can be sought in lieu of on-site provision of play space where existing adequate play space lies within the recommended walking distance. Though such a contribution has been offered, none has been secured. Whilst improvement of play space is also covered by CIL funding, the existing play area is not currently eligible. In any case, as my findings above indicate that the existing play area would not lie within the recommended walking distance of most of the development, the above provisions within the supporting text of Policy LRC1 do not apply.
22. The appellant's failure to provide an on-site LAP was partly driven by advice from officers. However, whilst such advice is not binding, it appears to have been offered partly on the basis that direct access could be provided from the development into the existing play area. As set out above, this is not the case.
23. For the reasons outlined above I conclude that the development would fail to make adequate provision for/provide suitable access to a LAP. As this would disadvantage the health and wellbeing of young children and their parents the development would provide unacceptable living conditions for some of its likely future occupants. The development would therefore conflict with Policy LRC1 of the Local Plan as set out above, and Policy TD1 of the Local Plan insofar as this states that the amenity of the Borough will be protected by maximising opportunities to improve the quality of life and health and wellbeing of future residents, including through provision of on-site play space.

### **Other Matters and Considerations**

24. The site is the subject of a draft allocation for 12 dwellings within the emerging Dunsfold Neighbourhood Plan 2013-2032 (the emerging NP). The plan however remains at an early stage. There is therefore no certainty that the draft allocation, which envisages a much smaller scale of development than is proposed, will be retained. More so when also taking account of the Council's opposition to the appeal scheme, as too the split level of local



support/opposition for the draft allocation recorded in the supporting Site Assessment and Selection document. These considerations mean that I can attach little weight to the emerging NP. As such it does not alter my findings above.

25. The appellant suggests that the appeal site is a better location within which to develop than some other parts of the village. The opposite is claimed by interested parties. Here my attention has again been drawn to the Site Assessment and Selection document, as too the Council's Land Availability Assessment, each of which, amongst other documents, provide background to these claims. However, it lies beyond the scope of this appeal to establish the relative suitability of other potential sites in and around the village, or to determine what the most appropriate future development strategy for Dunsfold might be.
26. The Council's decision was made against officer recommendations. However, even though some reasons for refusal have since fallen away, the Council was within its rights to reach a different view. My findings above further indicate that it had legitimate grounds for objection to the scheme.
27. The development would make a contribution towards provision of the 100 dwellings allocated to Dunsfold by Policy ALH1 of the Local Plan, as well as to the District's overall housing requirement. It would also meet and modestly exceed requirements in relation to the provision of affordable housing set out within Policy AHN1 of the Local Plan, as secured by the S106. The location of the site itself accords with Policy SP2 of the Local Plan and would provide good access to the rest of the village. Insofar as the scheme would therefore be policy compliant in these regards, as too in others, including parking provision, I attach neutral weight to the resulting absence of conflict. Though the development would provide a distinct modest benefit by delivering 2 more units of affordable housing than are required, this would not outweigh the harm I have identified above, or otherwise alter the fact that the scheme would conflict with the development plan taken as a whole.
28. The Council however acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites (5YHLS). Its recently published November 2022 position statement places the 5YHLS at 4.9 years, thus indicating a minor shortfall. The appellant instead favours the finding by an Inspector in a recent appeal decision that the 5YHLS falls between 4.3 and 4.9 years. At worst this would indicate a fairly modest shortfall, and at best, it would make no difference to the Council's stated position. Either way, for the purposes of decision making the policies most important for determining the application are deemed 'out of date' by the Framework. Given that policies within the Framework which protect areas or assets of particular importance are not relevant in this case, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. Firstly, I am satisfied that the policies with which I have identified a conflict are broadly consistent with those set out within the Framework. The latter similarly stresses the desirability of maintaining an area's prevailing character and setting, ensuring sympathy to the surrounding landscape, protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of

the countryside, and the benefits of trees and woodland. The Framework furthermore highlights the importance of ensuring that developments create places which promote health and wellbeing. All such matters directly concern the quality and appropriateness of development, and all are areas within which the appeal scheme would fail. Therefore, though the appeal scheme would provide a modest numerical boost to the supply of housing, helping to both address the minor-modest local shortfall in 5YHLS and the need for affordable housing, and though it is additionally stated that it would make efficient use of land and provide support for local vitality, its overall performance against national policy would be poor.

30. The above being so, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
31. The site has been identified as being host to snakes and lizards as well as being a likely host to Great Crested Newts, all of which are protected species. Interested parties additionally emphasise the role that it plays in the migration of toads passing between the landscape to the east of the site and ponds on Dunsfold Common to the west. None of the above species would derive any obvious benefit from the destruction of most of the existing habitat on site. Thus, whilst the appellant has also claimed that the scheme would deliver biodiversity benefits, it could at best provide mitigation for its adverse effects. Whilst this is a matter that would have required my further attention had I not resolved to dismiss the appeal for other reasons, I need to consider it no further here.

### **Conclusion**

32. The development would conflict with the development plan as a whole, causing unacceptable harm to the character and appearance of the area and failing to make adequate provision for/provide suitable access to a LAP. No other considerations, including the Framework, alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR

## **APPEARANCES**

### **For the Appellant**

David Brooke	Patrick Parsons
Derek Finnie	Derek Finnie Associates Ltd
Robert Petrow CMLI	Petron Harley Limited
Sara Sweeney BA(Hons) MSc MRTPI	Kitewood Investments Limited
Spencer Copping BA(Hons) DipTP MRTPI	WS Planning & Architecture
Stephen Morgan	Counsel

### **For the Council**

Chris French MRTPI	Development Lead Major Sites
Dylan Campbell	Senior Planner

### **Interested Parties**

Alan Ground	Dunsfold Planning Action Group
Dr Barbara Judge	Dunsfold Planning Action Group
Nigel Waterson	Dunsfold Planning Action Group
Simon Benson	Local resident

### **Documents presented at the Hearing**

Policy LRC1 of the Local Plan and supporting text  
Speaking notes of Alan Ground

Item 9: KGV

The playground has vandalism damage which may cause injury or damage to clothing if caught on it as well as maintenance work which hasn't happened since it was put in place. With regard to the building basic maintenance and improvement in the security will help minimize the vandalism and also the safety of building with parishioner's walking in dark as the building is not a well lit premises. Internally at present there has been no PAT testing completed at the KGV in the last 10 years as well servicing of boiler or checking of the bar area and servicing of various elements of the social club. The future of the KGV is dependent on the improvements being made which are urgently needed.

**Costs:** At present the set costs are approximately £8000 but we have monies exceeding this and should other costs come from the investigative work being done then I will hope to utilize this monies too

**Budget:** The monies can be taken from the line of the budget which aligns to the KGV and KBV playground and the monies are already confirmed to be there

DUNSFOLD PARISH COUNCIL ESTIMATED EXPENDITURE YEAR April 2024 to March 2025				Forecast for end of year 2022/23
	£	£		£
Audit		1,000	2%	920
Allowances - to include £50 expenses to each councillor and £150 to Chairman		450	1%	0
Clerks PAYE, tax and pension		18,000	28%	16,500
Common & Paths Maintenance Plan				
Commons cut	6,000			5,000
Village Ponds, culverts, verges	8,000			595
Roadside trees	3,000			1,020
Village Car Parks				0
Village play area maintenance				2,000
Contingency	3,000			2,165
total Common & Paths		20,000	31%	
			0%	
Election		1,340	2%	
Equipment & stationary + Arnold Baker		500	1%	300
Sage subs		110	0%	110
Website		1,500	2%	500
Newsletters		500	1%	
Accounting software		450	1%	420
Grants				
KGV	5,000			255
Parish Church - graveyard maintenance	2,000			2,000
Winn Hall	500			300
British Legion wreath	60			50
CAW	1,200			1,000
Air ambulance	300			300
Total Grants	9,060	9,060	14%	
Insurance		3,000	2%	2,370
Office rent		2,200	3%	2,160
Telephone/broadband		1,000	2%	800
Professional Fees		3,500	5%	2,805
Subscriptions (SCAPTC/NALC)		600	1%	567
Training including SLCC		400	1%	300
Defibrillator Costs		200		150
Misc				90
Total Expenditure		63,810	100%	42,677
Income other than Precept				
VAT	0.00			0
FoDC	1000.00			1,000
Interest NS&l account	60			60
Interest on deposit account	5,600			
Balance from (to) reserves	5,650			6,614
Total Other Income		12,310		7,674
Amount required from Precept		51,500		35,003
Precept		51,500		48,150
Increase		3,350		
Increase from forecast %		6.96%		0.00%

## Item 10 Precept and Finance

- 1) It is traditional that Parish Councils decide on their Precept amount in the December meeting to allow budget negotiations for the next financial year to be conducted and agreed in January / February.
- 2) We are advised that Councils that have more than £100 k in liquid funds are required to adopt an investment strategy the attached is recommended by our internal auditor.
- 3) Our experience with our current bankers suggests an alternative bank which has a better understanding of Parish Councils may be preferable.
- 4) Financial information circulated by the clerk on October 2<sup>nd</sup> indicates a zero interest income from a current account cash balance of £160k. No interest is being earned on this balance which is a poor custody of Public Funds.

# Dunsfold Parish Council

## Policy Statement on Annual Investment Strategy

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### 1 Introduction

- 1.1 Dunsfold Parish Council acknowledges the importance of prudently investing any temporarily surplus funds held on behalf of the community.
- 1.2 This Strategy complies with the revised requirements set out by the Secretary of State under section 15(1)(a) of the Local Government Act 2003.
- 1.3 The council knows that the investments during the previous, current and next financial years will exceed £100,000 and therefore the strategy complies with the guidance.

### 2 Investment Objectives

- 2.1 In accordance with Section 15(1) of the 2003 Act, the Council will have regard (a) to such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify.
- 2.2 The Council's investment priorities are the security of reserves and its liquidity of its investments. The Council will aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity.
- 2.3 All investments will be made in sterling.
- 2.4 The Guidance maintains that borrowing of monies purely to invest or to lend and make a return is unlawful, and this Council will not engage in such activity.

### 3 Investment Categories

All the Council's investments are categorised as treasury management investments.

#### 3.1 Specified Investments (see appendix 1)

Specified Investments are those offering high security and high liquidity, made in sterling and maturing within 1 year. Such short term investments made with the UK Government or a local authority, or town, parish council will automatically be Specified Investments. For the prudent management of its treasury balances, maintaining sufficient levels of security and liquidity, the Council will use deposits with banks, building societies, public sector fund managers, local authorities or other public authorities.

#### 3.2 Non-Specified Investments

A non-specified investment is any financial investment that is not a loan and does not meet the criteria to be treated as a specified investment. These have a greater potential risk – examples include investment in the money market, stocks and shares.

#### 3.3 Loans

The Council does not foresee taking out any loans for the current period but if an opportunity requiring a loan was presented, borrowing may be considered. The Council does not foresee making any loans but may consider loaning to Waverley Borough Council in order to invest in Money Market Funds.

#### 3.4 Non-Financial Investments (see appendix 1)

Non-financial investments are non-financial assets that the organisation holds primarily or partially to generate a profit. The Council has limited non-financial investments.

# Dunsfold Parish Council

## Policy Statement on Annual Investment Strategy

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### 4 Security, Liquidity and Yield of Investments

- 4.1 The Council's investment priorities are the security and then the liquidity of its investments. The Council will aim to achieve the optimum yield on its investments commensurate with proper levels of security and liquidity.
- 4.2 The Council Finance Committee in consultation with the Clerk/Responsible Finance Officer will determine the maximum periods for which funds may prudently be committed so as not to compromise liquidity.

### 5 Long Term Investments

Long term investments shall be defined as greater than 12 months. The Council will use the same criteria for assessing long term investment as identified above for specified investments. The Council does not currently hold any long term investments.

### 6 Indicators for Investment

Indicators are used to understand investment decisions covering the next investment year for investments other than treasury management investments or those over 1 year. The Council holds none of these.

### 7 Investment Approval

The Council will consider and make investments, in accordance with the Annual Investment Strategy, Financial Regulations and Community Infrastructure Levy Expenditure Policy. These investments will be recorded at the appropriate full council meeting.

### 8 Investment Income

Income from all investments will be considered as general income.

### 9 Investment Reports

Twice yearly the Responsible Finance Officer will prepare a report on investment activity for the full Council.

### 10 Review and Amendment of Regulations

The Strategy will be reviewed annually. The Council does not employ in-house or externally any financial advisors but will rely on information which is publicly available. The Council reserves the right to make variations to the Strategy at any time, subject to the approval of the full Council. Any variations will be made available to the public.

### 11 Risk Assessment

The risks associated with investments will be kept to a minimum by using high quality organisations including the United Kingdom Government, a local authority in England or Wales or a parish council or community council. Currently the Council will invest spare monies in banks and other appropriate financial organisations as agreed by the Council. To satisfy this strategy each bank must hold a UK banking licence. Consideration will also be given to other factors such as tier one capital ratios and credit ratings issued by major Credit Rating Agencies.

### 12 Capacity Skills and Culture

Decisions will be made by the Council at the recommendation of the Clerk/Responsible Financial Officer following research of publicly available material. No investments will be made other than with high quality organisations as listed above. Should other investment vehicles be considered professional advice should be sought from an appropriate provider. The Internal Auditor would also consider the Council's Governance overview in his/her activities.

### 13 Freedom of Information

In accordance with the Freedom of Information Act 2000, this Document will be posted on the Parish website and a hard copy will be available from the Parish office.



## Unity Bank

**Dunsfold parish council are currently banking with Lloyds bank. We have recently encountered some lengthy problems in dealing with changing the bank mandate signatorys. After discussion with our internal auditor, I have been investigating an alternative bank, Unity. Currently the council has a bank balance of £159,562 in a current account which pays no interest. Lloyds can offer a fixed term deposit account of up to 3.6% for a year.**

The current FR 6.15 states: Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

It is a recommendation of the internal auditor that all councillors should undertake to be on the bank mandate as part of their responsibilities as councillors.

Unity Bank have been recommended by Clerk's on SLCC forum, highlighted as most used by Scribe (accounting system) and the internal auditor, as an easy to use and Parish Council aware bank. They are an award-winning ethical bank, whose lending helps organisations to grow and make a positive difference to their communities. They work with organisations that deliver social impact, they strive to create a better society with uncompromising integrity and honesty.

### **Unity Bank offers a Business Current Account which benefits from:**

- People powered phone service
- 24/7/online banking
- Dual and triple authority options
- Manage an account online and benefit from useful features and a simple navigation with Online Banking service.
- Relationship Managers\* – sector specialists who take the time to get to know your organisation. (Eligible customers only - 2M and over) The Unity Corporate MultiPay Card is Unity's charge card solution. This allows you to monitor cardholder spend and set transactional limits. (Separate application)
- Pay in cash and cheques on the high-street at the Post Office, NatWest (England and Wales), RBS (Scotland), Ulster Bank (Northern Ireland).
- Clear and transparent monthly fees. £6 per month. No transaction fees under £100k. £0.15p transaction fee £100k - 2M
- Access to payment services such as BACS, Accepting Card Payments, International Payments and Bulk Faster Payments.

### **Unity Bank also offers various Savings Accounts:**

A **Fixed Term Deposit account**: leave money untouched for a fixed period and receive interest at maturity, save a lump sum of more than £100K rather than making regular deposits, and certainty of what interest you will earn on savings.

An **Instant Access Savings account**: if the council will be adding to the account or needs to access savings before the end of the term, or don't have easily accessible funds to deal with emergencies.

### **Various Savings accounts:**

	Instant Access	30 Day Deposit	90 Day Deposit	12 Month Deposit	24 Month Deposit
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<b>Fee</b>	No	No	No	No	No
<b>Minimum Deposit</b>	None	£100k	£100k	£100k	£100k
<b>Interest Rate %</b>	2.75	2.96	2.96	5.00	5.20

Note: You will not be able to see or manage the Term Deposit using Unity's Internet Banking.  
Statement sent every 6 months.

Internal Auditor: Mike Platten, April Skies Accounting

December 2023

<b>Expenditure</b>		
Olema Engineering	Office rent	180.00
Sage Global Services	Payroll	9.60
ICO	Data protection	35.00
		<b>224.60</b>
<b>Invoices to approve</b>		
Dunsfold Gardens	Removal of trees Mill Lane	340.00
		<b>340.00</b>
<b>KGV</b>		
EDF	Electricity	585.28
		<b>585.28</b>
<b>Income</b>		<b>0.00</b>