



# Appeal Decision

Inquiry held on 30 September &  
1 October 2009

Site visit made on 1 October 2009

by **David Richards** BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**3 November 2009**

---

## Appeal Ref: APP/A3655/A/09/2105135

### Heather Farm, Chobham Road, Horsell Common, Woking, GU21 4XY

- 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 Blue Prince Mushrooms Ltd against the decision of Woking Borough Council.
- The application Ref PLAN/2008/1087, dated 19 September 2008, was refused by notice dated 30 December 2008.
- The development proposed is change of use of existing land and buildings from mushroom production facility to mix of B1 (C) and B8 with associated works, parking, bin and cycle stores, landscaping and highways works and provision of public car park.

---

## Decision

1. I allow the appeal, and grant planning permission for change of use of existing land and buildings from mushroom production facility to mix of B1 (C) and B8 with associated works, parking, bin and cycle stores, landscaping and highways works and provision of public car park at Heather Farm, Chobham Road, Horsell Common, Woking, GU21 4XY in accordance with the terms of the application, Ref PLAN/2008/1087, dated 19 September 2008, and the plans submitted with it, and particularly the amended master plan ref. HP05044 01 Rev L, subject to conditions set out in the attached schedule.

## Main issues

2. The main issues are the whether the use of the site for B1(C) and B8 would prejudice the implementation of the Surrey Waste Plan, and whether air quality emissions from traffic associated with the change of use would be harmful to the integrity of the adjacent Thames Basin Heaths Special Protection Area (SPA).

## Background

3. The appeal site lies in the Metropolitan Green Belt, outside of any defined settlement boundary, and adjacent to Horsell Common, which is a designated SSSI and forms part of the SPA. Use as a mushroom production facility ceased in May 2003 in response to changed market conditions, since when the site has lain vacant. It extends to some 6.5 hectares and is partially occupied by large single storey buildings. These lie on the eastern part of the site. Much of the western part of the site is occupied by concrete hardstanding, some 1.3 ha in extent which formed the base of an earlier mushroom farm on the site, and was latterly used for storage of spent compost. The edges of the site consist
-

mostly of unused open land, with some vegetation and established planting. There is a disused lagoon on the eastern edge of the site, adjoining the boundary of two dwellings, Westown and Heather Farm House. There are two further dwellings adjacent to the site entrance, known as Heather Farm Cottages.

4. The western boundary of the site is formed by the Addlestone Bourne.
5. Access is via a track which runs northwards from Chobham Road. It is some 125 metres in length, varying in width from 5.1 and 6.5m. It has an unbound surface and also serves the dwellings. The access track passes through the SPA, but is excluded from the designation. It is crossed by a footpath through the wooded part of the SPA to the south of the site, and a public footpath runs by the site on the western side, on the opposite side of the river.
6. The proposal is as described in the Statement of Common Ground, and the appeal plans are set out in full in Section 3 (Document 3). A minor revision to the Proposed Master Plan – HP05044 01 Rev L shows a potential future access to Horsell Common Preservation Society Land on the opposite side of the river. The appeal proposal includes the retention of the existing buildings on the site, with the exception of the old store, which will be demolished. It also includes the removal of a significant amount of hard standing on the south-western side of the site to be replaced by comprehensive landscaping proposals (0.72 ha). There will be little change to the appearance of the buildings. The layout includes parking for some 19 HGVs, with a further 10 spaces for pantechincons, and an additional 17 spaces within the buildings.

## **Reasons**

### Implementation of the Surrey Waste Plan

7. The Surrey Waste Plan (SWP) was adopted in May 2008 and is part of the development plan. Policies DC1 and WD2 safeguard the appeal site for waste management purposes (recycling, storage, transfer, materials recovery and processing excluding thermal treatment).
8. Parts of the SWP were subject to successful challenge and subsequent amendment by order of the High Court on 5 March 2009. The judgment quashed the inclusion of a specific site at Clockhouse Brickworks, Capel within Policies WD5 and WD2. In my consideration of this appeal I have noted the Appellant's view that the quashing of parts of the SWP may have wider implications for its validity, insofar as the approach adopted by the Inspectors in respect of the Clockhouse site was found to be consistent with them having presumed the submitted plan to be sound. However, no specific challenge has been made to any other part of the plan, and it is not my role, in the context of a Section 78 appeal, to determine whether these strictures may have wider application.
9. It was accepted by the Appellant at the Inquiry that the appeal site remains subject to the safeguarding policies in the SWP. The starting point for consideration of the appeal is therefore identification of the site in Policies DC1 and WD2. The purpose of Policy DC1 is to ensure that the need for waste management infrastructure is taken into account in considering other possible uses of a safeguarded site.

10. However, the Appellant advanced a number of material considerations which, it was argued, add up to a compelling justification for setting aside the provisions of the SWP in respect of Heather Farm, and granting planning permission for the proposed change of use to B1(c) and B8 use. I consider these below.

*Availability and deliverability of the site.*

11. PPS 10, para 18 advises that in identifying waste sites the local authority should *'avoid unrealistic assumptions on the prospects for the development of waste management facilities, or of particular sites or areas, having regard in particular to any ownership constraint which cannot be readily freed, other than through the use of compulsory purchase powers.'*
12. The access to the site is over a track controlled by the Horsell Common Preservation Society (HPCS). This is a private membership trust set up to manage Horsell Common, much of which provides habitat for protected species and is subject to SPA designation. HPCS has entered into an agreement with the Appellant, Blue Prince Mushrooms, which would allow the site to be used for the purposes sought in this appeal. However the officers of the trust made it clear to the Inquiry that they had no remit to negotiate in respect of a potential waste use. The membership were implacably opposed to any waste use, even 'cleaner' types of waste processing.
13. Similar representations were made at the SWP Examination. The Inspectors considered that ownership may change, and should not be treated as an overriding constraint. However on the detailed evidence I heard I consider that there would be no realistic prospect of HPCS agreeing to use of the access for waste purposes. While ownership of the site may change, I consider the control of the access by HPCS is a formidable obstacle to a waste use being delivered on this site.
14. The site was originally included in the SWP submission draft within policy WD5, as potentially suitable for thermal treatment of waste, subject to a caveat requiring ongoing impact assessment work. At that stage, Woking Borough Council had identified the appeal site as having potential for an integrated waste management plant with advanced thermal treatment. The Borough Council abandoned its specific proposals for such an operation in September/October 2006, while noting that 'Heather Farm remains suitable for anaerobic digestion and in-vessel composting.' Heather Farm was subsequently proposed for deletion from Policy WD5 of the SWP by Surrey County Council, following a revised appropriate assessment under the European Habitats Directive, though it would remain as a safeguarded site under Policy WD2.
15. It is conceivable that a Compulsory Purchase Order could be promoted, though it seems a remote prospect especially now that Woking Borough Council has dropped its plans for a thermal treatment plant. Neither the County nor the Borough has any current plans for an anaerobic digester or in-vessel composting on the site. I accept that the site has not been marketed formally for waste uses to commercial interests, but I can understand that interest by waste operators would be deterred by ownership and other constraints.

*Nature of uses*

16. In safeguarding the site under Policy WD2, the Inspectors concluded that it was unlikely that the site would come forward outside of B1 and B8 (IR para 4.81). The parties to this Inquiry were in agreement that this would exclude the majority of waste uses from consideration. It was also common ground that most waste uses are sui generis, including anaerobic digestion and in-vessel composting. While some waste uses share the characteristics of B2 use, only a very small fraction of the waste stream would fall within the definition of B1 and B8. The de-manufacture of waste electrical and electronic equipment (WEEE) was an example cited by the Appellant's waste witness, but neither the Appellant nor Surrey County Council (SCC) witnesses were able to point to other examples.
17. The appeal site is a large site, and the buildings if suitably adapted, would have capacity for a high throughput. The processing of WEEE arisings would at most occupy a small part of the site. SCC argued that the site would remain suitable for anaerobic digestion or in vessel composting housed within the existing buildings, subject to meeting key development criteria, including '*a satisfactory project level Appropriate Assessment*'.
18. The Appropriate Assessment of the SWP identified a possible need for widening the access track to Heather Farm, depending on the type of waste facility proposed. It concluded that '*the significance of a loss of a small strip of habitat from adjacent to the existing access road at Heather Farm is unlikely to have any adverse effects on the qualifying interest of the site. The part of the SPA adjacent to the access road to Heather Farm is predominantly broadleaved woodland, comprising a mixture of oak and birch. Such habitats are unlikely to be favoured by qualifying interest species of the SPA such as Dartford Warbler, woodlark and nightjar, and a review of the condition monitoring report suggests that it is also unlikely that the woodland here will be managed with the aim of creating woodland.*'
19. It is possible, as SCC argued, that the site could be suitable for anaerobic digestion or in-vessel composting. These are relatively new technologies in this country. The effects of a waste use at Heather Farm on the SPA remain to be demonstrated through a project level appropriate assessment, in accordance with the key development criteria set out in the SWP. Notwithstanding the appropriate assessment carried out for the SWP, there is no project level evidence which would allow me to be confident that there would be no significant effects arising from a waste use on the SPA. It would, as the SWP Inspectors accepted, have as yet unpredictable effects on the SPA. It is likely, however, that having regard to potential air quality effects of site traffic, English Nature's advice would be that vehicle movements should be capped at the agreed baseline level for the former use as a mushroom farm. More intensive use would almost certainly require widening of the track, and English Nature do not accept the conclusions of the appropriate assessment referred to above in paragraph 18.
20. This would place a significant constraint on the volumes that could be handled, and call into question the viability of a scheme requiring substantial investment, as any intensive waste processing use would. The Appellant's waste witness gave an example of a 'clean' materials recovery facility (MRF).

Table 6.1 of his proof shows the quantities of mixed waste which could be imported into Heather Farm without exceeding the 230 lorry movements per week limit. He estimated this to amount to 36,500 tonnes per annum. An August 2004 report by the Office of the Deputy Prime Minister (ODPM) estimates that a throughput of 122,000 tpa could be handled within a building measuring 30m x 70m, occupying 0.7 hectares of land. These calculations appear to me to be robust, and I accept that this would only occupy a very small part of the site.

*Potential of other sites to make up the shortfall*

21. A key concern of the SWP Inspectors was that the list of sites included was only just sufficient to meet the requirements of the Regional Spatial Strategy (RSS) and the Joint Municipal Waste Management Strategy (JMWMS). Since adoption of the Plan the inclusion of a large site at Clockhouse Brickworks, Capel in Policies WD5 and WD2 has been quashed by order of the High Court. In quashing this part of the plan, Justice Collins recognised that this could have other consequences for the plan: *"I am aware that this may affect the overall validity of the SWP particularly as the inspectors' view was that the sites proposed were only just sufficient to meet waste management needs, especially as most were in the Green Belt and so subject to the usual planning constraints applicable to any development in the Green Belt. However, ..., I think that the consequential effect of quashing is a matter for SCC to deal with as it thinks appropriate."*
22. The adequacy of provision of sites was a specific concern identified by the Government Office for the South East (GOSE), and was considered as part of the SWP Examination.
23. The Inspectors' binding report on the SWP was issued in December 2007. It concluded that the SWP was sound. With regard to concerns about the adequacy of sites, the report states at para 3.37 that *'there will be barely sufficient land in the adopted SWP for acceptable waste development to meet the requirements of RSS and the JMWMS'*. The Inspectors based their assessment of the land requirement on the SWP evidence base which indicated a range from 35 to 70 ha depending on the type of facility provided, with 55 ha estimated for a mixture of small and large facilities.
24. The Clockhouse site was some 5 ha in extent, so its deletion has reduced the area of land safeguarded for waste use by some 9% in comparison with the 55 ha figure. A planning application for an energy from waste plant on the site has yet to be determined. It is still a possibility that the site will still come forward for waste purposes, but there is no certainty. The Heather Farm site is also identified as being some 5 hectares in the SWP, which if lost to other uses, would reduce the area of land safeguarded by a similar amount.
25. It was common ground that most of the other sites identified in the SWP are under consideration for waste development proposals. This indicates that in general the site allocations in the SWP are suitable and deliverable for waste development. The Appellant identified other sites which were said to be delivering increased capacity, some of which are new sites and some which represent more efficient use of existing sites.

26. The potential for waste management sites which have not been specifically identified in the SWP coming forward through planning applications is explicitly acknowledged in the SWP, paragraphs C10 – C13. A list of industrial estates is identified in paragraph C.11 where it is expected that some appropriate sites will become available throughout the plan period and that the waste management industry will bring them forward for development. Additional planning permissions and Certificates of Lawful Use since January 2006 are set out in Table 3 (Document 10), and live planning applications at Table 4.
27. There was disagreement between the parties as to the extent to which these 'windfall' sites would contribute new capacity, the proportion of non Construction and Demolition (C & D) waste they would provide for, and the extent to which some sites would contribute to Surrey's needs (for example Lynchford Lane). Some of the live applications remain controversial and the outcome is uncertain. However, the data shows that there are a number of waste management opportunities being realised. In my view it is reasonable to assume that some new waste processing capacity would come forward through planning applications, or greater throughput on existing sites through more efficient practices and a higher recycling rate, driven by national waste policy. While it would be unacceptable to rely unduly on capacity coming forward in this manner in preparing a waste plan, I consider it is material to this Appeal, and would offset in some measure the use of Heather Farm for non-waste purposes.
28. The capacity and need assessment on which the SWP was based were taken from the submission draft of the South East Plan (SEP). The SEP was adopted in May 2009 and now forms part of the development plan. In the approved plan the waste tonnage figures in Policy W7 have been revised downwards by some 8 – 9.5% in the period to 2025. While this reduces the waste capacity requirement, I do not consider that this would necessarily translate into a requirement for fewer sites. This would be a matter for consideration in a review of the SWP. However in the case of Heather Farm there are specific reasons why permitting a non-waste use is unlikely to impact significantly on the implementation of the SWP, as set out above.

#### *Conclusion on Surrey Waste Plan*

29. I fully understand the particular difficulties experienced in Surrey in identifying a sufficient range of suitable waste sites, particularly in this part of the County which is affected by a number of policy designations and constraints. However in assessing the extent to which the Heather Farm site is necessary to implementing the Surrey Waste Plan, I have to have regard to the likelihood of its being delivered for waste purposes in the plan period. For the reasons I have set out above, I consider this to be very unlikely. In consequence I consider that the granting of permission for an alternative use would not materially impact on the successful implementation of the Surrey Waste Plan. It is also the case that granting consent now for B1/B8 use would not automatically preclude its being used at a later stage for waste purposes, should a viable proposal come forward which is capable of passing the tests set out in the SWP Key Development Criteria. I accept though, that in view of the ownership constraints, this would be unlikely.

30. I acknowledge that the proposal would conflict with the safeguarding of the site for waste uses in Policy WD2 of the SWP. However, I set out above the reasons why I consider that the appeal proposals would not impact adversely on the implementation of the SWP. I regard these as important material considerations which are sufficient to outweigh the safeguarding of the site in Policy WD2.

#### Air Quality

31. Natural England initially raised concerns that the proposed change of use could have a significant effect on the SPA. NE's formal response to consultation on the application is dated 31 October 2008. Outstanding concerns focused on air quality issues caused by the potential increase in traffic.

32. The Ecological Impact Assessment (EcoIA) states that NO<sub>x</sub> (oxides of nitrogen) and N (nitrogen) deposition levels would remain below the critical loads for the SPA target species. Also that the roadside areas of the SSSI most likely to be affected i.e. the 200m zones either side of the road, are predominantly of less sensitive habitats. The assessment therefore identifies no significant impacts on the SSSI and SPA.

33. In the transport assessment (TA), the applicant suggests that the previous usage of the site created 230 HGV movements per week, and 626 daily non-HGV vehicle trips. Daily non-HGV trips from the development have been projected as 588. While the TA does not ascertain the number of HGV trips, para 5.25 suggests that the new development will not generate any more HGV trips than the previous use. A mechanism is proposed for the site management to monitor HGV movements and for penalty payments to be paid to the Horsell Common Preservation Society (HCPS) if the limit of 230 vehicle movements is breached, to be used for heathland management and habitat restoration. NE has confirmed that the traffic levels suggested above and their corresponding effect on air quality will have no significant effect on the SPA. Their objection was withdrawn subject to the requirement that:

- The appellant is required to put in place automatic monitoring of traffic levels which differentiates HGV and other vehicles. This monitoring data should be submitted to the planning authority at regular intervals i.e. monthly.
- An enforceable agreement is out in place which would effectively prevent vehicle movements from breaching the suggested threshold levels.

34. As the decision maker in this case I need to be confident that the provisions of the S106 obligation would be enforceable, in order to be reasonably certain that the traffic levels suggested, and their corresponding impact on air quality, would be unlikely to have a significant effect in the SPA.

35. The access track is owned by the Horsell Common Preservation Society, a trust with membership established to manage Horsell Common. They have reached agreement with the current applicant which would permit access over the track for B1(C) and B8 use.

36. The Unilateral S 106 obligation includes the following provisions in respect of vehicle monitoring: The owner covenants with the Council so as to bind its interest in the land as follows:

- not to allow more than a total of 230 journeys to and from the land by HGVs in a working week;
  - not to occupy the development until it has agreed the methodology of monitoring HGV journeys to and from the land with the Council;
  - to monitor the number of HGV journeys and keep written record of such journeys on a weekly basis;
  - to provide the Council with the written records by the fifth working day of each month for the preceding month;
  - and to pay penalty payments to the Society where they fall due.
37. The penalty payments have been set at a level of £500 per HGV journey in excess of 230 per week, to create a strong financial disincentive to breaching the cap. Monitoring would be operated by the management company, who would be responsible for making the penalty payments directly to HCPS, which is responsible for the management of large areas of the SPA hereabouts.
38. There are established precedents for the operation of a vehicle cap. Several examples where such arrangements have been found acceptable were drawn to my attention. These include: a concrete batching plant in Hornsey allowed on appeal (Appeal Ref: APP/Y5420/A/05/1189822), where conditions were proposed to control vehicle movements, including the keeping of records and making them available to the local planning authority; a materials recycling facility in Staffordshire where the number of vehicle movements were again limited by condition (Appeal Ref: APP/D3450/A/07/2059633); and the use of land for storage and transfer of waste materials in Hampshire (Appeal Ref: APP/Q1770/A/07/2058688).
39. In this case, the appellant proposes to limit the number of vehicle movements through the Unilateral Undertaking. There is no reason in principle why this should not be effective and enforceable. The undertaking would be binding on successors in title, and would be enforceable either by the local planning authority or in the courts. Technology exists for the automatic counting of vehicles, allowing for HGVs to be identified separately. The undertaking provides for precise details of the operation of the scheme to be agreed with the local planning authority before the site is occupied.
40. There is one matter of concern arising from the manner in which the Undertaking is drafted. It was made clear in the evidence to the inquiry that the Appellant's intention is to cap movements at 230 HGV movements in total. However, it seems to me that the wording of sub-section 1.1 of Part One of the Schedule to the Unilateral Undertaking is capable of being interpreted as allowing 230 journeys 'to and from' the land in total, in other words 460 single-direction journeys. In order for me to be confident that the cap would be effective, and thus avoid harm to the SPA, I consider that it is necessary to attach a condition which unequivocally specifies that there shall be no more than 230 single -direction HGV movements in and out of the site in any one working week. Subject to this, I am satisfied that the vehicle cap could be enforced, and would prevent any harm to the SPA by reason of deterioration in air quality. While a condition suggesting monitoring of other vehicles using the

site was proposed, no evidence was presented of any potential for harm to the SPA from light vehicles and cars.

41. A potential enforcement problem raised by residents was the possibility of sub-letting of units to obscure lines of responsibility in the event of a breach of the terms of the Undertaking. However I consider that the site owner would remain responsible for compliance and the payment of any penalties which fell due.
42. I acknowledge that the payment of a penalty in the event of a breach of the cap to a third party is a novel arrangement. I was assured at the Inquiry that it could be swiftly enforced by the local planning authority or by injunction in the event of a breach. I am therefore confident that the operation of the site, subject to the cap on HGV movements, would not have any significant adverse effect on the SPA, or conflict with policies NE1 and NE5 of the Woking Local Plan or the provisions of the Habitats Regulations.

### **Other matters**

#### *Green Belt*

43. The site lies wholly within the Metropolitan Green Belt. Policy GRB1 of the Woking Borough Local Plan (LP) allows for the re-use of buildings in the Green Belt in accordance with Policy GRB3. Policy GRB3 has not been saved, but its provision that buildings should be of permanent and substantial construction and capable of reuse without major or complete reconstruction would not be breached by the proposal in any event. In my opinion there would be a reduction in the overall amount of built development on the site which, together with the removal of a significant area of old hardstanding and the implementation of landscape proposals, would be of benefit to the visual amenity of the Green Belt. The proposed landscaping would help to screen any potential visual intrusion from the movement and parking of large vehicles. In any case, provided the number of heavy goods vehicles could be capped at 230 per week, I consider that any effect on visual amenity would be commensurate with levels when the site was in active use as a mushroom farm.
44. The scheme includes provision for a small new car park, to serve a proposed 'SANGS' (Suitable Alternative Natural Greenspace) on the opposite side of the Addlestone Bourne, a proposal being advanced by the Horsell Common Preservation Society (HCPS). This would be considered to be inappropriate development, which can only be justified where material considerations amounting to very special circumstances exist, to outweigh harm by reason of inappropriateness and any other harm. The Section 106 Unilateral Obligation provides for the closure of an existing car park of a similar scale further into the SPA at Sandy Track, some 700 metres from the site. In my judgment, this would be a substantial mitigation of any green belt harm arising from the proposed new car park.
45. A further significant benefit of this proposal would be that visitor pressure on the more sensitive areas of the SPA would be diverted to the proposed new 'SANGS' to the west of the appeal site. It is not disputed that a reduction in disturbance from dog walkers and other visitors would benefit the species for which the SPA has been designated.

46. The provision of a 'SANGS' in this location is wholly in line with policy for the delivery of housing in Woking and neighbouring Boroughs affected by the SPA designation, and represents one of the best opportunities for 'SANGS' in this part of Surrey. Natural England strongly support the provision of an alternative car park which could encourage people away from the SPA towards alternative nearby greenspace. They welcome the fact that the appellant has taken this opportunity to provide this enhancement, which should be secured through an appropriate agreement. HCPS already has experience of providing new 'SANGS', as well as being one of the major landowners with a positive record of managing habitats for the benefit of the protected species in the SPA.
47. The terms of the Obligation would ensure that the car park is provided, and that the existing car park would be closed within 18 months of the new car park being brought into use, subject to a requirement to retain a small parking area for heathland management reasons. Together I consider that these are material considerations which amount to very special circumstances sufficient outweigh the harm by reason of inappropriateness, and the limited temporary harm to the visual amenity of the green belt, to justify the small replacement car park proposal.

#### *Flood Risk*

48. The site is generally level, between 21m and 22m AOD, and rises gently to the south-east and north-east away from the Addlestone Bourne. The majority of the site lies outside the floodplain, including the site access. A resident of Westown reported regular flooding events in the grounds of his property, and some photographs were submitted accompanying written representations, showing high water levels in the vicinity of the site on 10 February 2009.
49. The appellant has submitted a flood risk assessment as the northwest boundary of the site and adjacent land lies within Flood Zones 2 and 3. The proposed development is classed as less vulnerable, and the developed parts of the site are all above the 2008 1:100 year flood levels. The proposals include a reduction in the area of hardstanding by some 1 hectare. This would reduce runoff and dependence on surface water drainage systems, though these would continue in operation. There would be no net loss of flood storage capacity. The Environment Agency has assessed the scheme and raises no objections subject to conditions to restrict the height of electrical sockets within the buildings, and to protect the banks River Bourne. Some minor works to provide improved flood resilience are recommended and could be secured by condition.
50. A strategic flood risk Assessment has recently been carried out for the Council, which shows an increased proportion of the site within Flood Zone 2. However as the proposal is for a change of use of existing buildings and there would be no reduction in flood storage, this would not materially alter the position in respect of flood risk. I conclude that the development would be acceptable in terms of its effect on flood risk both on- and off- site. There would be no conflict with PPS 25 or Policy NE11 of the Local Plan.

#### *Sustainability*

51. In its initial consultation on an earlier application response Surrey County Council (dated 10 April 2006) raised issues of location and sustainability under

Policy LO1. The site is not well served by public transport, and lies some distance from existing settlements. Nevertheless it is an existing complex of buildings, which have had a significant level of employment use in the past. Though not ideally located in terms of minimising car use, the levels of use proposed are commensurate with the previous mushroom farm use, and the site offers the opportunity for the reuse of an existing resource, rather than greenfield development nearer to an existing settlement. Taking this into account I consider that sustainability considerations should not prevent development that was otherwise acceptable.

*Requirement for B1 and Employment issues.*

52. The appellant estimates that the proposed use has the potential to deliver some 314 jobs, by applying floorspace/worker ratios produced by Surrey County Council to the available floorspace. It was acknowledged that the HGV cap would place a restriction on the intensity of use, and thus the number of jobs that might be delivered. Nevertheless there is an identified need for B8 floorspace in the Borough, and I accept that the change of use would make a significant contribution to employment opportunities, and that this weighs in favour of the proposal.
53. I accept that some jobs would also be provided through use of the site for waste purposes, though for reasons I have given above, I consider this to be an unlikely outcome.

*Suitability of the access and safety of users*

54. Concern was expressed at the potential for conflict between commercial vehicles and other users of the access, and the bridleway which it crosses. The S106 Undertaking covenants not to occupy the development until specified highway works have been carried out. These include surfacing works, and the provision and maintenance of visibility splays onto Chobham Road. The access design would include surfacing treatment and signage which would draw drivers' attention to the possibility of horses and others crossing. Clearly wherever vehicles and other users share the same surface there is potential for conflict. However I consider that the nature of the access and proposed design details would ensure that drivers of vehicles and other users would be aware of each other, and would exercise reasonable caution so that safety would not be compromised.
55. It was also suggested that land ownership would be an issue for the creation of the necessary visibility splays. While this may involve additional land in the ownership of HCPS I consider that there is a reasonable prospect of achieving this. The terms of the undertaking provide that the development cannot be occupied until the highway works are implemented.
56. I appreciate that the local road network is congested at peak times, and traffic associated with the proposal would be likely to add to this. However, the number of movements is expected to be similar to those when the mushroom farm was in operation. While patterns of usage may be different and background traffic levels may have increased, there was no evidence before the Inquiry to show that the access arrangements would be unable to cope with the expected usage.

### *Living conditions*

57. Immediate neighbours of the site were concerned that the proposed change of use would give rise to visual intrusion and noise and disturbance. With regard to visual effects, I do not consider that the appearance of the buildings would change significantly. The buildings as they stand are substantial in scale but their visual impact is mitigated by established planting, particularly when viewed from the gardens of Westown and Heather Farm House. While I accept that screening would be less effective in winter, I do not consider that the change of use would result in material harm in this respect.
58. The site has been disused for some years, so the resumption of activity on site would bring with it some noise and disturbance from vehicles. Mitigation is proposed in the form of an acoustic fence along the boundary with Heather Farm Cottages, which could be secured by condition. I consider that it is reasonable to assess any potential for disturbance from the proposed uses against levels of activity when the mushroom farm use was fully operational. To my mind the proposed use would be commensurate with the mushroom farm use, and therefore there would be no significant increase in noise and disturbance.

### *Anti-social behaviour*

59. Residents expressed concern that the isolated nature of the proposed car park would give rise to potential for anti-social behaviour. While I can understand these concerns, there would be some compensatory security benefit arising from reoccupation of the appeal site itself for commercial use. I consider that the benefit of providing an alternative car park, set out above, would outweigh the fears occasioned by potential for improper use of the car park.

### **Conditions**

60. A draft list of conditions is set out in Document 11. I have amended them where necessary in the light of discussion at the Inquiry in the interests of precision and to avoid duplication. I consider an additional condition is necessary to address concerns set out in Paragraph 40 above.
61. Conditions 2, 3, 4, 9, 28, 29 and 33 are necessary to secure a satisfactory visual appearance to the development. Condition 5 is necessary to ensure any contamination is dealt with in an appropriate manner. Condition 6 is needed to prevent light pollution. Conditions 7, 11, 13, 14, 24 and 34 are necessary to protect the living conditions of neighbours. Condition 8 is necessary to allow access to the watercourse to be maintained and to secure enhancements. Condition 10 is necessary to avoid flood risk. Condition 12 is necessary to secure energy efficiency. Conditions 15, 16 and 17 are necessary to avoid harm to protected species and habitats. Conditions 18, 22, 25, 26 and 27 are necessary to ensure parking provision is made in accordance with the plans, in the interests of the appearance of the site and the safety of users. Conditions 19 and 20 are needed to secure enhancement of the visual amenity of the Green Belt. Condition 21 is needed to secure provision of important facilities. Condition 23 is needed to avoid pressure on surrounding areas of common. Condition 30, 31 and 32 are necessary to limit the use of the site to those applied for. Condition 35 is need in the interests of precision, and to avoid harm to the SPA.

## **Conclusion**

62. I have found that although the proposal would not accord with the safeguarding of the site for non-thermal waste processing use in the SWP, there are convincing reasons why this would not prejudice the implementation of the SWP. The Unilateral Undertaking offers an effective method of capping HGV movements at 230 per week, at which level it is accepted that there would be no adverse impact on air quality or significant harm to the SPA, subject to an additional condition which is necessary to ensure precision. There are incidental benefits from the scheme which weigh in favour of allowing the appeal, including those to the visual amenity of the green belt, the provision of employment, the provision of a visitor car park to serve the proposed SANGS and the opportunity to close Sandy Track Car Park. None of the other matters raised are of sufficient weight to alter my conclusion that the appeal should be allowed, subject to the conditions set out in the schedule below.

*David Richards*

INSPECTOR

**Appeal Ref: APP/A3655/A/09/2105135**

**Heather Farm, Chobham Road, Horsell Common, Woking, GU21 4XY**

**Schedule of Conditions:**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to the commencement of any development, or change of use, samples of the materials to be used in the external elevations and all surfacing materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Prior to the commencement of any works on site (including demolition), detailed proposals for the protection of trees to be retained shall be submitted to and approved in writing by the local planning authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees shall be protected during the site works. The development shall be carried out strictly in accordance with the agreed details. In any event, the following restrictions shall be observed:
  - a) No burning shall be carried out within the protected area, or in a position where flames could extend to within 5m of any part of any tree to be retained.
  - b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater). All such installations shall be in accordance with the National Joint Utilities Group (NJUG) Publication Number 10 1995.
  - c) No changes to ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater).
  - d) No dumping of materials or tracking of equipment shall take place within the protected areas as agreed.
- 4) Prior to the commencement of any development or change of use, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the planting of native trees, hedges, shrubs and areas to be grassed. The landscaping scheme shall be carried out in the first planting season of the development or in accordance with a timetable to be approved in writing by the local planning authority, and shall thereafter be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species.
- 5) Prior to the commencement of any development, or change of use, a scheme to deal with contamination of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) A contaminated land desk study and suggested site assessment methodology;
- b) A site investigation report based upon (a);
- c) A remediation plan based upon (a) and (b);
- d) A 'discovery strategy' dealing with unforeseen contamination discovered during construction; and
- e) A 'validation strategy' validating the works undertaken as a result of (c) and (d).

The change of use hereby permitted shall not commence until the measures approved in the scheme have been fully implemented and completed.

- 6) Prior to the commencement of any development, or change of use, a lighting strategy for external lighting, including existing lighting to be retained, shall be submitted to and approved in writing by the local planning authority. The details shall include hours of operation, specification and siting of lights which shall include low level sodium lighting and directional shrouds and cowlings to prevent any light spill into the watercourse and adjacent river corridor habitat and SPA. Any lighting and associated shrouds and cowlings shall be installed in accordance with the approved details and be maintained thereafter for the life of the development.
- 7) Prior to the commencement of any development hereby approved, including the importation of materials and construction vehicles to the site, a Method of Construction Statement shall be submitted to and approved in writing by the local planning authority. The statement shall include details of:
  - a) Parking for vehicles of site personnel, operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials
  - d) Methodologies for monitoring and minimising noise, dust and vibration.

The development shall be carried out in accordance with the approved details.

- 8) Prior to the commencement of development a scheme for the provision and management of a minimum 8m wide buffer zone alongside the Addlestone Bourne shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. The scheme shall include
  - a) Details of riverbank enhancements (as proposed in the Ecological Impact Assessment)
  - b) Details showing how the buffer zone shall be protected during development and thereafter managed and maintained;
  - c) Details of the proposed footpath to Horsell Common and associated footbridge as depicted in the site master plan.

- 9) Prior to the commencement of development an ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The ecological management plan shall be implemented as approved. The scheme shall include details of the following elements:
- a) The extent and type of new planting (planting to be of native species of UK provenance within 8 metres of the watercourses).
  - b) Maintenance regimes.
  - c) Any new habitat created on site.
  - d) Treatment of site boundaries and/or buffers along watercourses.
  - e) Details of enhancements, including riverbank enhancements and bird nesting and bat roosting structures in trees and buildings.
  - f) Details of monitoring, which should be for a minimum of 2 years following the commencement of the change of use hereby permitted.
- 10) Prior to the installation of any drainage systems, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details before the uses hereby permitted commence. The scheme shall include:
- a) Details to demonstrate that drainage from the HGV and car parking areas shall pass through an appropriate pollution interceptor
  - b) Maintenance arrangements for the surface water strategy and proposed layout.
  - c) Final pipe layout and plans to demonstrate that the details provided in the Surface Water Strategy completed by Opus International Consultants, Reference 7051/APT dated 22 May 2009 will be installed on site in accordance with the plans contained in that document.
  - d) Calculations to demonstrate that the rates and volumes of runoff contained in the Surface Water Strategy completed by Opus International Consultants, Reference 7051/APT dated 22 May 2009 will be achieved by the proposed final layout of the drainage scheme.
- 11) Prior to the commencement of development or change of use, details of a 2 metre high acoustic fence to be erected along the boundary with 1 and 2 Heather Farm Cottages shall be submitted to and approved in writing by the local planning authority. The approved acoustic fence shall be installed as approved prior to the commencement of the uses hereby permitted and retained thereafter for the life of the development.
- 12) Prior to the commencement of any development or change of use, details of predicted energy use of the development and the generation of on-site

renewable energy shall be submitted to and approved in writing by the local planning authority. These details will show how energy efficiency is being addressed, including benchmark data, and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the new development by means of decentralised and renewable or low-carbon sources. These measures shall be implemented in accordance with the approved details, and shall thereafter be retained for the life of the development.

- 13) Prior to the commencement of any development, including demolition, a wheel washing and air quality mitigation strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include proposals for monitoring of dust levels at appropriate locations throughout the site and mitigation proposals in line with those stated on page 33 of the Air Quality Assessment submitted with the application. The approved details shall be implemented in full throughout the course of the demolition and construction process.
- 14) Prior to the commencement of any development, including demolition, a noise mitigation strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include mitigation proposals in line with those stated on page 28 of the Noise Assessment submitted with the application. The approved details shall be implemented in full throughout the course of the demolition and construction process.
- 15) Prior to the commencement of any development (including demolition and the felling of any trees) a protected species survey shall be conducted on the whole site and the findings of the survey, together with a scheme for mitigation and enhancement works, shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved scheme, and the mitigation and enhancement measures shall thereafter be retained.
- 16) Prior to the first occupation of any buildings hereby approved for retention, a fire prevention and management plan shall be submitted to and approved in writing by the local planning authority. The proposals shall include firebreaks and shall be implemented as approved prior to the first occupation of the buildings to be retained.
- 17) Prior to the first occupation of any buildings hereby approved for retention, a litter bin and waste strategy and predator control plan shall be submitted to and approved in writing by the local planning authority. the proposals shall be implemented as approved prior to the first occupation of the buildings to be retained.
- 18) The uses hereby approved shall not commence until bollards have been installed at the locations illustrated on plan number HP-5044 01 Rev L. The bollards shall make provision to allow emergency access, but shall otherwise be maintained in position at all times for the life of the development.

- 19) The uses hereby approved shall not commence until the Old Store Building, as illustrated on plan numbered HP05044 01 Rev A has been fully demolished and removed from the site.
- 20) The uses hereby approved shall not commence until the existing hardstanding as illustrated on plan numbered HP05044 01 Rev L, and in accordance with conditions 4 & 5 above is fully removed from the site ready for conversion to soft landscaping.
- 21) The uses hereby approved shall not commence until the bin and cycle stores and associated facilities have been fully constructed in accordance with the approved plans and made operational. The bin and cycle stores shall not be used for any other purpose and shall be retained thereafter for the life of the development.
- 22) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking, unloading and turning areas shall thereafter be maintained exclusively for their designated use.
- 23) Prior to the first occupation of the site details shall be submitted to and approved in writing by the local planning authority to show the siting and specification of an outdoor amenity area for employees within the curtilage of the site. The details shall be implemented as approved prior to the first occupation of the buildings to be retained and shall be maintained thereafter in perpetuity in accordance with the approved details.
- 24) Prior to the installation of any fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment in connection with the development hereby approved, details, including acoustic specifications, shall be submitted to and approved in writing by the local planning authority. Any equipment shall be installed and maintained thereafter in accordance with the approved details.
- 25) The 19 HGV parking spaces and 10 pantechnicon parking spaces and associated manoeuvring areas illustrated on plan numbered HP05044 01 Rev L, shall be reserved exclusively for the parking and manoeuvring of these vehicles, and not for the parking of any other vehicle or for the storage, loading and unloading of goods.
- 26) The 17 HGV spaces illustrated within the buildings on plan numbered HP05044 01 Rev L shall be reserved exclusively for the parking, loading and unloading of HGV vehicles, and not for any other purpose. The external service lane adjacent to those spaces shall be reserved exclusively for the side loading and unloading of vehicles, and not for any other purpose. In any event, no loading or unloading shall take place outside these areas and no display or storage of goods, materials, plant or equipment shall take place within the site curtilage other than within the buildings to be retained.
- 27) There shall be no vehicle parking outside the vehicle parking spaces shown on plan numbered HP05044 01 Rev L. The disabled parking spaces illustrated on the same plan shall be retained solely for disabled

- parking purposes at all times and all car parking spaces shall be maintained exclusively for their designated use at all times.
- 28) No part of the development shall be occupied until details of all screen and boundary treatment have been submitted to and approved in writing by the local planning authority; such approved means of enclosure to be erected and hedges planted in accordance with the approved details before the uses hereby permitted are commenced.
  - 29) Notwithstanding the provisions of Article 3 and Schedule 2, Part 2 and Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any orders amending or re-enacting that order with or without modification) no fences, gates or walls or other means of enclosure other than those hereby approved shall be erected within or along the curtilage of the site.
  - 30) The development hereby approved shall be restricted solely to a mixed Class B1(C) and B8 use within the Town and Country Planning (Use Classes) Order 1987 (and as amended by SI 2005/85), with the exception of the 25 space car park and access to be provided in connection with the adjacent Horsell Common Preservation Society Land shown on plan numbered HP05044 01 Rev L.
  - 31) There shall be no more than 2514 m<sup>2</sup> of gross floorspace (measured externally) associated with B1(C) use within the site (including internal loading/unloading areas and ancillary office space), and no more than 12302 m<sup>2</sup> of gross floorspace (measured externally) associated with B8 use within the site (including internal loading/unloading areas and ancillary office space).
  - 32) Any office floorspace within the buildings shall only be used in connection with the main buildings and shall not be used as separate independent accommodation. In any event any office floorspace shall comprise no more than 10% of the gross floor area (measured externally) of any individual units.
  - 33) Notwithstanding the provisions of Article 3 and Schedule 2, part 8 and Classes A and C of the Town and Country Planning (General Permitted Development Order) 1995 (or any orders amending or re-enacting that Order with or without modification) no extensions or alterations to the buildings shall be made, and no hard surfaces shall be constructed other than those expressly authorised by this permission.
  - 34) No machinery or process shall be operated which is audible outside the buildings to be retained, and no vehicles shall wait with their engines turned on, and no deliveries (including loading and unloading) shall be taken at or despatched from the site outside the following times: 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturday, nor at any time on Sundays, Bank or Public Holidays.
  - 35) There shall be no more than a total of 230 single-direction HGV movements through the access to the site in any one Working Week. For the purposes of this condition the definitions of 'HGV' and 'Working Week' shall be those contained in the signed Unilateral Undertaking dated 20 August 2009.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Toby Davey of Counsel

He called

David Lamb MPhil,  
MRTPI

Acting Planning Manager, Surrey County Council

James Hutchison MTP

Senior Planning Officer, Woking Borough Council

### FOR THE APPELLANT:

Rupert Warren of Counsel

Instructed by Robert Collett, WYG Planning and Design

He called

Robert Collett BA  
(Hons), MTP, MRTPI

Associate, WYG Planning and Design

Adrian Lynham MSc, BA  
(Hons), MRTPI

Associate, WYG Planning and Design

### INTERESTED PERSONS:

Roger Balister

East Chobham Residents Association

John Joyce

Local Resident

John Wheeler

Local resident

Paul Uttley

Horsell Common Preservation Society

David Robbins

Horsell Common Preservation Society

### DOCUMENTS

- 1 Letter of notification of the Inquiry dated 07 September 2009
- 2 Unilateral Undertaking dated 20 August 2009
- 3 Statement of Common Ground
- 4 Statement of Mr Uttley on behalf of Horsell Common Preservation Society
- 5 Joint Project Agreement between Blue Prince Mushrooms and HCPS (Extract)
- 6 Draft deed of easement
- 7 Comments of East Chobham Residents Association (represented by Mr Balister)
- 8 EA Map of land levels put in by Mr Balister
- 9 E-mail exchange between SCC and Alliance Planning re Eco - composting
- 10 Tables 1, 3 and 4 re regional Need figures, additional Planning Permissions and Live Planning Applications
- 11 Draft conditions
- 12 Closing submissions for Woking Borough Council
- 13 Closing submissions for Blue Prince Mushrooms