

Appeal Decision

Hearing held on 2 August 2016

Site visits made on 1 & 2 August 2016

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 16 August 2016

Appeal Ref: APP/Y3615/W/16/3146286

North Wyke Farm, Guildford Road, Normandy, Guildford, Surrey GU3 2AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gordon Phillips against the decision of Guildford Borough Council.
 - The application Ref 15/P/01670, dated 1 September 2015, was refused by notice dated 14 December 2015.
 - The development proposed is a residential scheme of 78 units comprising of 1 and 2 bedroom flats, 2, 3, and 4 bedroom houses and 405m² of retail space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline with all matters reserved except access. A signed S106 Unilateral Undertaking (UU) dated 20 July 2016 was submitted by the appellant during the course of the appeal and an updated copy was given to me at the Hearing. I address this in more detail below.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations such as to amount to the very special circumstances necessary to justify the development.

Reasons

Character and Appearance

4. The description of the site and of Normandy is accurately described in the 2015 appeal decision for a similar development¹. In particular I agree that the village is a small and very dispersed settlement which is linear in form. Development is spread out along the various highways, especially Guildford Road and Glaziers Lane but also to a lesser extent along the other local roads.
5. The appellant's drawings NWF-05: 10-20, 21, 22 and 23 define areas where there is residential development beyond single plot depths fronting highways.

¹ APP/Y3615/W/15/3002308

But apart from Walden Cottages and the few new units next to the surgery at Manor Farm Close off Glaziers Lane none of these examples occurs in the main part of the village. The Paddocks and Christmas Pie Avenue are typical of the housing in Flexford to the south of the railway line and station. Pinewood Road And Wyke Avenue are further west in Wyke close the edge of Ash and are more typical of the housing in that area. There is little development at depth away from the highway in Normandy itself and I agree with the previous Inspector that Walden Cottages is an exception to this generally linear pattern of existing development and as such is an anomaly.

6. The number of residential units and thus the density of the proposed development has been reduced from 90 to 78 units compared to the previous scheme and the central section of the site would be open space. But it would be impossible to disguise views of houses located along the site's western boundary when viewed from the new access points on Westwood Lane and the development would therefore perpetuate the anomalous suburban development of Walden Cottages. As such it would fail to reflect the linear, rural and spacious character of Normandy.
7. The appellant argues that the inclusion of the undeveloped part of the site in an earlier version of the Council's Strategic Housing Land Availability Assessment (SHLAA) and in Volume 3 of the Council's Green Belt and Countryside Study (GBCS) as potential development land adds weight to the current proposal. However, paragraphs 12 and 13 of the 2015 appeal decision explain why these historic versions of the SHLAA and GBCS carry little weight. I agree with the previous Inspector's reasoning.
8. The appellant points out and the Council confirmed at the Hearing that since the last appeal draft Policy A46 in the pre-submission version of the emerging Local Plan (ELP) has been brought forward. This is a draft allocation of approximately 1,100 homes and other facilities including a new secondary school. This allocation would include most of the land bounded by Guildford Road, Westwood Lane, Glaziers Lane and the railway line. The Council confirmed at the hearing that such development, should it go forward, is phased for delivery between 2021/22 and 2029/30.
9. However, the ELP is at a relatively early stage in its progression and there is no certainty at this stage that such an allocation will be carried forward into the adopted LP. Such a draft allocation merely demonstrates the Council's need to allocate green field sites, including in the Green Belt, to accommodate its objectively assessed housing need (OAN). But at this stage it is no means certain that such development will occur in this location and even if it did it could be several years hence. I accept that if such development were to go ahead then the linear character of Normandy would be significantly altered. But that does not justify the appeal proposal now in terms of its impact on the character and appearance of the area. I therefore attribute little weight to this draft allocation.
10. I conclude for these reasons that the development would harm the character and appearance of the area. There is no indication that the scale, proportion, height and appearance of the proposed buildings would be unacceptable and so I cannot see how the development would conflict with 'saved' Policy G5(2) of the Guildford Borough Plan (GBP). But it would be contrary to Policy G5(1)

because it would fail to respect the village's established street patterns and views of the countryside. It would also fail to respect local character and distinctiveness as set out in Section 7 of the National Planning Policy Framework (NPPF).

Green Belt Issues

11. The appeal site lies within the Metropolitan Green Belt and the Council and appellant agree that the proposed development would be inappropriate development for the purposes of paragraph 89 of the NPPF and also that it would affect the openness of the Green Belt. The majority of the site is open agricultural land so the portion of the site facing Guildford Road that it is agreed by the parties is previously developed land does not justify the overall development in itself.
12. NPPF paragraph 79 states that the Government attaches great importance to the Green Belt and the protection of its essential characteristics of openness and permanence. Although the Council acknowledges that the boundaries of the Green Belt will need revising in its ELP, there is no intention to remove this site from the Green Belt. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances.
13. The appellant cites a number of material planning considerations that he claims, when taken together, amount to very special circumstances which justify the grant of planning permission. The Council accepts that its policies for the supply of housing, which includes 'saved' GBP Policy RE2, are out-of-date in view of the fact that it can currently only demonstrate 2.4 years housing supply (HLS) against its OAN. It also agrees that boosting the supply of housing is an important aim of the NPPF, to which significant weight should be given, and that the appeal proposal would boost supply in the Borough.
14. Housing need alone is unlikely to outweigh harm to the Green Belt such as to amount to very special circumstances² but in view of the level of HLS shortfall this benefit of the scheme attracts considerable weight. The fact that it would contribute to the delivery of affordable housing is also clearly a benefit, albeit this is no more than a policy requirement.
15. The appellant cites the Perrybrook, Gloucestershire appeal decision³. But that case was for a far larger strategic development and in my view its benefits, as set out in paragraphs 10.60-10.63 of the decision, are not comparable with the lesser benefits associated with the more modest nature of this development.
16. I agree that ecological enhancements to the site as set out in the final version of the appellant's Ecological Surveys and Mitigation Strategy should be given significant weight because they could be delivered via a condition requiring an ecological management plan.
17. I also agree that the transport and highway improvements required by the County Council as Highway Authority, which would be provided prior to first

² As set out in Planning Practice Guidance Reference ID: 3-034-20141006

³ APP/G1630/V/14/2229497

occupation of any dwellings by an agreed condition, would be of benefit to more than the residents of the scheme. But because they are required to mitigate the effects of the proposed development I afford them only limited weight, as per the previous Inspector.

18. I agree that the retail floor space would, if delivered, be a benefit to residents of Normandy, not just those residents in the scheme. However, I heard from two village residents at the hearing who suggested that there were several convenience food stores within a 10-minute drive of the site, that there had not been such a shop in the village for about 10-15 years and that they doubted one would therefore be viable.
19. The email from a commercial estate agent provided at the Hearing by the appellant saying that he thinks there would be commercial interest for a convenience store does not in my view amount to hard evidence that such a useful facility would actually be provided. Even if it was, the balance of evidence indicates that a convenience store would be unlikely to be sustained. Other retail uses would be of more limited uses to most village residents. Nothing has changed in this respect since the previous decision. Accordingly I give this prospective benefit little weight.
20. In summary, whilst the delivery of 78 homes including 27 affordable homes and the ecological enhancements carry significant weight, the proposed scheme would be inappropriate development in the Green Belt, in itself harmful by definition, and would also clearly impinge on the openness of this part of the Green Belt. I conclude that the benefits do not amount to the very special circumstances necessary to justify the development in this Green Belt location.

Other Matters

21. The UU is the mechanism for delivering the affordable housing and various financial contributions necessary to mitigate the impacts of the development, all of which would be necessary and justified if I had concluded in favour of the development on the main issues. But, since I have not, there is no need for me to consider these obligations any further.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ashley Bowes	Counsel – Cornerstone Barristers, London
Mark Brett-Warburton	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Paul Sherman	Planning Case Officer
Laura Howard	Planning Policy Officer
Heather Sandall	Planning Policy Officer
Jamie Parsons	Solicitor
Christopher Todman	Observer

INTERESTED PERSONS:

David Bilbé	Ward Councillor
Nick Norton	Local resident
Brian Oliver	Local resident
Liz Oliver	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground May 2016
2. Hearing notification letters 2 June 2016
3. Updated Unilateral Undertaking 20 July 2016
4. Appellant's Speaking Note
5. Draft Schedule of Conditions Versions 1 & 2
6. Letter & email from Highway Authority regarding highway improvement requirements 27 October 2015
7. Correspondence between agent and Owen Shipp regarding commercial interest in convenience store at site 28 August 2015