

Appeal Decision

Hearing held on 20 September 2016

Site visit made on 20 September 2016

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 23 November 2016

Appeal Ref: APP/Y3615/W/16/3147476

Goodhart-Rendel Community Hall and land to the rear, Cranmore Lane, West Horsley KT24 6BT

- 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 Black Oynx Developments Limited against the decision of Guildford Borough Council.
 - The application Ref 15/P/02006, dated 21 October 2015, was refused by notice dated 28 January 2016.
 - The development proposed is demolition of existing community hall and redevelopment of the site to deliver a mixed use scheme including a new community hall, six detached residential dwellings, access, parking, landscaping including provision of temporary portacabin for the community hall during the period of works.
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Decision

1. This appeal is dismissed.

Application for costs

2. An application for costs was made by Black Oynx Developments Limited against Guildford Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. At the start of the Hearing the appellant confirmed that the address used by the Council on their decision notice should be used for the purposes of the appeal and I have amended the banner heading accordingly.
4. At the Hearing it became clear that the appellant had not received a copy of the Council's cost rebuttal of the 19 September 2016. A copy was provided at the Hearing. Having considered the document during an adjournment the appellant requested the ability to respond in writing. The Council did not object and I agreed the request. A written response was received on the 21 September 2016.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
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- the effect on the openness of the Green Belt; and
- would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Is the proposal inappropriate development in the Green Belt?

6. Policy RE1 of the saved policies of the Guildford Borough Local Plan (2003) (the Local Plan) states that the Green Belt extends over the whole of the borough with the exception of Guildford urban area, Ash and Tongham and land to the south east of Ash and Tongham. As the site does not fall within any of these exceptions the site for the purposes of the development plan falls within the Green Belt. The appellant, however, considers that given the age of the plan and in light of the advice contained within the Framework¹ such a policy is out of date and as a consequence for the purpose of this appeal they advocate that the Green Belt policies should be given very limited weight.
7. Whilst I agree with the appellant that the development plan predates the Framework, the Framework is equally clear² that it is not the purpose of an appeal to review a Green Belt boundary this being one of the functions of a Local Plan examination. The Council are in the process of developing an emerging Local Plan (eLP). As part of this process the Council has undertaken a review of the Green Belt boundaries³ which includes considering altering the Green Belt boundary around West Horsley.
8. The eLP itself is at a very early stage in the process and has not been the subject of any robust testing. Furthermore, it was clear from the evidence given at the Hearing that the Council has received a large volume of comments about potential changes to the Green Belt boundaries across the borough including those suggested for West Horsley. As a result the Council consider that there is a degree of uncertainty as to whether these changes would be included within the final version of the eLP. I agree with the Council and therefore having regard to the advice provided by the Framework⁴ have attached no weight to the policies of the eLP. As a consequence I consider that for the purposes of this appeal and until such time as a new development plan is adopted the site falls within the Green Belt and as a consequence I must give this issue due consideration.
9. Paragraph 89 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but then details six exceptions to this rule. A similar list is contained within policy RE2 of the Local Plan. The proposal consists of two parts, the redevelopment of the Community Hall which all parties considers falls within the fourth exception (the replacement of a building provided that the new building is in the same use and is not materially larger than the one it replaces) and the six detached residential dwellings, access, parking and landscaping which the appellant considers would constitute limited infilling (exception five). However, the Council advocate that because the part of the site that would be used for

¹ Paragraph 86 of the National Planning Policy Framework (2012)

² Paragraph 83 of the National Planning Policy Framework (2012)

³ Guildford Borough Green Belt and Countryside Study – Green Belt Purposes Sensitivity Assessment (2014)

⁴ Paragraph 216 of the National Planning Policy Framework (2012)

housing falls outside of the defined settlement boundary (DSB) for West Horsley they consider that it would not constitute infilling.

10. West Horsley appears to be a linear settlement with development focused along The Street and with the majority of the village located to the north of the appeal site. Although there is some development around the site, particularly to the south and east, this is more sporadic. Furthermore, I note from the map supplied by the Council that all of this area to the south and east falls outside the DSB. As a consequence I consider that whilst the proposal would be for a limited number of units the proposal would not represent infilling and therefore this element of the proposal for the purposes of the Framework would be inappropriate development.
11. Having come to this conclusion, paragraph 90 of the Framework then provides a list of five other forms of development that are also considered not inappropriate development. I have assessed the proposal against this list and consider that it would not fall within any of these categories and as a result my previous conclusion that the six dwellings, access, parking and landscaping would be inappropriate development remains unaltered.
12. I therefore conclude that whilst the proposed community hall would, in principle, fall within the exceptions of development in the Green Belt, the proposed six dwellings and their associated infrastructure would not contrary to the Framework and Local Plan policy RE2. As inappropriate development is, by definition, harmful to the Green Belt in accordance with paragraph 88 of the Framework I must give this substantial weight when reaching my conclusions.

The effect of the proposal on the openness of the Green Belt

13. The appeal site consists of the community hall and its grounds and a grassed paddock to the rear of the hall which is bounded by mature trees and hedgerows on three of its boundaries.
14. The proposal would result in the demolition of the existing community hall and its replacement. Whilst the building would be located further back within the site than the existing building it would be of a similar bulk and mass and as a consequence would not adversely affect the openness of the Green Belt.
15. The appellant advocates that as there is no physical or visual connection between the application site and the wider countryside and that consequently the proposal would not result in encroachment into the countryside. Whilst I recognise that the rear paddock is well screened and there are very limited views into it from the surrounding areas, openness in the context of the Green Belt means freedom from development. The proposal would result in the introduction of built form into what is currently a greenfield location. Paragraph 79 of the Framework indicates that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Given the location of the site on the edge of the village outside of the DSB the proposal would have the effect of spreading the village further south thereby eroding the overall openness of the Green Belt.

Would the harm by reason of inappropriateness and any other harm be outweighed by other considerations? If so would this amount to the very special circumstances required to justify the proposal?

16. The existing community hall is in an exceptionally poor state of repair. Furthermore, on the basis of what I observed on site, I agree with the appellant that in a very short period of time the hall, if repairs are not affected immediately, would no longer be usable. The appeal proposal would provide a new community hall that would have the benefit of being a modern and accessible facility which would clearly be of public benefit. In addition the Council have acknowledged that they do not have an up to date 5 year housing land supply so that the additional six houses generated by the scheme would provide a contribution, albeit fairly limited, to meeting this need
17. At the Hearing the appellant made it very clear that they consider that the housing element is not 'enabling' the re-provision of the hall. However, it is clear from the evidence that I have read and heard that the two elements of the scheme are inextricably linked in that the re-provision of the hall is predicated on the construction of the residential element.
18. The re-provision of the hall may be considered to amount to the very special circumstances required to justify the housing. However, I am not satisfied, without the benefit of further evidence, given the harm that I have identified to the Green Belt that the appeal scheme as laid out is the only mechanism for delivering the re-provision of the hall.
19. In conclusion the scheme would be inappropriate development in the Green Belt as defined by the Framework. For the reasons that I have outlined above I consider that the proposal would erode the openness of the Green Belt. Whilst the proposal would result in the re-provision of a community asset and make a small contribution to housing supply it would result in the loss of Green Belt. Consequently I conclude that on balance and on the basis of the evidence before me the benefits that the scheme would provide do not outweigh the totality of the harm to the Green Belt.
20. As a result I do not find that the other considerations in this case clearly outweigh the harm I have identified. Looking at this case as a whole, I consider that the very special circumstances needed to justify the development do not exist. Consequently the proposal would be contrary to policy RE2 of the Local Plan and the advice contained within the Framework.

Other matters

21. The site falls within the West Horsley Conservation Area and is situated adjacent to two Grade II listed buildings. As the site is some distance from the listed buildings and there is a substantial screen of mature trees between these buildings and the site I consider that the proposal would not harm the setting of these listed buildings.
22. The proposal would affect the character and appearance of the area by virtue of introducing housing and its related infrastructure into what is a greenfield site. However, whilst the proposal would be of a contemporary design it would reflect traditional architectural forms and would be constructed from high quality materials. As a result I consider that the proposal would preserve the

character and appearance of the West Horsley Conservation Area in accordance with policy HE7 of the Local Plan and the Framework.

Conclusion

23. The Framework aims to boost significantly the supply of housing. The Council acknowledge that they do not have an up to date 5 year housing land supply. As such the appellant advocates that the development plan policies to be out of date and that in accordance with the Framework⁵ the development should be approved. However, the Framework advocates that this approach only applies unless specific policies in the Framework, which include land designated as Green Belt, indicate that development should be restricted. Therefore, while the additional six houses that would be generated by the scheme would provide a limited contribution to meeting the identified housing need I consider that this does not outweigh the harm to the Green Belt that I have already identified.
24. I conclude that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The proposal would extend the built area and erode the openness of the Green Belt. As outlined above I give only limited weight to each of the material considerations cited in support of the proposal and conclude that, taken together and having regard to the letters of support for the development, they do not outweigh the harm that the scheme would cause. Consequently, I conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. For the reasons above, and having regard to all other matters raised, I conclude that the scheme is not the sustainable development for which the Framework indicates there should be a presumption in favour and that, therefore the appeal should be dismissed.

Jo Dowling

INSPECTOR

⁵ Paragraph 14 of the National Planning Policy Framework (2012)

APPEARANCES

FOR THE APPELLANT

Cate Adams	Black Oynx Developments Limited
David Ardley	Black Oynx Developments Limited
Simon Randle	Counsel
Lewis Rodger	Bell Pottinger
Phillip Scott	AECOM
William Smith	AECOM
Steve Summers	Bell Pottinger

FOR THE LOCAL PLANNING AUTHORITY

John Busher	Principal Planning Officer, Guildford Borough Council
Tania Mankoo-Flatt	Principal Policy Officer, Guildford Borough Council
Paul Sherman	Team Leader, Guildford Borough Council
Chris Todman	Borough Solicitor, Guildford Borough Council

INTERESTED PARTIES

Janet Amos	Representing Goodhart- Rendel Community Hall Trustees
Peter Bennett-Davies	Representing West Horsley Parish Council
Clive Brett-Robertson	Local resident
Munro Brett-Robertson	Local resident
Robert Elliott	Representing Goodhart- Rendel Community Hall Trustees
Catherine Young	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Document 1	Copy of policies NE1, NE4, CF1, CF2 and HE4 of the Guildford Borough local Plan (2006)
Document 2	Copy of the Guildford Borough Green Belt and Countryside Study – Green Belt Purposes Sensitivity Assessment (2014)
Document 3	Extract from the Guildford Borough Green Belt and Countryside Study – Green Belt Purposes – Sensitivity Assessment – drawing ref: BNL.0287_36-A

Document 4 Copy of Suffolk Coastal District Council and Hopkins Homes Limited and the Secretary of State for Communities and Local Government decision (March 2016)

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE HEARING

Document 1 Copy of appellant's response to Council's comments on their costs application dated 21 September 2016