

Appeal Decision

Site visit made on 10 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/Y3615/W/16/3152794

**Coopers Yard, Hill Place and Hill Villa, Frog Grove Lane, Wood Street
Village, Guildford, Surrey GU3 3HD**

- 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 Home County Properties Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01845, dated 30 July 2015, was refused by notice dated 7 January 2016.
 - The development proposed is demolition of existing buildings and redevelopment to form 4 No houses and associated garaging and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal the appellant provided a copy of a signed S106 agreement between it and the Council dated 29 September 2016, which satisfactorily overcomes the Council's third refusal reason. This provides financial contributions which would successfully mitigate any adverse impact on the Thames Basin Heaths Special Protection Area (TBHSPA) in accordance with the methodology in the Council's TBHSPA Avoidance Strategy. However, because I am dismissing this appeal it is unnecessary for me to consider this any further.

Main Issues

3. Consequently the main issues are whether the proposed development would be inappropriate development in the Green Belt and its effect on the character and appearance of the area.

Reasons

Green Belt

4. The site lies within the Metropolitan Green Belt. National Planning Policy Framework (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
 5. NPPF paragraph 89 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to certain exceptions including limited infilling in villages. Policies RE2 and RE3 of the
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Guildford Borough Local Plan 2003 (LP) allow infilling on land substantially surrounded by existing development within the Green Belt but only within settlement boundaries. However, there is no dispute between the parties that this site is outside Wood Street's settlement boundary and so would not comprise limited infilling in a village.

6. Another potentially relevant exception under NPPF paragraph 89 (the last bullet point) is: *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
7. The site comprises brownfield land because its lawful use is for storage of materials, plant and equipment in connection with the business of a demolition contractor and general dealer. The appellant also maintains that there is in effect residential use on the eastern part of the site currently occupied by three mobile homes. Although the Council concedes that the use of this part of the site for stationing these mobile homes is immune from enforcement action these structures are moveable and therefore temporary. I cannot therefore accept that their floor space should be taken into account in calculating the total existing floor space on the site when assessing the proposal's effect on the openness of the Green Belt.
8. The Council says that there is 281m² of commercial floor space on the site, the appellant 292m², a broadly similar figure. By the appellant's own admission the combined footprint of the new dwellings would be 427m², an increase of almost half. But the proposed houses would be two stories giving a total floor space of 926m², a 230% increase over that existing. Such an increase would have a greater impact on the openness of the Green Belt and would fail to meet the above exception in NPPF paragraph 89. The new houses would be inappropriate development in the Green Belt for these reasons.
9. NPPF paragraph 88 states: *'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
10. The appellant argues that the site is surrounded by residential development including an extant consent for conversion of the existing commercial buildings into two dwellings; its existing lawful use allows unrestricted heavy goods vehicle (HGV) movements which are adverse to neighbours' amenity; the proposal would improve the landscape value of the site including reinforcing planting and removing large areas of impervious hard surfacing which currently gives rise to large run-off in times of heavy rain. It maintains that these other considerations amount to 'very special circumstances'.
11. The permission for the conversion of the existing buildings into two dwellings (10/P/02020) was approved in 2010. The Council state that is no longer extant and I saw no evidence that it had been implemented when I inspected the buildings during my visit. No evidence has been provided that the existing lawful commercial use of the yard gives rise to adverse impacts on residential neighbours.
12. Nonetheless, I acknowledge that the residential use of the site would involve less HGV movements than at present, which would benefit neighbours' amenity. I also agree that removal of the existing hard standing and general landscape

improvements would improve the look of the area and be likely to reduce water run-off. The proposal would also deliver four new dwellings in a Borough that cannot currently demonstrate a five year housing land supply, a benefit to which I attach considerable weight. However, these other considerations and benefits of the scheme do not outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness and do not amount to 'very special circumstances' to justify allowing the appeal.

Character and Appearance

13. The proposed dwellings would be considerably larger and higher than the existing commercial buildings and the mobile homes on the site. But they would be no bigger than the neighbouring houses in Burton Drive and of a similar design.
14. The house at Plot 1 would be sited closer to Frog Grove Lane than the bungalows at Nos 193 and 194 but it would be separated by a landscaped embankment from the road. Whilst it may be partially visible from the road it would not detract from the character or appearance of the area.
15. Plot 4 is on higher ground than Nos 193 and 194 and would be seen above the bungalows from the road but, again, this would be in character with other houses in the area including those at Burton Drive, which are themselves partially visible from Aldershot Road. Plot 4 would be a reasonable distance away from Nos 193 and 194 so as not to appear cramped.
16. The layout of the new houses would not follow the streets in the same way that those on Frog Grove Lane do but this is simply a reflection of the configuration of the site. There would be sufficient room for the four proposed dwellings to be accommodated on it without harm to the character of the area and their appearance would be very similar to that of the neighbouring houses at Burton Drive.
17. For these reasons the proposed development would comply with LP Policy G5, which requires proposals to be well designed and respect local character. LP Policy G1 is not particularly relevant since it is concerned, in the context of this proposal, with protecting residents' amenities and the Council does not assert that these would be harmed.

Conclusion

18. Notwithstanding the lack of harm to the character and appearance of the area, the proposed development would be inappropriate development in the Green Belt contrary to LP Policy RE2 and the NPPF. For this reason the appeal should be dismissed.

Nick Fagan

INSPECTOR