
Appeal Decision

Site visit made on 15 February 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/Q3630/W/16/3161692

316 Stroude Road, Virginia Water, Surrey GU25 4DB

- 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 Mr Alan Bell (Prestige Quality Homes) against the decision of Runnymede Borough Council.
 - The application Ref RU.16/0829 dated 21 January 2016 was refused by notice dated 15 July 2016.
 - The development proposed is a new build pair of semi-detached houses and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the site is in the Green Belt, the main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on highway safety;
 - The effect of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA) and
 - If the proposal would be inappropriate development, whether the harm to the Green Belt by reason of inappropriate development, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. Framework sets out at a national level what is inappropriate development within the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt are inappropriate, with some specific exceptions, including 'limited infilling in villages', as set out in bullet point five.
 4. Council's Policy GB1 of the Runnymede Borough Local Plan Second Alteration (LP) (2001) prevents development within the Green Belt except for the settlement of Thorpe. The justification for the policy explains that it aims to protect Thorpe Green, Stroude and Horst Lane from coalescing to form another urban area. Further to the above, LP Policy GB2 allows limited infilling only in
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Thorpe, where the land is substantially surrounded by existing development, does not detract from the character of the settlement, where adequate services are available and where the traffic generated would be compatible with the environmental character and can be accommodated on the surrounding network.

5. The proposal is not located in Thorpe and is therefore contrary to Policies GB1 and GB2. Nevertheless, the Framework allows for limited infilling in villages without any caveat. The Council describe the site as 1 km to the north of the settlement boundary of Virginia Water. Whilst it is unclear from the evidence before me whether the village of Stroude has a formal settlement boundary, the site is clearly well within the built up area some 190m from the entrance sign to the village, and forms a gap within a continuous frontage of residential properties on the northern side of Stroude Road.
6. Properties north of Stroude Road are predominantly semi-detached houses, and there is a mix of detached and semi-detached dwellings on the opposite side of the road in the vicinity of the site. There is open farmland to the rear, separated from the appeal site by a band of mature trees and shrubs along the rear boundary. The site frontage is approximately the same width as the combined plots of nearby pairs of semi-detached dwellings, and the proposed dwellings would have a similar appearance to these neighbouring properties in terms of form, scale and design. Although the Framework does not define 'limited infilling' or 'village', given the site context as described above, and the nature and scale of the proposal, I consider that the development could reasonably be described as limited infilling within a village. On that basis the proposal would accord with the Framework. It would also comply with the four criteria set out in Policy GB2 for the reasons I set out in this decision.
7. The rationale for LP policies GB1 and GB2 solely concern protecting the aforementioned villages and have taken a narrow view. In that respect, although the Council has stated the policies are in general conformity with the Framework, they are not consistent with it insofar as they restrict infilling to only one village. Furthermore they do not explain why infill development would be undesirable elsewhere within the Green Belt. The Framework does not make any such restriction, and given the absence of justification within the development plan for restricting all village infilling outside Thorpe, I prefer the broad approach of the national policy set out in the Framework which is more recent.
8. I conclude that the proposal would not be inappropriate development in the Green Belt. It follows that there is no need to consider whether there are any very special circumstances necessary to justify it.

Highway Safety

9. Two off-street car parking spaces would be provided for each of the three bedroom properties. The Council has referred to LP Policy MV9 Parking Standards, but has not stated whether the number of spaces would be acceptable, and thus I find no conflict with LP Policy MV9. The Council's concern, as set out in the Decision Notice is the potential for danger and inconvenience to other highway users from the lack of a turning area within the frontage of each dwelling.

10. Policy MV4 of the LP requires development to ensure access and circulation are appropriate to the type of area proposed and does not aggravate traffic congestion, accident potential, or environmental and amenity considerations in the vicinity. Stroude Road is 7m wide two way street with space for on-street car parking and is subject to a 30 mph speed limit from the entrance to the built up area of the village approximately 190m from the site. There have been no reported accidents in the vicinity of the site.
11. On the north side most properties have a frontage of similar depth to that proposed in the appeal scheme with space for two off-street car parking spaces. However on the south side of Stroude Road frontages tend to be deeper, with space for at least two cars and with many properties having in-out driveways. This means that reversing manoeuvres would tend to be limited to the north side, reducing the potential for vehicle conflict from cars turning in and out of Stroude Road.
12. Moreover, the access would not be used intensively due to the small scale of the development, and although there might be some inconvenience for passing drivers when vehicles are entering or leaving the site, this would be momentary and minor in nature. Consequently, although the Highway Authority guidance¹ states that turning for vehicles within the site may be required, in these particular circumstances the lack of turning space is not considered to cause unacceptable risks to the safety of highway users.
13. Taking all of the above into account, I conclude that the proposal would not have an unacceptable impact on highway safety in the vicinity of the site, and the proposal would accord with LP Policies MV4 and MV9.

Effect on the Thames Basin Heaths Special Protection Area

14. The site lies within 5km of the Thames Basin Heaths Special Protection Area (TBHSPA). The Council require a financial contribution for each new dwelling in accordance with the TBHSPA Supplementary Planning Guidance (2007) for strategic access management and monitoring (SAMM), and a signed and executed unilateral undertaking has been submitted by the appellant to provide mitigation for the TBHSPA. As future occupiers would be likely to place additional demand on sites within the TBHSPA, the submitted contribution would meet the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 204 of the Framework.
15. The officer report also noted that a negatively worded Grampian condition would be required in respect of the provision of suitable accessible natural green space (SANG) to satisfy the Habitat Regulations and to avoid the impact of the development on the TBHSPA. However, the Council made no reference to this in its appeal statement and no details were provided of what SANG might be required and how any contribution would be calculated, or if there is a CIL in place to fund SANG in the borough. The Council's list of suggested conditions did not include reference to this matter.
16. It is implicit that the proposal would have a significant effect on the interest features of the TBHSPA and that without mitigation it would have an adverse effect on its integrity. However, there is nothing to indicate how the provision of a SANG might be achieved including where it might be or how and when it

¹ The Surrey Design and Technical Appendix – Surrey County Council

would be delivered. Equally it is unclear how a negatively worded condition would be effective in securing provision and enforcing implementation either directly or by means of a contribution. Whilst it is not specifically suggested that a condition would require a planning obligation to be entered into the Planning Practice Guidance nevertheless confirms that this should only be done in exceptional circumstances.

17. From the limited information before me I am not satisfied that whatever provision is necessary would actually take place. The proposal would therefore be likely to adversely affect the integrity of the SPA.

Conclusion

18. I have found there would be no adverse effect on Highway Safety. The proposal would be contrary to LP Policies GB1 and GB2, and there is a conflict with the development plan as a whole. Accordingly, in respect of the Green Belt alone, I have found that other material considerations apply, namely the Framework, that would have outweighed the conflict with the development plan. However, the conflict with the Thames Basin Heaths Special Protection Area is decisive. This means that overall the proposal should be determined in accordance with the development plan.

19. For the above reasons I therefore conclude the appeal should be dismissed.

Claire Victory

INSPECTOR