
Appeal Decision

Site visit made on 9 May 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/Y3615/W/17/3167965

Land West of Seagry, White Hart Lane, Wood Street Village GU3 3DZ

- 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 S Brazil against the decision of Guildford Borough Council.
 - The application Ref 16/P/00963, dated 20 April 2016, was refused by notice dated 17 October 2016.
 - The development proposed is erection of detached chalet style dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt and the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area including the Wood Street Village Conservation Area;
 - whether the proposed development appropriately addresses nature conservation interests in the area, specifically in respect of the Thames Basin Heaths Special Protection Area (SPA); and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Green Belt

3. The appeal site is located within the Metropolitan Green Belt. Policy RE2 of the Guildford Borough Local Plan, 2003 (the Local Plan) states that development in the Green Belt is inappropriate unless it is for a number of purposes including infilling in villages to the extent specified in Policy RE3.
 4. Policy RE3 of the Local Plan indicates that within identified settlements in the Green Belt, including Wood Street, new building will be permitted in the nature of infilling on land substantially surrounded by existing development for developments referred to in Policy RE2 and a number of other purposes
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including development of a small gap in an otherwise continuous built up frontage of appropriate scale and design.

5. Paragraph 87 of the National Planning Policy Framework (the Framework) indicates that inappropriate development within the Green Belt is by definition harmful and should not be approved except in very special circumstances. In paragraph 89 of the Framework it is stated that the construction of new buildings in the Green Belt should be considered as inappropriate subject to a number of exceptions including limited infilling in villages. Paragraph 90 of the Framework identifies certain other forms of development which are not inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The proposed development would not fit into one of these exceptions. Policies RE2 and RE3 are therefore generally consistent with Government policy and advice to protect the openness of Green Belts and resist the encroachment into the countryside.
6. The appeal site is outside of the defined settlement boundary for the village. It is located on the northern side of White Hart Lane and is currently open land apart from two stable like buildings. The gap between buildings on the northern side of White Hart Lane within which the appeal site lies is large. To the east is the residential property Seagry and some distance to the west is a further residential property with development to the west and north-west being sporadic and interspersed with undeveloped countryside, highlighting the rural character of the area. To the north of the site are open fields with residential properties beyond whilst to the south, on the opposite side of the road is an area of dense vegetation, beyond which are houses built to a high density. There is no immediate development adjacent to the appeal site to the west, south or north.
7. The appellant has made reference to two appeal decisions ¹, both of which allowed development within the Green Belt on the basis of a clearly identifiable frontage of buildings. I have also had regard to the Court of Appeal case of *Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council* which indicates that it is for the decision maker to consider whether or not a site 'on the ground' lies within a settlement. In the case of the current appeal I find that whilst the appeal site can be considered to be within the village of Wood Street it does not form part of a clearly identifiable frontage of buildings and would not represent infilling.
8. The concept of openness relates to the lack of development or built form. The proposed development would result in the introduction of a two storey dwelling with a single storey side element on a site with very limited built form within a setting which is largely open. Irrespective of the fact that there would be space between the proposed dwelling and the existing development to the west which would retain a visual gap, the size of the proposed development would result in considerable harm to the openness of the Green Belt.
9. Consequently, I find the proposal would not fall within any of the exceptions listed within the Framework or Local Plan policies. It would therefore be inappropriate development in the Green Belt. In addition, due to its scale, bulk and mass it would be prominent and would significantly erode the openness of the Green Belt contrary to Policy RE2 of the Local Plan and paragraph 79 of the

¹ APP/D2320/W/16/3154595 and APP/Y3615/W/16/3154084

Framework which identifies openness and permanence as essential characteristics of the Green Belt.

Character and Appearance

10. The appeal site is located within the Wood Street Conservation Area which derives its significance from a semi-rural character with significant open space and traditional forms, styles and materials of primarily residential buildings. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
11. The location of the proposed development in close proximity to the eastern boundary of the site would limit the extent to which development spread into the open countryside but it would nevertheless extend development westwards. Whilst dwellings locally demonstrate a variety of forms of design the proposal would comprise a number of elements which are not common in the area. As a chalet style design the dwelling would have a large pitched roof with a small central dormer and rooflights on the front elevation. In spite of these openings the expanse of the roofslope would be very apparent. To the rear three half dormers would dominate the roofslope whilst extensive ground floor glazing would also appear out of character with the rural setting in spite of the limited public views of the rear of the property. To the side of the main structure a single storey flat roof garage set forward of the main building would by virtue of its form and position appear dominant.
12. Whilst the appellant has indicated that some of the design elements where the Council has found harm can be found on other properties in the local vicinity I have nevertheless considered the appeal on the basis of the scheme before me. I therefore find the proposed development to be contrary to Policy G5 of the Local Plan which requires new buildings to respect the scale, height and proportions of the surrounding environment.
13. In addition, the design of the proposed dwelling would be contrary to Policy HE7 of the Local Plan which requires new development to preserve or enhance the character or appearance of the conservation area. It would result in less than substantial harm to the significance of the Wood Street Conservation Area which paragraph 134 of the Framework advises, should be weighed against the public benefits of the proposal including its optimum viable use. This is addressed below.

Nature Conservation

14. The appellant confirmed that he was prepared deliver the necessary measures to mitigate any impact of the proposed development upon the Thames Basin Heaths SPA through an agreement under Section 106 of the Town and Country Planning Act 1990. This would make contributions towards the cost of upgrading and maintaining Suitable Accessible Natural Green Space and an Access Management and Monitoring Contribution in order to comply with the requirements of Policies NE1 and NE4 of the Local Plan and Saved Policy NRM6 of the South East Plan which seek to prevent harm to protected species and habitats. As such it would also accord with the Conservation of Habitats and Species Regulations which seeks to ensure that development does not adversely affect European sites and species.

15. I have not received a signed and dated agreement. However, as I am dismissing this appeal for other reasons I have not pursued this matter with the appellant.

Other Considerations

16. In the absence of a five year supply of deliverable housing sites the provision of one housing unit would make a modest contribution to housing need whilst a small contribution would be made to the local economy through construction and by future residents. In addition, the Council has acknowledged that the site is in a fairly sustainable location and I have no reason to disagree.

Conclusions and Planning Balance

17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that significant weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The public benefit of an additional house in meeting the Council's housing shortfall carries moderate weight. However this does not clearly outweigh the harm I have found and the conflict with local and national Green Belt policies which I have identified or the less than substantial harm to the significance of the Wood Street Conservation Area to which I attach considerable importance and weight.
18. In reaching these conclusions I have taken account of Planning Practice Guidance which states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development within the Green Belt.
19. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances the Framework indicates that permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt), which indicate that development should be restricted. In the absence of very special circumstances Green Belt policy indicates that development should be restricted.
20. I have also had regard to the Supreme Court judgment in respect of *Suffolk Coastal District Council v Hopkins Homes Ltd and the Secretary of State for Communities and Local Government, Richborough Estates Partnerships LLP v Cheshire East Borough Council*. However, nothing in that case leads me to an alternative conclusion. Overall, therefore, the presumption in favour of sustainable development does not apply and the proposal is contrary to both the Local Plan and the guidance in the Framework.
21. Therefore for the reasons set out and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Kevin Gleeson

INSPECTOR