



Appeal Decision

Site visit made on 29 May 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/Y3615/W/18/3204536

Land to east of Glaziers Lane, Normandy, GU3 2EB

- 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 Habitas Developments against the decision of Guildford Borough Council.
 - The application Ref 17/P/01413, dated 29 June 2017, was refused by notice dated 19 January 2018.
 - The development proposed is construction of 9 new residential units with associated parking and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main issues

2. The Guildford borough Local Plan: strategy and sites (2015-2034) was adopted on 25 April 2019 ("Adopted Local Plan"). The Council advise that policies RE2, NE1, G1 (5, 6 and 7) and G5 (1, 6 and 10) of the Guildford Borough Local Plan 2003 ("Local Plan") have been replaced by policies P2, D1, P4, ID4 and P5 of the Adopted Local Plan. The remaining parts of policies G1 and G5 of the Local Plan, together with policy NE4 of the Local Plan, as cited on the decision notice, have not been superseded and remain part of the development plan. Both main parties have provided comments on the Adopted Local Plan.
3. The site is located in the Green Belt and so the main issues are:
 - i) Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect on the character and appearance of the area; and
 - iv) If the development is inappropriate, 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 the development.

Reasons

Inappropriate Development

4. The site is located within the Green Belt. Policy P2 of the Adopted Local plan enacts National Planning Policy, as set out in the Framework, where new

development is proposed in the Green Belt. This makes clear that substantial weight must be given to any harm to the Green Belt, with the fundamental aim of planning policy in relation to such areas being to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, an exception is limited infilling in villages. Policy P2 of the Adopted Local Plan states that limited infilling may be appropriate outside the relevant settlement boundaries, where it can be demonstrated that site should be considered to be within the village. In this case, the site currently appears as an undeveloped field off Glaziers Lane. However, there is residential development to the north, west and also to the south of the site beyond the railway line and electricity substation. This is contiguous with established settlements. Consequently, it is reasonable to regard the site as falling within a village. The question then arises as to whether the proposal should be regarded as 'limited infilling'.
6. The field has fencing on its eastern edge. However, it nonetheless appears contiguous with the countryside immediately beyond this boundary, which broadly comprises other open land, trees and a lake, with few buildings apparent. As such, the site in its current form provides an open, rural setting for a significant proportion of Glaziers Lane. This frontage, which runs to around 190 metres in length, would be enclosed by residential development under these proposals. The existing rural setting to this part of Glaziers Lane would therefore be lost.
7. The proposed drainage works would not be visually prominent. However, the additional residential properties would amount to a significant increase of built form, with associated residential curtilage, in this part of the village. Whilst the trees facing the road would be retained and further planting is proposed, the enclosure of the road with residential development would give this part of the village a considerably more built-up character and appearance.
8. This proposal is therefore of a scale which cannot be regarded as limited infilling. It is of a considerably greater size than the approved scheme at 103 Glaziers Lane. It differs from the development at 142-158 New Road, Chilworth, which was allowed at appeal¹. This was a smaller development both in terms of the size of the buildings being created, and their curtilages. The same observation can be made of the development at 98-100 New Road, Chilworth, approved by the Council. Furthermore, both of the Chilworth sites were heavily enclosed by other residential buildings and existing infrastructure. By contrast, this development would share a long boundary with a field that is contiguous with open countryside.
9. Accordingly, the proposed development does not comprise limited infilling in a village. The proposal amounts to inappropriate development in the Green Belt.

Effect on openness

10. At present the site comprises a field used for the grazing of horses. The absence of buildings on it means that it has an open appearance. This is readily

¹ APP/Y3615/W/16/3150853

apparent in views over the site from Glaziers Lane. Under the proposals a large proportion of the field would be replaced with residential buildings and gardens. These buildings, together with the associated boundary treatments and associated residential paraphernalia would have a significant volume, and in consequence there would be a loss of openness in the Green Belt. I attach significant weight to the harm that would arise, in consequence.

Character and Appearance

11. The land on the site is primarily laid out in grass, interspersed with clusters of trees and shrubs. It has an open, undeveloped appearance contiguous with the countryside to the east. As previously identified, this provides an attractive open, rural setting to Glaziers Lane. The long break in the built frontage provides views of the countryside from the road, providing visual relief and reinforcing the sense of being in a predominantly rural area. This is a positive quality of the site, in its current layout and appearance.
12. A tree screen along the Glaziers Lane frontage would be retained, and further planting is proposed. There would also be well sized gaps between the proposed buildings. However, the built frontage associated with the development would be clearly visible from the road. In consequence, the existing open, rural appearance of the site in relation to Glaziers Lane would be lost.
13. The appellant argues that the field has an urban fringe character and has been identified as being of limited value in relation to the wider landscape in the Borough. Furthermore, the proposed residential development would follow the established pattern of built development found along Glaziers Lane and in longer views from the surrounding area, including protected landscapes, the proposal would not be visually prominent. These considerations, together with the retention of trees facing Glaziers Lane and the further planting proposed, would help integrate the development in to the existing built form associated with the village. However, these considerations do not entirely overcome the harm that would arise to the character and appearance of the site and surrounding area, through the loss of this area of countryside and the attractive setting it provides to Glaziers Lane. I attach a moderate amount of weight to the harm that would arise, in consequence.

Very Special Circumstances

14. The proposal would provide 9 additional dwellings suitable for family occupation. The ability to deliver new housing in Guildford is heavily constrained by the fact that much of the Borough falls within the Green Belt. Furthermore, it is suggested that this proposal is unconstrained by the need to find additional capacity within suitable alternative natural greenspaces, to address the impact of residential development on protected European sites. In this context it is argued that this development could be delivered quickly, with the appellant intending to implement the scheme immediately. This could be reflected in planning conditions attached to any decision, if the appeal is successful.
15. Construction activity and future occupation of the units would contribute to the local economy. The buildings would meet modern building standards and would be energy efficient, and a good amount of parking would be provided. They would be located a sustainable location, reasonably close to services and

facilities. The proposal would also provide safer pedestrian routes, including to and from the nearby railway station which provides good public transport connections.

16. The potential suitability of the site for residential development has previously been acknowledged by the Council, as part of its plan making process, although it currently remains part of the Green Belt. Other planning Inspectors have found that unmet housing need can potentially constitute very special circumstances to justify new development in the Green Belt². However, the appellant concedes that, with the introduction of the Adopted Local Plan, the Council are now able to demonstrate a 5-year housing land supply with an appropriate buffer.
17. On this occasion, the provision of additional housing and other benefits of the development, as summarised above, cumulatively attract a moderate amount of weight. However, they do not constitute very special circumstances that would justify inappropriate development in the Green Belt.

Other matters and conclusion

18. The proposed development amounts to inappropriate development in the Green Belt, and the Framework indicates that substantial weight should be given to this harm. Furthermore, it would also result in harm to the openness of the Green Belt and harm to the character and appearance of the area. There are no other considerations that would clearly outweigh the harm by reason of inappropriateness, and the other harm identified, and thus constitute the very special circumstances necessary to justify the development proposed. The proposal therefore conflicts with policies P2 and D1 of the adopted Local Plan, and the residual parts of policies G1 and G5 of the Local Plan. These policies seek to, amongst other things, prevent inappropriate development in the Green Belt, and ensure new development responds to the character of the area in which it is set.
19. The third reason for refusal concerns the potential for disturbance to protected species within the Thames Basin Heaths Special Protection Area. However, in the course of the appeal a legal agreement was submitted in relation to this issue and the Council confirmed that it no longer wishes to defend this reason for refusal. Were I have been minded to grant planning permission, I would have considered whether to undertake an Appropriate Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017.
20. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

² APP/Y3615/W/16/3164814