
Appeal Decision

Site visit made on 19 November 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/D3640/W/19/3235291

Site at Pankhurst Farm, Bagshot Road, West End GU24 9QR

- 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 Shorstan Company Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0055, dated 21 January 2019, was refused by notice dated 22 March 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A Unilateral Agreement (UU) dated 17 October 2019 details a development contribution towards Strategic Access Management and Monitoring (SAMM) mitigation measures for the Thames Basin Heaths Special Protection Area (SPA). This will be commented upon in my reasoning.

Main Issues

3. The site is within the Green Belt and so the main issues are:
 - Whether the scheme would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - The openness of the Green Belt;
 - If the scheme is inappropriate development, whether 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

Whether inappropriate development

4. The appeal site comprises a generally open piece of land with fencing, hedgerows and trees on boundaries. In terms of the dwelling plot, the rear boundary and most of the western boundary adjoin field/paddock and scrubland. The remaining boundaries adjoin recently completed dwellings and an access/yard area, beyond which there are converted farm buildings used for commercial uses, at Pankhurst Farm. The adjacent dwellings have been

granted permission following the demolition of industrial buildings and the removal of an area for unrestricted open storage. Under this permission, the appeal site was to be the garden of one of the new dwellings. Access to Bagshot Road is via a footway and a private road. As well as the commercial units, Pankhurst Farm comprises a farmhouse and additionally, there is Pankhurst Lodge adjacent to Bagshot Road. There is a further dwelling at Pankhurst Farm Cottage immediately to the south of the completed dwellings.

5. The Framework establishes that new buildings or development are inappropriate unless they fall within the exceptions listed in paragraphs 145 or 146. In respect of limited infilling in villages as an exception, the definition of village is a matter of planning judgement as it is not defined within the Framework. There is no dispute that West End is a village, just whether it extends to the appeal site. This is a matter of planning judgement requiring a common sense on 'the ground' view to ascertain the physical extent of the village.
6. The appeal site is part of a group of buildings located to the south of Bagshot Road. Opposite the access leading to this group of buildings, there is ribbon development of mainly housing on the northern section of Bagshot Road and Halebourne Lane. Based on my site visit observations, the settlement core of West End is loosely focussed around a large public open space, a petrol-filling station and a nearby parade of retail units just off a main road, Guildford Road (the A322). Around this core, there is extensive estate type housing development either side of the main road. Both the settlement core and these surrounding residential areas are a considerable distance to the west of the appeal site.
7. Inevitably, settlements become less dense around their fringes in transition to countryside. However, Pankhurst Farm including the new housing is part of an irregular pattern of development along the southern part of Bagshot Road which is interspersed with significant gaps. My site visit indicated significant physical gaps between buildings along this stretch of road where it leads up to its junction with Benner Lane. To the south west, the site and building grouping are also separated by substantial areas of undeveloped open and landscaped areas from outlying housing areas of the settlement, focussed around the opposite end of Benner Lane and Fairfield Lane.
8. On the north side of Bagshot Road and Halebourne Lane, the ribbon development is extensive but there are also physical gaps in the street frontage along this road to the west. In particular, there is a significant gap to the west of where this road forms a junction with Hookstone Lane. To the south, existing development falls within a defined settlement boundary excluded from the Green Belt. This is not determinative. Nevertheless, my site visit observations indicate the appeal development would not be related to West End by reason of the pattern of development along Bagshot Road, having regard to the size of undeveloped gaps, and distance from the settlement core.
9. In an appeal decision at Grove Road in Knowle, Solihull, the appeal development was found to be limited infilling within a settlement. However, the assessment indicated that the site lay within an otherwise built-up frontage. In particular, the site was within a ribbon of built development which extended out in a broadly continuous run from the centres of Dorridge/Knowle. At Lady Bryon Lane in Knowle, Solihull, an Inspector similarly concluded that

an appeal proposal would meet the 'village' exception. Nevertheless, this assessment concluded that the development would be visually and physically joined to other substantial areas of built form in Copt Heath/Knowle. Consequently, there are material differences between these appeals and that before me, as this appeal proposal would be within an irregular built-up frontage with significant gaps which would be a considerable distance from the settlement.

10. These appeal decisions, along with those at Cecil Lodge Cottage in Redmond Road, Abbots Langley, and Timber Lodge, in Woburn Lane, Aspley Guise, demonstrate to me that the nature of proposals and their contexts are rarely similar, and that every proposal has to be considered on its particular planning merits as I have done so here. For all these reasons, the proposal would not meet the exception of limited infilling in villages in terms of Green Belt policy.
11. Under the Framework, another exception is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development. A second limb of this policy is not relevant because no affordable housing is proposed.
12. In terms of openness, the site would be within the planned garden of one of the dwellings granted planning permission. Given this connection, the recently completed housing development is relevant to the assessment of openness. In this regard, the permitted housing would represent an increase in floorspace of 76% but a reduction in volume of 2.2% compared to the former buildings on site. With the appeal proposal included, there would be a floorspace increase of 112% and an increase in volume of 24.7%. Compared to the previous buildings on site, the cumulative volume increase would be just over 1,000 m³. The previous use involved outside storage but based on these figures, the increases in area and volume would be significant, and these figures have not been disputed.
13. There would be limited public views of the new development within the locality and. However, the appeal site has countryside boundaries and there would be views of the development from neighbouring properties and the access road to the front. Furthermore, the dwelling and garage would result in significant development scale and bulk in this location by reason of height, size and design. In this regard, the dwelling has been designed with wide and deep elevations, with a substantial pitched and crowned roof. Taking all the above factors into account, there would be greater impact on the openness of the Green Belt and the exception would not apply.
14. For all the reasons indicated, the proposal would amount to inappropriate development.

Openness of the Green Belt

15. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. By reason of scale and bulk, the dwelling would adversely affect the openness of the Green Belt on a site which is part of a planned garden for a permitted dwelling. In isolation, this adverse

effect would be localised but nevertheless, this would still result in harm, in a small way, to the Green Belt.

Other considerations

16. The proposal would boost housing supply. In its statement of case, the Borough indicates that it has a 5 year housing land supply (5YHLS) and that the Housing Delivery Test under the Framework has been exceeded. The appellant has not disputed this although indicated windfall sites would be a proportion of this 5YHLS. The wider site, encompassing the permitted housing and appeal site, was subject to a 'Call for Sites' planning policy initiative. As a result of a Strategic Land Availability Study in 2017, the wider site was identified as deliverable and developable for an additional 2 dwellings.
17. However, the contribution of one dwelling to supply would be small. Whilst such a view could be repeated elsewhere on other minor developments coming forward, every proposal has to be considered on its merits. It has not been demonstrated that windfall sites in the Green Belt comprise a significant part of projected supply and if the rejection of small windfall sites such as this in the Green Belt, would affect supply. Thus, only limited weight can be given to such a consideration.
18. It would make the effective use of land for housing in accordance with national policy within the Framework. The appeal site comprises the large garden of a completed dwelling, part of the re-development of the former commercial buildings. Framework policy states that where there is an existing or anticipated shortage of land for meeting identified housing needs that planning decisions should avoid building at low densities and make sure developments optimise the potential use of each site. Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP) 2011-2018 (2012) supports the efficient use of land. However, the small-scale nature of the scheme limits the weight to be attached to such a benefit.
19. There has been a third party representation which has been amended. The appeal has been assessed solely on planning grounds.

Conclusions

20. The proposal would be inappropriate development in the Green Belt which is by definition harmful. Although small, there would be harm to the openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. Limited weight is attached separately to the boost in housing supply and the efficient use of land. Nevertheless, cumulatively, the weight of such considerations would not be great.
21. For these reasons, 'Very special circumstances' do not exist as the harm to the Green Belt by reason of inappropriateness, and other harm, are not clearly outweighed by other considerations. There would be conflict with policy CP1 of the CSDMP, which amongst other matters, requires the current extent of the Green Belt to be maintained. Given the importance of the Green Belt, this would result in conflict with the development plan as a whole. The conflict with policies in the Framework, that protect an area of particular importance (Green Belt), would provide a clear reason for refusing the development proposed.
22. As there is a substantive reason to dismiss this appeal, there is no requirement for me to consider whether the obligation meets the statutory tests that are

detailed in the Framework or undertake an Appropriate Assessment under the relevant Habitat Regulations.

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR