
Appeal Decision

Site visit made on 20 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/Y3615/W/19/3235687

Weybrook, 51 Station Road, Gomshall GU5 9NP

- 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 & Mrs Trevelyan against the decision of Guildford Borough Council.
 - The application Ref 19/P/00704, dated 17 April 2019, was refused by notice dated 10 July 2019.
 - The development proposed is the erection of one residential dwelling, erection of a garage, provision of landscaping, and other ancillary works, and the erection of a car port.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I acknowledge that the appellant makes reference to a legal challenge brought against the adoption of the Guildford Borough Local Plan 2019 (LP). However, I have determined the appeal in accordance with this plan, as until such time as the legal challenge is determined it remains the adopted development plan.

Main Issues

3. The site falls within the Metropolitan Green Belt. Accordingly, the main issues are:
 - Whether or not the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect of the development on the openness of the Green Belt and character and appearance of the area; and
 - 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

Whether Inappropriate Development in the Green Belt

4. The appeal site is a piece of land to the north-east of the dwelling of Weybrook and to the north of the Lavender Goose shop & café. All these properties front onto Station Road. The site is currently used as garden by the occupiers of Weybrook, in an elevated position relative to the car park to the south, with some mature trees on this boundary. To the east there is open land with a lower level timber fence forming the boundary, whilst to the north there is open land forming part of the garden of Tudor Barn, demarcated by fencing and predominantly low-level planting. The site falls within an Area of Great Landscape Value (AGLV) and Area of Outstanding Natural Beauty (AONB).
5. The National Planning Policy Framework (the Framework) states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. One such exception is e) limited infilling in villages. The site is indicated as falling within the settlement boundary of Gomshall and is therefore within the village.
6. Policy P2 of the LP allows for limited infilling within Gomshall. This policy defines limited infilling as development of a small gap in an otherwise continuous frontage; small-scale redevelopment of existing properties within such a frontage or infilling of small gaps within built development. Owing to the appeal sites position to the rear of frontage properties and that the appeal proposal would not amount to redevelopment of existing properties, I find neither of the first two exceptions to be applicable in this case.
7. Whilst the site has a degree of spatial relationship with development to the south, it is located in an elevated position relative to the car park providing a degree of visual separation. Furthermore, development to the west, north and east is loose-knit and disparate from the position of the proposed dwelling, with open land to the north and east, that are enclosed by predominantly low-level vegetation and enclosures.
8. I acknowledge that the site falls within the settlement boundary, however, the appeal site and land to the north comprise garden land, that is essentially open. Owing to the separation from built development, its elevated position relative to development to the south and the lack of substantial visual or spatial distinction from open land, I consider that the site is not obviously surrounded by built development and is read more in the context of open garden and grassland. Owing to this, I consider that it does not constitute an obvious small gap within the established built form. As such I find that the appeal development does not meet one of the exceptions detailed within P2 of the LP or the Framework and would therefore constitute inappropriate development.

Openness

9. Openness can be defined as an absence of built form. The construction of a two-storey dwelling and two outbuildings on the site would result in built development where there is presently none. Although I acknowledge that the appeal proposal seeks to minimise the dwelling's prominence by reducing its slab level through cut into the hillslope, the introduction of a dwelling and the outbuildings, would inevitably lead to a loss of openness.

10. In this regard I conclude that the development would lead to a significant loss of Green Belt openness.

Character and appearance

11. The pattern of development in Gomshall is somewhat mixed with no definitive building line and properties having different relationships with the highway. In this regard, the dwelling would not strictly be in an anomalous position compared to the wider pattern of development of the village. There is a range of property styles, types and sizes within the immediate vicinity of the appeal site and the introduction of a new detached property of the scale and design proposed would not appear out of place in the context of the immediate area. Therefore, I consider that the proposed siting of the dwelling and associated buildings would not in itself cause substantial harm to the character of development within the wider village.
12. Consequently, I do not find conflict with the requirements of Policy D1 of the LP which seeks to protect the character and appearance of the local area.

Other considerations

13. My attention has been drawn to a recent appeal decision within Gomshall. However, I am not persuaded that the circumstances are directly comparable to the site in question, including its relationship with surrounding development and level of enclosure. In any event, I have determined the appeal on its individual planning merits and within its particular context. As such the referenced example does not alter my findings and I afford this little weight in the planning balance.
14. The appellant indicates that the proposal would provide a boost to housing land supply and that windfall development such as the appeal proposal is important to contribute towards housing supply. There is no evidence before me to demonstrate that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites and/or that it has not met its housing delivery test requirement. Furthermore, the contribution to the supply of housing from only one dwelling and any associated economic and social benefits would be relatively limited. As such I give this minimal weight in the planning balance.
15. It is also contended by the appellant that the proposal makes efficient use of land; no objection has been received with regard to the impact upon the host AONB or AGLV; biodiversity mitigation and landscaping measures integrated within the proposal; the dwelling would be of an appropriate design in a sustainable location; and would not impact upon living conditions of neighbouring properties. These factors are however to be expected in such situations and are to my mind neutral in the planning balance.
16. I note the supportive comments received and the lack of objection from the Parish Council. However, neither this nor any of the other matters raised alter or outweigh my conclusions and I afford this little weight in the balance.

Other Matters

17. The appellant has raised concern with the manner in which the Council determined the application. In determining this appeal I have only had regard to the planning merits of the case. Whilst this matter is acknowledged it does not outweigh or alter my conclusion on the main issues.

Planning balance

18. The proposal would be inappropriate development in the Green Belt and would also harm its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm. There would also be conflict with policy P2 of the LP, which seeks to protect the Green Belt from inappropriate development and is in line with the aims of the Framework.
19. Against this has to be balanced the factors in favour of the proposal (other considerations) which I have found to cumulatively carry limited weight. Consequently, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

20. Whilst the development would be acceptable in terms of its effect upon the character and appearance of the area, the proposed dwelling would represent inappropriate development within the Green Belt harmful to its openness. This is a matter of overriding concern and I therefore conclude that when the appeal is considered as a whole it should be dismissed.

Robert Lankshear

INSPECTOR