



Appeal Decision

Site visit made on 11 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/Y3615/W/19/3240419

Wanborough Business Centre, West Flexford Lane, Guildford GU3 2JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Barry Gardiner against the decision of Guildford Borough Council.
 - The application Ref 19/P/00167, dated 21 January 2019, was refused by notice dated 1 May 2019.
 - The development proposed is described as '*Change of use from B1, B2, B8, C3 and D2 to C3, and redevelopment for up to eleven dwellings*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters aside from access reserved. I assessed the appeal as such, treating the layout drawing Ref EDP L2 as illustrative only, aside from where it relates to the site access.
3. In March and October 2019 respectively the Council refused applications Ref 19/P/00123 for '*Certificate of Lawfulness for existing use to establish whether the year round assembly and leisure with additional motorised sports began more than 10 years before the date of this application*' and Ref 19/P/00590 for '*Certificate of Lawfulness for existing use to establish whether the use of the land for year round assembly and leisure with additional motorised sports began more than ten years before the date of this application*' at the appeal site. Notwithstanding the submitted evidence, it is not for me to be drawn on these matters within this section 78 appeal, and I made my assessment on the basis of the established lawful development within the appeal site.

Main Issues

4. I consider the main issues to be:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the proposal would result in the unacceptable loss of employment uses; and
 - if there is harm by reason of inappropriateness, and any other harm, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. Wanborough Business Centre (the WBC) is a group of buildings and their land, in mixed commercial and residential use, in the countryside to the east of Flexford village. The WBC also incorporates a large swathe of grassland to the north, east and west of these buildings. Two areas of the grassland at its north east (Area 1) and south (Area 2) extents enjoy lawful use for leisure for caravanning and/or camping¹. There is also extant permission for a piggery to the east of the main group of buildings².
6. Access to the WBC is via a track from West Flexford Lane, which is a private road and a public footpath, fronted in the vicinity of the site by a small group of dwellings and a workshop. The site is otherwise separated from surrounding farmland by boundaries of sparse greenery and post and rail fencing. A Public Right of Way (the PROW) runs in an adjacent field aside the site's north west boundary, before heading north. The site is wholly within the Green Belt.
7. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted 2019) (GBLP) seeks to protect the Green Belt from inappropriate development in accordance with, and consistent with, the Framework.
8. It is proposed to cease all existing land uses, demolish the existing buildings and erect up to eleven dwellings. The dwellings would likely be 1.5 or 2 storeys tall, each containing 3 bedrooms. They would be sited in the location of the main group of existing buildings and also extend eastwards into the area of the potential piggery and further into the grassland beyond that, partially into Area 2. Planting would be incorporated into the layout, including a copse at the site's south east boundary. The existing site access would be upgraded and utilised.
9. The appellant considers the scheme applicable to the exception at Paragraph 145(g) of the Framework, which relates to the limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use.
10. The Framework defines PDL to be land occupied by a permanent structure, including the curtilage of the developed land. It is undisputed that the group of buildings at the WBC and their associated areas comprise PDL³. However, the surrounding grassland does not appear to have any relationship to them such that it could be regarded as curtilage, and the camping and caravanning areas do not contain permanent buildings of note. On this basis, the majority of the appeal site, and much of the land for the housing, is not PDL in the Framework's terms. It follows that the development as proposed would go beyond the scope of Paragraph 145(g) of the Framework. Moreover, there is no evidence that the scheme would apply to the Framework's other exceptions.
11. Consequently, I conclude on this issue that the proposal would be inappropriate development in the Green Belt. It would therefore conflict with Policy P2 of the GBLP and the Framework in this regard.

¹ Certified in 2016 under Ref 16/P/01196

² Ref GU/R/566/6/68

³ As shown in Appendix RR41 to the appellant's Statement of Case

Openness

12. The Framework states that 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 permanence. Openness is an open-textured concept with both spatial and visual dimensions.
13. The existing group of buildings and the site for the piggery are concentrated in the one area, with the appeal site otherwise dominated by its grassland. The grassland has high levels of spatial openness, derived from its expansive, gentle topography and absence of built form. It has visual openness too as, owing to its modest and insubstantial boundary treatments, it appears to integrate with the surrounding open countryside, an attribute highly appreciable from the PROW and to a lesser extent from West Flexford Lane.
14. Whilst there was little evidence of caravanning and camping on my visit, I accept that these activities will reduce openness to an extent, dependent on visitor numbers. However, such uses are inherently transient and low profile, even accounting for the ancillary structures required pursuant to the licensing regime. Moreover, I note that the constrained shape of the land certified for these uses limits the maximum number of pitches that can, in all reality, be achieved⁴. For these reasons, the effect of the caravanning and camping uses on the openness of the site, even if at practical capacity, I find to be limited.
15. The proposed dwellings would be permanent and substantive in form and scale, set in a more spacious arrangement than the existing group of buildings, sprawling beyond its envelope, encroaching harmfully into the open grassland. They would be joined by domestic activity and trappings, such as vehicles and garden equipment. Boundary treatments, hard or soft, would likely be present and throughout the development and, as with the proposed copse, would serve to enclose the housing and thereby diminish openness.
16. I acknowledge that scheme would lead to a reduction in vehicular movements using West Flexford Lane⁵, thereby reducing the lane's imposition on the openness of the Green Belt. However, as the lane and a degree of vehicular use will remain, this matter is of limited weight in my reasoning.
17. I therefore conclude on this issue that the spatial and visual openness of the Green Belt would not be preserved, and the harm that would arise would be substantial.

Character and appearance

18. The area around the site is overtly rural, with a sparsity of individually sited dwellings. It falls within 'Rural Landscape Character Area E1: Wanborough Wooded Rolling Claylands'⁶ and is a good representation of a number of the qualities that this character area possesses. The group of buildings within the WBC appear compact and utilitarian, akin to farm buildings. The remainder of the site contributes to the visual rurality of the area through its verdant and undeveloped appearance, albeit this is somewhat tempered by the caravanning and camping uses.

⁴ Plan Ref EDP L1 of the Green Belt Position Paper by EDP

⁵ Traffic and Access Note by WSP dated 2017

⁶ Guildford Landscape Character Assessment and Guidance (Volume 1: Rural Assessment (2007))

19. Whilst additional planting would increase the habitat offer of the site, the proposal would also increase the perceptible scale of development, replacing functional structures with dwellings and grassland with houses and associated areas of hardstanding. A 'farmstead' style layout is sought, which could be reflected in the detailed design. However, a residential scheme of this proposed scale and layout would nonetheless be an incongruous intervention within this location, visible in close views from West Flexford Lane and the PROW.
20. The appellant's Landscape Visual Impact Assessment (LVIA) acknowledges that visual harm would arise, which would be mitigated long term by landscaping. However, whilst I agree that planting would be of benefit, given the intrinsic incongruity of the proposal, I find the LVIA's conclusions to have understated the permanent effects of the scheme.
21. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with the visual aims of Policy D1 of the GBLP, saved Policy G5(2) of the Guildford Borough Local Plan (adopted 2003) and the Framework.

Employment

22. Policy E3 of the GLP does not identify the WBC as strategic or locally significant for employment. Under the circumstances, its redevelopment to housing may be acceptable if there is evidence of active and comprehensive marketing of the site for its current use for a continuous period of at least 12 months. No such evidence has been provided. The acknowledge that the diversification of uses that has taken place within the WBC may suggest an absence of demand for more typical forms of business employment. However, I do not find this to be an adequate substitution for evidence of the thorough testing of the market, as required by Policy E3.
23. The Framework, particularly Section 11, promotes the effective reuse of land. However, it identifies the need not just for homes but also other uses, and I am mindful that the current site is occupied by several active commercial enterprises.
24. I therefore conclude on this issue that the proposal would result in the unacceptable loss of employment uses. It would conflict with Policy E3 of the GBLP and the Framework in this regard.

Other Considerations

25. Improvements to West Flexford Lane, and reductions in the potential size and number of vehicles using it, would increase the functionality of the highway and the user safety and experience for drivers and pedestrians. However, as the sharing of this space and therefore the potential for conflict would remain, this is a benefit of limited weight.
26. The extra planting would improve the site's biodiversity offer. However, given the scale of planting that would take place, this benefit attracts limited weight. There would be economic benefits during construction and through the likely increase in use of community facilities in the area going forward. Additional revenue would be generated through Council Tax. The dwellings may also improve the standard of design in the area. However, given the scale of the housing provision, these benefits are also of limited weight.

27. There is the potential for existing buildings at the WBC to be extended and for associated activities to intensify in the future, further adversely impacting the openness of the site. Removal of all commerce would prevent this from happening. However, aside from licensing requirements for the camping and caravanning uses, there is no substantive evidence of if and how this is in the offing, and such work would likely be concentrated amongst the existing buildings in any event. As such, this is a consideration of very limited weight.
28. It is also suggested that the scheme would remove conflict between existing uses within the WBC. However, these existing conflicts have not been established or explained, and this matter is therefore a neutral consideration.

Green Belt Balance

29. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.
30. The other considerations that would arise from the proposal are cumulatively of limited weight. They do not clearly outweigh the substantial weight that the Framework requires me to attach to the harm to the Green Belt through inappropriateness and loss of openness, nor the harm to the character and appearance of the area and the unacceptable loss of employment uses. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

31. The appeal site is within 400m-5km of the Thames Basin Heaths Special Protection Area (the SPA). Whilst there does not appear to be any dispute that the effects of the proposal on the SPA would require mitigation, I note that there is dispute between the main parties as to whether this could be secured by a legal agreement or with a planning condition. Had I been minded to allow the appeal, it would have been necessary for me to consider this information within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

32. I therefore conclude that the proposal would conflict with the development plan and the Framework when taken as a whole. For this reason, the appeal should be dismissed.

Matthew Jones

INSPECTOR