
Appeal Decision

Site visit made on 11 August 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/Y3615/W/20/3253630

Land off Vicarage Lane, Send, Woking GU23 7JN

- 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 and Mrs L N Grant against the decision of Guildford Borough Council.
 - The application Ref 19/P/01486, dated 23 August 2019, was refused by notice dated 4 December 2019.
 - The development proposed is erection of 6-bed detached dwellinghouse with basement garaging and attached car port with residential accommodation above.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Guildford Borough Council against Mr and Mrs L N Grant. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposed dwelling is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness and the purposes of the Green Belt; and
 - If it is 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 the development.

Reasons

4. The appeal site is a large, open undeveloped area of land and comprises a large gap in a ribbon of development which extends along the southern side of Vicarage Lane, beyond which are open fields. These properties are of a variety of architectural styles but are all large detached dwellings, which sit within substantial plots. The northern side of Vicarage Lane is undeveloped, open agricultural land.
5. Within the appeal site is a small wooded area, within which are a number of single storey relatively small buildings.

Whether the proposal is inappropriate development

6. 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions. Paragraph 145(e) of the Framework identifies that one of the exceptions is limited infilling within villages.
8. Within the Green Belt, Policy P2 of the New Local Plan: Strategy and Sites 2019, states that limited infilling does not constitute inappropriate development outside identified settlement boundaries where it can be demonstrated that the site is, as a matter of fact, within the village.
9. It is accepted by the parties that Send constitutes a village. However, there is disagreement as to whether the appeal site itself lies within the village.
10. On the basis of the New Local Plan, the appeal site lies outside of the Green Belt Inset area, which covers the village of Send. Therefore, on the face of it, the scheme would be contrary to New Local Plan Policy P2. However, recent caselaw also acknowledges that other factors are relevant as to whether a site is within a village.
11. The settlement of Send is linear in nature, with the main focus of development being predominately along either side of the A247, which runs through the majority of the village. Ribbon development also radiates out from the A247 in a southerly direction from a number of junctions, along Potters Lane, Send Hill and, to a lesser extent along Woodhill. When travelling along these roads towards the appeal site, development is prevalent along both sides of the road, however it gradually becomes less dense and more sporadic, with clear views of open fields and the surrounding countryside becoming more obvious. The nature and character of the roads also change, with the loss of footpaths and their replacement with grass verges, which eventually become tree/hedge lined country lanes.
12. Vicarage Lane is located beyond the development edge of Send and is separated from the southerly ribbons of development by open countryside, where there are clear, open views. The existing development along Vicarage Lane is therefore not well related to the village of Send, and due to the substantial open breaks in development, it does not read as part of the village.
13. Whilst there is development along the southern side of Vicarage Lane, in contrast to that within Send and along the radial routes, it is of a considerably lower grain. Dwellings are generally set in large spacious plots, with significant gaps between them. This gives the Lane a more rural feel, with properties being set within the countryside as opposed to being part of a village.
14. On this basis, I do not find that the appeal site forms part of the village of Send. Therefore, the proposal would not meet the criteria in paragraph 145 (e) of the Framework.

15. Reference has been made to the Character Assessment, prepared in support of the draft Send Neighbourhood Plan, which it is submitted, provides justification that the appeal site lies within the Village. Whilst I note the references made to Vicarage Lane within the Assessment, having reviewed this document, I find nothing within it that would change my conclusions above. In the same regard, I also note the reference to the wider Neighbourhood Plan Area boundary, however, I consider that this simply identifies the area within which the policies contained within the emerging Neighbourhood Plan apply. It does not provide a definition or identification of the settlement boundary of the Village. Furthermore, I note that the Neighbourhood Plan is still at a relatively early stage of preparation and I have therefore attributed these documents limited weight.
16. It has not been put to me that the appeal scheme would not be inappropriate development in the Green Belt for any other reason, and I have not found any reason to believe that it would meet any of the other criteria of paragraphs 145 and 146 of the Framework. On that basis, therefore, when assessed against relevant sections of the Framework and the adopted policies in the New Local Plan, the proposed development would represent inappropriate development within the Green Belt.

Openness

17. The appeal site is currently a flat area of open undeveloped land, positioned in a gap between a ribbon of well-spaced out development along the southern side of Vicarage Lane. It is similar in its appearance to the open agricultural fields on the opposite side of the lane and those to the south west.
18. 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.
19. In this regard, the proposed development would reduce significantly the openness of the site. In addition, the overall presence of the development, in relation to the width of the site would be great. It would increase the spatial loss of openness. Whilst there are a number of existing buildings on the site, these are small when compared with the overall size of the proposed dwelling. The proposal would therefore have a considerably greater impact on the openness of the Green Belt when compared with the existing situation. This weighs against the proposal.

Green Belt balance

20. The Framework advises that substantial weight should be given to any harm to the Green Belt. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness. Harm would also be caused to the openness of the Green Belt.
21. It would therefore be contrary to Policies P2 of the New Local Plan and Section 13 of the Framework that, amongst other things, share a common objective of protecting the Green Belt from inappropriate development.
22. I note the comments that have been submitted in support of the appeal. However, given the national importance to protect the Green Belt, this support,

does not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.

Other Matters

23. The site is located within the 5 km buffer zone of the Thames Basin Heaths Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issue it is not necessary for me to consider this matter in any further detail.
24. My attention has been drawn to a number of other decisions where, despite the sites being outside of the identified settlement boundary, they were considered to fall within the wider village envelopes. Having reviewed these cases, the relationship of these sites to the settlement and the nature of the surrounding development, would appear to be different to that of the appeal site. Accordingly, their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion

25. For all of the reasons given above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR