



Appeal Decision

Site visit made on 24 February 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2021

Appeal Ref: APP/Y3615/W/20/3257898

Land at Burpham Cottage, Clay Lane, Jacobs Well GU4 7NZ

- 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 White against the decision of Guildford Borough Council.
 - The application Ref 20/P/00443, dated 10 March 2020, was refused by notice dated 3 June 2020.
 - The development proposed is erection of a single detached dwelling together with alterations to parking and vehicular access arrangements.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with only layout and access to be determined at this stage. All other matters were reserved for future determination. I have had regard to the existing and proposed site plans as shown in these drawings, but have regarded all elements of these drawings as indicative apart from the details of the layout and access.
3. During the course of the appeal the appellant submitted a signed and undated planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This deals with contributions towards mitigation against the impact of development on the Thames Basin Heaths Special Protection Area (SPA). The Council has confirmed that this satisfactorily addresses its second reason for refusal. I will discuss this in more detail later in this decision.

Main Issues

4. The main issues are:
 - whether 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 proposed development on the Thames Basin Heaths SPA; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by

other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site is located on the edge of Jacobs Well, identified as an 'inset' village which is not washed over by the Green Belt. The appeal site, due to its location outside the main settlement area and on the outskirts of the village, falls within the Metropolitan Green Belt.
6. The Framework sets out in paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts are their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 145 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of exceptions, one of which is (e) limited infilling in villages. The Framework does not define 'limited infilling' or 'villages'.
8. Policy P2 of the Guildford Borough Local Plan: strategy and sites 2019 (Local Plan) seeks to strictly control development in the Green Belt. It provides additional detail about the application of limited infilling within the local context, setting out the villages where this may be appropriate. The policy sets out that limited infilling may be appropriate outside the inset settlement boundary where it can be demonstrated that the site should be considered to be within the village. The village of Jacobs Well is included under this policy criteria.
9. The supporting text to Policy P2 identifies a number of considerations to take account of when assessing whether a site is located within the village. These include factors such as the pattern of development and the proposed development's relationship to the built up area of the village and the surrounding countryside. It sets out that for the purposes of the policy, limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development.
10. The appeal site is positioned at the end of a loose and small cluster of development, comprising a couple of houses including Burpham Cottage, a coach depot and commercial buildings to the west. This is close to but detached from the main village settlement of Jacobs Well. To the north and west the site is enclosed by the driveway serving Burpham Cottage with an area of semi-forested fields beyond. This separates it from the denser residential development forming the western extent of the village on the far side of Blanchards Hill. On the opposite side of Clay Lane, there is some limited residential development on the village edge.
11. In order to be infilling, to my mind a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development. The appeal site would not be predominantly

- surrounded by development with only the host dwelling and the coach depot adjoining it. With development to just one side, the proposed development would not fill a gap or space between buildings or structures.
12. Whilst it would be close to the built-up area of the village and reasonably related to the limited housing development on the west side of Clay Lane it would be physically and visually separate from the built up area to the north and west on Blanchards Hill. In this context, the extension of the small cluster of development on the north side of Clay Lane would extend the urban form into the semi-rural village edges.
 13. Development within the village is largely linear in form with a looser knit pattern of development both to the east of Jacobs Well Road beyond the village boundary and along Clay Lane. The proposed development would result in a more dense form of development along Clay Lane which would be out of keeping with the more spacious pattern of development characteristic of the village edges. For these reasons, the proposed development would not represent limited infilling within a village.
 14. My attention has been drawn to two appeal decisions for small-scale residential development outside village boundaries within the Green Belt. The Inspector in the most recent of these appeals, Land West of 1 Old Drive, Gomshall¹, concluded in that case that the site had a strong spatial and visual relationship with existing residential development on two sides, the site appeared as an obvious gap within the established layout of dwellings and the infilling of this would square off the existing pattern of development. I have not found the scheme before me to be infilling an obvious gap or providing any squaring off of the village. This appeal does not therefore justify the proposal before me.
 15. From the limited details provided to me about the appeal at 4-8 Dagden Road, Shalford², I note that this proposal was for an infill development between existing properties and their rear gardens along Dagden Road. In that case, the Inspector found that the site was substantially surrounded by existing development. It was also infilling a gap between two existing buildings. In the scheme before me, I have found that the appeal site is to a large extent enclosed by undeveloped fields and would not infill a gap or space within built development. It is not therefore a comparable scheme to the one before me.
 16. Paragraph 145 additionally sets out at criterion (g) that 'limited infilling or partial or complete redevelopment of previously development land (PDL), whether redundant or in continuing use...which would not have a greater impact on the openness of the Green Belt than the existing development' would not be inappropriate development.
 17. The appeal site is a domestic garden. The Framework sets out that land in built-up areas such as residential gardens is excluded from the definition of PDL. The parties dispute whether or not the site is within a built-up area and therefore whether or not it could be considered to be PDL. However, even if the site were to be considered as PDL, its redevelopment would nevertheless have a greater impact on the openness of the Green Belt than the existing domestic garden due to the introduction of buildings where there are currently none. It would therefore not meet the exception set out in paragraph 145(g).

¹ APP/Y3615/W/19/3223975

² APP/Y3615/A/12/2184747

18. I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with both Policy P2 of the Local Plan and national policy to protect Green Belt. I attach substantial weight to this harm.

Openness of the Green Belt

19. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. Openness has both spatial and visual effects.
20. The appeal site is currently enclosed by a tall hedge along its boundary with Clay Lane, beyond which lies the domestic garden, a driveway and the forested fields beyond. The submitted drawings show the layout of the proposal which would have a frontage to Clay Lane, therefore extending the built form along this road. With a separate dwelling, additional hardstanding for car parking and new residential curtilage, the proposed development would result in a more substantial and urbanised form of development on the site to that which is there now. This would cause moderate harm to the spatial openness of the area.
21. With the removal of part of the boundary hedge to accommodate a wider access, the proposed development would be visible from the surrounding area. There would be some limited visual intrusion into the Green Belt arising from this but the effects of this on openness would be modest.
22. As such, the proposal would result in moderate harm to the openness of the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Thames Basin Heaths SPA

23. The appeal site lies within the 400 metres and 5 kilometres zone of influence of the Thames Basin Heaths SPA. This is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the SPA. I am the competent authority for the purposes of this appeal.
24. The Council has determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites through increased dog walking and additional recreational pressures. In these circumstances, the Council considers that appropriate mitigation would be required. This is set out in the adopted Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2017. This provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) along with contributions to Strategic Access Management and Monitoring (SAMM) to mitigate the impact of development.
25. The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. The Council has confirmed that the submitted section 106 agreement would secure this.

26. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

Other Considerations

27. The Council has a five year supply of housing although the appellant has indicated that it has a record of under-delivery. The Council's Spatial Strategy seeks the provision of 945 dwellings to be met around villages during the plan period. A single, detached dwelling would make a minimal contribution to this. I give this moderate weight.
28. The site, due to its position close to the village, is accessible to local facilities and services within the village. Some limited economic benefits would arise during the construction of the scheme and through the new residents accessing local shops and services. These also carry moderate weight in favour of the development.
29. An appropriately designed dwelling on the site would be unlikely to adversely affect the character of the area or the living conditions of neighbouring occupiers. It would also provide a vehicular access with an adequate visibility splay and off street parking. These are neutral factors in the balance.

The Green Belt Balance

30. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of the Framework.
31. The proposal would contribute a single dwelling in an accessible location to housing supply. It would additionally provide economic benefits through the construction and subsequent occupation of the proposed house. These limited benefits would have little weight and would not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
32. As such the proposed scheme would be contrary to the Framework. It would also conflict with Policy P2 of the Local Plan which sets out that the Green Belt should be protected against inappropriate development.

Conclusion

33. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR