



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: 15th March 2021

Appeal Ref: APP/Y3615/W/20/3255915

Great Down, Hogs Back, Seale GU10 1HD

- 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 S & L Hall against the decision of Guildford Borough Council.
 - The application Ref 19/P/02117, dated 9 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is erection of 1 x 3 bed detached dwelling and associated forecourt parking following removal of existing garaging and garden storage sheds.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal the appellant submitted a draft, unsigned 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). I will discuss this in more detail later in this decision.

Main Issues

3. 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 proposal 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

4. The appeal site forms part of the substantial side garden to Great Down, a detached house within a sizeable and steeply sloping plot. The plot is stepped down to accommodate the slope through a series of tiers. It is positioned within a short row of houses served by an accessway off the A31, a busy two-lane dual carriageway with a 60 mph speed limit. It is located within the Metropolitan Green Belt between the A31 to the north and open fields to the south. It is also within the 400 metres to 5 kilometre zone of influence of the Thames Basin Heath SPA.

Inappropriate development

5. 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. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (Local Plan) seeks to strictly control development in the Green Belt and is consistent with the approach set out in the Framework.
6. Paragraph 145 sets out that the construction of new buildings is inappropriate within Green Belts subject to a number of exceptions. This includes g) 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.
7. As the appeal site forms part of a residential garden outside a built-up area, it would fall within the definition of previously developed land as set out in the Framework. It is currently occupied by modestly sized, single-storey garage and a shed, centrally positioned towards the top of the site. The remainder of the site is grassland, trees and shrubs. These existing structures are very small scale with a combined footprint indicated to be around 25 square metres. Due to their modest height and limited footprint, these structures have a modest impact on the openness of the Green Belt.
8. The proposed house would be two-storeys in height comprising a lower ground floor which would be built into the existing garden tiers with a ground floor above. It would be positioned between the host property and the adjacent dwelling to the west, with a similar set back from the accessway. As a single house between existing development, the proposal would amount to limiting infilling.
9. However, the proposed house would occupy a sizeable footprint indicated to be approximately 161 square metres, more than six times larger than the combined footprint of the existing structures. It would extend across approximately half the width of the plot and would be two-storeys in height. It would therefore be substantially larger in terms of its footprint, volume, height, bulk and scale than the existing structures, even when considered in combination. Whilst the design of the proposed house, being partially built into the garden tiers, would make it appear a little less bulky, this would not be sufficient to make its impact on openness less than the existing structures.

10. The proposed dwelling would be materially larger than the existing single storey buildings. Its redevelopment would have a greater impact on the openness of the Green Belt than the existing development on the site due to its increased size. It would therefore not meet the exception set out in paragraph 145(g) of the framework.
11. For this reason, 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

12. 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, but it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of both spatial and visual aspects.
13. The proposed house would be a large structure which would additionally require an area of hard surfacing providing a driveway and vehicle parking space. This would amount to a more substantial and urbanised form of development on the site. It would be physically much larger in terms of its height, width and length than the existing structures on the site. Whilst the design of the building being built into the existing garden tiers would conceal some of the additional bulk of the building, it would not be sufficient to overcome the significant increase in the overall size of the building on the site and the other urbanising features of the proposed development. As such, the proposed house would significantly reduce the spatial openness of the area.
14. The appeal site is in an elevated position. The existing houses are visually prominent at the top of the hill when viewed from both Pilgrims' Way across the valley and through breaks in vegetation along Puttenham Road to the south. The existing structures on the appeal site are also visible, but due to their small size, they are significantly less prominent than the houses. The proposed house would be visible as a two-storey building in a similar fashion to the existing houses.
15. From the accessway the proposed house would have the appearance of a single-storey building. This would reduce its prominence when viewed from this direction. Nevertheless, the proposed infill would close a significant gap between built development within the row of houses, resulting in a continuous and prominent strip of domestic development. This would have an urbanising effect on the area which would be widely visible from both the south and from the accessway off the A31. As such, the proposal would significantly reduce the visual openness of the area.
16. Consequently, I conclude that the development would result in significant harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

Thames Basin Heaths SPA

17. 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.

18. The Council has determined that additional residential development would, in combination with other plans and projects, has the potential to have a significant adverse 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 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.
19. The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. However, the submitted section 106 agreement being in draft form, unsigned and undated would not secure this.
20. 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.
21. The appellant has suggested that the Council, in referencing out of date policies and failing to refer to the Framework in respect of the effect on the SPA, has acted unreasonably. However, this is a procedural matter and does not alter my findings in respect of this main issue as set out above.

Other Considerations

22. The turn off into the private access road from the A31 is a sharp turn, sub-standard and considered to harm highway safety. The appellants have indicated that, as part of their proposal, they would help finance highway safety improvements to the ingress of the junction, to provide a greater deceleration distance off the main carriageway. The appellants consider this would be a benefit which would provide very special circumstances to outweigh any harm to the Green Belt that may arise from the development.
23. There is no dispute that the access off the A31 is sub-standard and would benefit from improvement. I acknowledge that improvements to this junction may reduce incidents along the A31 which could have a knock-on effect in reducing rat-running on other local roads. I also note that the expectation is that funding for these types of improvements would be largely met through developer contributions.
24. Whilst the appellants have proposed to make a financial contribution to the upgrade of this access, no information has been provided about how much that financial contribution would be and the extent to which it would fund an improvement. Furthermore, there is no financial breakdown to demonstrate that the development proposed would be at the minimum necessary to deliver the benefits in highway safety being sought.

25. My attention has been drawn to a development at Hogs Back Lodge and Hayden House which was allowed on appeal¹. This site is a little further along the A31 and had a similar access issue to the scheme before me. In this instance, the Inspector found that very special circumstances in relation to junction improvements outweighed the harm to the Green Belt. However, unlike the appeal before me, the information concerning contributions and costs was available to the Inspector.
26. Furthermore, the Inspector found that due to the hazardous nature of the junction, utility providers declined to provide services which had a deleterious effect on the lives of those occupying the dwellings. I have not been presented with evidence indicating harms such as these in the scheme before me. As such, this scheme and the appeal are not comparable.
27. Improvements to the junction would be a public benefit of the scheme, however, in the absence of details of costings and contributions, I can only give this very limited weight.
28. The Government is seeking to significantly boost the supply of housing. The proposal would contribute a single dwelling to housing supply. Whilst a benefit of the proposal, its contribution would be minimal and I therefore give limited weight to this.
29. The proposed house would not be visible from other residences along the accessway and has some local support. It would also not harm the living conditions of neighbouring occupiers. 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 significant 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 small contribution to housing supply from a single dwelling carries limited weight in the balance. The appellants propose a contribution to fund a junction improvement. This would be a public benefit but in the absence of sufficient information to support its delivery, I can only give this very limited weight. It would therefore 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

¹ Council Ref: 10/P/00245