



Appeal Decision

Site visit made on 25 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/Y3615/W/21/3276462

Round Tree Farm, The Street, West Horsley, KT24 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Round Tree Development Limited against Guildford Borough Council.
 - The application Ref 20/P/02230, is dated 24 December 2020.
 - The development proposed is erection of a pair of two-bedroom and a pair of three-bedroom semi detached dwellings.
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Decision

1. The appeal is dismissed, and planning permission is refused for the erection of a pair of two-bedroom and a pair of three-bedroom semi detached dwellings.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted by the Council during the appeal. These set out its concerns regarding the effect of the proposal on the Green Belt, the character and appearance of the area, the setting of the nearby listed building, the Thames Basin Heaths Special Protection Area, and matters of sustainable design and construction.
3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). It is clear from the submissions that the main parties are aware of this matter. All references to the Framework within my decision shall be taken from the 2021 version.
4. I have also dealt with another appeal (Appeal Ref APP/Y3615/W/21/3276061) at this site. That appeal is the subject of a separate decision.
5. A revised plan (Ref: 1479/P-Li06.A) was submitted with the appeal. This shows a modestly revised fenestration for Unit 4, in response to the Council's comments. On the basis that this change is minor I do not consider the interests of any party to be prejudiced if I take the revised plan into account. I shall therefore determine the appeal on the basis of the plans listed at the end of the Council's draft officer report, substituting 1479/P-Li06 with 1479/P-Li06.A.

Main Issues

6. The main issues are:

- a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
- b) The effect of the proposal on the character and appearance of the area,
- c) The effect of the proposal on the setting of the nearby listed building, known as Roundtree Farm House, and
- d) Whether the proposal would comply with local sustainable design and construction policy.

Reasons

Green Belt

7. Paragraph 149 of the Framework establishes that new buildings within a Green Belt are inappropriate unless, amongst other things, they constitute limited infilling in villages. There is no definition of 'limited infilling' or 'village' within the Framework. Where the Framework is silent it is appropriate for a local plan to provide guidance on how this policy should be applied in a local area.
8. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS) provides further detail on how the Council views limited infilling within particular villages, with reference to settlement boundaries. The Council is satisfied that the site is at the edge of the village, however the parties disagree on whether the proposal should be considered to constitute limited infilling.
9. Supporting paragraphs 4.3.21 – 4.3.23 to Policy P2 provide further guidance on this matter. Development to either side of the site is limited to Nos. 1 and 2 Roundtree Cottages to the north and No. 245 The Street to the south. Neither have a strong street presence and Roundtree Cottages address the road end on and are significantly set back. There is no development beyond these buildings. The proposal does not therefore constitute a small gap in an otherwise continuous built-up frontage.
10. The supporting text to the Policy also refers more broadly to the infilling of small gaps within built development. The site is surrounded by buildings on all sides. These include the existing buildings at Roundtree Farm and those on the opposite side of the road.
11. On this basis, taking into account the limited nature of the proposal for four dwellings and the relatively modest size of the site, I am satisfied that the proposal would not be inappropriate development in the Green Belt. It would therefore accord with the Framework and Policy P2 of the LPSS.

Character and appearance

12. The appeal site is at the edge of the village and relates to a group of loosely arranged buildings associated with the farmstead. The site and the adjacent buildings have a strong agricultural character and connection to the surrounding undeveloped agricultural land, reinforced by the hedges that front the road and form a verdant edge to the site and limit views of the existing

buildings from the road. In contrast, built form on the other side of the road is much more dense, has a largely planned appearance with rows of matching dwellings, and relates to the developed character of the settlement. The dwellings closest to the site fronting Long Reach have a strong sense of uniformity owing to their consistent arrangement in matching semi-detached pairs. They are elevated above the road level and thus much more prominent to view than the Roundtree Farm buildings.

13. The existing undeveloped site separates most of the Roundtree Farm buildings from the road, reinforcing their loose and informal arrangement. The site is to the front of the existing farmhouse cottages and its current appearance provides a verdant foreground to these cottages, allowing them to address the road in a modest and unassuming manner that is very different to the formal and prominent siting of the pairs of dwellings opposite. Historic maps suggest that this area has always been undeveloped.
14. The proposal would see the regularity of the pairs of cottages on the opposite side of the road introduced into the environs of the existing farmstead. Whilst I accept that the buildings would adopt a high quality material palette that picks up on materials used locally, the formal siting of the two buildings and their regular appearance would be wholly at odds with the loose and informal arrangement of the existing buildings, and would introduce a degree of formality that would erode its simple agricultural character. Furthermore, the buildings would in part be placed in front of the existing farmhouse cottages, to the extent that where the buildings would be viewed together they would take on an uncomfortable tandem relationship.
15. Thus, in combination with the lack of a built up road frontage in the context of the site, and the manner by which the side elevation of Unit 1 would face towards the front of Roundtree Cottages, the proposal would result in a development that would not relate well to its agrarian context and would have a harmful urbanising impact.
16. The existing hedgerow would screen the proposal to a certain extent, however it would be clearly seen through gaps in the hedgerow and over its height, as well as across open aspects from the north when looking south alongside Roundtree Cottages. I am also mindful of the very close relationship between the front of the proposed dwellings and the retained hedgerow. The existing hedgerow appears unmanaged and is unlikely to succeed as a domestic boundary. Furthermore, it is highly likely that future occupiers of the proposed dwellings would seek to reduce the hedgerow in some way, to improve access to the fronts of the dwellings and provide a better outlook and level of light to the northeast facing openings. This would result in the proposed dwellings appearing more prominent than the submitted plans suggest.
17. I note that there are several extant permissions at the site. These relate to the conversion of existing agricultural buildings into four dwellings. I accept that this would have an impact that would include an inevitable change to its agricultural character, however none of the extant permissions permit a new building. They would maintain the existing vernacular arrangement of buildings, and, unlike the appeal proposal, would not introduce a suburban formality into an undeveloped part of the site.

18. The appellant's submission of a revised plan to address the Council's concerns regarding the design of Unit 4 is a minor matter that has no bearing on my overall finding of harm in relation to this main issue.
19. In summary, the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy D1 of the LPSS, Saved Policy G5 of the Guildford Borough Local Plan 2003 (SLP) and Policy WH3 of the West Horsley Neighbourhood Plan 2016-2033 (NP), which together seek to ensure that development proposals are designed to a high quality that responds to distinctive local character and reinforces locally distinct patterns of development.
20. The Council also refers to Policy H1 of the LPSS in its draft refusal reason relating to character and appearance. This Policy seeks to deliver a variety of homes that provide all tenures, types and sizes. It does not appear to be relevant to matters of character and appearance.

Listed building

21. Nos. 1 and 2 Roundtree Cottages stand to the northwest of the site and together form a grade II listed building, referred to on the national list as Roundtree Farmhouse. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
22. The building dates from the 16th century and faces towards the appeal site. It has a low slung form that is dominated by its prominent steeply pitched roof with hips and small end gables. It has a simple vernacular appearance to the front, with an irregular arrangement of openings. Its timber frame is expressed externally to the side and rear. Its antiquity and age, vernacular form and materials are significant contributors to its special interest.
23. Although referred to in the list as a farmhouse, it would appear from the evidence before me to be more likely that the building served as two or three tenements for much of its life. Even if these tenements have had a functional relationship that has long been separate from the agricultural land uses to the south, they have always been close to these uses and functions. Despite the various changes that have occurred the building appears to have always faced out to the south, over an area that was more enclosed in the past, towards the undeveloped area of the appeal site. Thus, although subject to change over the years, the relationship between the listed building, the agrarian uses of the wider site and the undeveloped appeal site appear long standing.
24. The listed building also enjoys a longstanding relationship with the open fields to the north and west. There are clear views of the front of the building from the adjacent road junction where its relationship with the open land beyond, along with its association with the agrarian land uses to the south towards which the building faces, are aspects of the building's setting that contribute to its special interest and the way it is appreciated as a vernacular rural dwelling.
25. The proposal would introduce two buildings into this context, on the undeveloped parcel of land to the front of the listed building. The buildings

would step forward beyond the road facing end of the listed building. They would have a bulkier mass than the listed building, each with a broadly square footprint. They would be much more prominent than the existing buildings at the site, which are set further away from the road and at a lower level, and would intrude into the view of the listed building that is currently enjoyed from the road junction.

26. The existing hedge would soften the proposal's impact to a certain extent, however the buildings would be seen through the numerous gaps in the hedge and over the top; and as I have already established I have concerns over the potential to retain the hedge in its current form so close to the front of the proposed dwellings. The proposal would also fail to acknowledge the orientation of the listed building, by presenting a secondary side elevation towards its front elevation.
27. The suburban form of the proposed buildings, derived from their arrangement into pairs of semi detached dwellings with very similar fenestrations, would significantly erode the rural agrarian setting of the building, which is a strong component of its setting that contributes to its special interest. The proposal would thus cause harm to the building's special interest.
28. The appellant suggests that the setting of the building would be changed anyway as a result of the implementation of the extant permissions to convert existing buildings into dwellings. However, these buildings already exist, and their form and loose arrangement would be maintained. I am thus satisfied that they would not have the same urbanising impact, nor would they impact on the views of the listed building from the road junction to the same extent.
29. The Council is of the view that the proposed parking area to the north of Unit 1 would create extra disturbance and an increased level of activity that would be harmful. At my visit to the site I saw that some of the area to the front of the listed building, outside the area of the application site, is already put to this use. On this basis, and taking into account the low level of vehicle movements that would be associated with two dwellings, I am not satisfied that this element of the proposal would be harmful.
30. In terms of the Framework the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
31. The proposal would deliver four new dwellings in a location with some services and facilities nearby. There would be some economic benefits during the construction phase and as a result of future occupiers accessing local facilities and services.
32. I give the harm I have identified considerable importance and weight. Indeed, paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
33. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the special interest of the listed building. It would be contrary to Policy D3 of the LPSS, Policy HE4 of the SLP and Policy WH8 of the NP, which together seek to ensure that development proposals

conserve and enhance the historic environment and would not be granted where they would adversely affect the setting of a listed building.

Sustainable design and construction

34. Policy D2 of the LPSS requires proposals to include information that sets out how sustainable design and construction practice would be incorporated. With regard to part (1) (a) and (b) of the Policy the information submitted in the Climate Change, Energy and Sustainable Development Questionnaire (the Questionnaire) is limited. Where details are required none are given. For example there are no details to demonstrate how the use of primary materials would be minimised, where excavation material would be reused on site or how non-mineral construction waste would be minimised.
35. With regard to part (1) (c) no details have been provided in the questionnaire to show how the layout of the site or the orientation of buildings would take into account solar gain or how passive cooling or ventilation measures would be incorporated.
36. With regard to part (1) (d) no details have been provided in the questionnaire to show how water efficiency measures would be incorporated into the scheme to reduce the demand for water, or how the scheme would incorporate water harvesting.
37. Therefore, although the submitted details demonstrate a reduction in the building's carbon emissions of over 20%, I cannot be satisfied that the criteria set out in Policy D2 and expanded upon in the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2020 has been satisfied.

Other Matters

38. The appeal site is within 5km of the Thames Basin Heaths Special Protection Area. The addition of residential dwellings within this area would be likely to have a significant effect on the internationally important interests and features of this site. This matter forms the basis of the Council's fifth draft refusal reason. The appellant is in the process of preparing a legal agreement to secure financial contributions towards mitigation measures. However, as I am dismissing the appeal for other reasons, the likely significant effect will not occur in any event, and this matter does not therefore need to be considered further.

Conclusion

39. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed, and planning permission should be refused.

A Tucker

INSPECTOR