



Appeal Decision

Site visit made on 3 May 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 MAY 2023

Appeal Ref: APP/R3650/W/22/3309143

Old Shortlands, Snowdenham Lane, Bramley, Guildford GU5 0AT

- 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 Hugh Terry against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00108, dated 8 December 2021, was refused by notice dated 26 April 2022.
 - The development proposed is described on the application form as 'outline planning application for a one and half storey detached dwelling house with access from Snowdenham Lane'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises an outline application with all matters reserved, except access and layout, for the erection of 1 detached dwelling. The Council dealt with the proposal on this basis and so shall I.
3. The Council have withdrawn the fourth reason for refusal, and I will therefore make no further reference to it.
4. The planning application was submitted in outline with some matters reserved. I have had regard to the submitted plans but have regarded all elements of the scheme as indicative, apart from access and layout.

Main Issues

5. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies, and the effect on the openness of the Green Belt;
 - the effect of the proposed development on heritage assets;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to

the very special circumstances required to justify the proposed development.

Reasons

Green Belt considerations

6. The appeal site comprises a parcel of land set behind established properties which predominantly front Snowdenham Lane. The site lies within the Green Belt.
7. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149, is 'limited infilling in villages'. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LP, 2018) broadly conforms to the general thrust of national Green Belt policy, setting out that the Green Belt will be protected against inappropriate development in accordance with the Framework.
8. There is no dispute between the main parties in respect of the appeal site falling within a village. However, the terms 'limited' and 'infilling' are not defined within the Framework, or any adopted development plan policies before me. The Council references Policy DM14 of the Draft Local Plan (Part 2), which sets out a definition of limited infilling. However, there is no evidence before me to confirm the adoption status of that policy. Therefore, I am unable to give it any weight. In any event, policy cannot set out every eventuality. Accordingly, this is a matter of judgement for the decision maker, having regard to the nature and amount of development, the location of the appeal site and its relationship to existing adjoining development.
9. The appeal site is located behind a clear building line, or row of properties, along Snowdenham Lane. I accept that a series of smaller outbuildings and properties are located, sporadically, to the rear of this row and that properties along Snowdenham Lane are not uniform in their scale or position adjacent to the Lane. However, the land to the rear of properties fronting Snowdenham Lane is generally undeveloped garden land, providing a verdant, semi-rural setting, and forming a definite visual break between the front facing properties and the remainder of the village to the south.
10. From that perspective, the appeal site could reasonably be described as backland development, positioned to the rear of, and set away from, the main cluster of properties along Snowdenham Lane. The proposed development cannot, in my view, be reasonably regarded as 'infilling', irrespective of whether or not it is limited.
11. For the foregoing reasons, I conclude that the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework and would form inappropriate development in the Green Belt. Substantial weight should be given to this harm. The proposed development would be contrary to the relevant provisions of LP Policy RE2, which in summary seeks to protect the Green Belt from inappropriate development.

Openness

12. Openness is a fundamental characteristic of the Green Belt and has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
13. The proposed development, even if of a reasonably limited size, and set at a level below the properties along Snowdenham Lane, would undoubtedly introduce built form and massing to a site where there is currently none. The footprint of the dwelling, its likely bulk and the accompanying domestic paraphernalia, including parking and amenity areas, would all inevitably lead to a loss of openness, both physically and visually.
14. Accordingly, the proposed development would fail to preserve the openness of the Green Belt. The adverse effects to openness would fairly be described as moderate.

Heritage

15. The appeal site is located within Bramley Conservation Area (CA). The significance of the CA lies in its historic village layout, surrounded by verdant countryside and woodland, maintaining a semi-rural character. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
16. The site is not readily visible from public vantage points and does not contribute in any meaningful way to the significance of the CA. As such, the proposal would have a neutral effect on, and would preserve, the character and appearance of the CA.
17. Nearby Millmead House, Garden House at Millmead House and Entrance Walls and Pavilions to Millmead House are Grade II listed buildings. Section 66(1) of the Act requires that I have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest.
18. Millmead House is described as a small 'country house' and is finished in Bargate sandstone with red brick quoins and dressings and plain tiled roofs. The Garden House is built of sandstone block with brick dressings and coping with wooden columns to front. The Entrance Walls and Pavilions are constructed of rubble sandstone on brick plinths with tile coping and plain tiled roofs. Millmead House fronts Snowdenham Lane and is set within a well landscaped garden plot, with properties situated either side of it along the Lane. The significance of the listed buildings lies in their special architectural interest, best experienced from Snowdenham Lane.
19. Millmead House is perceived as a relatively discrete residential entity, separate and functionally and visually removed from the appeal site, set adjacent but to the rear. The Garden House and Entrance Walls and Pavilions are seen in the context of Millmead House and are, too, functionally and visually removed from the appeal site.
20. Although there would be some change to the relationship between the appeal site and that property through the site's proposed redevelopment, the

mitigating factors of the scheme, including its significant setback from the lane frontage behind established properties, and the visual detachment of the site from Millmead House, means that this change would be limited. For this reason, I find that the proposal would have a neutral effect on, and would therefore preserve, the special historic interest and setting of the listed buildings.

21. In the absence of any harm to these designated heritage assets, I conclude that the appeal proposal does not conflict with relevant provisions of LP Policy HA1, which in summary seeks to protect heritage assets. This is in a similar vein to the objectives of Policy G3 of the Bramley Neighbourhood Plan (NP), saved policies HE3 and HE8 of the Local Plan (2002), and the Framework insofar as the historic environment is concerned.

Character and appearance

22. Whilst I accept that the proposed development would be positioned behind the main building line along Snowdenham Lane, which has a clear linear character, it would not be the only building of its kind. A number of smaller buildings, including but not limited to outbuildings, exist within the rear of the more prominent lane-facing buildings. These are arranged sporadically. This, together with properties forming Springfield Terrace, mean that the proposed development would not be at odds with the prevailing character of the area, which would be maintained. Moreover, the appeal site, set behind Southernhay and Old Shortlands, and accessed via an undercroft, is such that the proposed development would remain largely out of sight from any public vantage point.
23. Accordingly, the proposed development does not conflict with the relevant provisions of LP Policy TD1 or NP Policy G3, which in summary seek high quality design in development. This is in a similar vein to saved policies D1 and D4 of the Local Plan (2002) and the Framework insofar as good design is concerned.

Other considerations

24. From the evidence before me, the Council is currently unable to demonstrate the necessary forward supply of housing sites as required by the Framework. In this regard, the proposal has the potential to generate one additional home which would make a positive contribution to the current undersupply. This would support the Government's objective of significantly boosting the supply of homes. This is a matter I deal with subsequently.

Green Belt Balance and conclusion

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. In addition, there are moderate impacts on openness here. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
26. As illustrated above, there are no other considerations that clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with the Green Belt protection aims of the development plan or Framework.

27. The lack of a five-year housing supply means that the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained above, there would be harm to the Green Belt that would not be clearly outweighed. Therefore, the proposed development would not benefit from the presumption in favour of sustainable development in this instance.
28. Having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

A Price

INSPECTOR