



Appeal Decision

Site visit made on 16 May 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/R3650/W/21/3282091

Westbrook Mills, Borough Road, Godalming GU7 2AZ

- 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 Jamie Patterson of C/o Stonegate Homes against the decision of Waverley Borough Council.
 - The application Ref WA/2021/0328, dated 27 January 2021, was refused by notice dated 20 July 2021.
 - The development proposed is described as, 'outline application with all matters reserved for a 67 unit retirement scheme (including 30% affordable)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved for future consideration. I have therefore considered the submitted drawings on an indicative but illustrative basis.

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 (Framework) and any relevant development plan policies including the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the Area of Great Landscape Value (AGLV);
 - whether the proposal would secure appropriate affordable housing;
 - the effect of the proposal on flooding;
 - the effect of the proposal on Wealden Heaths Phase 1 Special Protection Area (SPA);
 - whether the proposal would meet the identified housing need in terms of housing mix;
 - the effect of the proposal on trees;
 - the effect of the proposal on biodiversity; 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 proposal.

Reasons

Inappropriateness

4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings in the Green Belt should be regarded as inappropriate except in a number of exceptions including:

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; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5. While there is little built development above ground across the site, there are areas of hardstanding and lampposts such that it constitutes previously developed land. I acknowledge that there may have been development on the site historically. However, there is nonetheless currently very little development above ground.
6. Since the proposal is for a 67-unit retirement scheme, it would result in considerable built development that would be around four storeys high. Therefore, the scheme would have a greater impact on the openness of the Green Belt than the existing development. It therefore would not meet the first strand of the exception for the redevelopment of previously developed land.
7. Although the appellant has indicated that the proposal would provide 30% affordable housing via a financial contribution, no mechanism such as a planning obligation is before me that would secure the affordable housing. Accordingly, the proposal would not contribute to meeting an identified affordable housing need and the second strand of the exception has not been met.
8. Consequently, the proposal would be inappropriate development in the Green Belt. Therefore, it would conflict with Policy RE2 of the Local Plan Part 1: Strategic Policies and Sites February 2018 (LP Part 1) which seeks to protect the Green Belt against inappropriate development. It would also conflict with the Framework in this respect.

Character and appearance

9. The site is located within an Area of Great Landscape Value (AGLV). LP Part 1 Policy RE3 states that the same principles for protecting the AONB will apply in the AGLV which will be retained for its own sake and as a buffer to the Surrey Hills Area of Outstanding National Beauty (AONB).
10. A river passes along the northern boundary of the site, immediately to the north of which lies the Westbrook Mills site. A railway line passes along the

eastern boundary of the site. To the south lies Westbrook Road. To the south of the road lies a collection of buildings set within a spacious plot. There is open countryside to the west of the site.

11. The existing site has some hardstanding and structures such as lamp posts. There are mature trees and vegetation primarily along large areas of the boundaries. However other parts of the site have grassed areas and given the lack of built development, the site has an open verdant character which contributes positively to the AGLV.
12. The site lies to the west of an Area of Strategic Visual Importance (ASVI) which covers Lamas Lands. However, the ASVI appears to be separated from the site by the railway line such that there is limited intervisibility between it and the site. As such, the site has a limited relationship with the ASVI.
13. The proposal for 67 residential units would introduce a considerable amount of built development on to site resulting in an urbanising effect. As demonstrated by the indicative drawings, the blocks are likely to be four storeys high. The buildings would be a similar scale to the buildings at Westbrook Mills. However, the proposal would nonetheless harmfully diminish the openness of the site and its pleasant spacious verdant character. Given the separation of the site to the Westbrook Mills site by the river, the proposal would not appear as a continuation of the built development to the north.
14. Although the site is fairly contained by development to three sides, views of the proposal would nonetheless be glimpsed from Westbrook Road. Therefore, although the proposal would have a limited effect on long-range views, it would have a harmful effect on the open verdant character of the site that would be seen from the public realm.
15. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Part 1 Policy RE3 which seeks to respect and enhance the distinctive character of the landscape. It would also conflict with Policy DM1 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies adopted March 2023 (LP Part 2) which seeks, among other things, development that would not cause harm or damage to existing environmental assets such as areas of landscape value.

Affordable housing

16. LP Part 1 Policy AHN1 states that the Council will require a minimum of 30% affordable housing on all housing developments where at least one of a number of criteria applies. Given the number of dwellings proposed, affordable housing is required.
17. The proposal includes 30% affordable housing and the Council states that a commuted sum towards off-site provision is acceptable in principle rather than an on-site provision of affordable housing. However, a signed planning obligation is not before me to secure a financial contribution in this respect.
18. Consequently, the proposal would not provide adequate affordable housing. Therefore, it would conflict with LP Part 1 Policy AHN1 in this respect.

Flooding

19. Different parts of the site lie within Flood Zones 1, 2 and 3. LP Part 1 Policy CC4 states that in locations identified as being at risk of flooding, planning permission will only be granted where it can be demonstrated that through a sequential approach, it is located in the lowest appropriate flood risk location in accordance with the Framework and the Waverley Strategic Flood Risk Assessment (SFRA).
20. The Planning Practice Guidance states that for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. The Sequential Test section of the Flood Risk Assessment refers to the neighbouring site to the north and the siting of buildings within the site. However, there appears to be no substantial assessment of available alternative sequentially preferable sites to the proposed site.
21. As such, there has not been a demonstration that the sequential test required by the development plan and the Framework has been applied.
22. Even if the sequential test had been carried out, there is no mechanism before me such as a planning obligation to secure the long term management and maintenance of the proposed Sustainable Urban Drainage scheme.
23. Consequently, the proposal would have an adverse effect on flooding. Therefore, it would conflict with LP Part 1 Policy CC4.

Wealden Heaths SPA

24. The site lies within the 5km buffer zone for Wealden Heaths SPA. As the proposal would result in an increase of occupiers on the site, there would, in combination with other projects, be a likely significant impact on the SPA from recreational disturbance. Accordingly, an Appropriate Assessment is required.
25. The interest features of the Wealden Heaths SPA include nightjar, woodlark and Dartford warbler, which are the three internationally rare bird species for which it is classified. Natural England (NE) stated that the proposal requires mitigation measures to be secured for all net increases in residential units, i.e. 67 units, in the form of Suitable Alternative Natural Greenspace (SANG), to avoid impacts from residents who may recreate upon the SPA.
26. I note the evidence regarding an adopted document which outlines mitigation options and advice on contributions for SANG payments as well as the Appellant's concern regarding the legality of the approach by NE. The Habitats Statement states that the SANG approved at Eashing Lane can be used to facilitate the development. I also note that a number of the proposed units would be for occupiers requiring full time care and would be unlikely to recreate on the SPA.
27. However, as no mechanism to secure any mitigation is before me, I cannot assess whether the adverse effects of the proposal on the SPA would be mitigated by the proposal.
28. Consequently, the proposal would adversely affect the Wealden Heath SPA. Therefore, it would conflict with LP Part 1 Policy NE1 which seeks to conserve and enhance biodiversity within Waverley.

Housing mix

29. The proposal is for a 67-unit retirement living scheme. The Planning Statement states that of these 21 units would be residential units and 46 would be assisted care living units.
30. LP Part 1 Policy AHN3 requires proposals for new housing to make provision for an appropriate range of different types and sizes of housing to meet the needs of the community, reflecting the most up to date evidence in the West Surrey Strategic Housing Market Assessment (SHMA).
31. As the proposal would consist of 1 and 2-bed units, it would be contrary to the SHMA requirements which identifies a need for a mix of up to 4 bed units.
32. I acknowledge Policy GOD1 of the Godalming and Farncombe Neighbourhood Plan April 2019. However, in any event, as there is no mechanism before me to secure the extra care facilities, there is no certainty that the units would be provided.
33. I note the comments of the Inspector for the case at Walton-On-Thames, however, that scheme was in a different district and for a greater number of units such that it is not directly comparable to this scheme.
34. Consequently, the proposal would not meet the identified housing need in terms of housing mix. Therefore, it would conflict with LP Part 1 Policy AHN3 which seeks an appropriate range of different types and sizes of housing.
35. As LP Part 1 Policy AHN1 relates to affordable housing, it is not directly relevant to this main issue.

Trees

36. The trees on the site are subject of a group Tree Preservation Order (TPO) and are located generally along the boundaries of the site. Given the number and maturity of the trees, they provide a significant contribution to the visual amenity of the area.
37. I note the Council's concerns that the buildings and car parking would be within the root protection area of the trees. However, as layout is a reserved matter, this is an issue for future consideration. I also acknowledge the evidence regarding future pressure on the management of the trees. However, since the trees are protected, any substantial works to the trees would require express permission from the Council.
38. Consequently, the proposal would not harm trees subject to a TPO. Therefore, it would not conflict with LP Part 1 Policy NE2 which seeks, among other things, to maintain and enhance existing trees, protect significant trees and groups of trees and the long-term retention of important trees. It would also not conflict with LP Part 2 Policy DM11 which seeks, among other things, to protect trees and hedgerows during all phases of development.

Biodiversity

39. LP Part 1 Policy NE1 seeks to conserve and enhance biodiversity in Waverley. Since landscaping is a matter for future consideration, I see no reason why a detailed proposal including appropriate metrics to demonstrate how a biodiversity net gain could be achieved, could not be included as part of a

reserved matters application. This could be secured via a suitably worded condition. Accordingly, this matter does not carry weight against the proposal.

40. Consequently, the proposal would not harm biodiversity. Therefore, it would not conflict with LP Part 1 Policy NE1 in this respect.

Other considerations

41. I note the Settlement Boundary Review Topic Paper November 2020. However, as the site is nonetheless designated as being within the Green Belt, I can attribute limited weight to this matter.
42. The site lies in close proximity to a railway station and the town centre. The scheme is likely to provide social and economic benefits through the contribution of future occupiers to the local community and there would be temporary economic benefits during the construction phase. It would also contribute a moderate number of dwellings to the housing land supply, to which I attached moderate weight.
43. However, as a planning obligation is not before me to secure the proposed number of affordable dwellings, extra care accommodation or payment of a Community Infrastructure Levy, I attribute very limited weight to these aspects of the housing provision.

Other Matters

44. The Council are unable to demonstrate a five year supply of housing. However, as the proposal would constitute inappropriate development in the Green Belt, the provisions of paragraph 11dii of the Framework are not engaged.
45. I note the comments of the Inspector for the case at Colney Heath. However, as no mechanism to secure affordable housing for this case is before me, it is not directly comparable to this appeal. While I acknowledge the approved development at Godalming, that scheme appears to be for more dwellings and in a different location such that it is also not directly comparable with this appeal.

Conclusion

46. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
47. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
48. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR