



Appeal Decision

Site visit made on 4 July 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/Y3615/W/22/3309180

**Land associated with The Long Barn, Down Lane, Compton, Surrey,
GU3 1DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms N Webber against the decision of Guildford Borough Council.
 - The application Ref 21/P/01324, dated 11 June 2021, was refused by notice dated 4 August 2022.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. Whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular regard to:
 - a) 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,
 - b) The effect of the proposal on the openness of the Green Belt, and
 - c) Whether the 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 necessary to justify the proposal.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Whether inappropriate development in the Green Belt

5. 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.
6. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP) clarifies that limited infilling may also be appropriate outside the settlement boundaries – which the appeal site is – where it can be demonstrated that the site should be considered to be within the village. This aligns with caselaw that establishes that a settlement boundary should not be used to define the extent of limited infilling, and that the situation on the ground should be assessed. This is referred to in the appeal at West Clandon².
7. Supporting text to Policy P2 suggests that there are a number of considerations to take account of when assessing whether a site is located within a 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.
8. The Compton Conservation Area Review (CCAR) suggests that the village stretches in linear form from the north-west to the south-east following the B3000. Indeed, at my visit to the area, this presents itself as the main built-up area of the village. It appears to be broadly divided into two, with an area to the west that includes the Church, and the area to the east that includes a greater density of residential development as well as the village hall and play area. Despite the presence of some undeveloped land in between these areas and other gaps between buildings, they are both connected by footways on either side of the road, and for the most part development fronts the road in a prominent manner. This gives a clear impression that one is passing through an identifiable and defined settlement, of a scale and with the services and facilities that would be typically associated with a village.
9. At its northern end some development turns the corner and extends to the east along Down Lane. Beyond this, the area becomes much more rural and loosely developed. The Watts Chapel and Cemetery stands on its own and fronts a rural lane without dedicated footways. From here to the area beyond the north of the site development is much more sporadic. Close to the appeal site, buildings are set well apart from each other and are not easily viewed from the road. The area is instead dominated by high vegetated banks with mature trees and no footways. It is physically separate from the main part of Compton that follows the B3000. It has a very different character that is dominated by vegetation and broken only by concealed driveways or single wider entrances such as that to the Watts Gallery, which itself has the character of an isolated site in a rural setting.
10. The Watts Gallery generates a significant level of activity, which the appellant suggests is more akin to that associated with a village rather than quiet open countryside. However, the Gallery is a stand alone attraction that draws in

² PINS ref: APP/Y3615/W/19/3228046

many visitors. Although it is within the parish of Compton and close to the main area of the village, there is no reason for me to conclude that its use or position should mean that it should be viewed as part of the village.

11. Whilst the area around the site appears to be close to other development when viewed on a map or plan, the impression one gets on site is different. Nearby buildings stand in large plots, and mostly face into or over their plots rather than towards the road to form an identifiable streetscene. Furthermore, and in any case, even if the group of buildings were more closely related and prominently positioned to form a more continuous built frontage, they would still only be an outlying group of buildings, akin to a small hamlet away from a village. They display none of the characteristics that would mean they could reasonably be considered to form a village.
12. Conservation areas often extend out beyond the developed part of a rural settlement to include landscape components that are of significance such as surrounding parkland. Therefore, the fact that the appeal site is within Compton Conservation Area (CA) has no bearing on whether it is part of the village.
13. The CCAR describes Compton as having six separate parts, of which the area around the appeal site is one. It is referred to as to the north of Compton rather than part of Compton itself. Other areas are also described as being beyond the village. Therefore, the inclusion of the appeal site within one of the character areas of the CA does not mean it should be assumed to be part of the village.
14. The provision of a bus service past the site does little to support the appellant's case. Although full details of the service are not before me, I assume that the regular service referred to connects Compton to Guildford to the northeast, and in doing so would pass through land with limited development as is typical of a bus route in a rural area.
15. Similarly, the inclusion of the area within the 30 mph speed limit could relate to the need to reduce traffic speeds in response to the volume of traffic and pedestrian activity associated with the Watts Chapel and Gallery. I am not satisfied that this factor gives weight to the appellant's case that the area of the appeal site is part of the village.
16. I have reviewed the appeal decision at West Clandon. It is clear, from the Inspector's description, that the context of that site is quite different to the one before me. Reference is made to a suburban feel to the area, domestic paraphernalia and boundary treatment, and a visual and functional connection with the village. None of these characteristics apply to the appeal site before me. This decision does not therefore weigh in favour of this matter.
17. In summary, the proposal would not be limited infilling within a village as I have found that the appeal site is outside the village of Compton. It would therefore not meet any of the Green Belt exceptions provided for within the Framework and LP and would be inappropriate development in the Green Belt, contrary to Policy P2 of the LP.

Openness of the Green Belt

18. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. The essential characteristics of Green Belts are their

openness and their permanence. The openness of a Green Belt has a spatial aspect as well as a visual aspect.

19. The appeal site is undeveloped. It is occupied by rough vegetation and surrounded by mature trees to the extent that it is difficult to view from the adjacent road. The development of the site for one dwelling is likely to result in a thinning of the existing vegetation. At the very least this would need to occur around the entrance, and as a result it may be possible to view a dwelling at the site from the road, subject to its design, scale and position. The erection of a dwelling at the site would therefore be likely to have a moderate impact on the visual aspect of Green Belt openness.
20. In terms of the spatial impact, the proposal would see a dwelling erected on a site that is currently undeveloped. The proposal would therefore have a significant impact on the spatial aspect of Green Belt openness.

Other Considerations

21. The proposal would deliver a new home and would therefore accord with Government's objective of significantly boosting the supply of homes, and would contribute to local housing supply. Although this is a benefit of the proposal, the weight I give this should be moderate as the proposal is for a single dwelling.
22. The dwelling is referred to as self-build for the use of the appellant's daughter. Whilst this matter weighs in favour of the proposal, the information before me to support the fact that it would be a genuine self-build proposal is limited, and there is no mechanism, such as a legal agreement, that would ensure that it is delivered as a genuine self-build development. I therefore give this matter limited weight.
23. The remains of a roman villa stand nearby to the northwest of the site. The site is designated as a scheduled ancient monument (SAM) and the upstanding remains are grade II listed. Historic England objected to the proposal on the basis that it has the potential to harm the heritage significance of the SAM by eroding its rural context and damaging buried archaeological remains that are associated with it. It suggests that archaeological assessment that could include field evaluation is necessary to understand the heritage significance of the site prior to making a decision about the principle of development.
24. The Council is of the view that this is a matter that should be considered at the TDC stage. However, the duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 (LBCA), including the effect on the setting of listed buildings, applies, as a reference to permission in principle was introduced by the Housing and Planning Act 2016. Section 66(1) of the 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.
25. The erection of a dwelling at the site has the potential to harm the undeveloped and open rural setting of the standing remains of the villa to the extent that its significance would be eroded. Additionally, given its proximity, further archaeological assessment would enable a full understanding of the site and its potential association with the SAM. Given the distance and level of intervening

vegetation between the heritage asset and the site I am however satisfied that the erection of a dwelling as a matter of principle should not be ruled out, given that there are so many variables in terms of its scale, position, and design. If this appeal is allowed these matters could be carefully considered at the TDC stage, and there can be no guarantee that a future application for TDC should be granted following the grant of permission in principle.

26. Section 72 of the LBCA applies to the exercise of any functions under the Planning Acts which includes permission in principle. Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Given the extent by which the site is visually contained it should be possible for a dwelling to be erected at the site without harming the character and appearance of the CA, by maintaining the verdant side boundaries and in particular the dominant appearance of the high vegetated bank along the sites eastern edge.
27. Whilst I have not made these matters a main issue of the appeal, they do not weigh in favour of the proposal.

Conclusion

28. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the scheme would also have a significant impact on the spatial aspect of Green Belt openness, and a moderate impact on the visual aspect of Green Belt openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
29. The other considerations before me carry some weight, but they are not of sufficient weight to amount to the very special circumstances necessary to justify the proposal. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.
30. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR