



Appeal Decision

Site visit made on 6 December 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2024

Appeal Ref: APP/Y3615/W/23/3316454

Tudor Lodge, Clandon Road, West Clandon GU4 7UU

- 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 Scott Pluthero against the decision of Guildford Borough Council.
 - The application Ref 21/P/02349, dated 8 November 2021, was refused by notice dated 23 August 2022.
 - The development proposed is erection of a detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the Guildford Local Plan Development Management Policies was adopted on 22 March 2023 (2023 Local Plan). It replaces the saved policies of the Guildford Borough Local Plan (2003) referred to in the Council's reasons for refusal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I have therefore assessed the appeal against the policies in the Local Plan 2023. The Council refer to the adoption of the 2023 Local Plan and the relevant policies that have been replaced in its written representations dated 22 August 2023, and the appellant has had an opportunity to respond to these representations. Therefore, neither party would be prejudiced by me determining the appeal on this basis.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. The parts of the Framework most relevant to this appeal have not been significantly amended. In any case, the Council and appellant have been given an opportunity to comment on the changes to the Framework as part of the appeal process. I am therefore satisfied that neither party would be prejudiced by me determining the appeal on this basis. I will refer to the updated paragraph numbers where necessary in this appeal.
4. The Council's Decision Notice cited two reasons for refusal. The second related to the effect of the proposal on the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA). As part of the appeal process, the appellant submitted a Unilateral Undertaking ('UU') in response to the Council's second reason for refusal. The Council considered a draft of the UU and found it to provide the required mitigation in accordance with its Avoidance Strategy. Thus, it was acceptable subject to signing. I will return to this matter in the

'other considerations' section below and the main issues are framed in the context of the Council's first reason for refusal.

Main Issues

5. The main issues in this appeal are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt; and
- on the basis that the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Inappropriate Development

6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it identifies limited infilling in villages as an exception to this.
7. Policy P2 of the Guildford Borough Local Plan: strategy and sites (2019) (2019 Local Plan) is broadly consistent with this approach. In terms of development within West Clandon, it states that limited infilling may be appropriate outside the identified settlement boundary where it can be demonstrated that the site should be considered to be within the village.
8. Although the appeal site is quite a distance from the identified settlement boundary of West Clandon, it is within walking distance of the village's services and facilities and there are also bus stops nearby. Thus, it is relatively accessible. Nonetheless, to determine whether a site is in a village for the purposes of Paragraph 154 of the Framework, an assessment of the extent of the village must be taken on the ground.
9. The appeal site is located on Clandon Road. Clandon Road forms part of the A247, which is the principal road running through the village of West Clandon. The appellant refers to 2 examples of similar types of development that are also located on the A247, and which were allowed at appeal¹ (hereon referred to as the allowed schemes). The allowed schemes were regarded by the Inspectors as being within the village of West Clandon for the purposes of Paragraph 154 of the Framework. However, while I do not have the full details of these allowed schemes before me, their locations, including the characteristics of their immediate areas, in relation to the extent of the village of West Clandon appear to be quite different to that of the appeal proposal.
10. The section of Clandon Road where the appeal site is located comprises large, detached houses set back from the highway within generous plots. There are large gaps between the houses, which makes the built form in this location relatively sparse. Also, many of the houses are set behind tall hedging and

¹ Appeal references: APP/Y3615/W/19/3228046 & APP/Y3615/W/19/3230987

trees, which partly screens the built form. Although there are similar properties on Highcotts Lane, located to the rear of the houses, these properties are not evident from Clandon Road. Significantly, in this case, opposite the houses are open fields, and there are views from Clandon Road across these fields of the wider countryside beyond.

11. The allowed schemes are located far closer to the identified settlement boundary and the services and facilities of West Clandon than the appeal site. Moreover, unlike the appeal site, the sections of the A247 where they are located, are largely characterised by houses and other built form on both sides of the highway, which is evident even where the buildings are set back. Although the density of the built form decreases as it extends to the north, away from the village centre, the unbroken residential frontages on both sides of the highway signify a continuation of the village.
12. In comparison, along the section of the A247 where the appeal site is located, the houses on the eastern side of Clandon Road are replaced by open fields and views of the wider countryside. There is also a small field, adjacent to the entrance of Highcotts Lane, which provides a break in the residential frontages on the western side of Clandon Road. Given this, and the sparser urban form along this section of the A247, the immediate area feels appreciably more rural, and there is a sense of having left the village.
13. Overall, as assessed on the ground, it is evident that the village of West Clandon extends beyond its defined settlement boundary for the purposes of Paragraph 154 of the Framework. Nevertheless, in this case, the properties along the section of the A247 where the appeal site is located, despite being relatively accessible, relate more to the open countryside than the village of West Clandon. Thus, they do not feel part of the village and should be regarded as not in a village for the purposes of Paragraph 154 of the Framework.
14. The appellant refers to a number of other factors as to why the appeal site should be considered as in a village for the purposes of Paragraph 154 of the Framework. These include the site's postal address, neighbouring occupants being invited to village events, the provision of new pedestrian infrastructure, the presence of a dropped kerb, and the Council's Green Belt and Countryside Study. However, none of these factors draw me to a different conclusion to my assessment on the ground. While the Council's Green Belt and Countryside Study includes a map showing the extent of the perceived village area, from the evidence before me, this map relates to an assessment of the degree of openness within the village, rather than the extent of the village for the purposes of Paragraph 154 of the Framework. In any case, like the identified settlement boundary, it is not definitive. I have undertaken an assessment on the ground and found that the appeal site should be regarded as not in a village for the purposes of Paragraph 154 of the Framework.
15. The appeal site currently forms part of the garden space serving Tudor Lodge and the proposed detached dwelling would sit between Tudor Lodge and the neighbouring property, Little Cheddon. Although not visible from Clandon Road to the rear of the appeal site is another property, Hastingleigh. Nonetheless, whether or not the proposal would be considered limited infilling, it is not within a village and would therefore not constitute exception (e) of Paragraph 154 of the Framework.

16. The appellant also refers to the appeal site as comprising previously developed land. Paragraph 154 of the Framework identifies limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) also as an exception to new buildings being inappropriate in the Green Belt. However, this is subject to it not having a greater impact on the openness of the Green Belt than the existing development. I consider openness below.

Openness

17. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
18. Despite containing a few relatively large outbuildings, a swimming pool and a brick wall, the garden space comprising the appeal site is relatively open and mostly laid to lawn with some trees and plants.
19. The proposed two-storey dwelling is large and would unavoidably take up space on a part of the appeal site where there is currently limited built form. Thus, it would have a greater impact on the spatial openness of the Green Belt than the existing garden and would result in significant harm in this regard.
20. The appeal site is relatively well contained and mostly screened by trees and hedges along the boundaries, except for its boundary with Tudor Lodge, which would be fenced as part of the proposal. However, there is a noticeable gap in the treed boundary fronting Clandon Road, which allows views into the appeal site. This is where the proposal would be accessed, and to provide sufficient visibility zones, it is likely that this gap would remain, as would views into the site from Clandon Road. This is shown to be the case on the proposed street scene Drawing No: P006. Furthermore, there would also be partial views of the proposed dwelling from the adjacent properties, Little Cheddon and Hastingleigh. By introducing built form into this visible gap, the proposal would have a greater impact on the visual openness of the Green Belt than the existing garden, and would result in some harm in this regard, albeit the visual harm would be relatively localised.
21. For the reasons above, the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing garden. It would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework. Given this, whether or not the appeal site comprises previously developed land, it would not constitute exception (g) of Paragraph 154 of the Framework.
22. Accordingly, the proposal would be inappropriate development in the Green Belt, which, by definition, is harmful to the Green Belt.
23. In addition, the appeal site is located within a green gap, identified in the West Clandon Neighbourhood Development Plan 2020-2034 (NDP). The green gap seeks to preserve the separate identity of West Clandon and maintain its rural setting. I have found the proposal would be an inappropriate form of development in the Green Belt. The proposed dwelling would fill the existing gap between Tudor Lodge and Little Cheddon, increasing the density of the linear development along this section of the A247. This would result in the cumulative erosion of the separation between West Clandon and Burntcommon. The proposal would therefore conflict with Policy 4 of the NDP.

Other Considerations

24. The Council also refused permission on the basis that the proposal would result in adverse effects to the integrity of the TBHSPA.
25. There is no dispute between the parties that financial contributions would be required to mitigate impacts on the TBHSPA resulting from the proposal. As part of the appeal, I have a signed and certified UU before me to secure the required financial contributions. Nonetheless, given I am dismissing the appeal due to the resulting harm to the Green Belt, no pathways to significant likely effects on the TBHSPA would arise from my decision. I therefore do not need to consider this issue further.
26. In terms of benefits, the proposal would deliver a dwelling within walking distance of local services and facilities, which would contribute to the Borough's housing supply. Nevertheless, the Council have a five year supply of deliverable housing sites and, given the proposal is for a single dwelling, its contribution would be limited. It would also have modest social and economic benefits resulting from its construction and subsequent occupation, as future occupants would be likely to contribute to the viability of local services and facilities.

Green Belt Balance and Conclusion

27. The Framework indicates that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
28. I have found that the proposed dwelling would be an inappropriate form of development in the Green Belt and would not preserve its openness. Paragraph 153 of the Framework states that any harm to the Green Belt should be given substantial weight.
29. The other considerations that I have identified are of modest weight in favour of the proposal. Thus, they would not clearly outweigh the harm identified and, on account of this, the very special circumstances necessary to justify the proposal have not been demonstrated. The proposal would therefore conflict with Policy P2 of the 2019 Local Plan and the associated provisions of the Framework.
30. For the reasons above, the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR