



Appeal Decision

Site visit made on 17 January 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/Y3615/W/23/3317323

Land to the West of North Wyke Farm, Guildford Road, Normandy, Guildford, GU3 2AN

- 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 A Cash against the decision of Guildford Borough Council.
 - The application Ref 22/P/01107, dated 24 June 2022, was refused by notice dated 28 September 2022.
 - The development proposed is the demolition of the existing stables and outbuildings and the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents now include a draft Section 106 Unilateral Undertaking (UU) planning obligation submitted on behalf of the appellant.
3. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issues in this appeal but find that the changes are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issues

4. The main issues are:
 - Whether the proposal involves 'inappropriate development' in the Green Belt;
 - Whether the redevelopment would have a greater impact on the openness of the Green Belt; and
 - The effect on the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Background

5. The appeal site comprises an open field said to be about 0.7ha in extent which lies to the west of the settlement of Normandy and in the Green Belt. The site includes a small timber loose box and minor sheds sited near the road frontage

and a larger shed constructed in corrugated metal sheeting at the southern end of the site. It is proposed to demolish the stables and erect a small dwelling.

6. I note that planning permission was refused in 2021 and 2022 for the erection of a dwelling on the site. I also note that the Council approved an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD)¹ for equestrian use of the land which had begun more than 10 years before the application. The plan accompanying the CLEUD shows the same extent of site as the current appeal.

Whether inappropriate development

7. The Framework indicates in paragraph 154 (previously 149) that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless a proposal falls within one of the listed exceptions. The relevant one in this case is (g), summarised as, redevelopment of previously developed land) (PDL) (referred to by the appellant as brown field land) which would not have a greater impact on the openness of the Green Belt. Local Plan Policy P2 contains similar provisions.
8. The Glossary set out in Annex 2 to the Framework defines PDL as land occupied by a permanent structure and lists a number of uses and forms of development that are excluded from the definition. These exclusions do not include land use for equestrian purposes.
9. Therefore the partial or complete redevelopment of this equestrian site which contains a permanent building, with new development may not be inappropriate development depending on the effect on openness compared to the existing development.

The effect on openness

10. In assessing the effects on openness this is recognised as having both visual and spatial dimensions. The application includes plans of the existing stable building and the proposed single bedroom bungalow. The Council describes the stable as having a floor area of about 40sqm however the accuracy of the plans in showing the existing stable building is queried.
11. At the visit I noted that the stable has a very shallow pitch roof with the apex off centre. This is materially different to the submitted plan which shows a symmetrical roof slope of a moderate pitch and central ridge, which is higher than the existing one. The other sheds have a ramshackle and temporary appearance. No details of the corrugated structure at the southern end of the appeal site have been submitted. From my observations at the site visit this structure lacks the degree of permanence needed and is too remote from the siting of the proposed dwelling to be taken account of in the assessment of openness.
12. Compared with the size and bulk of the existing stable building the proposed dwelling would have a materially greater physical and visual impact on the openness of the Green Belt. In particular the increase in roof height would more readily be seen from Guildford Road above the existing roadside hedge and screened entrance gate. I also agree with the Council that compared with the present low key equestrian use and simple stable building the residential

¹ Under ref. 20/P/01895

use proposed would be likely to include domestic paraphernalia and vehicles which would add to the spread and bulk of development.

13. Overall I find that the proposed redevelopment would have a materially greater impact on the openness of the Green Belt in both visual and spatial terms and it would not accord with part (g) of paragraph 154 of the Framework. As such the proposal amounts to inappropriate development. It would also conflict with the provisions of Local Plan Policy P2.

Effect on TBHSPA

14. The Council advises that the appeal site lies within the 5km buffer zone of the designated TBHSPA. This habitat supports various species of ground nesting birds although there has been a decline in their numbers over recent years. Recreational pressures, particularly from dog walking, arising from new development have been found to add to the disturbance of wildlife. The Council advises that the proposal for an additional residential unit, either alone or in combination with other plans and projects, has the potential to have a significant adverse effect on the integrity of the recognised habitat.
15. The Council goes on to advise that the TBHSPA Avoidance Strategy provides a framework where an applicant can provide a financial contribution to the provision of Sustainable Alternative Natural Green Space (SANGS) within the borough along with Strategic Access Management and Monitoring (SAMM) to mitigate the impact of the development.
16. However, in this case the draft UU as submitted deals with matters associated with the provision of affordable housing rather than the mitigation of the effects on the SPA habitat. This impact therefore remains unresolved.

Planning and Green Belt balance

17. On the main issues the proposal constitutes inappropriate development in the Green Belt as the dwelling proposed as redevelopment of the equestrian site would have a greater and harmful effect on the openness of the Green Belt in both visual and spatial terms. Substantial weight has to be given to this harm. The proposed additional residential dwelling would also add to the recreational pressures harming the TBHSPA and it has not been demonstrated that this harm will be mitigated in accordance with the Council's avoidance strategy.
18. These adverse effects have to be balanced with other considerations, including the benefit of re-using a brown field site, but none outweigh the identified harm or the conflict with national and local policy. Therefore, very special circumstances concerning the Green Belt do not arise in this case. This means that the appeal should not be allowed.

Conclusion

19. For the reasons give above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR