



Appeal Decision

Inquiry held on 22–25 and 29 October 2024

Site visit made on 22 October 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th November 2024

Appeal Ref: APP/Y3615/W/24/3346337

116 Oak Hill, Wood Street Village, Surrey GU3 3ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Emily Corfield of Bewley Homes against the decision of Guildford Borough Council.
 - The application Ref is 22/P/01371.
 - The development proposed is the erection of 50 residential dwellings and parish office and hall, including vehicular and pedestrian access, landscaping, car parking, play area, and community open space with youth and adult play.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a draft National Planning Policy Framework (NPPF) on 30 July 2024. Consultation has now closed, and the intention is for a new NPPF to be issued by the end of the year. As such, the parties agree that limited weight should be given to the consultation draft.
3. Following discussions between the main parties at the appeal stage regarding the provision of open space and biodiversity net gain, small changes were made to the landscaping elements of the proposal. This necessitated the submission of amended landscaping plans, but I am satisfied that the changes are minor and would not cause unfairness to any interested party. Therefore, I have accepted the amended plans.
4. A completed and executed Section 106 (S106) agreement dated 12 November 2024 was submitted after the Inquiry closed. This agreement is referenced below.

Main Issues

5. The original application was refused for three reasons. By the time of the Inquiry, the appellant and the Council agreed that matters relating to the Thames Basin Heaths Special Protection Area (SPA) and infrastructure provision could be addressed by condition and the S106 agreement. Therefore, the main issues are as follows:
 - (a) the effect of the proposal on the openness and purposes of the Green Belt;
 - (b) whether the Council can demonstrate a 5 year housing land supply; and

- (c) 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

(a) Green Belt

Policy overview and site context

6. NPPF paragraph 142 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Policy P2 of the Guildford Borough Local Plan Strategy and Sites 2015–2034 (LPSS) is consistent with the NPPF and clarifies that new buildings in the Green Belt will constitute inappropriate development unless an exception applies as set out in the policy and/or the NPPF.
8. The appeal site is known as Hester’s Yard and is located on the north side of Oak Hill in Wood Street Village. Prior to the adoption of the LPSS in 2019, the settlement was washed over by the Metropolitan Green Belt. Part of the settlement is now inset from the Green Belt to the north and south of Oak Hill.
9. The southern part of the site is long and narrow and located within the settlement inset and outside the Green Belt. This part contains several buildings, including a transport maintenance workshop and outbuilding positioned in front of the site entrance, garages and a long run of single-storey workshop buildings along the western boundary, and two detached two-storey residential properties along the eastern boundary. There is a large area of hardstanding between these buildings currently used to park vehicles and store materials associated with the existing businesses. Residential properties and Graylands Farm bound the southern part of the site on both sides.
10. The larger and broadly rectangular northern part of the site is beyond the inset boundary and so lies within the Green Belt. The hardstanding to the south initially continues into this part of the site with a large expanse located in front and to the side and rear of a barn and yard used in connection with a turf and soil supplier (Spooners Turf). The hardstanding then narrows into a driveway north past two residential bungalows before turning west into a yard used until recently by a tree surgeon business (Dryads). The yard contains two buildings as well as hardstanding that extends northwards.
11. The northern part of the site also includes a paddock to the south of Dryads and west of the bungalows, and a field to the east of the bungalows and Spooners Turf. The remaining areas within this part of the site contain agricultural and abandoned machinery, along with spoil and aggregate in three locations: to the south of the paddock, to the immediate east of Spooners Turf, and to the east of Dryads. The latter location is particularly large and raised, with some evidence of fly tipping. Various storage containers are situated around this part of the site. There is an area of woodland immediately to the north of the site and fields to the east and west.
12. Having regard to the NPPF glossary, the buildings and hardstanding associated with Spooners Turf, Dryads, and the two bungalows comprise previously

developed land (PDL) in the Green Belt. The non-Green Belt part of the site is also PDL. The appellant and the Council agree that the proposal would not be located wholly within the PDL in the Green Belt part of the site. Thus, it is agreed that the proposal would not fall within the exception set out at NPPF paragraph 154(g) regarding the partial or complete redevelopment of PDL or any other exception in the NPPF or LPSS Policy P2. Consequentially, the proposal would represent inappropriate development in the Green Belt.

Openness

13. Notwithstanding the parties' agreement on inappropriate development, it remains necessary to consider the effect of the proposal on Green Belt openness and purposes. There is no dispute between the parties that this should focus on the Green Belt part of the site only, or that openness can have spatial and visual elements.
14. Spatially, there would be more built development in the Green Belt than existing. There are 8 substantive structures presently, with around 30 houses and garages plus the parish council building proposed. The volume of these proposed buildings would be more than 15,100m³ compared to an existing volume of just over 2,600m³, which is an increase of around 478%. The expanse of existing hardstanding at Spooners Turf and Dryads would be broken up, but there would be buildings in both locations and across the paddock, along with the access road and car parking. Housing would extend further north and east of the current bungalows and the yard at Spooners Turf. Building heights would also be greater than existing, with the houses around 8–9.5m tall compared to existing heights of 5–6.5m maximum.
15. There would be a reduction in built development and hardstanding in the northern half of the Dryads yard. There is some dispute between the parties as to whether the hardstanding at Dryads extends up to the woodland. Based on my site visit, any fixed surface structure in the northernmost part of the yard has been largely subsumed by soil and vegetation making it harder to detect. In any case, the absence of physical development up to the woodland would not offset the increase in new buildings and hardstanding across the paddock.
16. The field to the east of the bungalows and Spooners Turf would be left undeveloped and would form part of the development's open space and biodiversity provision. This would have a neutral effect on the spatial openness of the Green Belt. The large area of spoil, aggregate and machinery to the east of Dryads would be converted into open space and biodiversity areas which would lessen the negative spatial effects on openness. However, there would be a LEAP¹ here with outdoor gym equipment and youth apparatus that would have a degree of influence on spatial openness.
17. Over 50% of the Green Belt part of the site would be open space and biodiversity areas with the proposed development in place. The percentage uplift in built volume would be even greater if the site was entirely greenfield. However, there would still be a notable increase in the quantum, size and spread of built development within this part of the site, which would have a substantial and long-term adverse effect on openness in spatial terms.

¹ Local Equipped Area for Play

18. Visually, the Green Belt part of the site is well-contained by the woodland to the north and mature boundary vegetation to the east and west. There is no public right of way through or next to the site. There are public footpaths to the north of Oak Hill that provide a wide loop around the site. However, intervening vegetation and topography restricts any views of the site. The appellant's photomontages demonstrate that any new built form would not be visible from these footpaths.
19. Public views from within the settlement are limited to the site entrance on Oak Hill, which is currently dominated by the transport maintenance building. Although there are glimpses of the woodland behind, there is little appreciation of the Green Belt from this viewpoint. The removal of the maintenance building and the creation of the access road would allow views further into the site than at present, but the view would still be dominated by built form in terms of new housing, with little change to any appreciation of the Green Belt. Nevertheless, the extent of public view is not necessarily determinative when assessing visual effects on Green Belt openness.
20. Private views from adjoining properties would be limited due to boundary treatment and level changes, including from Graylands Farm. Access to the Green Belt part of the site is currently limited to staff and customers of the businesses at Spooners Turf and Dryads, and the residents and visitors of the two bungalows, plus any maintenance of the paddock and field. Dryads has relocated but the yard could be re-let, while the currently vacant bungalow could be re-occupied.
21. However, even with relatively low numbers of people, there would still be a marked change in the visual appearance of the site. The paddock provides a significant area of open space when travelling between Spooners Turf and Dryads that would no longer be open. This would not be offset by the absence of built development in the northern part of the Dryads yard or any improvements to the landscaping of the despoiled land to the east of Dryads. The existing ramshackle and informal layout of buildings would become more formalised and suburban with the development in place, with many more buildings perceived than currently. That few people would be able to appreciate this change does not undermine the reality that the Green Belt part of the site would appear less open than it does now. Thus, there would be a significant and long-term adverse effect on openness in visual terms.
22. The Planning Practice Guidance² (PPG) notes that an assessment of openness effects can include the degree of activity likely to be generated, such as traffic. The appellant's traffic survey data and trip rate calculations indicate a similar number of overall vehicle movements between the existing site and the proposed housing, with a notable decrease in the number of heavy goods vehicles accessing the site. However, the appellant's assessment does not distinguish between the Green Belt and non-Green Belt parts of the site.
23. With around 30 houses located in the Green Belt part of the site, there would likely be more traffic movement in this part of the site as well as more general activity compared to the two existing yards and the two bungalows. The parish building would generate vehicle movement and activity too, even if some users could walk or cycle to the building from the rest of the village. Therefore, even though there would be public access into the undeveloped

² Reference ID: 64-001-20190722

Green Belt part of the site, the additional vehicle movements and general domestic activity would reinforce the negative visual effect on openness.

Purposes

24. NPPF paragraph 143 sets out five Green Belt purposes including (c) to assist in safeguarding the countryside from encroachment and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The parties concur that the remaining three purposes are not relevant here.
25. The Green Belt inset boundary for Wood Street Village is not a settlement boundary and is not decisive in denoting where the countryside begins. The Spooners Turf building, yard and hardstanding is a continuation of the business space found in the non-Green Belt part of the site. Thus, it feels part of the settlement. While the two bungalows are rather detached from any other housing, they adjoin Spooners Turf and so could also be described as within the settlement albeit on its periphery. However, continuing along past the paddock and into the yard at Dryads, the settlement is increasingly distant. The paddock and the field, along with the despoiled land to the east of Dryads, and the mature boundary vegetation and woodland, all give the impression that one is moving into the countryside. The fact that the adjoining fields cannot be seen does not diminish this sense of rurality.
26. Development within the existing footprint of Spooners Turf (including the hardstanding to the front and rear) and the bungalows would not represent countryside encroachment. However, as noted above, housing would extend further to the north and east of these areas. It would also extend across the paddock. Development within the footprint of Dryads would be restricted to the southern part of that yard, but there would be an overall countryside encroachment within the Green Belt part of the site. The effect would be limited by the site's contained nature, but there would still be moderate conflict with purpose (c).
27. Given the non-urban location, the proposal would not assist in urban regeneration by recycling derelict or other urban land. However, there would be redevelopment of land within the settlement, while there is no evidence that the proposal would prevent the regeneration of urban sites elsewhere. Thus, there would be very little conflict with purpose (e).

Green Belt conclusion

28. In addition to its inappropriateness, the proposal would result in substantial harm to the spatial openness of the Green Belt, significant harm to its visual openness, and cause moderate conflict with Green Belt purpose (c). Until the appeal was underway, the appellant believed they had designed a proposal that was not inappropriate development in the Green Belt due to their interpretation of the exception test in NPPF paragraph 154(g). Although more built development in the Green Belt than existing is not automatically prohibited, this lack of recognition from the appellant indicates a scheme that did not properly consider the effects on Green Belt openness and purposes at the start. This reinforces the weight against the proposal in Green Belt terms. In accordance with NPPF paragraph 153, substantial weight should be afforded to any harm to the Green Belt. This will be weighed in the planning balance in due course to determine whether the proposal complies with the Green Belt provisions in the NPPF and LPSS Policy P2.

(b) Housing land supply

Overview and the approach to housing requirement

29. At the end of the Inquiry, the Council contended that it could demonstrate a 5 year housing land supply of 6.38 years, a surplus of 824 homes. In contrast, the appellant contended that the supply stands at 4.22 years, a shortfall of 582 homes. The difference between the parties relates to the deliverability of specific sites, but also the overall housing requirement.
30. The parties agree that the base date for assessing whether the Council can demonstrate a 5 year housing land supply is 1 April 2024, with an end date of 31 March 2029. However, they disagree on whether the LPSS housing requirement of 562 dwellings per annum (dpa) should be used, or the local housing need (LHN) calculated via the standard method which requires 743dpa. The Council favours the former, which would mean an annual requirement of 598dpa once deficits have been factored in. The appellant favours the LHN approach, which needs no adjustment for deficits.
31. NPPF paragraph 77 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing³. The paragraph goes on to say that the 5 year supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the LHN where the strategic policies are more than 5 years old (unless, as footnote 42 states, these policies have been reviewed and found not to require updating).
32. The LPSS reached its fifth anniversary on 25 April 2024, some 24 days after the agreed base date. The Council resolved at a committee meeting on 21 February 2024 that the Local Plan needs updating because, amongst other things, there is significant divergence between the LPSS and LHN derived housing requirement figures. The LPSS requirement as it stands today is out of date. With a replacement Local Plan only at the very early stages of preparation, it is almost inevitable that the LHN figures will apply from some point next year at the latest.
33. National policy is silent on whether the housing requirement at the base date or at the point of decision making should be used to demonstrate whether a 5 year supply exists. Some local planning authorities when faced with a Local Plan that goes past its fifth anniversary have produced updated housing land supply statements. However, with a base date that predates the fifth anniversary of the LPSS, and national policy that only requires the supply to be updated once a year, it is reasonable to continue using the LPSS requirement. Even though this would result in the LPSS requirement being used up to and potentially beyond its sixth anniversary (assuming the Council does not produce an updated housing land supply statement until summer 2025), there is no clear reason to dismiss the Council's approach.
34. The appellant has submitted 4 appeal decisions⁴ where the Secretary of State (SoS) and Inspectors have assessed the supply against the LHN requirement due to the age of the Local Plan. However, in two of the appeals there was no dispute between the parties on this approach, and in the SoS case the parties' positions are unclear. In the Rushwick decision, the Inspector while applying

³ The minimum of 4 years supply does not apply to this local planning authority.

⁴ APP/Y0435/W/17/3169314, APP/Z3825/W/20/3257700, APP/J1915/W/24/3340497, APP/J1860/W/21/3267054

the LHN requirement, notes that there is no directive in the NPPF to carry out a housing land supply calculation more than once a year. Neither does he clarify what date must be used when demonstrating a 5 year supply. Therefore, none of these decisions support the proposition that the LHN must be used here.

35. Notwithstanding the above, given the unresolved dispute between the parties on the correct housing requirement, and the uncertain national policy position, it would be prudent for me to consider both requirements when concluding on the deliverability of specific sites.

Deliverability of specific sites

36. *Debenhams, Millbrook*. This site has detailed planning permission for 183⁵ apartments across two blocks and involves the redevelopment of the former Debenhams store in Guildford town centre. Demolition works have commenced around three months later than planned but are scheduled for completion by early 2025. There is no detailed construction programme before me and many conditions to discharge. However, there is sufficient time available to start and complete the estimated three-year construction within 5 years from the base date and no clear evidence to the contrary. Therefore, there is a realistic prospect that 183 homes can be delivered and so these units can be included in the 5 year supply.
37. *The Elms Centre, Normandy*. This site has outline planning permission for 28 homes with a reserved matters application submitted in November 2022. Revised plans were expected at the time of this Inquiry that would require further public consultation but could allow for a delegated decision by early 2025. The appellant refers to problems with the land transaction for the prospective developer, although no specific evidence has been provided. As a relatively small site where progress is being made to secure full planning permission, there is a realistic prospect that it could deliver completions within the 5 year period. Thus, the 28 units can be included within the supply.
38. *Land to the west of West Horsley*. This disputed site concerns 7 self-build plots that have outline planning permission within a larger and undisputed site that has detailed planning permission for 132 dwellings. The only remaining reserved matters relate to the detailed design of each self-build dwelling. The required 18-month marketing period for the 7 plots ends in early 2025 with provisions in the legal agreement for the Council to purchase the plots before they revert to the developer. By mid-2025, progress could be underway to securing the remaining reserved matters and constructing the dwellings. Therefore, there is a realistic prospect that this site can be completed within the 5 year period and so the 7 units can be included within the supply.
39. *Land to rear of Chicane and Quintons*. This site is very similar to the previous one and involves 5 self-build plots with outline permission as part of a larger scheme with full permission. The only matters left to be approved relate to detailed design, with a marketing period ending in early 2025 and the same cascade mechanism in the legal agreement. For the same reasons as above, there is a realistic prospect that this site can be completed with the 5 year period and so the 5 units can be included within the supply.

⁵ A non-material amendment to the permission has resulted in the number of homes decreasing from 185 to 183.

40. *Weyside Urban Village*. Outline planning permission exists for 1,550 homes across a very large site on the edge of Guildford town centre. The disputed site relates to the Phase 3 development of 187 homes with a reserved matters application submitted in May 2024. Publicity material refers to planning approval by April 2024, starting on site in August 2026, and completing development by August 2029, but this has evidently slipped. At the Inquiry, the Council accepted the removal of 100 homes from the 187 total due to the programme slippage of around one year but maintained that 87 homes were still deliverable in the fifth year of the 5 year period.
41. Preparatory works are underway on the overall site and applications have been made to discharge pre-commencement conditions from the outline permission. The reserved matters application is due to go to committee in November 2024. The Council has reduced the developer's July 2024 trajectory of delivery across the 5 year period from 379 homes to 168 (including 81 homes with full planning permission). If Phase 3 receives full permission by early 2025, then there would still be four years to complete site preparations, discharge conditions, and start the completion of new dwellings. Therefore, there is a realistic prospect that this site can deliver 87 homes within the 5 year period and so these units can be included within the supply.
42. *Land at Garlick's Arch*. The disputed site has outline planning permission for 300 homes and the Council believes 25 units can be delivered by the end of the 5 year period. A reserved matters application is due to be determined under delegated powers by the end of the current financial year. The site's delivery is dependent on the completion of works to the M25/A3 roundabout junction which have been subject to some delays to the summer 2025 end date. However, there remains a realistic prospect that this could be achieved and the first 25 units from this site could be completed within the 5 year period. Thus, these units can be included within the supply.
43. *Former Wisley Airfield*. This is a very large site with outline planning permission for up to 1,730 homes and full planning permission for enabling works including road access granted at appeal in May 2024. The decision is subject to a legal challenge from Rule 6 parties, but the judge has said that the grounds are not arguable. The claimants have requested an oral hearing and so it remains unclear whether the challenge will be able to proceed to a full hearing. In the meantime, the decision remains valid.
44. The Council states that 18 months should be allowed for submitting and determining reserved matter applications, 12 months for site preparatory works, and two and a half years for the delivery of housing. This is 5 years in total, but no reserved matters application for housing has yet been submitted. While work is progressing on discharging conditions and delivering infrastructure, there is no clear evidence or realistic prospect that 260 units can be delivered within the 5 year period. Therefore, this figure should be removed from the supply.
45. *Land north of West Horsley*. This site concerns an LPSS allocation where there is a detailed planning application for 86 homes currently being considered by the Council. The proposal requires amendments due to Environment Agency (EA) objections and the Council forecasts that only 55 homes are deliverable by 31 March 2029. Revisions would likely require further public consultation, but the EA objections, based on its letter, can plausibly be overcome.

Therefore, there is a realistic prospect that the site can deliver 55 homes in the 5 year period and so these units can be included within the supply.

46. *Land west of Winds Ridge and Send Hill.* This site is also an LPSS allocation where there is a detailed planning application for 10 dwellings currently under consideration. Concerns have been raised by the Surrey Wildlife Trust with further survey work needed that might not be possible until summer 2025. Delivery is currently forecast in 2026/27, but even allowing for some delay for the survey work and assuming no fundamental objections, there is a realistic prospect that the site can deliver 10 homes in the 5 year period. Thus, these units can be included within the supply.
47. *Large Windfalls and Rural Exception Sites.* The Council defines large windfall sites as 5–24 units, while rural exceptions sites are also a form of windfall. NPPF paragraph 72 requires compelling evidence that windfall sites will provide a reliable source of supply. For both these types of windfall sites, the Council looks at past delivery rates to predict delivery over the 5 year period. In addition, there is analysis of future trends is contained within the Land Availability Assessment (LAA) 2024. It does not seem unreasonable to forecast future delivery based on that analysis and historic data or to discount delivery in earlier years to avoid double counting. The appeal decisions⁶ cited by the appellant contain conclusions locally specific to that planning authority and so do not dictate the approach to be followed here.
48. Therefore, I am satisfied that compelling evidence has been demonstrated. There is a reasonable prospect that 97 units from large windfalls and 18 units from rural exception sites can be delivered in the 5 year period, and so these units can be included within the supply.

Housing land supply conclusion

49. Apart from Wisley Airfield, I have found that all the disputed housing sites and numbers are deliverable within the 5 year period. Removing 260 units from the Council's supply based on the LPSS requirement would reduce the surplus to 564 homes and result in a housing land supply of 5.94 years⁷. Based on the LHN requirement, there would be a shortfall of 163 homes and a housing land supply of 4.74 years⁸.
50. For the purposes of this decision only, I will consider the scenario that the Council cannot demonstrate a 5 year housing land supply. I will consider both a supply of 4.74 years and the worst case scenario of 4.22 years put forward by the appellant. This should not be regarded as an endorsement of either position or that the Council cannot demonstrate a 5 year supply. It is simply intended to assist with the weight to be afforded to the proposal and the provision of 46 (net) dwellings.

(c) Other considerations

Housing provision

51. NPPF paragraph 60 seeks to significantly boost the supply of housing. The Written Ministerial Statement of 30 July 2024 highlights an acute housing

⁶ APP/L3815/W/22/3295000 and APP/L3815/W/22/3295004

⁷ Supply of 3,552 homes divided by 5 year requirement of 2,988 homes multiplied by 5 = 5.94 years

⁸ Supply of 3,552 homes divided by 5 year requirement of 3,715 homes multiplied by 5 = 4.74 years

crisis in terms of the ability to own or rent a safe and secure home and strives to build 1.5 million homes over the next 5 years. The Council accepts that the strategic policies in the Local Plan need updating not least due to the LHN housing requirement of 743dpa based on the current standard method. This could increase to 1,102dpa based on proposed revisions to the standard method which would remove the significant headroom in the LPSS, although these revisions have been subject to public consultation and no changes have yet been confirmed. It is also evident that less housing has tended to be delivered than the Council forecasts to be deliverable in recent 5 year periods, although the average margin of error (18%) is not particularly significant and the most recent Housing Delivery Test result for the borough stands at 171%.

52. Based on the above context, the provision of housing represents an obvious benefit of this proposal. It would contribute towards local supply which would be particularly useful in the scenario where no 5 year supply can be demonstrated. However, the shortfall based on my supply findings and the LHN requirement is minor at just 163 homes or 0.26 years. Even based on the appellant's position on supply, the shortfall would not be significant at only 582 homes or 0.78 years. The rate of housing delivery is far from poor. Furthermore, the proposal would only deliver a net gain of 46 dwellings, which is not a considerable number. Therefore, even on the appellant's worst case scenario of a 4.22 year housing land supply, I afford no more than significant weight to the provision of housing.

Affordable housing

53. The proposal would deliver 44% affordable housing equivalent to 22 dwellings, secured by the S106 agreement. There is a shortfall of 3,489 affordable homes across the borough since the start of the plan period in 2015 with a shortfall each year of over 400 homes against an identified need of 517dpa. The evidence reveals there is an acute need for affordable housing and so I afford substantial weight to the provision of such housing here.

Parish Council building

54. The proposal includes a new building for use by Worplesdon Parish Council (WPC) who currently lease office accommodation on a business park outside the parish. While there are community and meeting room facilities within the parish, including the nearby hall at St Alban's Church, WPC has been looking for office and workshop space for 25 years. The proposed building would be used for council meetings as well as office and storage space for staff, along with a workspace hub that could be let to small businesses. The intention is also to provide community facilities such as a library, a warm hub, and free broadband. WPC currently spend £27,000 per annum for their office space and nearly £1,000 on equipment storage, whereas they would be offered the freehold of the new building for £1 as set out in the S106 agreement.
55. At the Inquiry, the WPC representative clarified that their current lease does not expire until the end of 2028 and the landlord is open to an extension beyond that date. This does not indicate an immediate need to find new accommodation. Nevertheless, the building would provide community benefits including financial gains that could be reinvested locally. Therefore, I afford significant weight to the provision of a parish council building.

Open space provision

56. The proposal would provide a LEAP and a greater amount of amenity space than is required by the development plan, secured by the S106 agreement. Although there is no deficit locally, this would benefit more than just new residents and so can be afforded moderate weight.

Ecological matters

57. The proposal would result in biodiversity net gain of approximately 45% for habitats and 10% for hedgerows. The latter is no more than the minimum legislative requirement, but the former is four times greater than this requirement and double the development plan requirement. Overall, this benefit can be afforded significant weight.

Use of previously developed land (PDL)

58. It is not disputed that the proposal would reuse PDL on both sides of the Green Belt boundary and would remove abandoned aggregate, spoil and machinery from within the Green Belt. This represents a benefit that should be weighed in favour of the proposal, but the parties disagree on how much weight it should be afforded based on the terms of NPPF policy in Section 11 on making effective use of land.
59. NPPF paragraph 123 promotes the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of PDL except where, as set out in footnote 49, this would conflict with other NPPF policies.
60. The proposal represents inappropriate development in the Green Belt because it would use more than just PDL within the Green Belt and so fail to meet the exception set out in NPPF paragraph 154(g). This conflict would appear to mean that no weight should be given to NPPF paragraph 123 in support of this proposal particularly if very special circumstances do not exist.
61. On the other hand, NPPF paragraph 124(c) states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. There is no specific footnote exception for this paragraph.
62. Most of the site's PDL lies within the settlement, including Spooners Turf and the two bungalows in the Green Belt. There is no definition of the term 'suitable brownfield land' in the NPPF and no explicit link to the Green Belt section of the NPPF. Apart from forming a large part of a proposal that represents inappropriate development (due to the use of more than just PDL in the Green Belt), there is no indication that the use of the site's PDL is unsuitable for any other planning reason.
63. Thus, substantial weight can be afforded to the use of PDL within the settlement in the non-Green Belt part of the site, significant weight to the use of PDL within the settlement in the Green Belt part of the site, and little weight to the reuse of PDL elsewhere in the site. Balancing out the above NPPF

paragraphs, and having regard to recent case law⁹, I conclude that the overall reuse of PDL can be afforded significant weight in this instance. Significant support and weight can also be given to the remediation of land within the site.

Landscape and access enhancements

64. Connected to the previous consideration, the proposal would improve the appearance, quality, and condition of the site through the removal of unsightly features and the introduction of managed open space and landscaping. While the Landscape and Visual Impact Assessment only refers to a minor beneficial effect on the character of the site, NPPF paragraph 150 encourages the beneficial use of Green Belts through access and recreation along with the enhancement of landscapes and biodiversity and the improvement of damaged land. Therefore, I afford this benefit significant weight.

Economic matters

65. There would be the usual economic benefits associated with the construction phase of the development and the longer term spend in the local economy, and new residents would help to support existing services. However, any revenue generated from Council Tax or the New Homes Bonus is unlikely to be spent directly on this proposal. There would also be some benefits to local businesses using the workspace hub in the parish council building. Overall, moderate weight should be afforded to the proposal's economic benefits.

Drainage scheme

66. The provision of a surface water drainage scheme would be a standard requirement for any new residential development. There is scope for such a scheme to address potential groundwater contamination on site, and so this is a benefit that can be afforded some limited weight.

Alternative schemes

67. The Council has not ruled out some development of this site. The LAA 2024 identifies the non-Green Belt part of the site as suitable for 12 houses, while the whole site has previously been identified in the LAA 2020 as suitable for 22 houses (in years 6-10 in both cases). Some development within the Green Belt part of the site is feasible, subject to the reuse of PDL and the effect on openness. However, there is no alternative scheme before me and little indication that the above benefits could all be achieved through a reduced proposal. There is also no viability case being argued by the appellant that the quantum of proposed development is necessary. Therefore, the possibility of an alternative scheme does not affect the weight I have attributed to the proposal's harms and benefits.
68. It is apparent that the site trustees are unable to invest in improvements to the existing buildings and that there is a need to redevelop the land. Given the legal obligations on the trustees to fulfil the value of their assets as soon as possible, it seems unlikely that the site will be left in its existing state for very long. Therefore, I give very little weight to the argument that the proposal is the only opportunity for the site's long-term future.

⁹ *Vistry Homes v SSLUHC* [2024] EWHC 2088 (Admin)

Planning balance

69. NPPF paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 153 advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
70. There are several other considerations to weigh in the balance, including substantial weight to the provision of affordable housing and significant weight to the provision of housing overall, the provision of a parish council building, the use of PDL, the remediation of land, and ecological, landscape and access enhancements. However, the proposal would represent inappropriate development in the Green Belt and result in substantial harm to the openness of the Green Belt in spatial terms, significant harm to the openness of the Green Belt in visual terms, and moderate conflict with one of the Green Belt purposes due to the amount, size, spread and character of the proposed development. This is afforded substantial weight against the proposal.
71. In conclusion, the range of benefits, while substantial and significant, would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. Thus, the proposal would not accord with LPSS Policy P2 or NPPF paragraphs 152 or 153.
72. The inability to demonstrate a 5 year housing land supply would trigger NPPF paragraph 11(d) where the most important policies for determining an application are deemed to be out of date. However, the application of Green Belt policies in the NPPF provides a clear reason for refusing the proposal and so the presumption in favour of sustainable development does not apply here.

Other matters

73. The site is within the Thames Basin Heath SPA buffer zone. The SPA is designated for its population of heathland bird species. New residential development in the zone has the potential, either alone or in combination with other projects, to have a likely significant effect on the integrity of the SPA through increased dog walking and recreational use. Therefore, it would be necessary to carry out an appropriate assessment (AA) as part of my decision were I minded to allow this appeal. However, given my findings on the main issues and the overall balance, there is no need for me to carry out an AA as there is no prospect of planning permission being granted. Therefore, it is not necessary for me to consider this matter any further.
74. Interested parties have raised concerns about various other matters including the loss of existing employment from this site. However, given my overall conclusion, it is not necessary for me to consider these matters in any detail.

Conclusion

75. For the above reasons, I conclude that this appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Appearances

For the Appellants:

Emma Dring and Jackson Sirica, Counsel, instructed by Neame Sutton on behalf of Bewley Homes Plc.

They called:

David Neame BSc (Hons) MSc MRTPI
Director, Neame Sutton

Clare Brockhurst FLI BSc (Hons) Dip LA
Director, Leyton Place Ltd

Stephen Jenkins BSc MSc MCIHT MRTPI
Partner, i-Transport LLP

Richard Bailey
Solicitor, Gateley Legal

For the Local Planning Authority:

Robert Williams, Counsel, instructed by Guildford Borough Council

He called:

Rebecca Souter BSc (Hons) MSc MRTPI
Principal Planning Officer, Guildford Borough Council

Laura Howard BSc (Hons) MSc MRTPI
Principal Planning Policy Officer, Guildford Borough Council

Michael Elford
Solicitor, Guildford Borough Council

Interested Parties who spoke during the Inquiry

Richard Watson Local resident and representative of existing tenants and residents at Hester's Yard

Gaynor White Clerk, Worplesdon Parish Council

Alex Waugh Wood Street Village Association

Documents submitted during the Inquiry¹⁰

- CD 11.1: Appellant's opening statement
- CD 11.2: Council's opening submissions
- CD 11.3: Statement by Richard Watson
- CD 11.4: Statement by Worplesdon Parish Council
- CD 11.5: Addendum to Planning Statement of Common Ground regarding the Wood Street Village Suitable Alternative Natural Greenspace (SANG) including the appeal decision for the SANG and the approved layout plan and car park
- CD 11.6: Email from the current owners of the Wood Street Village SANG
- CD 11.7: Appeal Decision APP/Z3825/W/20/3257700
- CD 11.8: Appeal Decision APP/Y0435/W/17/3169314 (first decision)
- CD 11.9: Amended plan ref JBA 21-271-01 Rev C
- CD 11.10: Amended plan ref JBA 21-271-02 Rev C
- CD 11.11: Amended plan ref JBA 21-271-03 Rev C
- CD 11.12: Amended plan ref JBA 21-271-04 Rev C
- CD 11.13: Amended plan ref JBA 21-271-05 Rev C
- CD 11.14: Amended plan ref JBA 21-271-06 Rev C
- CD 11.15: Updated Housing Land Supply Statement of Common Ground
- CD 11.16: Updated agreed schedule of suggested conditions
- CD 11.17: Map of key planning policy designations for Wood Street Village
- CD 11.18: Final draft S106 agreement
- CD 11.19: Note on the S106 agreement
- CD 11.20: Council's closing submissions
- CD 11.21: Appellant's closing submissions

Documents submitted after the Inquiry

1. Completed and executed S106 agreement dated 12 November 2024

¹⁰ Using the prefix CD11 (Core Document folder 11)