



Appeal Decision

Site visit made on 4 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/Y3615/W/24/3339851

The Harrow Inn, The Street, Compton, Surrey GU3 1EG

- 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 The Brookmead Trust against the decision of Guildford Borough Council.
 - The application reference is 22/P/01999.
 - The development proposed is change of use of public house, together with extensions and alterations following partial demolition to provide five dwellings with associated amenity space and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of public house, together with extensions and alterations following partial demolition, to provide five dwellings with associated amenity space and car parking, at The Harrow Inn, The Street, Compton, Surrey GU3 1EG in accordance with the terms of the application, Ref 22/P/01999, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement (WMS) entitled "Building the homes we need". I have had regard to these as material considerations, albeit noting the Framework text is in draft and subject to change, which limits the weight to be afforded to it at this stage.

Main Issues

3. The appeal site lies within an area of Green Belt. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the Framework;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. The Government attaches great importance to Green Belts. Paragraphs 154 and 155 of the Framework state that the construction of new buildings within the Green Belt is inappropriate development but it lists certain forms of development which are not regarded as inappropriate. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2015-2034) (April 2019) (the LPSS) confirms that Green Belt policy will be applied in line with the approach of the Framework.
5. The application was originally made principally on the basis that the proposal met with Paragraph 154(e): limited infilling in villages. However, the Council also assessed the proposal against Paragraph 154(c): the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and Paragraph 155(d): the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. The proposal was originally recommended for approval by officers on the basis that each of these exceptions were met, but the application was refused by the Council's Planning Committee on the basis that the 'scale' of the proposal would amount to inappropriate development in the Green Belt. The reason for refusal does not specify which exception to inappropriate development the Council considers relevant, but its evidence at appeal stage refers only to the question of limited infilling.
7. Therefore, I start with Paragraph 154(e) limited infilling in villages as this was the basis on which the application was made. In assessing the proposal, it should be pointed out that it is only necessary for a proposal to meet with one of the listed exceptions so as not to amount to inappropriate development in the Green Belt. As such, I will go on to consider the other exceptions set out above if necessary.

Limited Infilling in a Village

8. The Harrow Inn is a two storey former public house on the main street through Compton. It stands directly next to the highway with an access point to one side leading to a parking area at the rear, as well as access to two cottages. A small area of land exists to the other side of the building, beyond which is Compton Village Hall.
9. Compton is identified as a village under the LPSS and my observations on the ground did not suggest otherwise. Policy P2 sets out definitions of 'limited infilling' which includes development within the identified settlement boundaries of named villages, including Compton. It adds that limited infilling may also be appropriate outside the settlement boundaries where it can be demonstrated that the site should be considered to be within the village.
10. In this case, the public house itself lies within the settlement boundary, but a small part of the rear car parking area extends beyond it. However, there is no physical demarcation between the external areas of the site falling inside and outside of the settlement boundary, and I am satisfied that this small area, contiguous to the rest of the site and closer to the public house than the

cottages behind which are inside the boundary, can be regarded as within the village for the purposes of the Green Belt assessment.

11. The supporting text to the policy at Paragraph 4.3.23 goes on to define limited infilling as: *'development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.'*
12. Two storey extensions are proposed to either side of the existing building, both replacing smaller existing side additions and, on one side, outbuildings. These extensions would contain three of the five proposed dwellings, with the other two within the retained public house. Whilst the proposal would involve extensions of the existing building rather than freestanding new buildings, the extensions would each provide new dwellings, and there is nothing in the policy or guidance put to me that suggests such a form of development could not amount to 'infilling' under Paragraph 154(e). On the contrary, the LPSS definition supports infilling of small gaps within built development.
13. The appeal site forms part of a stretch of linear development to the southern side of The Street. The scale and form of buildings vary, with the larger public house and adjacent village hall flanked by smaller cottages, albeit several are semi-detached and the pairs present cumulatively larger massing to the street. The organic pattern to the built form means gaps between buildings are inconsistent in size, as are forward and rear building lines.
14. The smaller of the two extensions would infill roughly half of the existing gap of around 11 metres between the main side wall of the public house and the side wall of Tyrone Cottage, leaving a retained access point. The extension would not wholly close the gap, but would leave a reduced gap commensurate with other building spacings along the street. In this respect, I consider that this extension would amount to a form of limited infill development.
15. On the opposite side, the extension would span across most of the external space to the side of the site, and would infill most of the gap between the main body of the public house and the village hall, which itself sits close to the boundary on the other side. The scale of the extension would not be disproportionate to the existing space to the side of the public house, and the resulting gap to the village hall, though narrow, would not be inconsistent with other gaps between neighbouring dwellings along the street and would also amount to a form of limited infill.
16. The proposal would introduce three dwellings. There is no guidance before me that restricts the number of dwellings that may qualify as 'limited infilling.' Thus it is a matter of planning judgment. In this case, three dwellings would represent a modest quantum of additional built form in the context of the wider village of Compton that would occupy two modest gaps in the street scene. Therefore, I regard the proposal as limited both in number and scale.
17. For these reasons, I conclude that the proposal would amount to limited infilling in a village. Therefore, the proposal would not amount to inappropriate development in the Green Belt and would not conflict with the relevant provisions of the Framework or Policy P2 of the LPSS.

18. Given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it.
19. As I have found that the proposal does not amount to inappropriate development, it is not necessary to consider whether the proposal meets with other exceptions to inappropriate development in the Green Belt, including those other exceptions referred to above. Nor is there any requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Other Matters

20. The Council did not refuse permission for any other reason. However, I address a number of other considerations below. In doing so, I have had regard to representations made in these matters by interested parties.

Loss of Public House

21. The public house is understood to have ceased trading in July 2019 and is now in a poor state of repair. The application was supported by an Economic Viability Report which concluded that a new owner would incur a substantial loss in the first year, due to the cost of purchase and refurbishment of the building. It is indicated that a marketing exercise commenced in March 2022 but did not draw any offers for use as a public house. The assessment also points to the availability of a suitable alternative public house, The Withies, within 1km of the appeal site.
22. Having regard to the evidence before me, I am satisfied that the proposal has addressed the requirements of Policy ID8 of the Guildford Borough Local Plan: Development Management Policies (March 2023) (the LPDMP) and shown that use of the building as a public house is no longer viable in economic terms.
23. I also note suggestions that the building be put to other uses, such as a local shop. No alternative proposal is before me, and whilst the evidence on viability relates to a public house, a prospective operator of a shop is quite likely to face similarly large costs of site acquisition and refurbishment. In the absence of substantive evidence of the viability of another community use such as a small store, this is not a factor weighing against the proposal.

Residential/Other Uses

24. A number of representations set out that there is not a need for housing in the village or the wider borough, or that the dwellings are not of a sufficient size needed to keep families in the village. I do not have substantive evidence of housing needs before me, but note the proposed mix is acceptable to the Council and would provide two family-sized dwellings of 3+ bedrooms. I am mindful that housing requirements set out in development plans are not an upper limit on development and it is a key objective of the Framework to significantly boost the supply of homes.
25. It is also suggested that the proposal should contain affordable housing. However, there is no policy put to me that requires affordable housing within a scheme of this size.

Heritage, Character and Appearance

26. The public house is a 19th Century building located within the Compton Conservation Area (CCA). The building is locally listed and a non-designated heritage asset (NDHA), noted as having a domestic scale and traditional vernacular character, but with evidence of significant alteration over its years as a public house. Its significance derives from its use of local materials, traditional vernacular detailing, its longstanding role as a focus of community life, as a local landmark and its positive contribution to the wider historic townscape.
27. A number of neighbouring dwellings are formally listed, including Tyrone Cottage and Beech Cottage immediately to the west, both dating from the 17th Century and noted for their rarity, contribution to the wider townscape, use of local materials and retention of significant amount of historic fabric. The Limes, some 80m to the north-west, is an early 19th Century house with similar characteristics contributing to its significance. Other notable buildings contributing positively to the historic townscape include The Old Forge, The Stores and Bakers Cottage and Compton Antiques.
28. The significance of the CCA derives from its historic, linear pattern of development and concentration of historic buildings along street frontages in a range of styles and forms; groups of buildings forming an architecturally cohesive townscape; attractive views along streets and open views of the countryside from the historic core providing a visual connection between the village centre and its landscape setting.
29. The proposal would result in the loss of a publicly accessible building and its community function. However, the use as a public house has been demonstrated to be economically unviable. Against this, the proposal seeks to put the building to productive re-use. I note the support of the Council's conservation officer to the proposed works of retention and restoration of internal historic fabric, removal of less significant features and continuation of the existing cell arrangement of spaces internally. From the evidence before me, these proposed works would be positive aspects of the proposal.
30. Externally, the proposed extensions would each be recessed significantly from the main front elevation, allowing the original building to remain legible and retain its prominence within the streetscene. In addition, the recessed positions of the extensions would fit with the staggered building lines to this side of the street. Both additions would also reflect vernacular design and materials, including gables, gable dormers, tile hanging, chimney stacks and arched headed windows. In these respects, the extensions would complement the existing building and the wider historic townscape.
31. I note criticism of the extensions matching the overall height of the main building, and thus not appearing 'subservient' to it. However, from my observations, the significant depth of recess to each extension, together with the narrower widths of their frontage compared to that of the main building, would ensure that they would not appear as dominant additions and would not overwhelm the surviving building or detract from its place in the streetscene.
32. The overall width of the building would not be excessive compared to the footprints of the listed cottages and village hall to either side. Though extending closer to the listed Tyrone Cottage, the extension would integrate

into the organic layout and varied built form along The Street. In this respect, the proposal would preserve the village townscape setting of the adjacent listed buildings. Moreover, the complementary form and design of the extensions means the overall development would integrate positively with the wider historic townscape of the CCA, and so would preserve its significance.

33. The Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The NDHA in this case, the existing public house, is considered to be of medium significance given its historic civic and community role. The loss of this role would be a harm, but one of limited scale given its closure for several years and the unviability of its re-use as a public house. This loss would also be outweighed by the benefits of restoring the building to a compatible new use, retaining and refurbishing internal features of value, removal of less significant additions and integrating with the existing townscape. Overall, therefore, I find no material harm to the significance of the NDHA.

Impact of National Landscape¹ and Area of Great Landscape Value (AGLV)

34. The site is located within the Surrey Hills National Landscape (NL). The management plan for the NL states that development will respect the special landscape character of the locality, giving special attention to ridgelines, public views and materials, and that proposals should respect local distinctiveness and form. Similar criteria exist for development in the AGLV. Given my considerations above, I concur with the Council that the proposal, being within a built-up part of the village, would not create a prominent feature in the wider landscape and would not have a harmful impact on the AGLV or NL.

Access and Parking

35. Vehicular access would be via the existing entrance between the appeal site and Tyrone Cottage which leads to the rear car park. Parking for a total of 10 cars is proposed to the rear of the dwellings, in line with the Council's adopted standards. The proposed extension would narrow the width of the entrance, but I note that it would still measure some 5.2m wide at its narrowest, and the proposals include measures to widen the access splay and improve sight lines where it meets the highway. I saw on site that visibility from the entrance is good in both directions, helped by the site's position on the outside of the curve in the road. The width of the access point and the route to the parking spaces would be satisfactory for two-way movements and, in these respects, the proposal would be acceptable.
36. I note concerns over the volume of traffic that would be generated. However, five dwellings would not be expected to generate significant or continuous traffic, with a predicted volume of 26 movements per day, which is significantly lower than the estimated 162 daily trips that would be expected from use as a public house.
37. It is suggested that the car park has been used for general village parking in the past and should be made available again to address existing parking problems. The evidence before me does not indicate any formal arrangement in these respects, and whilst I acknowledge the potential benefits for residents

¹ Formerly Area of Outstanding Natural Beauty (AONB)

if more parking was available, there is no development plan policy put to me which requires a developer to cede land for such purposes. As such, this is not a matter weighing against the proposal.

Neighbours' Living Conditions

38. The nearest neighbours are at Tyrone Cottage to the west and Harrow End and Field Cottage to the rear. The western extension would bring the built form closer to Tyrone Cottage, but it would remain separated by the access road at a distance of some 6.5 metres. At this range, the extension would not result in an overbearing impact on neighbouring occupants. It would also be viewed against the greater massing of the existing building and would not have a significant adverse effect on levels of sunlight or daylight to this dwelling. Views of the extension from the front windows of Tyrone Cottage would also be at oblique angles and would not diminish appreciation of the wider streetscene. Evidence also indicates a significant reduction in vehicle trips past the dwelling compared to the former pub use.
39. Concerns are raised in respect of potential damage to Tyrone Cottage from works to construct the appeal scheme. Reference is made to a survey of the cottage revealing concerns with its structure. However, the proposed works at the appeal site would be separated by several metres and would not necessitate any physical intervention to Tyrone Cottage. As acknowledged by the interested party, damage from construction works is a separate legal matter. However, in so far as it is relevant to this appeal, I have no firm evidence that the condition of the neighbouring building would be directly at risk from the proposed development.
40. The proposal includes for bins from four of the dwellings to be lined up to the side of the access road on collection days. This would be a temporary arrangement not uncommon to residential areas where access to each property by the collection vehicle is restricted. I am satisfied that the intermittent nature of bins in this location would not lead to demonstrable harm to neighbours' living conditions from noise or odour.
41. The dwellings to the rear of the site would be separated by some 27 metres from the extended building, with intervening gardens, parking and access areas and mature planting. Having observed the site, I am satisfied that there would be no harmful impacts arising for occupants of these dwellings from overlooking, loss of light or increased sense of enclosure.

Other Issues

42. The Council has not opposed the appeal scheme in respect of the standard of accommodation to be provided; effects on protected species and trees; sustainability measures; or effects on the Thames Basin Heaths Special Protection Area. On the evidence before me, I have no compelling reasons to conclude otherwise in respect of these matters.
43. Concerns are raised in respect of alleged inaccuracy of plans, in particular relating to the ownership of access road between the public house and Tyrone Cottage. I understand that this matter was addressed during the application through re-notification of affected parties. Rights of access are separate legal matters, but I am satisfied that the steps taken mean no party has suffered prejudice by being excluded from the planning process.

Conditions

44. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant tests for conditions set out in the Framework. The appellant has confirmed their agreement to those conditions which would be pre-commencement.
45. In addition to the standard time limit for implementation [1], a condition setting out the approved plans [2] is necessary to provide certainty.
46. A condition is required to secure a construction environmental management plan [3] to safeguard ecology and biodiversity which may be present on site. Details of a surface water drainage scheme [4] are required to address site drainage and flood risk. A Waste Minimisation Statement [5] is required to reduce the amount of waste to landfill. Details of measures to enhance nature conservation interest [6] on the site are required to promote biodiversity. It is necessary to secure details of external materials [7] to ensure a suitable appearance. Each of these conditions is required to be pre-commencement as they relate to impacts that may arise from the outset of the construction phase and would be ineffective or lead to harm or loss were they required to be addressed at a later stage.
47. A Landscape and Ecological Management Plan (LEMP) [8] is necessary to promote long term biodiversity gain. To accord with policies promoting water efficiency, it is necessary to require the dwellings to limit water usage to 110 litres per person per day [9]. Conditions are also required to ensure necessary elements of the development are in place prior to occupation, including the site access and visibility splays [10], closure of the existing access adjacent to the village hall [11]; parking and turning areas [12]; and cycle and e-bike storage/ charging [13]. These are necessary in the interest of highway safety and promoting sustainable transport.

Conclusion

48. I have found that the proposal would not amount to inappropriate development in the Green Belt and by definition would not have a harmful effect on the openness of the Green Belt. Nor has material harm been identified in any other respect. Conversely, there are material considerations weighing in favour of the proposal, notably the productive re-use of a vacant historic building and provision of additional housing.
49. Overall, the proposal would accord with the development plan, taken as a whole, and material considerations do not indicate that permission should nevertheless be withheld. Therefore, the appeal should succeed.

K Savage

INSPECTOR

Schedule of Conditions

Timing/Plans

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P002, P003, P004, P005, P007, P008 and P011 (all received 25 August 2022) and P006 Rev D (received 16 August 2023).

Pre-Commencement

- 3) No development shall take place until a Construction Environmental Management Plan (CEMP) that is in accordance with the approach and measures outlined in the Ecological Impact Assessment (Darwin Ecology, October 2022), has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas detailing the works to be carried out showing how the environment will be protected during construction. Such a scheme shall include details of the following:
 - The timing of different aspects of site clearance and construction works;
 - The measures to be used during site clearance and construction in order to minimise the environmental impact of the works, including potential disturbance to existing sensitive habitats and associated species;
 - Any necessary pollution prevention methods including those to prevent polluted surface water run-off entering any of the ditches or streams in or adjacent to the site;
 - Any necessary mitigation measures for protected species;
 - Construction methods;
 - Dust suppression methods;
 - Hours of construction.

The works shall be carried out in accordance with the approved CEMP.

- 4) No development shall take place until a scheme for the provision of surface water drainage works from the site, including measures to prevent the discharge of water onto the public highway and incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be brought into first occupation until the approved surface water drainage has been constructed in accordance with the approved scheme.
- 5) No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.
- 6) No development shall take place until a scheme to enhance the nature conservation interest of the site, to include bird nesting and roosting

boxes, has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

- 7) No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

During Construction/Prior to Occupation

- 8) Prior to construction of the slab level a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

This should be in accordance with the recommendations in section 7 of the Ecological Impact Assessment (Darwin Ecology Ltd, October 2022). The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of any new habitats created on site;
 - Details of the extent and type of new planting and seeding outside of the developed areas, which should be native species of UK provenance;
 - Details of the lighting scheme that should be of a sensitive design to minimise impacts on all semi-natural habitats within and adjacent to the site;
 - Details of maintenance regimes including how the semi-natural habitats will be managed over the long-term in order to retain their ecological diversity;
 - Details of management responsibilities including adequate financial provision and named body responsible for maintenance.
- 9) The development hereby permitted must comply with Regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the Local Planning Authority to demonstrate that this condition has been met.
- 10) The development hereby approved shall not be first occupied unless and until the proposed vehicular access to The Street hereby approved has been provided with visibility zones in accordance with the approved plans, Drawing No. 22094-01, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 11) The development hereby approved shall not be first occupied unless and until the existing access from the site to The Street – that to the corner

of the site adjacent to the village hall - has been permanently closed and any kerbs, verge and footway fully reinstated.

- 12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
 - 13) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of charging points for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
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