



## Appeal Decision

Site visit made on 3 December 2024

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

**Appeal Ref: APP/R3650/W/24/3352222**

**Land adjoining Hydon Farm, Hambledon Road, Hydestile Godalming GU8 4DN**

- 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 Guildoak Ltd against the decision of Waverley Borough Council.
- The application Ref is WA/2024/01296.
- The development proposed is described as the construction of single 4-bedroom dwelling and associated works including a double garage, widening of existing vehicular access, amenity space and landscaping.

### Decision

1. The appeal is allowed, and planning permission is granted for the construction of single 4-bedroom dwelling and associated works including a double garage, widening of existing vehicular access, amenity space and landscaping at Land adjoining Hydon Farm, Hambledon Road, Hydestile Godalming GU8 4DN in accordance with the terms of the application, Ref WA/2024/01296, subject to the conditions in the attached schedule.

### Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to sections that are pertinent to the appeal, such as those relating to development in the Green Belt and the introduction of the 'Grey Belt'. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

### Main Issues

3. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
  - The effect of the proposal on the character and appearance of the surrounding area including the Area of Great Landscape Value (AGLV).

### Reasons

*Whether inappropriate development*

4. Policy RE2 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites, adopted February 2018 states that the Metropolitan Green Belt will be protected against inappropriate development unless development meets with the exceptions listed in national planning policy, thus is consistent with the approach of

the Framework. Policy DM14 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies, adopted March 2023 indicates that limited infilling within villages may be considered appropriate.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. The exception of most relevance to this appeal is 154.e) limited infilling in villages.
6. The appellant contends that the proposal would infill an area of land as an extension to the settlement boundary of Hydestile although they confirm that the boundary is not defined on the adopted proposals map, nor within the WLP1 or WLP2. Nevertheless, relevant case law<sup>1</sup> dictates that the village boundary defined on a proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground.
7. The appellant highlights that Hydestile contains a significant number of residential properties, a sports pavilion and public house with accommodation and a small industrial estate located further south on Hambledon Road. From my observations the area of Hydestile consists of a sporadic and spread arrangement with built development occupying linear patterns located along the main routeways, with the surrounding area relatively open and free from development, providing a semi-rural feel and appearance. There is no distinct focal point or area that provides specific services and facilities one would associate with a village arrangement.
8. The appeal site is an empty paddock located at the end of one of these ribbons of dispersed residential dwellings, along Hambledon Road, amongst a relatively open and undeveloped background. As such, it occupies a peripheral location rather than appearing contained within a village envelope. In my view, the appeal site could not reasonably be described as representing a village setting.
9. The appellant draws my attention to an appeal decision<sup>2</sup> in Waverley, where an Inspector allowed a dwellinghouse considering that it was located within a village and represented limited infilling. I have limited information in respect to the positioning of the proposal in respect to the village of Brook and the facilities associated with it. Nevertheless, given this scheme turned on its own merits, I give this example only limited weight, as I cannot be certain it is directly comparable.
10. Even if I was to consider that the appeal site was within a village, consideration would need to be given as to whether the proposal would amount to 'limited infilling'. Neither term is defined in the Framework, however the supporting text of policy DM14 of the WLP2 provides some clarification stating "*limited infilling is considered to be the 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.*" These are logical parameters to have regard to in terms of defining limited infilling.
11. I would acknowledge that the proposal could be deemed limited, given that it is for a single dwellinghouse, and in terms of scale, mass and layout would be akin to

---

<sup>1</sup> Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

<sup>2</sup> PINS Ref: APP/R3650/W/23/3326044

the ribbon of properties fronting Hambledon Road to the north of the site. However, the appeal site is located at the end of the linear pattern of development, thus not considered a gap between an otherwise continuous built-up frontage, as there is no gap to fill.

12. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement. Given its peripheral location between the more linear built arrangement to the north and more open nature of the adjoining golf course to the south. In my view, the appeal site forms part of the latter open and undeveloped character of the pattern of development to the south, in contrast with the clear ribbon of development preceding it. I would acknowledge that the appeal site is bounded by established vegetation and fence lines, creating a visual boundary between the characters, however this does not represent a gap within built development. The proposal would therefore not be an exception under paragraph 154.e) of the Framework.

### *Grey Belt*

13. In addition to the exceptions under paragraph 154, the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states the development of homes should not be regarded as inappropriate where (a) the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.
14. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
15. Neither party dispute that the appeal site would not be considered previously developed land (PDL) as defined in the Framework, however given its location at the end of the peripheral pattern of development, the appeal site would not be located close to a built-up area; would not merge towns, nor affect the setting and special character of a historic town. Consequently, the appeal site would not strongly contribute to purposes (a), (b), or (d) in paragraph 143 of the Framework, and thus would be considered 'any other land' for grey belt purposes.
16. The proposal would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Subsequently, it would accord with paragraph 155.a of the Framework.
17. Both parties agree that the Council currently cannot demonstrate a five-year supply of deliverable housing sites (FYSHS). I requested comments from both parties in respect to the revised approach to calculating housing need and the relevant FYSHS in Waverley.

18. The appellant highlights that the Council's local housing need substantially increased from 710 dwellings per annum to 1,481 dwellings per annum, as a result of the revised Framework. This increase would see the FYSHS rise from 3,550 dwellings to 7,405 dwellings or 7,775 dwellings with a 5% buffer. This equates to 1,555 dwellings per annum. Given that Waverley can currently demonstrate a total of 1,998 homes deliverable within a five-year period<sup>3</sup>, this equates to 1.28 years of housing land supply. The Council has not supplied any evidence to the contrary. Consequently, for the purposes of paragraph 155.b. of the Framework, there is a demonstrable unmet need for the type of development proposed.
19. Paragraphs 110 and 115 of the Framework, seek to mitigate significant impacts of development on the transport network in terms of capacity, congestion and highway safety, whilst focusing development to sustainable locations by limiting the need to travel and offering a genuine choice of transport modes. Although the Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
20. The appellants have submitted a Transport Statement<sup>4</sup> (TS) which highlights that the site is relatively sustainable being in close proximity to public footpaths that would encourage walking and cycling. The TS indicates that the closest bus stop to the site is situated 550 metres north of the site along Hambledon Road. This bus stop serves bus route 503 which runs to Guildford on a daily basis. Given the proposal is for a single dwellinghouse, it is unlikely that any additional trips generated would lead to a perceptible increase in vehicle movements on the local road network, thus would have a negligible impact on road capacity and congestion.
21. Surrey County Council as County Highway Authority have raised no objections to the scheme on safety, capacity and congestion grounds subject to the provision of suitable conditions. Consequently, I am satisfied the proposal would be in a sustainable location, in accordance with the requirements of paragraphs 110, 115 and 155.c. of the Framework.
22. For completeness, the proposed development is not major development, and therefore the requirement of paragraph 155.d. of the Framework, to satisfy the 'Golden Rules', are not applicable to the appeal proposal.
23. Overall, the proposed development would utilise grey belt land and would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposed development would not be inappropriate development within the Green Belt. Consequently, the development should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it in accordance with footnote 55 of the Framework.

#### *Character and appearance*

24. The appeal site is located within an AGLV designation, and WLP1 Policy RE3 applies the same principles for protecting the AGLV as for the National Landscapes (NL), stating it will be retained for its own sake and as a buffer to the NL. The appellants have submitted a Landscape Study<sup>5</sup> (LS) which highlights the appeal site occupies a sensitive location. However, the existing vegetation and

---

<sup>3</sup> Waverley Borough Council Five Year Housing Land Supply Position Statement (Published November 2024)

<sup>4</sup> Transport Statement prepared by Motion dated 17/06/2024

<sup>5</sup> Landscape Study prepared by LVIA Ltd Ref: GO1502ls

undulating landform would provide visual barriers to potential views from outside the site. Furthermore, given the existing ribbon of development adjoining the site to the north, the LS concludes that a sensitively designed dwelling could be accommodated at the site without causing undue harm to the landscape character.

25. I have not been provided with any substantive evidence from the Council to counter the findings of the LS, however from my own observations on site I would concur that there would be minimal visibility of the appeal site from outside the site. Notwithstanding my findings on Green Belt, the location of the proposal adjoining the end of the existing built development would minimise any negative effects of the proposal. Furthermore, the screening provided by the existing boundary treatments would mitigate any detrimental impact on the visual amenity within the verdant locality in which the proposal would be sited.
26. As such, the proposal would at the very least conserve the landscape character and valued landscape of the AGLV and would respond effectively to its surroundings and I find no harm. This is a neutral factor which would not weigh for or against the proposal.

### **Other matters**

27. The proposal would deliver a new home and is an intended self-build dwelling. As such the proposal would contribute to the Government's objective of significantly boosting the supply of homes. Furthermore, it would add to the choice and mix of housing in the local area, in line with footnote 28 of the Framework which provides that, amongst other things, local authorities must give enough suitable development permissions to meet the identified demand for self-build and custom house building. I also note the policy support that central government gives to self-build housing, such as through the Self-build and Custom Housebuilding Regulations 2016.
28. Whilst this matter could weigh in favour of the proposal, there is limited information before me to support the fact that it would be a genuine self-build, nor is there any mechanism, such as a legal agreement, that would ensure that it is delivered as such. I therefore give this matter limited weight.
29. Third parties have made representations in response to the planning application and appeal. I have considered all of the other matters and concerns raised in the submissions by these interested parties, which include but are not limited to impacts on ecology and biodiversity at the site, and other issues that I have addressed above. The Council have raised no objections to the development in respect to ecology and biodiversity matters. Subject to the provision of suitable conditions, I have no reason to disagree with this assessment, as I have not been presented with any compelling evidence to reach an alternative view.

### **Conditions**

30. The Council has provided a list of suggested conditions that it considers would be appropriate. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims. I sought the views of the parties on the conditions, including the appellant's agreement to pre-commencement conditions.

31. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plans to provide certainty. I have also imposed a condition in respect to the material specifications which is necessary to secure the satisfactory appearance of the development in the interests of the surrounding character and neighbouring amenity.
32. To ensure that the proposal does not adversely impact on protected species and provides biodiversity enhancements it is necessary to impose a number of relevant conditions, including to control external lighting. A condition securing on-site ecological enhancement is necessary in order to ensure the development protects and improves biodiversity features of the site. I have imposed conditions in respect to the tree protection and landscaping which are necessary to secure the satisfactory appearance of the development in the interests of the surrounding character, neighbouring amenity and encouraging wildlife and biodiversity.
33. I also have imposed conditions to ensure that there are suitable access routes, appropriate vehicle and bicycle parking, and a suitable car parking layout is maintained in the interests of highway and pedestrian safety and the living conditions of future residents.

### **Conclusion**

34. For the reasons given I conclude that the appeal should succeed.

*Robert Naylor*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 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 drawing nos: 2404077-TK01; 2404077-01; 7473 PL-01 Rev P1; 7473 PL-02 Rev P1; 7473 PL-04 Rev P1; 7473 PL-05 Rev P1; 7473 PL-06 Rev P1; and 7473 PL-08 Rev P2
- 3) No development shall take place until (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, great crested newts, badgers, breeding birds, foraging/commuting bats and hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development shall take place until (including vegetation/site clearance) until tree protection measures are installed, and any further information provided in accordance with the submitted arboricultural information. The applicant shall inform the Local Planning Authority after the installation of the tree protection to allow verification of the protection measures, either with photographic evidence or in-person inspection.

- 5) A) No retained tree shall be cut down, uprooted, or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars contained in the Arboricultural Impact Assessment Ref: TGA.2630 dated 11/06/2024 and Tree Protection Plan TGA.2630.TPP.002 without the written approval of the Local Planning Authority. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) (or an equivalent British Standard if replaced) and in accordance with the supplied arboricultural method statement.
- B) If any retained tree is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- C) Tree protection shall be maintained in-situ and not moved or removed until all construction has finished, and equipment, materials, or machinery are removed from site.
- D) The arboricultural protection information and plans hereby approved or any submitted to meet a planning condition shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Local Planning Authority. This shall include the requirement for arboricultural supervision and site monitoring by a suitably qualified tree specialist, written details of which shall be submitted to and approved in writing by the Local Planning Authority following completion of the development hereby approved.

In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (A) and (B) above shall have effect until the expiration of 5 years from the first occupation of the development.

- 6) No development above ground level shall take place until a scheme of biodiversity enhancement measures 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 prior to first occupation of any dwelling and thereafter retained for the lifespan of the development.
- 7) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted 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 / samples.
- 8) No development above ground level shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) No vehicle shall access the site from Hambledon Road unless and until the proposed modified access to Hambledon Road hereby approved (drawing no. 2404077-01) has been constructed and provided with a means within the private land of preventing private water from entering the highway and visibility zones in accordance with the approved plans. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high for the lifespan of the development.
- 11) The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer 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 for the life-span of the development.
- 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 (drawing no. 2404077-TK01) 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 / turning areas shall be retained and maintained for their designated purpose for the lifespan of the development.
- 13) The development hereby approved shall not be first occupied until Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details and retained for the lifespan of the development.

END OF CONDITIONS