



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/24/3346675

Land to rear of Pets Pantry, Lewance, The House and Rowly House, Guildford Road, Cranleigh GU6 8PG

- 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 Cranfold Developments Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00213.
 - The development proposed is described as a proposal for two new four bedroom detached houses with single attached garage and double car port following demolition of outbuildings.
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Decision

1. The appeal is dismissed.

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;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the living conditions of existing residents with specific regard to overlooking and privacy;
 - The effect of the proposal on the living conditions of future residents with specific regard to noise and disturbance; and
 - The adequacy of the access for emergency vehicles.

Reasons

Whether inappropriate development

4. 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.
5. The first test is establishing whether the appeal site is located within a village. Both parties acknowledge that the proposal is located inside the settlement boundary of Rowly, as designated by the development plan, Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies, adopted March 2023, however this is not definitive. I am aware of the Court of Appeal judgement¹ which determined that the village need not be the same as a settlement boundary for the purposes of the Framework, depending on the situation ‘on the ground’.
6. The appeal site occupies a back land location behind an existing ribbon of mixed-use development, in a peripheral location to the settlement of Rowly. The immediate area consists of modest commercial and service facilities at the ground floor of Lewance, The House and Rowly House with residential units in the floors above. The garden areas and amenity spaces are located behind these properties, with a large verdant open space stretching away from the appeal site to the east. The wider area has a semi-rural appearance, albeit there is a strong linear arrangement of single and two storey residential dwellings, mainly detached, lining the main streets within the settlement of Rowly. The linear appearance of the residential units extends in several directions away from Rowly, forming a defined ribbon of development that provides a distinct pattern within the area.
7. Whilst Rowly itself is within walking distance from the appeal site it does not provide anything other than an extremely limited range of facilities. The appellant refers to an educational facility and multiple commercial operations, however there is no distinct focal point or area that would provide specific day to day or convenience services one would associate with a village arrangement. As such, essential shopping and other required services would be provided in Cranleigh, a much larger settlement, which is a bus journey away from the appeal site. Consequently, given its peripheral location and lack of essential facilities, the appeal site would not represent a village setting.
8. For completeness it would be prudent to assess the remaining considerations of whether the proposal would amount to ‘limited’ and if so, if it would be ‘infill’. Neither term is defined in the Framework, however the appellant draws my attention to policy DM14 of the WLP2, which states limited infilling within villages may be considered appropriate. The supporting text also 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, when defining limited infilling.

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

9. With regard to the term 'limited', this would refer to the amount of development proposed. Given the proposal is for two modest dwellinghouses it could be considered as relatively limited.
10. Regarding the 'infilling of small gaps within built development', the rear location of the proposal is within a traditional residential setting, with larger gardens located behind the main development fronting the roadside. Despite the delineation of the gardens, and presence of modest ancillary outbuildings, this area is relatively undeveloped and adjoins a verdant open area to the east. Consequently, given its position adjoining an open area, it could not be reasonably described as a gap, and as a result the proposal could not be deemed to infill it.
11. The characteristics of the area which would receive development are also a material factor in considering whether the proposal would constitute limited infilling. I have taken into account the pattern and form of development which exists within the locality, and whilst the development could reasonably be described as limited, it would not represent infill. For the above reasons, the proposal would therefore not be an exception under paragraph 154.e) of the Framework.
12. The appellant draws my attention to two allowed appeal decisions² also in Waverley. Regarding the Old Malthouse decision, the Inspector concluded that the proposal resulted in limited infill within the village setting of Brook. However, I have limited information regarding the positioning of the proposal in respect to the village of Brook and the facilities associated with it. Similarly, in the Mill Farm Cottage decision, the Inspector cited Bramley as a fairly substantial village, concluding the proposal appeared to lay within the village settlement rather than in the countryside beyond. Again, I have been presented with limited details regarding services and facilities offered in Bramley or details of its character. Nevertheless, given these schemes turned on their own merits, I give these examples only limited weight, as I cannot be certain they are directly comparable to the location of the appeal site.

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 (PDL) 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.

² PINS Refs: APP/R3650/W/23/3326044 and APP/R3650/W/17/3174077

15. It is acknowledged that the site would not represent PDL. Furthermore, neither party dispute that the appeal site would not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143 of the Framework, on the basis that it is not located close to a built-up area; would not merge towns; nor would it affect the setting and special character of a historic town. Consequently, the appeal site would be considered 'grey belt' land.
16. The proposal accords with paragraph 155.a. of the Framework as it 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.
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. The Council highlighted that the annual housing requirement has increased to 1,555 dwellings per annum. As of 1 April 2024, there were 1,998 dwellings that the Council considered to be deliverable in the five-year period, equating to a 1.28-year housing land supply position. Consequently, for the purposes of paragraph 155.b. of the Framework, there is a demonstrable unmet need for the type of development proposed.
18. 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.
19. The appellant has submitted a Transport Statement³ (TS) which highlights Guildford Road is provided with a lit footway on the eastern side of the carriageway. This footway continues southwards towards amenities situated within Cranleigh, and northward towards Rowly. In addition to the provision of these footways, there is a network of public rights of way in close proximity to the application site. These public rights of way would provide further alternative routes to reach local amenities, via more sustainable means such as walking or cycling.
20. The TS also indicates that the closest bus stop to the site is situated 200 metres from the appeal site on Guildford Road. The area is served by bus routes 53 and 63 which run to Guildford on a daily basis. The TS also highlights that the trip generation associated with the provision of two dwellinghouses is unlikely to lead to a perceptible increase in vehicle movements on the local road network. 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.
21. For completeness, the proposal 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.
22. 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

³ Transport Statement prepared by Motion dated 19/10/2023

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

23. Policy TD1 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites, adopted February 2018 requires new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located. Policy DM4 of the WLP2 further states proposals should make the most efficient use of land, while being sympathetic and responsive to the prevailing pattern of development, including areas of urban-rural transition.
24. The existing pattern of development in Rowly is relatively constrained, with dwellinghouses fronting the main routes in a linear pattern. The provision of the back land development, accessed via a shared access way would provide a spread of development outwards into the more open and verdant area to the east of the site, thus not according with the existing relatively tight pattern of development. Whilst there are properties in Restwell Avenue, located further back than the appeal site, these still follow a linear pattern and front a roadside. As such the introduction of the two additional properties would disrupt the existing pattern providing a denser form of development, in a tandem arrangement, which would negatively impact on the character and appearance of the area.
25. The proposed dwellings would have a traditional design with appropriate materials and at 2 storeys (albeit 1 storey in the roof) in height would have minimal visual impacts from public vantage points along Guildford Road given the existing development. Thus, taken in isolation the design and appearance of the units proposed would be seen as in keeping with the existing vernacular given the variation of architectural styles locally. However, it is the tandem arrangement of the additional built development, that in combination with the existing structures, would provide a denser and more developed appearance, which would neither reinforce local distinctiveness nor be sympathetic to the prevailing linear pattern of development, thus providing a more urbanising appearance harmful to the area.
26. The proposed development would optimise the potential of the site to accommodate new housing in line with national policy. However, it would fail to respond positively to the existing character and appearance of the area. Accordingly, the scheme would be contrary to policy TD1 of the WLP1 and policy DM4 of the WLP2 which collectively seek to secure high quality development, promoting local distinctiveness and securing the most efficient use of land, amongst other things. The proposal would also conflict with the Framework insofar as it requires development to be sympathetic to local character.

Living conditions – Existing residents

27. The proposal has been orientated in the same direction as the buildings that front Guildford Road. Consequently, the properties most affected by this treatment are Start Point which is located in Restwell Avenue to the rear of the proposal, and Lewance, The House, Rowly House, and 74 Guildford Road which are all located to the front.
28. Regarding Start Point, the proposal contains two first floor dormer windows in each plot which face the rear elevation and garden area of this property. The existing

boundary treatment consists of fencing and a verdant vegetation boundary. I appreciate that the boundary would screen views at ground floor, however its effectiveness would lessen at the upper floor level.

29. The first floor windows serve habitable rooms (bedrooms) and would provide unrestricted views of the rear elevation and garden area at Start Point at close quarters. Given their elevated position and modest separation distance between the proposal and the boundary, these windows would provide significant overlooking from a higher vantage point to the detriment of the living conditions for the occupiers at this property. Whilst a degree of mutual overlooking is to be expected in a residential setting, the orientation and close relationship between the proposal and this neighbour would create an unacceptable degree of overlooking and a loss of privacy harmful to their living conditions.
30. The appellant highlights other properties in Cranleigh nearby, that have similar short separation distances to that proposed here. However, I am not aware of the full circumstances and/or planning history associated with these properties, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples limited weight, as I cannot be certain that these are directly comparable.
31. In regard to Lewance, The House and Rowly House which front Guildford Road, there would be views of the proposal from these properties and vice versa. However, given the distances proposed between the properties, it is unlikely that there would be a significant impact in overlooking or loss of privacy experienced.
32. It is acknowledged that the proposal has been designed to have limited openings on the flank elevation which would adjoin 74 Guildford Road to reduce impacts on the living conditions to these occupants. The overall orientation of the proposal coupled with the use of obscured glazing would mitigate impacts of overlooking and loss of privacy. This could be secured by condition, were I minded to allow the appeal.
33. Overall, the proposed development would have an unacceptably harmful effect upon the living conditions of the adjoining neighbour at Start Point with specific regard to overlooking and loss of privacy. The proposal is therefore contrary to the relevant provisions of policy TD1 of the WLP1 and policy DM5 of the WLP2 which collectively require new development to improve the quality of life, health and well-being of existing occupants, whilst not harming their amenity by way of overlooking, among other things. It would also be contrary to the Framework which expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.

Living conditions – Future occupiers

34. The scheme would provide access to the proposed dwellings via the existing access point serving the rear of Lewance, The House and Rowly House. The proposal also includes turning areas and car parking spaces for the proposed dwellings which would be located close to habitable rooms. Nevertheless, these types of arrangements are not uncommon in new housing developments where increased densities are sought.

35. It is common ground that the proposal will increase the frequency of vehicular movements to and from the site. Nevertheless, the provision of 10 daily trips⁴ would not provide a notable increase in the number of cars and people in this part of the site, where it could be considered as excessive. Furthermore, given it is a residential proposal in a mixed-use area, any predicted noise from activities associated with its use are likely to be within ambient noise levels and any increase in noise would be minimal.
36. It is acknowledged that the proposed parking provision is tight particularly along the narrow accessway, however the submitted swept path analysis⁵ highlights that whilst restricted, a large car using the parking spaces can turn on site to ensure that vehicles can enter and exit the site in forward gear. The proposal would create some additional movements in the area, which would involve slow, careful and precise driving manoeuvres in order to turn. However, any increase activity would be associated with the proposed residential use, which would be fairly limited, spread over the day, and thus would not be considered to cause excessive disturbance.
37. Considering the above, I find that the proposal would not harm the living conditions of future occupiers with regard to noise and general disturbance. Consequently, it would comply with the relevant objectives of policy TD1 of the WLP1 and policy DM5 of the WLP2 which collectively seek to avoid any adverse impact on the amenity of future occupants, amongst other things. It would also be consistent with paragraph 135 of the Framework insofar as it seeks a good standard of amenity for future users.

Access for emergency vehicles

38. Access to the proposal for emergency vehicles would also be via the existing accessway running alongside the property of Lewance. Surrey County Council as County Highways Authority (CHA) have raised concerns in regard to the proposed parking layout and access requirements of emergency vehicles, specifically a fire tender. The appellant has produced swept path analysis⁶ indicating that an emergency vehicle could access and egress the site in forward gear.
39. The CHA raises concerns that the tracking for the emergency vehicle passes through sections of the existing building and appears to cross through areas designated for the parking of vehicles at the front of Pets Pantry. The access appears significantly restricted, and it is unclear from the submitted information whether the manoeuvres for the emergency vehicle are possible on land wholly within the red line.
40. Based on the evidence before me and my on-site observations I am not satisfied that the access arrangements would be appropriate and meet the required standards to allow emergency vehicles to enter or leave the site in forward gear, particularly as reversing out of the site would have a significant negative impact on highway safety. Consequently, I must adopt a precautionary approach.
41. For the reasons set out above, I cannot be satisfied that the scheme would not be harmful to highway safety. I therefore find that it would conflict with policy DM9 of the WLP2 which amongst other things, requires development to be designed so

⁴ Table 5.1 of the TS

⁵ Drawing number 2308006 - TK03 B in Appendix C of the TS.

⁶ Drawing number 2308006 - TK02 B in Appendix E of the TS

they comply with highways standards and guidance and allows effective access by service and emergency vehicles, at all times.

Other matters

42. It is common ground between the Council and the appellant that the proposal would be beneficial in terms of meeting the wider housing needs of Waverley. The appeal scheme would provide a small windfall development of two dwellings that would make a modest contribution to the Council's housing supply, albeit more important given that the Council is currently unable to demonstrate a suitable supply of deliverable housing sites.
43. The scheme would provide economic benefits relating to the provision of jobs during the construction phase, albeit on a temporary basis, and the subsequent local spending by prospective residents of the proposal. The Framework also acknowledges that housing development on small sites, such as this, can make a valuable contribution to meeting the housing requirement of an area.

Planning Balance and Conclusion

44. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with s38(6) of the Planning and Compulsory Purchase Act (2004).
45. As the Council cannot demonstrate a FYSHS at present, consequently, because of the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied. It is common ground between the Council and the appellant that the Council currently has a considerable deficiency with a 1.28-year housing supply. The appeal scheme would provide a windfall development which in providing two houses would make a modest contribution to Waverley's housing undersupply. As such, this attracts significant weight in favour of the development.
46. I have also concluded that the proposal would not be inappropriate development in the Green Belt as it would utilise grey belt land. Although this would be neutral in the planning balance. However, the proposed development has an unacceptably harmful effect upon the living conditions of the adjoining neighbour at Start Point with specific regard to overlooking and loss of privacy. The proposal would also be significantly at odds with, and harmful to, the character and appearance of the area, and I cannot be certain the proposed development would not result in conditions which would be prejudicial to the safe and effective access by emergency vehicles. These all attract significant weight against the development.
47. Overall, the policy conflicts and resulting harmful effects would be such that the adverse impacts, significantly and demonstrably outweigh the benefits of the development. Consequently, the proposed development is contrary to the development plan, and the Framework taken as a whole. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Robert Naylor

INSPECTOR