



Appeal Decision

Site visit made on 28 January 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/Y3615/W/24/3347519

Jacobs Well Village Hall, Jacobs Well Road, Jacobs Well, Surrey GU4 7PD

- 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 Leigh Barker against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01735 .
 - The development proposed was originally described as the partial change of use of existing car park to water filling station including retention of existing structure (see plans).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the application form, it was indicated that the works subject of the application had been completed. While the Council has also assessed it on this basis, from my observations on site, I cannot be certain that the development undertaken accords with that indicated on the submitted plans. I therefore proceed on the basis that the scheme is for a proposed development.
3. The submitted plans and details include a proposed water tank (the structure). A temporary permission has not been sought, and the appellant has indicated their intent for the structure to be on site for the foreseeable future. As such, and even if the structure is movable, it falls to be considered as part of the appeal scheme.
4. The main parties have had the opportunity to comment on the revised National Planning Policy Framework (the Framework) published in December 2023.

Background and Main Issues

5. The appeal site is within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
6. Therefore, the main issues are;
 - whether the scheme would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; the effect of the development on;
 - the openness of the Green Belt; and
 - the character and appearance of the area; and

- whether the harm by inappropriateness, and any other harm, is clearly outweighed by the other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. Framework paragraph 154 states that development in the Green Belt should be regarded as inappropriate unless one of a number of stated exceptions apply. In certain circumstances, Framework paragraph 155 identifies other types of development which should also not be regarded as inappropriate.
8. Policy P2 of the Guildford Borough – Guildford Borough Local Plan strategy and sites 2015-2034 – adopted 25 April 2019 (the Local Plan) indicates that the Green Belt will be protected against inappropriate development in accordance with the Framework. It also says that unless new buildings in the Green Belt would conform with one of the exceptions identified within the Framework, then they would constitute inappropriate development. As such, for this appeal, and in respect of matters related to the Green Belt, Local Plan policy P2 broadly conforms with the provisions of the Framework.
9. Even if I could establish that the development would meet a local community need, it would not conform to the exception at Framework paragraph 154. f). This is because it does not constitute a limited affordable housing scheme. Furthermore, while the development would be undertaken on a small part of the village hall car park, and it would enable customers to secure a fast and clean water supply, from the evidence before me I cannot determine that it would constitute a facility for outdoor sport, outdoor recreation, cemeteries or burial grounds. That being the case, then even if it would both preserve the openness of the Green Belt and not conflict with the purposes of including land within it, it would still not conform with the exception at 154. b).
10. Moreover, it has not been demonstrated that the development would meet any of the other exceptions within paragraphs 154 or 155 of the Framework.
11. For these reasons, the scheme would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. Consequently, and in respect of this main issue, it would conflict with policy P2 of the Local Plan.

Openness

12. During my mid-week and mid-morning site visit, I observed several vehicles arriving and parking within the appeal site, and other previously parked vehicles leaving. Most people who arrived and parked on the site during this time, then went on to enter either the on-site village hall or the adjacent parish field. As such and given that I have no reason to doubt that the observed uses of the site were atypical, it is likely that the on-site parking spaces are mainly used in association with the adjacent parish field and the on-site halls. By extension, it is also reasonable to expect that cars would usually be parked on the site for short /medium periods of time, and that the number of vehicles parked at any one time would fluctuate significantly.

13. The proposed structure would not be significantly different in size from a small mini-bus or other similarly sized vehicle, which could be expected to be parked within the site. However, unlike a parked vehicle, its presence would not be occasional or transient. Instead, it would be in-situ on a long-term basis.
14. Moreover, and although it would be tucked into a corner of the parking area, the structure would be clearly visible from the 2 nearby halls and from other locations within the car park. Parts of the structure would also be visible from nearby locations along Jacobs Well Road. This is, at least partly, because the intervening plants have raised canopies.
15. For these reasons, both spatially and visually, the development would reduce the openness of the Green Belt.
16. Although the small scale of the structure and the proximity of other development and buildings, means that only minor harm would be caused to the openness of the Green Belt, in accordance with paragraph 153 of the Framework, substantial weight is given to that harm.

Character and appearance

17. Amongst other things, the fairly level appeal site contains; a large expanse of hardstanding; a village hall; and a Scout hall. The residential development on the opposite side of Jacobs Well Road from the appeal site, forms part of the settlement of Jacobs Well, and, there is a pavement and bus stop adjacent to the roadside boundary of the site. A nearby industrial estate is also visible from within the site. For these reasons, and notwithstanding the presence of the neighbouring parish field and the variety of trees/shrubs along or close to some of the site boundaries, the site does not have a rural character or appearance. Instead, it provides a gentle transition between the more built-up land within the settlement and the less developed countryside to the East. Nevertheless, and despite the frequent use of the hardstanding area for the parking and manoeuvring of vehicles, this area retains a generally open, spacious, and uncluttered character and appearance.
18. The proposed metal structure would have a similar appearance to a small shipping container. Although it would not occupy more than the equivalent of one or two typically-sized car parking spaces, it would not come and go like nearby vehicles within the car park. Furthermore, despite the proposal to locate the development close to the edge of the hardstanding and in a position where it would be afforded some screening from nearby plants, it would remain visible from locations both within and outside of the site. Due to its form and external materials, it would appear incongruous with both nearby parked vehicles and buildings, and, nearby trees and plants. Albeit to a limited extent, the development would also further urbanise and add clutter, to the otherwise generally open and spacious area of hardstanding.
19. For these reasons, the development would cause harm to the character and appearance of the area. Consequently, and in respect of this main issue, it would conflict with policies S1, P3 and D1 of the Local Plan, and policy D4 of the Guildford Borough Local Plan: Development Management Policies – Adopted on 22 March 2023. Collectively, and amongst other things, these policies seek to ensure that new development is of a high-quality design which respects local distinctiveness.

Other considerations

20. The development would provide a facility for businesses and individuals to collect clean water. As such, it would be of some benefit to the local economy. However, given the scale of the scheme any such benefit is likely to be small, the weight that can be attributed to it is limited.
21. I do not doubt that financially, the development would help to support the on-going operation and maintenance of a community facility. However, it is not clear that such support is essential. That being the case, only limited weight is accorded to the associated benefit to the community facility.
22. That the development would not cause harm to highway safety or to the living conditions of the occupiers of nearby properties, with particular regard to daylight, privacy, noise and disturbance, are neutral considerations. While the development could be undertaken without harm being caused to nearby trees or vegetation, this is also a neutral factor.

Conclusion

23. The other considerations in this case do not clearly outweigh the harm by reason of inappropriateness and any other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR