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## Appeal Decision

Site visit made on 12 March 2025

**by H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 May 2025**

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**Appeal Ref: APP/Y3615/W/24/3347721**

**Gravetts Lane Stables, Tangle Lane, Guildford, Surrey GU3 3JY**

- 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 Mr Chris Evans of Chris Evans Consultancy Ltd & Sustainable Land Products Ltd against the decision of Guildford Borough Council.
  - The application Ref is 22/P/01757.
  - The development proposed is demolition and replacement of Gravetts Lane Stables with nine residential units with associated parking and amenity space.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of Gravetts Lane Stables with nine residential units with associated parking and amenity space at Gravetts Lane Stables, Tangle Lane, Guildford, Surrey GU3 3JY in accordance with the terms of the application, Ref 22/P/01757, subject to the conditions in the attached schedule.

### Preliminary Matters

2. During the course of this appeal the updated National Planning Policy Framework (2024) (Framework) was published. Whilst the application was submitted and the committee made its decision prior to its publication this appeal must be based on the up to date policy and guidance at the time of the decision. The main parties' comments have been sought and I have taken these into account.
3. I have used the description of development from the decision notice and appeal form as this accurately reflects the development proposed following amendments during the application process.
4. A Unilateral Undertaking (UU) has been submitted which provides mechanisms which seek to mitigate the effects of the proposed developments on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to this matter later in this decision.

### Main Issues

5. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including the effect of the proposal on the openness of the Green Belt, and whether it would accord with Green Belt policy.
  - The effect on the TBHSPA

## Reasons

### *Green Belt*

#### *Whether inappropriate development*

6. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. Development in the Green Belt is inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in the Framework. This is broadly echoed by policy P2 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (2019) (LPSS)
7. Of relevance to this appeal, paragraph 154g) of the Framework provides an exception for limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. The 2024 Framework made a change to the exception to whether development is inappropriate and no longer refers to whether it preserves openness, but now refers to whether there is substantial harm to openness. The Council do not consider there to be substantial harm to openness, and therefore now conclude that the development is not inappropriate and I have taken this into consideration.
8. There is no dispute between the parties that the appeal site was in equestrian use and it is consequently previously developed land. As such, I will go on to consider the effects on openness.
9. Openness has both spatial and visual dimensions. At present there are large buildings in the centre of the site including a large double height barn, a single storey flat roofed structure and a large shed. The appellant states that together these three buildings have a volume of around 5,500m<sup>3</sup>, and a footprint of around 1,060m<sup>2</sup>. There is also a cluster of three small single storey outbuildings separated by an open field to the west. The submitted drawings also show a number of other small existing buildings across the site, however it was clear from my site visit that a number of these have been removed. There is also a large amount of hardstanding. The site is clearly seen from the access, and although there is some screening it is also visible from Tangle Lane as well as from the nearby properties.
10. The proposed development would introduce 9 dwellings on the site. These are laid out as two large houses, a terrace of three houses, and a terrace of four properties, all at two storeys with pitched roofs above. These would mainly be arranged around a central courtyard, with the terrace of three further to the north. As well as a car barn, refuse store and cycle store. Overall, these buildings would have a volume of 4,036m<sup>3</sup> and a footprint of 668m<sup>2</sup>. The majority of the site would be soft landscaped partly to residential gardens, with open space and landscaping surrounding. Hardstanding would generally be limited to a courtyard, access and parking spaces.
11. Plots 1-3 would be located on part of the site away from the area of the existing built form. Also, the dwellings would all be two storeys high, and therefore the

proposed development would increase the amount of development at first floor height and above. As such the appeal scheme would introduce development footprint and height in areas which are currently free from built form. However, it would result in a clear reduction in the total footprint and volume of development on the site. In addition, the majority of the buildings would be located around the central courtyard which is in a similar position to the existing large barn, and the separation between the plots would break up the massing in this location. The proposals would also remove the buildings to the west which would result in an improvement to openness on this part of the site. Taking all the above into account, due to the siting and height of the development there would be some harm to openness, albeit given the overall reduction in built form on this site, this harm would be limited.

12. Consequently, the development would not cause substantial harm to openness. Therefore, it would not be inappropriate development in the terms of the Framework. As such, it would not be contrary to Policy P2 of the LP, the aims of which are set out above.
13. The impact on Green Belt purposes is already taken into account in this exception. Therefore there is no requirement to assess the development on the purposes of the Green Belt. Furthermore, as the development is not inappropriate, there is no need to go on to consider whether or not very special circumstances exist.

#### *Golden Rules*

14. Where the provision of housing is proposed on a site with an area of 0.5 hectares or more in the Green Belt, the Golden Rules contained in paragraph 156 of the Framework are relevant. This is the case whether or not the site provides 10 or more homes. The application form sets out that the appeal site is 0.95ha, this includes the area of existing buildings and hardstanding which are an integral part of the appellant's case including with regard to openness.
15. Paragraph 156a requires the provision of affordable housing. Guildford does not have a specific affordable housing requirement for major development involving the provision of housing on the Green Belt. The appeal site would provide less than 11 homes with a combined gross internal floorspace of less than 1000sqm. Therefore the relevant policy H2 of the LP would not require the provision of affordable housing. As there is no pre-existing requirement for affordable housing the Golden Rules require that a 50% affordable housing contribution should apply by default. No mechanism to provide affordable housing as part of this development has been submitted and therefore paragraph 156a would not be met.
16. I am not provided with substantive evidence that the appeal scheme would result in harm to the provision of existing services or that there are any specific necessary improvements to local or national infrastructure as a result of this development. As such paragraph 156b would be satisfied.
17. Paragraph 156c requires the provision of new, or improvements to existing green spaces that are accessible to the public, and that new residents should be able to access good quality green spaces within a short walk of their home. Paragraph 159 provides further detail that these improvements to green spaces should contribute positively to the landscape setting of the development, support nature recovery and meet local standards of green space provision.

18. Open space is provided on site which would be highly accessible by new residents, although there is no mechanism submitted to secure wider public access. Details of landscaping and a scheme to enhance the nature conservation interest of the site could be secured by condition, these would ensure that this land would make a positive contribution to setting and nature recovery. Also, the UU would secure contributions towards Suitable Alternative Natural Green Space (SANG) which would contribute towards the provision of new or improvements to existing green spaces which are accessible to the public. In addition, Whitmoor Common is around 850m away and is publicly accessible albeit it is a SPA site. The Council states that no nearby public spaces have been identified that could benefit from improvements and do not set out any conflict with standards for green space provision. Therefore, overall, based on the evidence submitted in this case there is nothing that leads me to find conflict with paragraph 156c.
19. Consequently, whilst the development would satisfy points b and c of the Golden Rules, it would not satisfy point a. This does not alter the fact that the development is not inappropriate, however the lack of affordable housing provision will weigh against the scheme.

*Thames Basin Heaths Special Protection Area*

20. The TBHSPA is a habitats site that has a high level of protection. It is designated because it supports breeding populations of Dartford Warbler, Woodlark and Nightjar. The Thames Basin Heaths Special Protection Area Avoidance Strategy (2017) (the Avoidance Strategy) states that any net new residential development within 5km of the SPA may harm the protected bird populations for reasons including human activity, particularly recreational pressure such as dog walking. Although the effect from 9 new dwellings would be modest, when combined with other plans and projects there would be likely to be a significant effect on the protected site.
21. The Conservation of Habitats and Species Regulations 2017 require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. I am therefore required to undertake an AA.
22. The Avoidance Strategy sets out that the pressures from recreational activities can be appropriately mitigated via an identified programme of works to manage and monitor visitors use of the SPA, known as Strategic Access Management and Monitoring (SAMM). Along with the provision and maintenance of SANG. This strategy has been endorsed by Natural England and I am satisfied that the mitigation measures proposed within it would be effective in this case. Natural England has also been consulted on this specific application and raised no objection to the proposal on this basis. I have taken these comments into account.
23. I am presented with a UU which would secure a payment of around £74,000 as a SANG contribution and around £10,000 as a SAMM contribution which are in line with the amounts set out in the Council's appeal statement. Therefore, in the circumstances of this case, the UU provides adequate mitigation for the effect on the SPA and accordingly I can be certain that there would be no adverse effect on the integrity of the SPA.

24. Consequently, the proposed development would have an acceptable effect on the TBHSPA. As such, it would be in accordance with policy P5 of the LPSS and saved policy NRM6 of the South East Plan 2009. Together these require residential development that is likely to have a significant effect on the ecological integrity of the TBHSPA to demonstrate that adequate measures are put in place to mitigate these effects and provides principles as to how this should be assessed.

### **Other Matters**

25. The appeal site is not allocated for housing in the development plan and, although close by, is not within the urban area of Guildford. Therefore, these factors do not weigh in favour of the appeal. Nevertheless, whilst there is not an identified shortfall in the supply of housing, it would deliver 9 residential units on brownfield land on a windfall site. Furthermore, the development would deliver the social and economic benefits of such provision including temporary economic benefits during construction. Additionally, the appeal site is under 1.7m from some shops and services with bus stops around 750-900m away along suitable walking routes. As such the site is reasonably accessible via non car modes of transport.
26. At present the majority of the barns, sheds and buildings on site are characteristic of a rural area and appropriate in their surroundings. The proposed development has been designed to appear as a typical farm complex with buildings reflecting the character of a farmhouse, a threshing barn, a cart barn, a row of cottages and a small open barn. The massing of the built form would be broken up and the site includes an area of open space which would contribute to the sense of spaciousness. Whilst the proposed detailing and appearance of the development shares characteristics with a traditional farm complex which is a positive feature there would nevertheless be an urbanising element as a result of the residential use. Therefore, overall there would not be harm to the character and appearance of this area, although the proposed development would not be an enhancement. Consequently, the effect in this regard would be neutral.
27. The proposed development would result in an increase in vehicle movements associated with the 9 new dwellings, however this increase would be small and would not result in harm to the capacity or safety of the local highway network. The submitted drawings show adequate visibility at the proposed access and a condition could be attached to ensure that this is maintained. Whilst there would be noise and disturbance during the building works, these effects would be temporary and a condition requiring adherence to a construction environmental management plan (CEMP) could be attached which would mitigate these effects.
28. An arboricultural report has been submitted which recommends the removal of 4 individual and 3 groups of trees. Other than one oak tree which is dead, these are all low quality trees. All moderate and high quality trees would be retained and tree protection measures including the use of a no-dig surface to the site access are recommended. Subject to these measures, which could be secured by condition, the proposed development would not result in the loss of any important trees. There is also potential for tree planting within the site and details of landscaping could be secured by condition.
29. The development proposes the use of soakaways to the drainage ditch for the disposal of surface water, and would result in a reduction in the amount of

impermeable surfacing on the site. As such, there would not be an increase to flood risk on or off site. Nevertheless, these details would be secured by condition and therefore given the limited information at this stage, it is unclear as to whether there would be a benefit to drainage and flood risk.

30. Detailed ecological surveys have not identified reptiles or great crested newts (GCN) on the site. Nevertheless, a non-licensed method statement for GCN and a precautionary working method statement for reptiles could be secured by condition to ensure there would be no harm to these species during the works. The site is of local importance to foraging and commuting bats. The boundary tree line would be retained and a condition could be attached to require details of sensitive external lighting. Enhancements to the nature conservation interest of the site such as landscaping and native planting for biodiversity and bird/bat boxes could also be delivered by conditions and there would be an increase in open green spaces.
31. There is nothing before me to suggest that similar development in this area is likely. Nevertheless, the considerations in this decision relate to this particular appeal scheme and each scheme would be considered on its own merits.

### **Planning Balance**

32. The proposed development would provide 9 new dwellings on previously developed land in an accessible location. Windfall homes make up a proportion of the sources of supply for the borough's housing requirement and the proposed development would make a positive contribution towards the supply of housing in Guildford. Along with the social and economic benefits associated with the construction and occupation of 9 new homes. In addition, the scheme would provide enhancements to biodiversity. Taken together these benefits attract clear positive weight in support of the scheme. The proposed development would not be inappropriate development in the Green Belt and matters relating to character and appearance and drainage are neutral factors for the reasons set out above.
33. On the other hand, the proposed development would not make adequate provision for affordable housing. However, the appeal submissions do not present any persuasive evidence such as any outstanding or identified local need for the provision of affordable housing in this particular case. As such, although there is a failure to comply with one of the Golden Rules, considering the evidence before me, in this case this is not a compelling reason to refuse the scheme. Therefore, the clear positive benefits outlined above would outweigh the failure to provide affordable housing in these circumstances.

### **Conditions**

34. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
35. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. Demolition and removal of materials are required in the interests of the openness of the Green Belt and character and appearance. This is a pre commencement condition in

order to ensure the development is implemented as proposed prior to development above slab level taking place.

36. The implementation of tree protection measures and details of site levels, materials, landscaping and refuse storage are necessary in order to protect the character and appearance of the area and in the case of the latter also to protect the living conditions of occupiers. In the case of the first two, respectively, these are pre commencement conditions as the measures would be required for the full duration of the development and that these measures would be required to be approved prior to development above slab level taking place.
37. A CEMP, non-licenced method statement for newts, a precautionary working method statement for reptiles and details of a scheme to enhance nature conservation interests and of any lighting to be installed are needed in the interests of biodiversity, and in the case of the former also the living conditions of nearby occupiers. Both the CEMP and the method statements are pre commencement conditions as the measures are required for the full duration of the development.
38. The implementation of the proposed visibility splay and the provision of space for vehicles to park and turn are required in order that the development would not compromise highway safety or cause inconvenience to road users. The trigger for the condition relating to visibility splays has been amended to a pre occupation condition, as this is the point when the access would be in regular use. The provision of cycle storage and e-cycle charge points are required to promote sustainable transport.
39. There is evidence that the site may have filled land in proximity and so there is a risk of contaminated land. Therefore, conditions requiring a phase one survey, site investigation and remediation and verification if required are necessary in order to minimise risks from contaminated land to future users, controlled waters, property, ecological systems, workers, neighbours and other off site receptors. This condition is pre commencement as these measures are required to be implemented prior to the development taking place.
40. Details of sustainable urban drainage systems and verification of their implementation are necessary in order to ensure that the development would not increase flood risk on or off site. The submission of these details is a pre commencement condition as these measures are required to be approved prior to the development taking place. An energy statement is needed in order that the development reduces carbon emissions and details of water consumption are necessary to minimise water use. A site waste management plan is required to encourage the re-use of resources and it should be a pre commencement condition as the measures would be required for the full duration of the development.

## **Conclusion**

41. For the reasons given above the appeal should be allowed.

*H Miles*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP2, 208A, 200A, 201A, 202, 203, 204, 205, 206, 207 2023/7519/004 revision P2 210, 211, 212, 213.
- 3) No development shall take place until a detailed Phase One survey, including historic investigation and details of ground conditions to ascertain whether the site supports any soil or water contamination has been submitted to and approved in writing by the Local Planning Authority. If the Local Planning Authority considers that further investigation of the site is necessary, a detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. The investigation shall include relevant subsurface, soil gas and groundwater sampling together with the results of analysis and a risk assessment of the impact to receptors.
- 4) No development shall take place where (following the Phase One survey and detailed site investigation) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be sufficiently detailed and thorough to restore the site to a standard suitable for its intended use. The approved remediation scheme shall be carried out and upon completion a verification report to show that the works have been carried out in full accordance with the approved remediation strategy, details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria together with the necessary documentation detailing what waste material has been removed from the site, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.
- 5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 6) The Arboricultural Report, which includes an Arboricultural Assessment and Method Statement (AMS) and Tree Protection Plan (TPP), prepared by Mark Welby Ltd dated 28th September 2022, must be adhered to in full. No development shall take place until tree protection measures, and any other pre-commencement measures as set out in the AMS and TPP, have been installed/implemented. The protection measures shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.
- 7) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to

construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

- 8) No development shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- i) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 4.4l/s.
  - ii) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - iii) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - iv) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - v) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The approved surface water drainage scheme shall be constructed prior to the first occupation of the development and thereafter retained and maintained for the duration of the development.

- 9) No development shall take place until a written Site Waste Management Plan is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No development shall take place until a Non-licenced Methods Statement for great crested newts, written by a suitably experienced ecologist has been submitted to and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) No development shall take place until a precautionary working method statement for reptiles has been submitted to and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) No development shall commence other than demolition until the existing buildings and their foundations identified on the demolition site plan drawing

- number 214 are demolished and all of the resultant demolition materials and debris that are not to be reused in the construction of the development hereby permitted have been removed from the site.
- 13) No development shall take place above slab level until details for the storage of waste on the premises, including the design and position of storage facilities for bins and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development and thereafter retained for the duration of the development.
  - 14) No development shall take place above slab level until a written schedule with details of the source/ manufacturer, colour and finish, OR samples on request of all external facing and roof materials has been submitted to and approved in writing by the Local Planning Authority. This must include the details of embodied carbon/ energy (environmental credentials) of all external materials. The development shall be carried out in accordance with the approved materials.
  - 15) No development shall take place above slab level until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used). The approved details shall be implemented prior to the first occupation of the development and thereafter retained for the duration of the development.
  - 16) No development shall take place above slab level until full details, of both hard and soft landscape proposals, including a landscape management plan and schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. This should include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The development shall be carried out in accordance with the approved details and (with the exception of planting, seeding and turfing) shall be implemented prior to the first occupation of the development and thereafter retained for the duration of the development.
  - 17) No development shall take place above slab level until a scheme to enhance the nature conservation interest of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the development.
  - 18) The development hereby approved shall not be first occupied until the proposed vehicular access to Tangley Lane has been constructed and provided with visibility zones in accordance with the approved plans. and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
  - 19) The development hereby approved shall not be first occupied until a scheme for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear has been submitted to and approved in writing

- by the Local Planning Authority. The parking and turning areas shall be implemented prior to the first occupation of the development and thereafter retained for their designated purposes.
- 20) The development hereby approved shall not be first occupied until details of facilities for the secure, covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to the first occupation of the development and thereafter retained for their designated purposes.
- 21) The development hereby approved shall not be first occupied until a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) has been submitted to and approved in writing by the Local Planning Authority. The notice shall demonstrate that the development hereby permitted complies 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). The approved details shall be implemented in full prior to the first occupation of the development.
- 22) The development hereby approved shall not be first occupied until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 23) No external lighting shall be installed on the site or affixed to any buildings on the site unless a scheme for the details of the position, height, design, measures to control light spillage and intensity of illumination has been submitted to and approved in writing by the Local Planning Authority. External lighting shall be implemented only in accordance with the approved details.