



Appeal Decision

Site visit made on 27 August 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 SEPTEMBER 2025

Appeal Ref: APP/Y3615/W/25/3365890

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 25/P/00346.
 - The development proposed is partial change of use of existing car park to water filling station including retention of existing structure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It appears that a water filling station has already been installed in this location. Nevertheless, for the avoidance of doubt, the fact that development has occurred has not altered my decision.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. Development in the Green Belt is inappropriate and thus should be approved only if very special circumstances exist, unless it comes within one of the exceptions in the Framework. Of relevance to this appeal, paragraph 155 provides an exemption to inappropriate development relevant to grey belt land. Policy P2 of the Guildford Borough Local Plan strategy and sites 2015-2034 (2019) (LPSS) states, in part, that 'the construction of new buildings in the Green Belt will constitute inappropriate development, unless the buildings fall within the list of

exceptions identified by the NPPF'. Whilst there is no specific reference to grey belt, this is an exception identified by the NPPF, and as such the policy is broadly in accordance with the Framework in these circumstances.

5. The appeal site is just outside Jacobs Well, which is a settlement excluded from the Green Belt, but not a large urban area or historic town. The site is around 200m from the development plan boundary for Guildford and it is clearly separated from this urban area by fields and open land. Therefore, the proposal does not lead to the unrestricted sprawl of large built-up areas, does not contribute to neighbouring towns merging into one another and preserves the setting and special character of historic towns. Consequently, the site does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Furthermore, the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development. As such, the site is grey belt land in the terms of the Framework.
6. Where a site is judged to be grey belt, wider considerations are relevant to the consideration of development proposals on the site, including whether the development would not be inappropriate development in the Green Belt as set out in paragraph 155. This includes consideration of whether there is a demonstrable unmet need for the type of development proposed under paragraph 155b).
7. The appellant states that the water unit has become a popular feature for local businesses. However, this statement is unsupported by any detail or evidence of the type that establishes a need for this unit. Therefore, I am not satisfied that there is a demonstrable unmet need for the type of development proposed. Consequently, the circumstances required by paragraph 155b) do not apply.
8. In order to benefit from the exemption to inappropriate development relevant to grey belt land, the proposal must satisfy all the criteria of paragraph 155. Therefore, even if I were to find that the development of the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, the appeal scheme would nevertheless be inappropriate development in this respect as it would not satisfy paragraph 155b). I am not provided with evidence that the appeal scheme would meet any other exceptions to inappropriate development.
9. Consequently, the appeal scheme is inappropriate development in terms of the Framework and Policy P2 of the LP, the aims of which are set out above.

Openness

10. Openness has both spatial and visual dimensions. The station is sited on a space in an existing car park. The car park is hard surfaced but open, and any cars parking on the site have only a temporary and transient effect on the spatial and visual openness of this area. The water filling station is visible in glimpsed views through the boundary vegetation, from the adjoining public space at Harry's Meadow, as well as by those accessing the village hall, scout hut and car park.
11. The appeal scheme introduced a permanent structure to this site. Although it occupies a single car parking space, it appears as a large boxy structure in this context. It therefore introduces bulky permanent development to land which was mainly open. It is clearly visible in public views as well as being seen by those

using the public facilities at the appeal site. Consequently, there is harm to spatial and visual openness.

Character and Appearance

12. The site includes the Village Hall, a modest single storey building and the Scout Hut which is a smaller, also single storey, building. These are located together on one corner of the site with a generous amount of space around them, including grassed areas as well as the car park. The appeal site is on the eastern side of the road, and is mainly surrounded by open fields, with some sporadic residential development on this side of the road. Jacobs Well Road provides a clear separation from the more dense housing on the opposite side. Therefore, there is an open, spacious character to the appeal site and surroundings.
13. For the reasons set out above, the water filling station unacceptably erodes the characteristic openness of the site. In addition, it is a utilitarian structure with a metal finish, however this material does not form a prevailing part of the character of these surroundings. Furthermore, the lack of detailing to the structure does not alleviate its boxy character. It therefore appears as a visually jarring and bulky addition which harmfully undermines the open spacious character to the appeal site.
14. Consequently, the appeal scheme is harmful to the character and appearance of the area. As such, it is contrary to Policy D1 of the LPSS and Policy D4 of the Guildford Borough Local Plan Development Management Policies (2023) (DMP). Together these seek high quality design which contributes to local character and distinctiveness, amongst other things.

Other Considerations

15. The water filling station sells pure water for local businesses and there is an economic benefit to the appeal scheme in this regard. The Village Hall is a non-profit community facility which provides social and community services. The water filling station provides an income of around £4,000 per year, which is 30% of their profit. Within the next 1-3 years, the Village Hall wooden structure requires repairs, including complete cladding replacement, upgraded thermal insulation and new double glazing as well as works to meet modern accessibility standards. These are estimated to cost around £100,000. Other costs to the Village Hall include refuse collections and increasing utility bills. However, I have limited information regarding the specific works required or whether there are less harmful alternatives to achieve this income. Whilst the maintenance of the facility is an important benefit, given the lack of detail before me, I afford moderate weight to these benefits.
16. An appeal decision was made for a water filling station in this location in February 2025 (APP/Y3615/W/24/3347519). This was after the publication of the 2024 Framework, but prior to the publication of the updated Green Belt Planning Practice Guidance (PPG). *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32* determined that there is no legal distinction between the NPPF and the PPG. My attention is drawn to paragraphs of the PPG relating to proposals on grey belt land. These provide further detail but do not change the requirements of the 2024 Framework. Nevertheless, the evidence before me in this case leads me to assess the scheme

against paragraph 155 of the Framework. Although, for the reasons above, I do not find that this provides an exception to inappropriate development in this case.

Green Belt Balance

17. I have concluded that the proposal is inappropriate development in the Green Belt which is, by definition, harmful. There is also harm to the Green Belt due to the effect on openness. Additionally, I have found harm with regard to character and appearance. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
18. On the other hand, the proposed development results in the moderate benefits identified above. Consequently, the considerations advanced by the appellant, even when considered together, do not clearly outweigh the totality of the Green Belt harm. The very special circumstances necessary to justify the development therefore do not exist and this is a strong reason for refusal.

Conclusion

19. 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. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR