



Appeal Decision

Site visit made on 24 November 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/Y3615/W/25/3373297

Blakes Lane Farm, Blakes Lane, Guildford, Surrey GU4 7RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Jason Robertshaw (Blakes Lane Farm limited) against Guildford Borough Council.
 - The application Ref is 25/P/00751.
 - The development proposed is described as outline application for between 3 – 5 self-build houses.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. I have used the description of development provided in the application form in the banner heading above. During the course of the planning application the appellant submitted an amendment to reduce the scheme from up to 5 to 3 dwellings. However, such amendment was not accepted by the Council on the basis that re-consultation would be required.
3. Therefore, in the interests of fairness, this appeal must be determined based on the details which the Council considered in its assessment, and which have been subject to consultation. To do otherwise could unacceptably prejudice the interests of other parties. As such, for the avoidance of doubt I have determined this appeal on the basis that the proposal would provide up to 5 dwellings.
4. The application has been submitted in outline with all matters reserved for future consideration. I have therefore treated the submitted plans as illustrative.
5. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council submitted putative reasons for refusal in its evidence and advised that the amended Preliminary Ecological Appraisal and Bat Activity Survey Report submitted with the appeal satisfactorily addressed its concerns related to ecology. I have formulated the main issues below on this basis.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the area, with reference to the Area of Great Landscape Value; and
- 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

Whether inappropriate development

7. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LPSS) seeks to protect the Metropolitan Green Belt against inappropriate development in accordance with the Framework. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155.
8. There is no dispute between the main parties that the appeal site would fall within the definition of grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I see no reason to take a different view on this matter. As such, the proposal would satisfy criterion a. under paragraph 155.
9. The main parties agree that the proposal would meet criterion b. of paragraph 155 relating to a demonstrable unmet need for the type of development proposed. Based on the evidence before me, I find no reason to disagree on this point.
10. Paragraph 155 criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs relate amongst other matters to focusing development on locations which are or can be made sustainable and ensuring that sustainable transport modes are prioritised.
11. The appeal sites lies outside of any defined development boundary of an identified settlement. Blakes Lane, in this location, is a narrow rural lane largely bound by trees, hedges and fencing, with informal passing places and stretches of narrow grass verges. While the site is not far from the settlement of East Clandon, there are no footways or streetlamps along Blakes Lane as I observed in my site visit.
12. As such, while traffic may be infrequent and vehicles might travel at low speeds in Blakes Lane, walking as a matter of routine would likely be unattractive, particularly during the winter months, due to the shorter days, and it would be potentially unsafe for vulnerable users in the hours of darkness. Blakes Lane does not have a dedicated cycle lane, thereby making cycling an unattractive option for day-to-day family needs. In addition, reaching East Clandon by foot would require crossing the A246 which does not have a passing point near its junction with Blakes Lane.
13. There are bus stops located on the A246 within reasonable walking distance from the site, which the evidence indicates provide regular bus services throughout the day. However, such bus stops would be reached via Blakes Lane and would requiring walking along a grass verge on the A246 and/or crossing it, which would

likely be unattractive for the reasons set out above. Therefore, accessing the bus stops to use this service would be a deterrent to choosing this mode of travel.

14. The evidence indicates that the nearest railway station, Clandon Station, could be reached via public footpaths. However, the appellant's Sustainable Transport Statement shows that this route is some 2.9km long and would cross a golf course and fields. As such, I am not persuaded it would be suitable for everyday use, especially in the winter and during the hours of darkness.
15. Cycling from the appeal site to reach the station would require negotiating and crossing a stretch of the A246 where the speed limit is 50mph and includes a section of dual carriageway. Therefore, reaching the train station by bicycle would likely be restricted to confident adults. While the bus services that run along the A246 provide access to Bookham Station, reaching said bus stops would require walking along Blakes Lane and negotiating the A246. This would significantly reduce the likelihood of journeys using sustainable modes of transport.
16. In addition, the details provided indicate that East Clandon offers limited services and facilities. Thus, it is highly likely that future residents would need to travel to neighbouring settlements to access regular requirements, including schools and shops. As such, there would be a distinct reliance on the private motor vehicle for even the most basic of day-to-day requirements.
17. The County Highway Authority (CHA) suggested that a condition related to the delivery of highway improvements, including a footway, provision of hardstanding, bus stop pole, flag and timetable case, informal crossing point on the A246, accessible kerbing and a vehicle passing place could be imposed to promote sustainable means of transport.
18. Any condition would be required to meet the six tests¹. The scheme before me would comprise a small number of dwellings, and the CHA confirmed that it would not generate significant vehicular movements. As such, the suggested highway improvements would not be necessary to mitigate any highway safety impacts associated with the development. Consequently, the suggested improvements would be excessive for the scale of the development. Therefore, the condition would not be necessary or reasonable. A departure from CHA's view requires cogent and compelling reasons as set out in relevant caselaw², and I am satisfied that such reasons exist in this case.
19. In any event, even if the delivery of the proposed improvements could be secured by condition, I am not persuaded that these works would significantly increase the amount of journeys using sustainable modes of transport. This is because of the conditions along Blakes Lane, which would be unattractive for walking and cycling on a daily basis, for the reasons I have set out above. As such, I am not convinced that the condition suggested by the CHA would mitigate the adverse effects associated with the proposal.
20. The appellant indicates that Blakes Lane is frequently used by walkers, runners, cyclists and forms part of cycling events. However, these are leisure / recreational uses of a different nature to the everyday use associated with a residential use.

¹ Paragraph 57 of the National Planning Policy Framework

² Visao Ltd v SSHCLG [2019] EWHC 276 (Admin)

Therefore, I am not persuaded this would justify the proposed residential development.

21. Drawing all the above together, the appeal site is not within a location which is, or can be made, sustainable. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas but, overall, the characteristics of Blakes Lane would be likely to encourage residents to heavily favour the use of the private motor vehicle for convenience and safety. Therefore, there would be a dependency upon private motor vehicles for shorter journeys, to the detriment of sustainable transport solutions. On this basis, the proposal would fail to satisfy criterion c of paragraph 155 of the Framework.
22. For completeness, the proposed development is not major development, and therefore the requirement of criterion d. of paragraph 155, to satisfy the 'Golden Rules', is not applicable to the appeal proposal.
23. In light of the above, the proposed development would fail to satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposal would be inappropriate development in the Green Belt under this paragraph. No other exceptions are relied upon by the appellant, included those listed under paragraph 154 of the Framework. Therefore, the proposal would constitute inappropriate development in the Green Belt, contrary to LPSS Policy P2 and to the Framework. In addition, the scheme would conflict with LPSS Policy ID3, which requires development to maximise the use of the sustainable transport modes of walking, cycling and the use of public transport.

Effect on openness

24. The Framework sets out that the essential characteristics of Green Belts are their openness and permanence. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt, including harm to its openness.
25. The proposed development would introduce up to 5 dwellings within the appeal site, which comprises a largely undeveloped parcel of agricultural land. While the size and scale of the proposed dwellings is not known at this stage, the introduction of built form in this location would inevitably result in a clear loss of spatial openness. The appeal site occupies a prominent position within the street scene, and the proposal would be clearly visible from public vantage points. In light of this context, the appeal scheme would reduce visual openness. Overall, albeit localised, the degree of harm to the openness of the Green Belt would be considerable.

Character and appearance

26. The appeal site is located within the Area of Great Landscape Value (AGLV). LPSS Policy P1 requires development proposals within the AGLV to demonstrate that they would not harm the setting of the National Landscape or the distinctive character of the AGLV itself. I have also had regard to relevant caselaw, including the *Ardleigh*³ judgement that the appellant refers me to.
27. The appeal site lies within the countryside where agricultural fields and paddocks interspersed with areas of trees dominate the landscape. Nearby development is sporadic and includes commercial buildings, equestrian uses and residential

³ *Ardleigh Parish Council vs Tendring District Council & Flying Trade Group Limited* EWHC 648 (Admin)

dwellings. Despite the proximity to the A246, the area has a rural and verdant character. Local topography is undulating.

28. The site is a largely undeveloped parcel of land with an irregular shape that forms part of a wider agricultural field. The site is separated from the wider field by a low-height post and wire fence, and the evidence indicates that hedgerow planting has taken place around the perimeter of the site, although this is yet to become established. There is a dense line of mature trees next to the site's western boundary. Therefore, the site makes a positive contribution to its rural surroundings and is sensitive to change.
29. The proposed scheme would introduce up to 5 dwellings within this agricultural land. While the design, size and scale of the proposed dwellings is not known at this stage, and I note the appellant's suggestion regarding a condition requiring the submission of a design code, the introduction of built form in this location would inevitably stand out as a distinct built incursion into the largely undeveloped site. The scheme would therefore lead to a detrimental urbanisation and loss of an open and spacious parcel of land that makes an important contribution to the rural character of the area, even if appropriate materials were to be utilised.
30. The submitted Landscape and Visual Appraisal shows that the proposal would be experienced in localised views within Blakes Lane. Nevertheless, the appeal site is a key component of those views, as an integral part of the rural landscape. The subsequent loss of the undeveloped qualities of the site would undermine the character of the area. Therefore, I am not satisfied that the proposal could be designed in such way that would enable it to successfully integrate with its surroundings.
31. Landscaping proposals have not yet been finalised at this stage, but the appellant indicates that the recently planted hedgerows along the boundaries of the site would assist with screening the proposal. Whilst the hedge includes fast-growing species, given the likely extent of domestic use, and noting the height that the hedge is expected to achieve, it is unlikely that such planting could achieve a successful assimilation of the proposed development, even when taking local topography into account.
32. Further, the proposed screening would also be contrived insofar as it would reduce the sense of openness within the field. Therefore, even having regard to the existing trees along the western boundary of the appeal site, I am not persuaded that landscaping would offer appropriate mitigation for the proposed development, which would remain prominent in views within Blakes Lane.
33. The proposal would have a harmful effect on the character and appearance of the area, with reference to the AGLV, contrary to LPSS Policies D1, H1 and P1. Among other things, these policies support self-build and custom housebuilding if the proposed development has no adverse effect on the local character, seek to protect the distinctive character of the AGLV and support development of a high-quality design that responds to distinctive local character (including landscape character) of the area in which it is set.

Other Considerations

34. The submission is accompanied by a Unilateral Undertaking which seeks to secure the development for self-build and custom housing building (SBCH). I am

satisfied this planning obligation would meet the tests within the Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (the regulations).

35. The Council directs me to its most up-to-date monitoring report⁴, which demonstrates that there is no shortfall. The appellant, on the other hand, provides some evidence that the Council has an undersupply of SBCH.
36. Still, even if I were to accept, for the purposes of this appeal, the appellant's position that the Council's obligations under the Self-Build and Custom Housebuilding Act 2015 are not being met, the proposal would deliver up to 5 dwellings, which would undoubtedly contribute towards the housing stock with the Borough and carry considerable weight in favour of the scheme.
37. The Council is satisfied that the proposal would be exempt of providing the mandatory 10% Biodiversity Net Gain (BNG). Nevertheless, the appellant has put forward a legal agreement to secure the delivery of a habitat bank on land within their ownership near the appeal site. I am satisfied this planning obligation would meet the tests within the regulations.
38. The proposed habitats include a traditional orchard, as well as planting a native species hedgerow which would function as a wildlife corridor as it matures. However, sections of hedgerow have been planted and there is limited evidence to suggest it would be removed, should the appeal fail. In addition, there is no compelling evidence before me to demonstrate the extent to which this habitat bank would enable other approved schemes within the Borough that are being held up because of BNG to progress. As such, this weighs in favour of the scheme to a moderate degree. In reaching this position I have had regard to relevant caselaw, including the NRS Saredon Aggregates⁵ judgement that the appellant has brought to my attention.
39. The planning obligation would further secure a financial contribution towards measures to conserve or enhance the Surrey Hills National Landscape. However, I have not been provided with robust details setting out the need for such contribution, nor where it would be employed. As such, this would carry limited weight in favour of the scheme.
40. The appellant indicated that the proposal would accord with the local policies pertaining to climate change, energy and sustainability. However, while I appreciate that any sustainability and energy efficiency details at this stage would be limited given that the proposal was submitted in outline, there is no compelling evidence before me to suggest that the proposal would exceed the policy requirements. As such, I afford this matter limited weight.
41. The proposal would add to the choice and mix of housing in the local area. Future residents would be active in the local community, and some economic benefits would be delivered during construction phase and following occupation. The Framework recognises that small sites can be built out relatively quickly. However, given the modest number of residential units proposed, I ascribe this limited weight.

⁴ Council's Authority Monitoring Report for the period 1 April 2023-31 March 2024

⁵ NRS Saredon Aggregates Ltd v Secretary of State [2023] EWHC 2795 (Admin)

Other Matters

42. Reference is made to other planning applications and appeal decisions where matters including active travel opportunities, soft-landscaping screening, voluntary provision of BNG and SBCH were addressed. However, I have very limited details regarding these cases. Consequently, I cannot make any useful comparison between the proposal and these other schemes. Therefore, I have assessed the scheme on its own merits.
43. I note the appellant's position that there are few other remaining locations left in the Borough to develop. However, I am required to assess the appeal on the basis of its specific details and circumstances.
44. I have had regard to the comments in support of the proposal made by interested parties, who advise that they use Blakes Lane for walking and reaching the bus stops. This does not however absolve me from making an assessment of the effect of the proposed development in regard to the main issues that have been identified. I have done so and found it to conflict with the development plan for the reasons I have given.

Green Belt Balance

45. The appeal proposal would constitute inappropriate development in the Green Belt, which the Framework establishes is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances (VSC). The Framework sets out that for VSC to exist, the harm by reason of inappropriateness, and any other harm resulting from the proposal must be clearly outweighed by other considerations.
46. Beginning with harms, in addition to the harm by reason of inappropriateness, I have found that the proposed development would cause considerable harm to the openness of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt. Accordingly, the harm to the openness, in addition to the harm by reason of inappropriateness, each carry substantial weight against the appeal proposal.
47. In addition, the proposed development would also cause significant harm to the rural character and appearance of the appeal site and the surrounding countryside. This would add significant weight against the appeal proposal.
48. In carrying out the Green Belt balance, the Courts have established that determining whether VSC exist to justify inappropriate development in the Green Belt, is an exercise of planning judgement, rather than a mathematical exercise in which each element of harm or benefit is added to a balance⁶.
49. I have set out above the benefits associated with the proposal. I have considered the totality of the benefits of the proposed development against the totality of its harms. Taken together, the benefits associated with the proposal would carry great weight but would not clearly outweigh the combination and extent of harms that I have identified. Consequently, the VSC necessary to justify the proposal as inappropriate development in the Green Belt do not exist.

⁶ Sefton Metropolitan Borough Council v SSHCLG & Jerry Doherty [2021] EWHC 1082 (Admin)

Planning Balance and Conclusion

50. The proposal would conflict with the development plan as a whole. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
51. The parties agree that the Council cannot currently demonstrate a five-year housing supply of deliverable housing sites. Therefore, paragraph 11d) of the Framework would be engaged. However, paragraph 11d) i) states that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Given that I have found inappropriate development in the Green Belt in the absence of very special circumstances, a strong reason to refuse permission exists, and paragraph 11d) ii) of the Framework does not apply.
52. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR