



Appeal Decision

Site visit made on 3 February 2026

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th March 2026

Appeal Ref: APP/D3640/W/25/3374826

Former Mincing Lane Nursery, land to the West of 35 Mincing Lane, Chobham, Surrey GU24 8PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant permission in principle.
 - The appeal is made by Mr Thomas Howard of Livedin (trading name of Rural UK Ltd) against the decision of Surrey Heath Borough Council.
 - The application Ref is 25/0555/PIP.
 - The development proposed is for up to 5 self-build dwellings (as a phased development).
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Decision

1. The appeal is dismissed.

Background

2. The appeal relates to an application for permission in principle. Planning Practice Guidance (PPG)¹ advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages; the first stage (or the permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent (TDC)) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, the application form specifies the range as being between three and five dwellings. I have determined the appeal on that basis.
4. The PPG explains that a decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (the Framework) and national guidance, which indicate otherwise.

Preliminary Matters

5. The Framework advises that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent of unresolved objections to relevant policies and the degree of consistency with the Framework.

¹ Paragraph: 001 Reference ID: 58-001-20180615

6. The Council received the Examiner's Report on the Chobham Neighbourhood Plan 2024 to 2038 in November 2025. The Council subsequently agreed modifications to the draft and the Referendum Version of the Neighbourhood Plan was published in January 2026 (the RVNP). The referendum is scheduled to take place on 7 May 2026. The RVNP does not yet form part of the development plan. However, it is at an advanced stage of preparation² and therefore attracts an appropriate degree of weight. The appellant has expressed concern that the owners of the appeal site were not aware of the emerging Neighbourhood Plan, and in particular, the proposed designation of the appeal site as Local Green Space (LGS). The Council has nonetheless confirmed that the RVNP is legally compliant. Matters of legal compliance of an emerging neighbourhood plan fall outside the scope of this appeal.
7. The Council also has an emerging local plan³ (the emerging plan), which has been submitted to the Secretary of State for examination. While I have determined the appeal on the basis of the adopted development plan which comprises the Surrey Heath Core Strategy and Development Management Policies 2011 - 2028 (2012) (CS) and The South East Plan Regional Spatial Strategy for the South East of England (2009) (SEP), I have also had regard to the policies of the emerging plan and RVNP as appropriate.
8. Section 79 of the Act states that the Secretary of State may allow or dismiss the appeal and may deal with the application as if it had been made to him in the first instance. Although the Council did not cite specific concerns regarding the character and appearance of the area which is proposed to be designated as LGS in the RVNP, such matters are relevant to consideration of this appeal, including the site's location. The main parties were therefore invited to comment on these matters, including the relevance of any policies, and I have taken those comments into account in determining this appeal. Accordingly, consideration of these matters form part of the main issues.
9. Paragraph 108 of the Framework states that policies and decisions for managing development within an LGS should be consistent with national policy for Green Belts set out in chapter 13 of the Framework. However, footnote 45 excludes provisions relating to grey belt. Therefore, while there is some overlap between matters relating to the sites proposed designation as LGS and the site's location in the Green Belt, the policy test differs. For clarity and completeness, I have therefore addressed these matters separately.
10. Reference has been made by the main parties to the Government consultation on proposed reforms to the Framework published on 16 December 2025. Whilst broad changes to the structure of the Framework are proposed as part of this consultation, this is likely to be subject to further change after the consultation views have been considered and can only be given very limited weight at this stage. In reaching my decision, I have had particular regard to the Framework published in December 2024.

² Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

³ Pre-Submission Surrey Heath Local Plan (2019 - 2038): Regulation 19 (2024).

Main Issues

11. The main issue is whether or not the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular reference to:
- the effect of the proposed development on the integrity of Thames Basin Heaths Special Protection Area (TBH SPA);
 - whether or not the proposed development would be inappropriate development in the Green Belt;
 - whether or not the proposed development would be inappropriate development given the RVNP that proposes to designate the land as Local Green Space (LGS), including the effect on openness;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Thames Basin Heaths Special Protection Area (TBH SPA)

12. Certain types of development are excluded from the grant of permission in principle. A proposal that would constitute habitats development is one of those exclusions⁴. The Planning Practice Guidance⁵ (PPG) explains that this means development which is likely to have a significant effect on a qualifying European site, such as the TBH SPA. The local planning authority should ensure an appropriate assessment (AA) has been undertaken before consideration of the grant of permission in principle. The PPG explains that if the local planning authority is satisfied, after taking account of mitigation measures in the AA and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.
13. The appeal site lies within the 400m to 5km zone of the TBH SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD) advises that the TBH SPA is recognised for its ability to provide habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler. Recreational activity within this area, including that arising from residential development, has the potential to disturb this habitat.
14. In combination with other plans and projects, the proposed development could contribute to a deterioration of the quality of the habitat by reason of increased recreational disturbance.
15. The SPD sets out an agreed strategy, which includes the provision of developer contributions towards Suitable Alternative Green Space (SANG) and Strategic

⁴ Section 5B(1)(b) of The Town and Country Planning (Permission in Principle) Order 2017

⁵ Paragraph: 005 Reference ID: 58-005-20190315

- Access Management and Monitoring (SAMM), to mitigate the effect of increased recreational pressure resulting from additional residential development within the zone of influence.
16. The PPG explains that conditions and/or planning obligations cannot be secured at the permission in principle stage, only at the technical details consent stage. However, there is no legal reason why an obligation cannot be entered into at any time. A signed and dated unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (UU) has been submitted during the appeal.
 17. The UU provides an undertaking, to make the required financial contributions in line with the formulas based on the number of bedrooms/floorspace, as set out in the SPD, towards SANG and SAMM prior to the commencement of each dwelling on the land. The formulas account for the fact that the number and size of dwellings is currently unknown, and that tariffs may change. Even based on a maximum development option, which may or may not be acceptable at TDC stage, it would secure the mitigation requirements of the SPD. This would therefore provide a direct link between the mitigation payments, related to the permission in principle stage for this scheme and any subsequent TDC. On this basis, there would be certainty about what the mitigation would entail and knowledge that it would be secured if planning permission is forthcoming.
 18. The Council assert that the proposed development has not yet been allocated SANG, citing limited available capacity which led to the publication of SANG allocation criteria in 2020⁶. However, the emerging local plan evidence base⁷ refers to SANG capacity issues as a historic challenge and identifies remaining SANG. It also acknowledges that to deliver the housing anticipated over the plan period to 2038, additional SANG capacity will be required. Suitable sites have been identified, and the evidence indicates that this position is supported by Natural England.
 19. Furthermore, provided that the required SANG and SAMM are secured, Natural England has confirmed that this would be sufficient to mitigate the effect of the proposed development on the integrity of the TBH SPA and its qualifying features. Therefore, there is no substantive evidence before me to indicate that SANG allocation, should dwellings be granted at TDC, would not be capable of being delivered either through existing or future SANG capacity. While interested parties have also raised concerns regarding the quality of SANGs and maintenance obligations being fulfilled, this would be a matter for the Council and/or other appropriate bodies to enforce.
 20. There is a duty under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) as the competent authority, to undertake an AA in relation to the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of the TBH SPA. The UU provides sufficient certainty that the adverse effect on the integrity of the TBH SPA would be avoided. Consequently, in undertaking an AA, I am satisfied that the proposed development would not result in a harmful effect on the integrity of TBH SPA, either alone or in combination with other projects, and would accord with the requirements of the Habitats Regulations. Although I have taken into account the responses received from interested parties

⁶ *Surrey Heath SANG allocation SANG allocation criteria (January 2020)*

⁷ *Pre-Submission Surrey Heath Local Plan (2019 – 2038): (Regulation 19) Thames Basis Heaths Special Protection Area Topic Paper (July 2024)*

in this regard, the development proposed would not be habitats development and can be considered under the permission in principle procedure.

21. The Council has drawn my attention to a number of appeal decisions. This includes sites at Laverton⁸ and Land South of Woodham Walter Primary School⁹. However, in the both these cases, there was no signed and completed planning obligation before the Inspector to secure the required habitats mitigation. Therefore, the circumstances in those cases differ from the appeal before me. Furthermore, my attention has been drawn to a later appeal on Land North of Windsoredge Lane¹⁰, and my decision is consistent with the approach taken by the Inspector in determining that appeal.
22. In respect of this issue, I therefore conclude that the proposed development would not result in a harmful effect on the integrity of the TBH SPA. On this basis, there would be no conflict with CPI4B of the CS and Policy NRM6 of SEP which require new residential development to mitigate any potential adverse effects upon habitats sites.

Whether or not inappropriate development in the Green Belt

23. The Council's decision does not refer to policies in the CS or SEP in respect of this issue. Nevertheless, Policy GBC1 of the emerging plan states that new buildings will be permitted in the Green Belt where they are consistent with the exceptions listed in the Framework.
24. The Framework states that the essential characteristics of Green Belts are their openness and their permanence, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development in the Green Belt is inappropriate unless one of the specified exceptions applies. The proposed development does not fall within any of the exceptions listed in paragraph 154 of the Framework.
25. Paragraph 155 of the Framework further states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where the requirements of a-d are satisfied. Paragraph 155 a. refers to instances when 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. The Framework glossary defines grey belt as land comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b), or d) in paragraph 143. The purposes referred to relate to checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging into one another and preserving the setting and special character of historic towns.
26. In the scenario that I found that the proposed development that the proposed development would not constitute habitats development, the Council has confirmed that the appeal site could be regarded as grey belt. Nevertheless, I will undertake my own assessment in this regard.

⁸ Appeal ref: APP/K3605/W/19/3229624

⁹ Appeal ref: APP/X1545/W/21/3274431

¹⁰ Appeal ref: APP/C1625/W/23/3329704

27. The Council indicate in its recent green belt review¹¹ that the appeal site, which forms part of a larger parcel, was not considered to function against purposes a) and d), *'owing to its distance from identified large built-up areas and its relationship with the historic part of the settlement of Chobham'*. Furthermore, in relation to purpose b), the review considered the parcel to *'function weakly'*, *'owing to its location and the relationship between the settlement of Chobham and its nearest neighbouring settlements to the north and northwest'*. Taking these findings into account and having regard to my own observations on site including the site's position and relationship within nearby built form, I am also satisfied that it does not make a strong contribution to these purposes.
28. Although purposes a), b) and d) would not be undermined, it is also necessary to consider purpose c), which seeks to assist in safeguarding the countryside from encroachment, and purpose e), which encourages the recycling of derelict and other land. There would be some conflict with purpose c), as the proposed development, subject to TDC, would introduce built form where currently none exists. Also, the proposal may not assist with purpose e). However, taken together, the proposal would not fundamentally undermine them either, particularly when considering the amount of development proposed, the site area and the remaining extent of the Green Belt as a whole.
29. The Council confirm that it is unable to demonstrate a five-year housing land supply, with the latest figures provided indicating this to be between 3.0 and 3.7 years. Given my findings in relation to habitats sites, the proposed development does not relate to areas of assets of particular importance listed under footnote 7 of the Framework which would disengage the application of footnote 56 of the Framework. Additionally, the Council indicate that there is unmet demand for self-build plots within the area. The UU secures the proposed development as self-build dwellings in accordance with the definitions of the Self-Build and Custom Housebuilding Act 2015, which also has separate policy support, including in the emerging RVNP. Therefore, the proposed development would make a small yet meaningful contribution to the housing need in the area. This amounts to a demonstrable unmet need for the type of development proposed in line with paragraph 155 b).
30. Paragraphs 100 and 115 of the Framework, aim to focus development in locations which are or can be made sustainable and seek to ensure that sustainable transport modes are prioritised. The appeal site is located within walking distance of Chobham and a reasonable level of local services and facilities. It is acknowledged that bus services and cycle facilities may be limited and that there would likely remain reliance upon motor vehicles for day-to-day needs. Even so, Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making. The Local Highways Authority consider the appeal site to be sustainably located, and I find no reason to reach a different view in this regard. On this basis, paragraph 155 c. would not be conflicted.
31. The 'Golden Rules' at paragraph 155 d. addressing major housing developments are not relevant.

¹¹ *Surrey Heath Local Plan: Preferred Options (2019 – 2038) Green Belt Review Addendum and Additional Assessment (2023)*

32. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt as it would constitute the development of grey belt land referred to in paragraph 155 of the Framework. It follows that the test of impacts to openness or to Green Belt purposes are addressed and therefore the proposed development does not have to be justified by very special circumstances in Green Belt terms.
33. I note the interested party assertion that the appeal site is not the sort of Green Belt land had in mind for designation of grey belt, when taking into account parliamentary statements. However, in reaching my decision, I must have regard to the wording of the Framework as published in 2024.
34. The previous Inspector in determining the previous appeal found that development to amount to inappropriate development in the Green Belt. However, that decision was based on an earlier version of the Framework published in July 2021, prior to the introduction of policies relating to grey belt. As a consequence, the reasons for dismissing that appeal on Green Belt grounds are not directly relevant to this appeal.

Proposed LGS

35. The appeal site comprises part of a small woodland which is proposed to be designated as Local Green Space (LGS) in the RVNP and is visible from Mincing Lane and Medhurst Close. Emerging Policy CH10 of the RVNP states that development proposals within the identified LGS will not be supported except in very special circumstances. The supporting text refers to the Framework, which at paragraph 106 confirms that the proposed designation of land as LGS through local and neighbourhood plans allows communities to identify and protect green areas of importance to them. Although the appeal site is privately owned and not publicly accessible, the evidence before me indicates that the site meets the requirements of Paragraph 107 of the Framework. Following my site visit and a review of the evidence before me, I find no reason to disagree.
36. I am, however, conscious that the referendum on the Neighbourhood Plan has not taken place yet and the land is not therefore designated LGS in a plan that forms part of the development plan. Nevertheless, given the advanced stage of the Neighbourhood Plan I place substantial weight on the identification and justification that, subject to a positive outcome of the plan at referendum, the space would be designated as LGS, and is therefore an important material consideration to take into account. I refer to the proposed LGS in this decision in this context.
37. Notwithstanding my conclusions above in respect of the Green Belt, considerations relating to the proposed LGS designation are a distinct and independent matter to be assessed against separate policy tests. Footnote 45 to paragraph 108 of the Framework is clear and confirms that LGS's are excluded from the provisions relating to grey belt. Therefore, in these circumstances, and having regard to the evidence before me, the proposed development would result in inappropriate development in the proposed LGS because it would not meet any of the exceptions for development set out in paragraph 154 of the Framework.
38. At this permission in principle stage, only limited details are available, and matters such as design, landscaping, layout, scale would be assessed at TDC stage. The red line boundary indicates that the proposed development would occupy a large circular area within the core of the woodland, with breaks to provide access.

Although retained trees and woodland, including higher quality trees, may provide a partial buffer which would limit some views, a degree of vegetation removal would inevitably be required to facilitate the development and would reveal loss of openness as result of development. The introduction of dwellings at the quantum proposed together with access roads, footways and hardstanding would result in a significant loss of openness that would be experienced both spatially and visually.

39. I conclude that the proposed development would be inappropriate development given the RVNP that proposes to designate the land as Local Green Space (LGS) and would result in a harmful effect on openness. In this regard, I attach substantial weight to the conflict with emerging Policy CH10 of the RVNP for the reasons already set out.

Character and appearance

40. Mincing Lane is a gently curving route that transitions from the suburban edge of Chobham into the surrounding countryside. Moving away from its junction with Medhurst Close, it is characterised by large, detached dwellings of varied designs and ages. Front boundaries of dwellings typically comprise a mix of walls, hedges and fences, while mature trees and wooded areas make an increasingly strong contribution to the street scene as the lane approaches the countryside. Medhurst Close has a more compact urban form, consisting mainly of terraced properties, many of which are orientated towards the appeal site, with mature trees and wooded areas also providing a strong visual presence. The verdant qualities of both streets and the arrangement of buildings make a positive contribution to the character and appearance of the area.
41. While the appeal site is part of a former plant nursery, I saw little evidence remaining of this on my site visit. I observed a small, dilapidated outbuilding, along with fly tipped rubbish and scrap vehicle on and adjacent to very small parts of the appeal site. Otherwise, the appeal site comprises mainly undeveloped land and a vast number of trees, overgrown vegetation and small pockets of grassland. Despite being unmanaged, the tranquil, enclosed and verdant qualities gives the appeal site and proposed LGS within which it sits, an attractive green focal point for occupiers of surrounding dwellings and assists with the transition between Chobham and the surrounding countryside.
42. While the Council's arboricultural officer raises no objection at this stage and the site has been found to have moderate sensitivity to new development in the Surrey Heath Landscape Sensitivity Assessment, even a low-density arrangement, with dwellings generously spaced and set away from boundaries would have the potential to visibly erode the contribution the appeal site makes to the transition between Chobham and the surrounding countryside. The associated domestic activity associated with the proposed residential use, would further undermine its enclosed and tranquil qualities and result in a permanent and irreversible urbanising effect.
43. A previous appeal for 30 dwellings on the appeal site and adjoining woodland, was dismissed in 2021¹² (the previous appeal). Although that Inspector did not identify harm to the character and appearance of the area, that decision pre-dates the

¹² Appeal ref: APP/D3640/W/20/3248358 relating to a community-led proposed redevelopment of Mincing Lane Nursery to provide 30 dwellings comprising 22 affordable custom build homes for local people and 8 custom built market homes with associated communal gardens, home zone, managed woodland, parking and car club.

identification of the appeal site as proposed LGS. The heightened level of policy protection that now applies because of its identification in the emerging plan was therefore not a material consideration in the determination of the previous appeal. In these circumstances, while I have carefully considered this previous appeal decision, it would not be appropriate for me to adopt the previous Inspector's conclusions without scrutiny as to how the site is at the present time and given that the site is now proposed to be designated as LGS in the RVNP. This is particularly because the contribution the LGS makes to the character and appearance of the area, forms part of its proposed designation.

44. The appellant asserts that they have extensive experience of development within woodland environments, and I have viewed the examples submitted. While this may be the case, and it might be theoretically possible that up to five dwellings could be designed with sensitivity to their surroundings, this would not overcome the fundamental harm that would arise from the incursion of residential development into a large part of the proposed LGS recognised for its community value. It is understood that the Council would retain the ability to refuse TDC should a detailed proposal prove unacceptable. However, I am not satisfied that the submission of detailed survey reports, for example, a landscape and visual appraisal and design code, would overcome my fundamental concern that residential development on the appeal site would unacceptably erode the qualities of the area as a matter of principle.
45. The appellant has drawn my attention to appeal decisions on Land North of Windsoredge Lane¹³ and Land Rear of 8 Tintagel Way. The appellant has also highlighted the Council's granting of permission in principle on Land South of Wotton Road¹⁴. Even though Land North of Windsoredge Lane was located in a National Landscape and Land Rear of 8 Tintagel Way was covered by a blanket TPO, those Inspector's concluded that it could not be ruled out that a satisfactory solution would not reasonably be achieved at TDC stage. However, I do not have full details of the circumstances that led to those applications/appeals being accepted and I cannot be sure that it represents a direct parallel to the appeal proposal, which is proposed to be designated LGS in the RVNP. Such comparisons do not therefore lead me to a different view in relation to the harm identified.
46. I conclude the site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. In particular, the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, it would be contrary to Policies CP2 and DM9 of the CS insofar as they require development to respect and enhance the local, natural or historic character of the environment, be it in an urban or rural setting.

Other Considerations

47. The Framework states that substantial weight should be given to any harm to the Green Belt, or in this case the proposed LGS, and that very special circumstances will not exist unless the potential harm to the Green Belt, in this case the proposed LGS, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

¹³ Appeal ref: APP/C1625/W/23/3329704

¹⁴ Council ref: P24/02939/PIP

48. As previously set out, the Council accepts that it cannot currently demonstrate a five-year housing land supply. There is also no dispute between the main parties that there currently insufficient plots to meet the demand for self-build dwellings in the area. The proposed development would make a small albeit valuable contribution to local housing needs, including the provision of self-build homes which could potentially be built out more quickly than a larger scheme. It would also generate limited socio-economic benefits through employment during construction and increased support for local services and facilities in a sustainable location. The proposed houses could, subject to TDC, be of a bespoke and high-quality design built to low carbon and high energy efficiency standards. Additional landscaping and biodiversity enhancements could potentially be secured.
49. Taking all these benefits of the scheme into account, as only up to five dwellings would be provided, even in a Council area with a poor housing land supply and shortage of sites to fulfil self-building housing needs, I afford them no more than moderate weight in favour of approval.
50. My attention has been drawn to appeals at Pond View¹⁵ and Bourn Road¹⁶, particularly in relation to the weight those Inspectors gave to the shortfall in the delivery of self-build dwellings in those areas. However, the degree of weight to be applied in this case rests with the decision maker, as it is a matter of professional planning judgment informed by the specific evidence and circumstances in each case.

Other Matter

51. The appeal site is located close to Grade II listed buildings known as Wayside Cottage¹⁷ and Old Cottage¹⁸. They are timber framed and their significance derives from their respective historic and architectural interest. I am mindful of my statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. I also note reference to the adjacent pet cemetery as being in a draft list of local heritage assets. Given the intervening land and relationship with these assets, I am satisfied that the erection of up to five dwellings could be capable of preserving or enhancing the significance of the listed buildings, and is a matter that could have been considered at TDC stage had this appeal been allowed.

Planning Balance and Conclusion

52. Permission in principle was introduced to assist with the Government's aim of boosting the supply of homes. The aim of permission in principle is to give upfront certainty on the core matters underpinning the basic suitability of a site but based on the minimum technical detail.
53. In the particular circumstances of the case, I have found that proposed development would result in inappropriate development in the proposed LGS and would result in a harmful effect on the character and appearance of the area.

¹⁵ Appeal ref: APP/T0355/W/22/3309281

¹⁶ Appeal ref: APP/W0530/W/24/3352408

¹⁷ List entry: 1294157

¹⁸ List entry: 1030017

54. Given the lack of five-year housing land supply, Paragraph 11 d) of the Framework is a relevant consideration. Had the Neighbourhood Plan been made and formed part of the development plan, the presumption in favour of sustainable development would not have been engaged because the application of the policies in the Framework that protect land designated as LGS¹⁹. Nevertheless, the policies of the RVNP are still emerging. This therefore means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
55. Given that the RVNP is at an advanced stage of preparation, I attach significant weight to its policies as a material consideration. The harm identified, and the associated policy conflict, including conflict with the relevant development plan policies, would be significant and weigh to a substantial extent against the scheme. The harm identified would also be contrary to the aims and policies of the Framework. I therefore attach substantial weight to the conflict with the relevant policies of the emerging RVNP and the development plan.
56. In terms of having particular regard to the issues that should be taken into account in Paragraph 11 d), while the proposed development would make provision for self-build homes, it would not include the provision of affordable homes. The scheme would direct development to a sustainable location, making use of former plant nursery, and could be well-designed subject to TDC.
57. However, the other considerations put forward, relating to the economic, social and environmental benefits of the proposed development, carry moderate weight. It follows that the substantial weight to the harm to the proposed LGS, and the other harm to the character and appearance of the area, is not clearly outweighed by other considerations in this case and therefore the very special circumstances required to justify the proposed development do not exist.
58. Overall, the adverse impacts that would result from the location, the proposed land use and the amount of development proposed would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposed development would not amount to sustainable development within the meaning of the Framework, and this weighs heavily against the proposal. Therefore, the presumption in favour of sustainable development does not apply. Furthermore, the very special circumstances required to justify the loss of proposed LGS as set out in Policy CH10 of the RVNP and the Framework do not exist.

Conclusion

59. The proposal would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework and the RVNP, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR

¹⁹ Paragraph 11 d), footnote 7 of the Framework