
Appeal Decision

Site visit made on 23 August 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th September 2016

Appeal Ref: APP/Y3615/W/16/3148642

Land at High View, Gomshall, Surrey GU5 9LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by CASA Developments Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01497, dated 21 July 2015, was refused by notice dated 4 November 2015.
 - The development proposed is the erection of 10 dwellings with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Approval is sought for matters of access and layout at this stage. The submissions include a street scene drawing (No 1433/PL.06) which is marked for illustrative purposes only.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal makes satisfactory provision for the disposal of surface water;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether Inappropriate Development?

4. Policy RE2 of the Guildford Borough Local Plan 2003 (LP) states that new buildings in the Green Belt will be inappropriate unless they amount to, amongst other things, infilling in villages in accordance with Policy RE3. Within settlement boundaries, Policy RE3 allows for infilling on land which is substantially surrounded by existing development. It further requires such building to be for
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- specified purposes, including the development of a small gap in an otherwise continuous frontage and small scale housing development appropriate to the scale of the locality.
5. Paragraph 89 of the National Planning Policy Framework (the Framework) states the new buildings in the Green Belt will be inappropriate unless they fall into specified exceptions, including limited infilling in villages. Neither the LP nor the Framework define 'limited infilling'.
 6. The appeal site is an undeveloped area of land which sits outside of the settlement boundaries for Gomshall. However, the Council accepts, as a matter of fact and degree, that the site is within the village of Gomshall. The appellant considers that the proposal would amount to infilling since it would accord with Policy RE3 insofar as that policy allows for small scale housing developments appropriate to the locality. The appellant further argues that the ten houses proposed would be appropriate to the size of the settlement and would not be harmful to the character and appearance of the area.
 7. Nevertheless, Policy RE3 is worded such that the reference to 'small scale housing' is an additional qualification to the main requirement for new building to be 'in the nature of infilling'. It does not extend the scope of the exception to inappropriate development in the Green Belt beyond the essential requirement for it to amount to infilling. To this extent the policy is consistent with Framework paragraph 89. However, paragraph 89 also refers to 'limited' infilling. The Framework post-dates the LP and therefore, Framework paragraph 215 advises that due weight should be given to its policies according to the degree of consistency with the Framework. Consequently, the test in this case is whether the proposal amounts to limited infilling.
 8. I recognise that there is residential development on the south side of High View opposite the site and that, considered in the wider context, the built up area extends around the other sides of the site. Nevertheless, the appeal site is some 100m wide and is bounded on both sides by single detached dwellings in substantial, well planted plots. To the rear is a strong belt of mature planting, beyond which is an undeveloped open space. The site is, therefore, expansive in its scale and surrounded on three sides by loosely or undeveloped land. As such, I consider that the development of ten dwellings, spanning the full width of the site, would not represent limited infilling.
 9. Consequently, the proposal would amount to inappropriate development in the Green Belt for the purposes of LP Policy RE2 and Framework paragraph 89. Paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt.
 10. In reaching this conclusion I have had regard to the appeal decision for 12 houses at Send¹. Nevertheless, that decision pre-dates the Framework and the Inspector placed greater weight on LP Policy RE3 than, for the reasons set out above, it should now be accorded. I also recognise that there is no substantive evidence to demonstrate that the proposal would be harmful to the character and appearance of the area. However, that consideration does not form part of the test for whether or not limited infilling is inappropriate.

¹ Appeal Ref: APP/Y3615/A/08/2076362

Openness

11. By virtue of its undeveloped and expansive character and its loosely developed surroundings the site contributes to the openness of the Green Belt. Inevitably, the introduction of ten houses, with associated access drives, parking and boundary enclosures would lead to a loss of that openness.
12. Framework paragraph 79 identifies one of the essential characteristics of the Green Belt as its openness. Whilst the Council does not allege that the proposal would cause additional harm to any of the five purposes of the Green Belt, paragraph 88 advises that substantial weight should be given to any harm to the Green Belt.

Surface Water Disposal

13. The second reason for refusal alleges that the proposal would not provide a sustainable urban drainage system (SuDS) as required by LP Policy G1(7) and PPG paragraph Reference ID:7-079-20150415. However, the appellant's appeal submissions include a Surface Water Management Strategy² which finds that the additional surface water run-off from the proposed development could be safely and sustainably managed using a combination of infiltration, rainwater harvesting, water butts and green roofs.
14. The Environment Agency was given the opportunity to comment on this Strategy and found that it meets the requirements set out in the PPG and national Non Statutory Technical Standards for SuDS. I have no reason to doubt the findings of the Strategy and, had I been minded to allow the appeal, suitably worded conditions could have been imposed to secure its implementation and maintenance. With these measures in place therefore, the proposal would comply with LP Policy G1(7) and the relevant provisions of the PPG.

Other Considerations

15. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land. The appellant cites the Council's Annual Monitoring Report (AMR) October 2015 which concluded that there was a 2.4 year supply of housing land. Whilst the shortfall is considerable, the proposal for 10 units would make a modest contribution to addressing it. This benefit therefore attracts accordingly modest weight.
16. Moreover, paragraph Reference ID: 3-034-20141006 of the Planning Practice Guidance advises that unmet housing need is unlikely to outweigh the harm to the Green Belt. This advice post-dates the Hunston Properties case quoted by the appellant. The Secretary of State's decision³ in respect of the site at Stensall acknowledges that factors weighing for and against development in the Green Belt must be balanced. However, the decision also recognises the PPG advice on unmet housing need and the substantial weight which the Framework attaches to any harm to the Green Belt. I have identified harm through inappropriateness and loss of openness and attached weight to that harm accordingly.
17. The appellant also considers that there is policy vacuum with regard to the housing requirement in the Borough. However, the Council is progressing a new Local Plan and the AMR anticipates that the Local Plan Strategy and Sites document will be adopted in December 2017. The adoption of this plan should

² Herrington Consulting Limited January 2016.

³ Decision Ref: APP/C2741/V/14/2216946

increase the supply of housing land without the need to wait for the adoption of the Development Management Policies document anticipated in December 2019. In the meanwhile, the current LP and the Framework provide guidance on housing decisions. Therefore, I give limited weight to this consideration.

18. The appellant asserts that the housing needs of the Borough cannot be met through development within defined urban areas, settlements and villages and that there will inevitably be harm to the Green Belt. Reference has also been made to a study⁴ prepared on behalf of the Council which recommended that Gomshall, including the appeal site, should be removed from the Green Belt. However, the Council has indicated that it does not intend to follow this recommendation. Moreover, these are matters to be determined through the development plan process. Consequently they carry limited weight in the determination of this appeal.
19. It is also argued that the appeal site is enclosed and has a close visual relationship with surrounding development. Nevertheless, the absence of further harm does not amount to a positive point in favour of the development. I have no reason to doubt that the proposal would be well designed and adopt sustainable construction measures. Nor is there anything to suggest that the appeal site is not sustainably located. However, these qualities would be expected of most development and do not carry particular weight in support of the proposal. The claimed benefits in terms of public transport and education have not been quantified.

Other Matters

20. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Very Special Circumstances

21. The proposal would be inappropriate development and would lead to a loss of openness of the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt.
22. On a collective basis, the other considerations outlined above do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the loss of openness. Consequently, it has not been demonstrated that the very special circumstances necessary to justify the development exist.

Conclusion

23. The proposal would not accord with the provisions of the development plan when read as a whole and the harm that I have identified means that it would not satisfy the environmental dimension of sustainable development. In any event, footnote 9 to Framework paragraph 14 confirms that the presumption in favour of sustainable development does not apply where the Framework's Green Belt policies indicate that development should be restricted.
24. For these reasons, the appeal should be dismissed.

Simon Warder

INSPECTOR

⁴ Guildford Borough Green Belt and Countryside Study, Pegasus Planning Group, January 2013