



Appeal Decision

Site visit made on 29 August 2016

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 12th September 2017

Appeal Ref: APP/Y3615/W/17/3173871

Fiddlers, 140 Glaziers Lane, Normandy, Surrey GU3 2EB

- 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 Mr Tony McLoughlin against the decision of Guildford Borough Council.
- The application Ref 16/P/00649, dated 29 March 2016, was refused by notice dated 15 December 2016.
- The development proposed is an outline planning application for the erection of 30 houses (inc 11 affordable) with all matters reserved.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in the name of Mr Tony McLoughlin. The agent has confirmed that this is the same person as the appellant, which was given as Mr Joseph McLoughlin. The appeal can therefore proceed in the applicant's name.
3. The application was in outline, supported by a plan showing the extent of the site. All matters were reserved for future consideration. However, a plan showing a possible layout illustrated how 30 houses could be accommodated on the site. I have dealt with the appeal accordingly.
4. The appeal site lies within the Green Belt and there is agreement between the parties that the proposal would be inappropriate development as defined by paragraph 89 of the National Planning Policy Framework (the Framework) and saved Policy RE2 of the Guildford Borough Local Plan (Local Plan). I concur with that position. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Main Issues

5. The main issues in relation to the appeal are therefore:
 - a) the effect of the proposal on the openness of the Green Belt;
 - b) the effect of the proposal on the character and appearance of the area;
 - c) whether or not any adverse effects of the proposal on the Thames Basin Heaths Special Protection Area (SPA) could be adequately mitigated;

- d) whether or not the proposal makes adequate provision for affordable housing and investment in local infrastructure, the need for which arises from the development;
- e) whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development.

Reasons

Effect on openness

- 6. Paragraph 79 of the Framework states that the most important characteristics of Green Belts are their openness and their permanence. Openness is the absence of development, irrespective of whether or not the development would be seen from any public view points.
- 7. The appeal site currently comprises a detached dwelling, located in the south-east corner of the site and its associated garden. There are also various ancillary outbuildings. The site occupies a total of 1.53 hectares and is predominantly an open and undeveloped area of grass.
- 8. The introduction of thirty dwellings on the site, together with associated access roads, parking, boundary treatments and domestic paraphernalia would adversely affect the openness of the Green Belt. This would be the case regardless of the precise layout of the development. As the appeal site has undeveloped countryside on three of its boundaries, its development would be contrary to one of the key purposes of the Green Belt, which is to safeguard the countryside from encroachment. The proposal would therefore harm the openness of the Green Belt in this area.
- 9. The loss of 1.53 hectares of Green Belt out of a total area more than 24,000 hectares across the borough as a whole would be small in terms of proportionality. Nevertheless, I consider the proposal would be moderately harmful to the openness of the Green Belt.

Character and appearance

- 10. The appeal site lies to the rear of existing development on Glaziers Lane. This road is part of the dispersed settlement of Normandy which is characterised by linear development with direct access to the roads through the village. Flexford, which lies to the south of the appeal site, is considered to be part of Normandy, but is more densely developed. It is largely contained within the area bounded by Westwood Lane, Flexford Road, Glaziers Lane and the railway.
- 11. The siting of No 140 is anomalous as it lies to the rear of the surrounding dwellings and occupies a much larger plot. It is the only dwelling in the immediate vicinity not to have direct frontage access onto Glaziers Lane. Although most of the site is laid to grass, there are a few trees surrounding what appears to be a dry pond towards its northern edge. Trees and mature hedging enclose the site's western and northern sides and there is an area of semi-ancient natural woodland beyond its southern boundary. The site is therefore well contained and there are only limited views into it from the surrounding area.

12. However, the proposal would be at odds with the established linear pattern of development in the area. Although only indicative, the illustrative layout shows a suburban style of layout which would fail to respect or complement the existing semi-rural character of the area. It would be a form of backland development which would not relate effectively to the existing detached dwellings along Glaziers Lane. Neither would it be capable of being integrated with existing development at Flexford, from which it is separated by open fields, woodland and the railway.
13. The semi-ancient woodland to the south of the site could provide a permanent edge to this side of the development. However, a 15m buffer zone would be required to protect the trees, which would restrict the developable area. The trees enclosing the northern and western boundaries of the site are not protected, do not appear to be entirely in the appellant's control and may not be retained in the longer term. If any were lost the site would be open to views from the surrounding area, from where the proposal would appear to be an alien and intrusive encroachment into the countryside. In addition, it would be necessary to maintain or mitigate the loss of the existing pond in the north-west corner of the site. These factors call into question how it would be possible to provide thirty dwellings without harm to the local environment.
14. I therefore conclude that the proposal would harm the character and appearance of the area. It would be contrary to saved Policy G5 of the Local Plan which, amongst other things, requires new development to respect established street patterns and integrate effectively into the existing townscape and landscape. This is a matter to which I attach significant weight.

Thames Basin Heaths SPA

15. The appeal site is within 1Km of the Thames Basin Heaths SPA, which has been designated in order to protect a number of endangered bird populations and habitats. The Conservation of Habitats and Species Regulations 2010 require that proposed developments do not adversely impact on the integrity of the SPA, either alone or in combination with other projects and proposals. Additional residential development has the potential to increase recreational visits to the SPA with consequential harm to the protected area. Mitigation measures would therefore be required to make the development acceptable.
16. The Council's adopted avoidance strategy, which has been agreed with Natural England, involves seeking contributions from residential development towards provision of a Suitable Alternative Natural Green Space (SANG) and Strategic Access Management and Monitoring (SAMM). These contributions could be secured by way of a S106 planning obligation.
17. However, at this time there is no SANG which would be capable of mitigating the impact. Even if a S106 agreement had been completed, it would also be necessary to impose a Grampian condition which would prevent the development proceeding prior to the delivery of the required SANG. This approach has been used elsewhere in the Borough and could be applied here, if I had been minded to allow the appeal. However, no completed agreement has been submitted and, in the absence of a mechanism to secure the necessary mitigation, the development would be likely to result in adverse effects on the SPA.

18. I conclude that the development would be harmful to the Thames Basin Heaths SPA and would therefore conflict with saved Policies NE1 and NE4 of the Local Plan, which require development to prevent harm to protected species and habitats. This is a matter to which I attach significant weight.

Affordable housing and infrastructure

19. The terms of a planning obligation were agreed between the parties during the appeal process. This would have secured provision of 11 affordable housing units which would have met with the requirements of saved Policy H12 of the Local Plan. The obligation would also have provided contributions towards education provision and open space in accordance with the Council's Supplementary Planning Document: *Planning Contributions*. The Council confirmed that the terms of the obligation addressed its concerns in respect of these matters. However, the S106 agreement was not completed and I have therefore been unable to take it into account in my decision.

Other considerations

20. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites in accordance with paragraph 47 of the Framework. Its most recent assessment estimates that that the land supply is only sufficient for 2.36 years. It is therefore failing to deliver new housing against the Objectively Assessed Need of 693 homes/annum set out in its Strategic Housing Market Assessment. Between 2011/2012 and 2015/2016 it delivered a total of only 1263 homes. In this context the provision of thirty homes would make a small, but valuable, contribution to the on-going and historic under supply of housing in the Borough. In addition, it was intended that eleven of those homes would be affordable. The scheme would therefore provide social benefits which attract significant weight.

21. The consultation on the Proposed Submission Local Plan (PSLP) undertaken during the summer of 2016 identified the appeal site as part of a much larger one, potentially suitable for up to 1,100 homes. However, following the public's response to the PSLP, the plan was revised and this potential allocation was removed. Further consultation was undertaken earlier this year but the plan has not yet been tested. The process of deciding how and where to provide additional much needed housing is therefore protracted and is compounding the problems associated with the existing and historic shortfall of deliverable sites. Nevertheless, given the considerable degree of uncertainty regarding the plan's progress towards adoption, I can give its policies and site allocations little weight in my determination of this appeal.

The Green Belt Balance

22. Local Plan policies for the supply of housing are out-of-date in relation to Paragraph 49 of the Framework. However, Paragraph 14 of the Framework states that the presumption in favour of sustainable development does not apply where specific policies indicate development should be restricted, such as on land designated as Green Belt. Furthermore, the Planning Practice Guidance (PPG) advises that need alone is unlikely to outweigh harm to the Green Belt.

23. The Framework is also clear that it is not the purpose of an appeal to review the boundary of the Green Belt. That is a matter for the local plan examination, whenever it takes place. Therefore, regardless of the possibility

of land in the vicinity being considered for housing development, at present the appeal site lies within the Green Belt and must be assessed on that basis.

24. The proposal would be inappropriate development in the Green Belt. It would also cause moderate harm to openness. These harms to the Green Belt are matters which the Framework requires me to attach substantial weight.
25. In addition, I have found that the scheme would harm the character and appearance of the area and, in the absence of a suitable SANG and a mechanism to secure mitigation measures, there would be harm to the Thames Basin Heaths SPA. These harms attract significant weight. Contributions towards provision of education facilities and open space are required to make the development acceptable in planning terms. They would therefore be neutral factors in the overall balance, in the event that the S106 agreement had been completed.
26. There would be significant benefits from the provision of additional market and affordable housing arising from the development, particularly in view of the historic and on-going lack of housing supply in the area. The scale of the development would also deliver modest economic benefits during and after construction.
27. However, the considerations in favour of the proposal do not clearly outweigh the presumption against inappropriate development in the Green Belt and the other harms that the scheme would cause. The very special circumstances necessary to justify the proposal have not, therefore, been demonstrated.

Conclusion

28. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR