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## Appeal Decision

Inquiry Held on 21-23 August 2018

Site visit made on 23 August 2018

**by John Felgate BA(Hons) MA MRTPI**

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

**Decision date: 12<sup>th</sup> September 2018**

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**Appeal Ref: APP/K3605/W/18/3193937**

**Land at Chestnut Avenue and Octagon Road, Whiteley Village, Surrey**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by The Whiteley Homes Trust against the decision of Elmbridge Borough Council.
  - The application Ref 2016/3471, dated 21 October 2016, was refused by notice dated 25 July 2017.
  - The agreed description of the proposed development, as amended, is: "*development of 60 almshouses (affordable housing Use Class C3) and a 40-unit extra care home (Use Class C2), including associated access, parking and landscaping*".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application as originally submitted in October 2016 was for the erection of a 40-unit extra-care home and 62 almshouses. During the course of the application, the number of almshouses was reduced to 60. At the inquiry, a further amendment to the description was agreed between the Council and appellant, as set out above, and I have used this as the basis for my decision.
3. For the avoidance of doubt, the site of the proposed almshouses (referred to in this decision as Site A) is an area of land to the east of Octagon Road. The extra-care home is proposed to be sited on the south-west side of Chestnut Avenue (Site B). The two sites are physically separate, but are both located within the bounds of Whiteley Village. The two developments are presented as separate but inter-related elements of a single application proposal.
4. The appeal is accompanied by a completed Section 106 Unilateral Undertaking (the UU). The UU provides firstly for a contribution to strategic access management and monitoring (SAMM), in respect of the Thames Basin Heaths Special Protection Area (TBHSPA). Secondly, the UU contains various provisions regarding the use and management of the proposed almshouses. These are discussed further, elsewhere in this decision.

### Background to Whiteley Village

5. Whiteley Village is a self-contained, free-standing, planned residential community for the elderly. The village was built mainly in the early 1900s, as a result of a bequest left by William Whiteley, an entrepreneur and philanthropist. It is owned and managed by the Whiteley Homes Trust (WHT),

- a registered charity, whose charitable objects require the Trust to provide housing and care for 'elderly persons of limited means'.
6. The village covers 225 acres (91 hectares). It was designed by a succession of eminent architects, with its layout following the principles of the early garden cities/ garden suburb movement, and the buildings adopting the popular 'arts-and-crafts' style of that time. Externally, most of the original buildings and spaces remain largely unchanged. Outside the central core, the remainder of the land within the village boundary comprises landscaped grounds, including extensive woodlands. The entire site is designated as a Conservation Area (CA), and the majority of the buildings are Listed Buildings (LBs).
  7. Today, Whiteley houses about 500 elderly persons. The accommodation includes 262 almshouses, 104 nursing and residential care beds, and 51 extra care flats. From the evidence presented, the great majority of these are let at below-market rents, and occupied by residents who are over retirement age and in receipt of housing benefits. Places are allocated by the Trust according to individuals' income, their housing needs, their level of dependency, and their connections to the local area. In the local context, the village provides around 5% of Elmbridge's affordable housing, and around 25% of its specialist housing for the elderly. Nationally, according to WHT, Whiteley is the largest single grouping of almshouses in the UK.
  8. In addition, the village provides a wide range of other facilities, including a village hall, social club, shops, a library, two churches, and a range of clubs and activities. Residents are encouraged to become involved in community life, and WHT places an emphasis on combating loneliness and isolation through interaction and mutual support. Across the various accommodation types, the Trust provides a range of care-based services, from pastoral and welfare support, to domiciliary care and nursing.
  9. A new 'Care Hub' building is currently under construction, which will provide 30 residential care suites for high-dependency and end-of-life care, together with consulting rooms for medical and health care services, staff offices, and a community cafe. Work is also under way on the adaptation and extension of Whiteley House, to provide a further 44 extra care units.
  10. In 2017 a study by the CASS Business School, at the City University of London, found a strong statistical correlation between living at Whiteley and increased longevity, especially for women, compared to the wider population. On the back of this, WHT has set up the Whiteley Foundation for Ageing Well, with support from HRH the Prince of Wales, as Patron. The Trust is also currently involved in a research programme with Surrey University to explore the application of new and emerging technological innovations in the care of the elderly.
  11. In a document entitled 'Whiteley Futures', WHT identifies the issues and problems facing the village, including the increasing maintenance liability of the Whiteley estate, and the loss of funding due to Government spending cuts, plus the continuing need to provide ever-higher standards of housing and care. The document sets out a comprehensive vision and master plan for the new facilities that the Trust considers to be necessary to sustain the village, and the means of achieving them. The present appeal proposals form part of this over-arching plan for Whiteley Village.

## **The appeal sites and proposed developments**

12. Site A, where the 60 proposed new almshouses would be sited, lies just outside the original village core, and close to the new Care Hub. This site is partly amenity grassland and partly wooded. In 2011, planning permission was granted on the front part of the site for a development of 16 single-storey cottages in four blocks. That permission has since lapsed.
13. The almshouses now proposed on Site A would be built in two linked blocks, forming a series of courtyards. Each would have a combined lounge/kitchen/diner, a bedroom and wetroom-style bathroom, and most would also have an additional 'flexible space' room that could be used to house a carer's bed or larger care equipment. All units would have their own external front door, and would be designed to accommodate full wheelchair access.
14. The legal undertaking restricts the almshouses' rental level, either to no more than 80% of the local market rate, or to the same level as the existing Whiteley almshouses, whichever is the lower. The undertaking also requires the almshouses to be occupied by elderly persons of limited means, in accordance with WHT's Admissions Policy, and requires that at least 40% of the units be allocated to people with a local connection to the Borough.
15. Site B, where the proposed 40-unit extra-care home would be sited, is located towards the periphery of the village. The western half of this site contains a row of large, disused coal bunkers, built of brick and concrete and set into the ground. This part of the site is currently screened by tall wooden safety hoardings. It is agreed that this western part of Site B constitutes previously-developed land (PDL). The remainder of Site B is mainly woodland. In 2007, permission was granted on the western part of the site for 36 sheltered apartments, in one 2-storey block. The permission was renewed in 2010, but has since lapsed.
16. The care home now proposed on Site B (referred to by the appellants as the 'Whiteley Walk' scheme) would comprise two buildings with extra-care apartments on three floors, together with a separate single-storey communal building with a multi-purpose space for residents' dining, meetings and activities. The apartments would each have either one or two bedrooms, plus a lounge/ kitchen/diner and either one or two bathrooms. As with the almshouses, the extra-care units would be wheelchair accessible and accommodate a variety of care needs. All units would have internal corridor access, via a permanently staffed entrance lobby.
17. The care home apartments would be offered for sale on the open market, with occupation limited to persons in need of care, and over a defined age threshold. In this case, these restrictions are proposed to be secured by way of conditions. The Council accepts that the care home, operated in this way, would constitute a bona-fide Class C2 use, and I see no reason to disagree.
18. WHT proposes that the proceeds from the sale of the care home units would be used to fund the building of the new almshouses. Although this cross-subsidy arrangement is not formally secured by obligation, the undertaking binds the Trust to commence the almshouse development prior to the occupation of the 20<sup>th</sup> extra-care apartment, and to complete the almshouses within 5 years from that date. Furthermore, the submitted viability report also demonstrates that the almshouses on their own are not a commercially viable proposition, and are

therefore unlikely to be fundable without some form of enabling development such as the care home now proposed. This evidence is largely unchallenged.

## **Planning Context**

### *Development Plan Policies*

19. The Development Plan includes the Elmbridge Core Strategy (the ECS), which was adopted in July 2011, and the Development Management Plan (the DMP), adopted in April 2015.
20. The whole of Whiteley Village is washed over by Green Belt (GB). New buildings in the GB are subject to Policy DM17 of the DMP, which states that inappropriate development will only be approved where the harm is clearly outweighing by very special circumstances. The policy also allows for limited infilling and redevelopment of previously developed sites, subject to detailed considerations of size, height, layout and impact.
21. The two appeal sites are also included within the defined boundary of Whiteley Village, where Policy CS6 of the ECS applies. This states that, in recognition of Whiteley's unique circumstances and needs, infill development meeting various criteria will be permitted. The criteria include: accordance with the national GB policies in the then extant PPG2; meeting a specific identified need; scale in relation to the village; design to complement and enrich the village's character; and provision for persons of limited means. The policy also refers to detailed guidance for the village, to be produced as supplementary planning guidance (SPG).
22. Throughout the Borough, ECS Policy CS20 supports the development of specialist accommodation for older people, in suitable locations, to meet identified needs. Accommodation should have generous space standards, with a high proportion of two-bedroom units. Whiteley Village is identified as one of the locations where the Council will seek to develop and support their roles as community hubs for older people.
23. In addition, DMP Policy DM12 requires that developments within CAs should preserve or enhance the area's character and appearance, having regard to their context, detailing, and the relationships between buildings and spaces. Open spaces, trees and important landscape features should be retained. Development in the settings of LBs should preserve or enhance their setting. More generally, ECS Policy CS17 seeks to ensure that all developments deliver high quality, inclusive and sustainable design, enhancing the street scene.

### *Supplementary Guidance*

24. The Whiteley Village Conservation Area Character Appraisal and Management Plan (the CACAMP) was approved by the Council as supplementary guidance, following public consultation, in July 2012. There is no dispute that the document constitutes the further guidance that was envisaged in ECS Policy CS6.
25. At Figure 74 is a plan which identifies a number of sites within the CA as 'Areas Likely to be Subject to Change'. Both of the appeal sites are identified in this plan: the whole of Site A and the western part of Site B are identified as sites where development has been approved but not constructed; and the remainder of Site B is identified as one of a number of 'Possible Infill Sites'. The

accompanying text states that these indicative areas are regarded as the least sensitive to change, and could form the basis for limited infill development.

26. In addition, the plan on page 81 identifies 'Important Tree Groups/Wooded Areas'. About half of Site A and part of Site B are covered by this notation.

### *Need*

27. The Council accepts that Elmbridge does not have a 5-year supply of land for general housing. In a recent appeal decision<sup>1</sup>, the Secretary of State found that the supply was 2.65 years. This figure is not challenged by the Council. It is agreed that this shortfall includes all housing types and tenures.
28. In the affordable housing sector, it is agreed that there is a need for 332 new affordable dwellings per annum. Over the period 2011-2017, actual delivery averaged 47 units p.a.<sup>2</sup>, leaving a large shortfall in this sector.
29. With regard to the elderly, in 2016 the Strategic Housing Market Assessment (SHMA)<sup>3</sup> identified an immediate shortfall of 239 extra-care units in Elmbridge<sup>4</sup>, and over the period 2015-35 a need for all forms of specialised housing for the elderly, amounting to 1,326 units, or 66 units p.a.<sup>5</sup>. These figures reflect the national trend of rapidly rising numbers of elderly households, with a projected 146% increase in the over-85 age group in the Borough by the year 2037, equating to around 4,000 additional households; and in the over-65's, an increase of 10,000 households over the same period<sup>6</sup>.
30. Set against this rising need, in the period 2011-17, only 59 sheltered units were completed, and no extra-care units<sup>7</sup>. Even on the targets specified in the ECS, this leaves a deficit of 141 sheltered units and 250 extra care units up to 2021<sup>8</sup>, but those targets were set in 2009 and are now out of date in the light of the SHMA.
31. An alternative study carried out for WHT<sup>9</sup>, looking only at extra-care and enhanced sheltered housing, estimates that if all existing planning permissions and known proposals are assumed to be built, this would still leave a shortfall against projected needs in year 2019, of at least 272 units in Elmbridge alone, and 2,882 units across a market catchment area spanning a 10-mile radius from Whiteley Village. By 2035, these shortfalls were estimated to increase to 16 and 4,918 units respectively.
32. In any event, the Council's Annual Monitoring Report (AMR) accepts that the numbers of units of all kinds of specialised housing for older people have not kept pace with need<sup>10</sup>. With specific regard to the present appeal, it is common ground that the proposed developments would contribute to addressing an identified need for older people's accommodation in the Borough<sup>11</sup>.

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<sup>1</sup> Appeal ref. APP/K3605/W/17/3172429

<sup>2</sup> Statement of Common Ground, p24

<sup>3</sup> The Kingston and North East Surrey SHMA, June 2016

<sup>4</sup> SHMA Table 9.6

<sup>5</sup> SHMA Table 9.4a

<sup>6</sup> SHMA Tables 9.1 and 9.2

<sup>7</sup> Mr Griffin's evidence, paras 11.68 - 11.69 (unchallenged)

<sup>8</sup> The Elmbridge BC Authority Monitoring Report (AMR), 2016/17, para 4.42

<sup>9</sup> Carterwood Surveyors: Planning Need Assessment for WHT, July 2018

<sup>10</sup> AMR para 4.51

<sup>11</sup> Statement of Common Ground, p23

## Main Issues

33. In the light of the above matters, and all the evidence and submissions before me, I consider that the main issues in the appeal are as follows:

- whether the proposed developments would represent 'inappropriate development' in terms of Green Belt policy;
- the developments' effects on the Green Belt's openness;
- the effects on the character, appearance and significance of the Whiteley Village CA, and on the settings of nearby Listed Buildings;
- in the final planning balance, whether any harm to the Green Belt, and any other harm, would be clearly outweighed by other considerations; and if so, whether this would amount to the very special circumstances that are required to justify the development.

## Reasons for Decision

### *'Inappropriateness' in terms of Green Belt policy*

34. As set out above, Policy DM17 of the DMP presumes against inappropriate development in the Green Belt. The meaning of 'inappropriate development' is contained in the NPPF. The construction of new buildings is normally to be considered inappropriate, except where certain specified exceptions apply<sup>12</sup>. The appeal proposals would involve substantial new buildings, and thus would be inappropriate unless they were able to accord with these exceptions.
35. The exceptions include limited infilling in villages, limited affordable housing for community needs, and also the redevelopment of previously-developed land, albeit the latter is subject to provisions regarding openness. The appeal proposals would accord with some elements of these exceptions: both developments would infill gaps within the defined village boundary; the almshouses would provide affordable housing for which there is support in Policy CS6; and the extra-care home would be partly on PDL. However, neither of these two proposed developments, of 60 and 40 units respectively, could realistically be described as 'limited'; in the context of Green Belt policy, each would be a substantial development, whether considered together or separately. Nor could the 3-storey extra-care buildings avoid having a greater impact on openness than the existing bunkers, which are mainly below-ground. None of the NPPF's other exceptions are relevant. The proposed developments therefore fall outside any of the specified exceptions.
36. I accept that Policy DM17 has to be read alongside Policy CS6, which allows for infilling within Whiteley Village, without the qualifying word 'limited'. But if CS6 were held to support infill development on the scale now proposed, it seems to me that this would mean that Policies CS6 and DM17 would be in conflict with each other. In that case the conflict must be resolved in favour of the more recently adopted policy<sup>13</sup>, which in this case is DM17. In any event, it was agreed at the inquiry that Policy CS6's approach of defining an infill boundary for the village, despite it being washed over by the Green Belt, is not fully consistent with NPPF paragraph 140, and that this justifies giving the policy reduced weight. And in so far as any support for development in excess of limited infill is also claimed from the CACAMP, it seems to me that similar

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<sup>12</sup> NPPF paragraph 145

<sup>13</sup> Under S. 38(5) of the Planning and Compulsory Purchase Act 2004



considerations apply. Consequently, nothing in either Policy CS6 or the CACAMP alters my view as to the present proposals' relationship to Green Belt policy.

37. I acknowledge that both Policy DM17 and the NPPF allow for the harm to the Green Belt to be outweighed by other considerations, if very special circumstances are demonstrated, and I will return to that question, in the context of the overall planning balance, later in my decision. But nonetheless, the main aim of these policies is to protect the green belt from inappropriate development, and other harm, and I have judged the appeal proposals' compliance on this basis.
38. I therefore conclude that the appeal proposals would represent inappropriate development in the Green Belt, contrary to the aims of Policy DM17. In accordance with NPPF paragraphs 143 and 144, such development is harmful to the Green Belt, by definition, and this harm carries substantial weight.

#### *Effects on the Green Belt's openness*

39. Openness is one of the essential characteristics of Green Belts, as identified in the NPPF. The proposed developments would both involve the construction of large buildings. In the case of Site A, the proposed almshouses would take the place of land which is completely undeveloped. As regards Site B, as discussed above, the extra-care home would replace the disused bunkers and the hoardings, but the new buildings would far exceed the height, volume and site coverage of these existing structures. Both developments would therefore result in a substantial loss of openness.
40. Neither development would be visible from outside Whiteley Village. The new buildings would have limited zones of visibility, confined to short or medium-range views from within the village, and none of these would be formally within the public realm. But nevertheless, the streets and communal spaces within Whiteley are freely enjoyed by the many residents and visitors to the village, and thus have a semi-public character. The loss of openness would be clearly perceived by users of those spaces.
41. The proposed developments would therefore cause additional harm to the Green Belt through a loss of openness, contrary to the aims of the NPPF. This harm due to the loss of openness would add to the harm by reason of inappropriateness.

#### *Effects on the Whiteley Village Conservation Area and Listed Buildings*

42. The Council's Refusal Reason No 2 is focussed on the scale and mass of the proposed care home development on Site B. At the inquiry, the Council expanded its case somewhat, to include more general criticisms of the design of both developments, and also concerns regarding the loss of trees. However, these matters were already before the inquiry, in one form or another, as a result of other parties' objections. And in any event, I must consider all aspects of the proposed developments' impacts on the CA's character and appearance, and the settings of the LBs within it, in order to comply with the relevant statutory duties<sup>14</sup> in this regard.

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<sup>14</sup> Under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

43. In addition to the various policies identified earlier, including Policies DM12, CS6 and CS17, and the CACAMP, I have also paid regard to the relevant advice in the NPPF. In particular, NPPF paragraphs 189 – 202 place great weight on the conservation of heritage assets, and require any harm to the significance of such an asset to be clearly and convincingly justified.
44. In the case of Whiteley Village, from all the evidence, it seems to me that the CA's significance relates to both its history, its design and its resulting built environment. As an example of both the philanthropic planned communities which began in the late 19<sup>th</sup> century, and of the garden city/suburb movement of the early 20<sup>th</sup>, Whiteley is one of a relatively small number of such developments, and possibly the only one to have been planned entirely for the elderly. It is therefore of considerable importance in terms of its role in the history of British town planning and urban design. In terms of its design and layout, Whiteley shares a number of characteristic features with other planned developments of the same era, including its geometric plan form, the consistency of style, materials and detailing, the integration of the buildings and landscape, and the carefully-planned compositions and vistas. Although the village has continued to develop and evolve, its original plan form, buildings and spaces are all largely intact, and the increasing maturity of both the buildings and the landscape has further enhanced their richness. Together, these elements combine to create a highly distinctive and attractive environment, with a unique sense of place.
45. The two developments now proposed would both involve a modern reinterpretation of the original arts-and-crafts style, with steeply-pitched roofs, sweeping eaves, chimneys, string courses, brick detailing, timber balconies, and good quality materials in natural colours. To my mind these would be attractive buildings, of high quality, which would blend well with the original architecture. Both developments would be taller and of greater mass than the buildings immediately around them, but in both cases their height and mass would be offset by their strong horizontal lines, and their spacing, and by the backdrops of taller trees and woodland. Consequently, neither development would be unduly dominant in their respective settings.
46. Both of the appeal sites are ones where future development was envisaged in the original plans for Whiteley. Although the developments now proposed would differ from those earlier plans, they would nevertheless follow logically from the original layout, and would respect the underlying principles of formality, symmetry and order. The original plans for the village were expressly designed to allow for further additions, over the course of time, and in principle therefore, new developments which leave the original plan intact, and which accord broadly with these original concepts, such as the present appeal proposals, could be accommodated without detracting from the village's integrity. For this reason, I accept that the developments now proposed, for both sites A and B, could be carried out without harm to the CA's special interest, or to its significance, in terms of its historic value.
47. However, that is by no means the end of the matter, because the CA's significance as a heritage asset relates not only to its historic value but also to its present-day character and appearance. Large parts of both of the appeal sites are covered in mature trees and woodland. Even though these trees and woodlands are not themselves of historic significance, they nevertheless contribute positively to the CA's character and appearance, and most are



identified as 'Important Tree groups and Wooded Areas' in the CACAMP. On Site A, the proposed almshouse development would require the loss of over 70 identified trees, including 1.1 ha of woodland, plus other individual trees set in attractive grassland. The woodland to be lost in this area alone is estimated at 2.7% of the total woodland across the village as a whole. In addition, the losses on Site A would also include the avenue which runs east-west through the centre of the site; although some of these are younger trees, the avenue is a significant landscape feature, and forms part of a series of pleasant, inter-linked walks around the village environs. On site B, the care home development would entail the loss of 13 trees identified on the tree survey. However, this under-represents the loss, because the great majority of the trees in this woodland area are not identified individually. The loss of woodland here is estimated as 1% of the village total. On both sites, many of the trees to be lost, both in the woodlands and freestanding, are large mature specimens, with some being of considerable age.

48. In percentage terms, the losses of trees and woodland might be relatively small, but in absolute terms they would be very considerable. Moreover, the visual impact would be much greater than the percentage figures might imply, because whilst much of the woodland at Whiteley is around the village edges, the appeal sites are adjacent to two of the main internal roads, and are thus amongst the most visible. In the case of Site A, the effect would be especially damaging, because the loss of trees would impact on the vista along East Avenue, which is designed as a main axis of the village. Little attempt has been made to justify any of these proposed losses of trees and woodland; given the important visual and landscape role that the trees play in Whiteley's character and appearance, this is a surprising omission.
49. The proposed schemes for both sites include proposals for new tree planting, which numerically would exceed the losses, at least as far as the individually identified trees are concerned. But the new planting would mainly take the form of landscaped areas, between and around the buildings. As such, it could not make up for the destruction of large areas of mature woodland, and the loss of other individual trees of high visual amenity value. I note the appellants' further proposals for woodland management elsewhere around the village, including the replanting of two other areas of existing woodland which have been poorly managed, and I accept that these proposals would have some benefits. But given their more remote location, they would not compensate for the loss of trees and woodland in more prominent locations, on the two appeal sites.
50. I accept that the CACAMP designation of 'Areas Likely to be Subject to Change' implies some loss of trees from the appeal sites. But this does not seem to me to sanction the wholesale clearance that is now proposed, especially in the light of the same document's parallel designation of both sites as areas of important trees and woodlands. In any case, the CACAMP carries less weight than development plan policies, including Policy DM12 of the DMP, in which criterion b(ii) requires important trees and landscape features in CAs to be protected.
51. In addition, as well as its impact on the CA, the proposed developments would also have some effect on the settings of a number of LBs. In the case of Site A, all of the nearby cottages on the west side of Octagon Road, and fronting onto East Avenue, are listed. The proposed new almshouses would be within

the settings of those nearest<sup>15</sup>. For the same reasons as stated above, the loss of trees and woodland from the site would adversely affect the significance of these buildings. At Site B, the only LBs in the vicinity are the series of lamp-posts along Chestnut Avenue. As minor structures, it seems to me that these have a relatively limited setting, which in this case would not be significantly affected.

52. Similarly to Green Belt policy, both Policy DM12 and the NPPF allow, in some cases, for the harm to heritage assets to be weighed against other considerations, including any public benefits, and again I shall return to that question in due course. But the main aim of the heritage-related policies that I have identified is to conserve heritage assets, and I have judged compliance on this basis.
53. In the light of all these considerations, I conclude that due to the loss of trees and woodland on both sites, the proposed developments would fail to preserve the character and appearance of the Whiteley Village CA, or the settings of the listed buildings in Octagon Road. In the terminology of the NPPF, the harm caused to these designated heritage assets would be 'less than substantial', but it would nevertheless amount to harm, adversely affecting their significance. As a result, the developments would conflict with criterion b(ii) of Policy DM12. They would also fail to accord with one of the stated aims of ECS Policy CS6, to conserve and enhance Whiteley's character, or with the requirement in Policy CS17 to integrate sensitively with the local townscape, landscape and heritage assets.

#### *Other matters*

54. The appeal sites lie within 5km of the TBHSPA, where ECS Policy CS13 requires measures to be taken to mitigate the impact of residential development on the SPA's protected habitat and species. Without such mitigation, the possibility of a significant effect, in combination with other developments, cannot be ruled out. However, the appellants' S.106 undertaking provides for mitigation in the form of a SAMM contribution. The Council has confirmed that this sum would be used to help fund a monitoring programme, and for wardening, leaflets and educational material, and that none of the purposes would involve the provision of pooled infrastructure. From the evidence provided, I am satisfied that the contribution is necessary, reasonable and properly related to the development, and would comply with the relevant legal tests for planning obligations. The amount of the contribution, and its adequacy, is not disputed, and I see no reason to disagree. I therefore conclude that, with the benefit of the undertaking, the proposed development would not adversely affect the TBHSPA.
55. I have considered carefully the relationship of the proposed extra-care home development on Site B, to the neighbouring properties in Chestnut Avenue and at Coach House Mews. Given the separation distances, and relative ground levels, I do not consider that the development now proposed would cause any unacceptable harm to the occupiers of these existing properties. Nor is there any evidence of any likely adverse effects on surface water drainage or road safety.
56. I note the evidence from some local residents that local medical services are over-subscribed. I appreciate the concerns they have about adding to this

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<sup>15</sup> Nos 36- 42 (even) Octagon Road, 17-23 (odd) East Avenue, and 10-16 (even) East Avenue

pressure, and the effects this might have on existing residents. However, the relevant service providers have not objected. On balance, the evidence available is not strong enough to warrant refusal of permission on this ground.

*The planning balance*

57. For the reasons explained above, the two proposed developments would cause harm to the Green Belt, due to inappropriateness and loss of openness, contrary to adopted Policy DM17. The NPPF requires substantial weight to be given to any harm to Green Belts.
58. Both developments would also cause serious harm to the character and appearance of the Whiteley Village CA, due to the large-scale removal of woodland and other trees. In the case of the proposed almshouses on Site A, this would be compounded by harm to the settings of the nearby listed buildings, for the same reason. Although the harm caused by both developments would be 'less than substantial', the significance of the CA and LBs as designated heritage assets would be damaged, contrary to the relevant provisions of adopted Policies DM12, CS6 and CS17. Having regard to the emphasis that the NPPF gives to the conservation of heritage assets, I consider that this harm, like the harm to the Green Belt, should be given substantial weight.
59. On the other side of the planning balance, there is no doubt in my mind that there is a clear local need in Elmbridge for all forms of elderly persons' accommodation, and indeed this need is both urgent and growing. It is important in the public interest that solutions are found, and the needs of older people met. The two linked developments now proposed would help to meet a significant proportion of this need. Moreover, they would do so in a way that would address both ends of the market, and with a generous 60:40 split in favour of the affordable sector. They would also cater for a very wide range of individual needs, in terms of physical ability, dependency and personal care requirements. In addition, the new accommodation would be provided and managed by a charitable organisation with an exemplary record in their field, who clearly have a willingness to innovate, and a desire to achieve the highest standards. These considerations weigh heavily in favour of the appeal.
60. The development would also produce further economic and social benefits in terms of construction jobs, and longer-term employment and training opportunities in the caring professions and related services within the village. It would utilise PDL on part of Site B, and assist in bringing forward WHT's long-term management plans for the woodlands and other landscaped areas of the village. I have no reason to doubt that the maintenance burden of the Whiteley estate is considerable, and that the appeal proposals would assist with this in some regard. No alternative sites have been identified at Whiteley that would be better suited in planning terms. In the absence of the appeal schemes, the Trust may have to look at other options, which it regards as less favourable. These matters add further weight to the case for the appeal.
61. In weighing up these competing considerations, I am also conscious that the appellants have placed considerable store in those aspects of Policy CS6 and the CACAMP that appear to favour some form of development along the lines of the appeal proposals. I accept that the appeal proposals would meet several of Policy CS6's criteria, and would follow some, although not all, of the relevant site-specific guidance in the CACAMP. However, for the reasons that I have

explained elsewhere, the appeal proposals cannot be reconciled with the more recently adopted Policies DM17 and DM12, or with the NPPF. Consequently, in the light of that conflict, little weight can be given to those aspects of Policy CS6 or the CACAMP that support the appeal. These matters therefore add nothing to the final balance.

62. Drawing all these considerations all together, NPPF paragraph 144 makes it clear that, in Green Belts, 'very special circumstances' cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. Consequently, for the appeal to succeed, the overall balance would have to favour the appellants' case not just marginally, but decisively. In the present case, the considerations weighing in favour carry considerable weight, but even so, they do not clearly outweigh the combined weight of the harm to the Green Belt and to designated heritage assets. Nor would the harm to the heritage assets be outweighed by the public benefits, irrespective of the Green Belt issues. Very special circumstances of the type required by the NPPF have therefore not been demonstrated.

### **Overall Conclusion**

63. Despite the appeal proposals' considerable merits, their inherent conflict with both the development plan and national policies, with regard to the harm to both the Green Belt and designated heritage assets, leads me to conclude that the appeal must fail.
64. I have taken account of all the other submissions made, at the inquiry and in writing, but nothing in those changes my conclusions. The appeal is therefore dismissed.

*J Felgate*

INSPECTOR



## **DOCUMENTS TABLED AT THE INQUIRY**

### GENERAL DOCUMENTS

- GEN/1 Planning permission ref 2007/2227, for 36 units at the Chestnut Avenue site (and selected approved plans)
- GEN/2 Officers' report on application 2007/2227 (as above)
- GEN/3 Planning permission ref 2010/2249, for 16 units at the Octagon Road site (and selected approved plans)
- GEN/4 Officers' report on application 2010/2249 (as above)
- GEN/5 Planning permission ref 2016/3472, for the proposed Care Hub development and works to Whiteley House, at Octagon Road
- GEN/6 Officers' report on application 2016/3472 (as above)
- GEN/7 TBHSPA Delivery Framework, Feb 2009

### APPELLANTS' DOCUMENTS

- APP/1 Supplementary note on the new NPPF, submitted 10 August 2018
- APP/2 Shadow Habitat regulations Assessment, submitted 10 August 2018
- APP/3 Opening submissions
- APP/4 Answers to Inspector's pre-inquiry questions
- APP/5 WHT Admissions Policy and Application Process
- APP/6 'Ageing Well' – The Whiteley Foundation
- APP/7 Pre-application response letter from the Council, dated 6 March 2018
- APP/8 'Cost Model: Extra Care Housing' - Housing LIN, April 2015
- APP/9 Elmbridge Green Belt Boundary Review, March 2016 – Methodology & Assessment (extracts)
- APP/10 Two plans showing comparative dimensions of proposed and existing development fronting Chestnut Avenue
- APP/11 Proposed additional condition, re: operational management plan
- APP/12 Closing submissions
- APP/13 List of abbreviations
- APP/14 Section 106 undertaking, dated 29 August 2018

### COUNCIL DOCUMENTS

- COU/1 Comments on the changes to the NPPF (submitted 10 August 2018)
- COU/2 Opening submissions
- COU/3 Elmbridge Green Belt Boundary Review, March 2016 – Annex Report 2 (extract)
- COU/4 East Northants v SoS: [2014] EWCA Civ137
- COU/5 Turner v SoS: [2016] EWCA Civ 466
- COU/6 CIL Compliance Statement, dated 23 August 2018
- COU/7 Additional draft conditions, tabled 23 August 2018
- COU/8 Closing submissions

### DOCUMENTS TABLED BY THE OTHER INTERESTED PERSONS

- OP/1 Various emails submitted by Miss Roth, with accompanying set of photographs
- OP/2 Written statement by Mrs Allen
- OP/3 Letter from Mrs & Mrs Harding, residents of Whiteley Village