



Appeal Decision

Site visit made on 12 June 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2023

Appeal Ref: APP/A3655/W/21/3284110

The Meadows, Bagshot Road, Woking GU21 2RP

- 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 Churchgate Woking Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0492, dated 5 June 2020, was refused by notice dated 8 April 2021.
 - The development proposed was originally described as demolition and redevelopment to provide extra care apartments (within Class C2), landscaping, parking, access, provision of an informal crossing and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including an assessment on the effect of the proposal on the openness of the Green Belt.
- The effect of the proposal on the character and appearance of the area.
- Whether or not the proposal would provide sufficient parking.
- Whether or not the proposal would provide sufficient bin storage.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One such exception is g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

4. The main parties agree that the proposal would represent inappropriate development in the Green Belt having regard to Policy CS6 of the Woking Core Strategy (2012) (CS), Policy DM13 of the Development Management Policies: Development Plan Document (2016) (DPD) and also the Framework, which collectively seek to protect the Green Belt. It is agreed that the development would have a greater impact on the openness of the Green Belt than the existing development, and I concur with that position.
5. Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. The scheme has been designed to follow the slope of the site through staggering the height and scale of the building towards the rear of the site. To the front of the site the proposed building would be located in a similar location to the existing building, set back from Bagshot Road with parking to the front. The tallest part of the parapet roof of the proposed building would be just over 1m taller than the existing building. Varying materials and window designs are proposed to help break up the bulk of the building.
7. However, the evidence before me sets out that the proposal would result in approximately a 400% increase in volume compared to the existing building, almost a 500% increase in floor area, over a 150% increase in footprint and plot coverage, and approximately a 40% increase in the amount of hardstanding. The development would significantly extend into the undeveloped, open rear portion of the site and would excavate into the ground. Therefore, the development would result in the urbanising visual relationship with the natural, undeveloped, open landscape to the rear.
8. I have considered the submitted Landscape and Visual Impact Assessment (LVIA). I agree in terms of visual impact, the site currently makes little contribution to the openness of the Green Belt given that the site is well-enclosed by planted boundaries and trees which filter views of the site.
9. As shown in the LVIA¹, the building would be visible from Bagshot Road and from the footpath to the rear of the site. The increase in scale and bulk of the building would be apparent from public vantage points. These views would be filtered as existing vegetation and planting would be retained and new planting is proposed. This would help to limit the impact of the proposal on the Green Belt. The site photographs² contained within the LVIA show that in the winter months there is less leaf coverage. The trees and shrubbery are predominantly evergreen, but it is likely that in winter months (when less of the vegetation is in leaf) the development would be more prominent than that shown in the CGI images.
10. For these reasons, the proposed development would have a greater impact, visually and spatially, on the openness of the Green Belt than the existing development. The proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open. Overall, taking into account that the proposed building would be significantly larger than the building it replaces (including in relation to volume, floor area,

¹ Appendix 3

² Appendix 2

footprint and site coverage), the site's contribution to the openness of the Green Belt, limited increase in height, existing and proposed soft landscaping, and filtered views, I consider that the proposed development would amount to a moderate level of harm to the openness of the Green Belt.

Character and appearance

11. The site contains a large, detached purpose-built care home. The existing care home building is 2.5 storeys with accommodation in the roof and a hipped roof. The building is not clearly visible from Bagshot Road due to the mature trees and vegetation. The existing building is primarily positioned towards the front of the site with the rear portion of the building being single storey. The rear of the site is currently open which helps in positively transitioning to the open landscape to the rear. The care home closed some time ago. The building is in a poor state of repair and the wider site is overgrown.
12. The surrounding area is characterised by open, undeveloped Green Belt land to the east, south and west. The Nags Head Inn which is a large, traditional, two-storey, public house is to the north. It is situated within a large plot with a generous parking area. Further north, along Bagshot Road, are primarily traditional, two-storey detached dwellings. Mature trees and hedgerows are a predominant feature of Bagshot Road. Within the wider area are a range of facilities and services in Knaphill and Brookwood, including a Sainsbury's supermarket and petrol station.
13. The tallest section of the building would be five storeys, albeit its height would not be substantially greater than the existing building. The frontage of the building, that addresses Bagshot Road, would be four storeys. The staggered height of the building would help to reduce the building's visual impact with the upper floor being set back to reduce its scale and massing.
14. The development would result in a significantly greater volume, floor area, footprint and spread of development across the site. As a result, it would result in a significant intensification of built development within the site. In contrast to the existing site arrangement and development in the locality, there would be limited space around the building. Thus, it would result in a cramped form of development and would appear contrived.
15. The building would narrow to the central area and follow the slope of the site so that the rear of the lower ground floor would have access to the landscaped gardens and central courtyard area. This results in development extending substantially into the current undeveloped rear of the site which would be evident from the footpaths to the rear of the site³.
16. The proposed building would be substantially larger than buildings in the locality. The height and hipped roof design of the existing building limits its prominence and scale. The proposed staggered design and materials would help to break up the buildings scale and massing and add interest. However, the development would be out of scale with the prevailing building heights and scale of development in the area, which is characterised by two-storey buildings. There are no examples of three, four or five storey buildings within the surrounding area. The proposed contemporary design, flat roof and modern finishing materials would also not reflect the characteristics of buildings in the

³ As shown in Appendix 3 of the LVIA

area. Though, a planning condition could help ensure that suitable materials are secured.

17. Glimpsed views of the development would be visible from Bagshot Road and from the footpath to the rear of the site. As stated above, it is likely that in winter months (when less of the vegetation is in leaf) the development would be more prominent than that shown in the LVIA CGI images. Nonetheless, the site is generally well screened, and the proposal seeks to retain existing trees which would be enhanced through additional tree and native hedge planting. Existing and new landscaping would help to screen the development and help to reduce the prominence and dominance of the proposal. Having said that, new landscaping would take years to mature. Furthermore, soft landscaping and trees may die or may be removed over time. A condition relating to a Landscape Management Plan would help to ensure the landscaping is appropriate. The existing vegetation would continue to be a prominent characteristic of this part of Bagshot Road.
18. For the reasons given above, the proposed development by reason of its scale, bulk, massing, form, design and plot coverage would result in an incongruous development which would be noticeable from public vantage points. The development would not be sympathetic to local character and would not be well related to its context. Consequently, it would cause harm to the character and appearance of the area.
19. The development therefore would conflict with Policies CS21 and CS24 of the CS, and Policy DM11 of the DPD. These collectively seek, amongst other things, to ensure new developments respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. In addition, it would conflict with the Woking Design SPD (2015) which seeks to promote high quality places and ensure that all development contributes to local distinctiveness and character. The development would also conflict with chapter 12 of the Framework which promotes well-designed places, and ensure developments are sympathetic to local character.

Parking provision

20. The proposal includes 28 one-bedroom units and 26 two-bedroom extra care apartments. It is anticipated that there would be 10 full-time staff. A Transport Statement was submitted with the application. The proposal includes a car park with a total of 27 parking spaces which equates to a parking ratio of approximately 0.5 spaces per unit. Thus, at least half of the units would have no parking provision. The Council's Parking Standards Supplementary Planning Document (2018) (SPD) sets out parking standards for different use classes.
21. For care homes and nursing homes falling within Use Class C2, the SPD sets maximum standards of 1 car space per two residents or an individual assessment. The SPD does not specifically list extra care developments, such as that proposed. Residents of an extra care development are likely to have a relatively high degree of dependence and are more likely to be car owners compared to residents of the C2 uses listed in the SPD. Thus, it is reasonable to consider the parking standards for other uses.

22. If the proposal was assessed against the minimum standards for C3 residential developments, a minimum of 40 spaces would be required. For sheltered housing, the SPD sets maximum standards of 1 car space per 1 or 2 bed self-contained unit or an individual assessment.
23. The proposal makes no allowance for visitor or staff parking. The SPD does not have a separate allowance for visitor and staff parking relating to sheltered housing, care homes and nursing homes. In contrast, for C3 residential developments, the SPD encourages extra car parking spaces for visitors parking, where appropriate, at a minimum rate of 10% of the total number of car parking spaces provided for the development.
24. The SPD does not set specific standards for accessible parking spaces in residential developments. Nonetheless, having regard to the target demographic of the development, the provision of accessible parking should be taken into consideration. One accessible space is proposed. The appellant states it is likely that at least two of the proposed parking bays could be designated disabled bays if needed which could be secured via a planning condition. Given the constrained nature of the proposal, it is likely that an additional accessible space would impact the root protection areas of nearby trees or the overall number of parking spaces. Therefore, I am not satisfied that this could adequately be addressed by a condition.
25. There are no yellow lines along this part of Bagshot Road to prevent vehicles parking on the road. In addition, the entrance to the site is by a bend and on a slope. Given the nature of Bagshot Road (which is a busy 'A' road with relatively fast vehicle speeds) it would be unsafe for vehicles to park on this road and would affect the free flow of traffic. There are also no nearby roads within the vicinity of the site for any on-street, overflow parking from the proposed development.
26. There are some local amenities and services within walking distance of the site. For example, nearby is a supermarket, petrol station, Basingstoke Canal (providing a pedestrian and cycle route) and bus stops along Bagshot Road. The pedestrian route to nearby amenities and services would be along the pavement on Bagshot Road. On my site visit I walked from the appeal site to these amenities and services. Although walking along Bagshot Road could not reasonably be described as an attractive walking route (due to the frequency/speed of vehicles and width of the pavement with some overgrown vegetation), it is not so unattractive that it would prevent people walking to and from the site.
27. Overall, although Surrey County Council (as highway authority) have not objected to the development and the site is within walking distance of local amenities and services (including public transport) which would help to reduce parking demand, taking into account the parking standards set out in the SPD, it is likely that the proposed parking provision would be insufficient. It would be unsafe for vehicles to park on Bagshot Road yet there are no parking restrictions to prevent vehicles parking on the road. Consequently, the proposed development would not provide sufficient parking provision (including accessible, visitor and staff parking spaces) and could result in potentially dangerous on-street parking on Bagshot Road which would have an unacceptable impact on highway safety.

28. The appellant highlights that the proposed parking provision is consistent with other similar developments and the average parking ratios contained in the TRICS database. However, in a number of those cases the parking ratio was more than 0.5. It is not clear whether the parking provision in those developments is adequate or whether on-street parking is an option. For example, I understand that the former Ian Allan Motors site is in a more sustainable location where on-street parking is an option.
29. For the reasons given above and based on the evidence presented, the proposal would not provide sufficient parking which could result in adverse effects on highway safety and the free flow of traffic within the locality. This would be contrary to Policy CS18 of the CS and Policy DM11 of the DPD. These collectively seek, amongst other things, to ensure development proposals mitigate the adverse effects of development traffic and other environmental and safety impacts. In addition, it would conflict with the aims of the SPD which seeks to ensure sufficient parking is provided within development, ensuring highway safety. The scheme would also conflict with chapter 9 of the Framework which states developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Bin storage

30. The proposed development includes a bin store area along the northern boundary which would provide seven 1100 litre eurobins. The Council's Waste and recycling provisions for new residential developments guidance is not an adopted policy document. Nevertheless, it provides helpful guidance and a useful starting point for the assessment of what amounts to sufficient bin storage. It also sets out a suggested planning condition.
31. The Council state that to comply with the guidance, twenty-two 1100 litre bins would be required. In addition, four 140 litre food waste bins would be required. The proposed development does not accommodate for food waste bins, and it also appears clinical waste has not been considered.
32. Given the size of the proposed building, there is limited space within the wider site to provide additional bins without effecting other elements of the proposal, for example parking provision, amenity space and tree root protection areas. Based on the information presented, I am not convinced that the use of a private contractor or a planning condition would adequately address this reason for refusal or meet the tests set out in paragraph 56 of the Framework. The proposed number of bins would be considerably less than that required by the Council. Consequently, I am not satisfied that the development would be able to accommodate sufficient bin storage to meet the needs of the proposed development.
33. My attention has been drawn to the former Ian Allan Motors site⁴. The appellant highlights that scheme entailed an integral bin store with no details of how many bins could be stored and the same guidance document is referenced in the Council's assessment of this scheme. Limited information has been submitted with regards to that application, for example the scale of the development and the size of the bin store area, so I am unable to make a robust comparison.

⁴ PLAN/2020/0304

34. For the reasons given above, the proposal would not provide adequate bin storage. This would be contrary to Policy CS21 of the CS and Policy DM11 of the DPD. These collectively seek, amongst other things, to ensure developments incorporate adequate enclosed storage space for recycling and refuse. In addition, it would conflict with the requirements of the Council's Waste and recycling provisions for new residential developments guidance which seeks to ensure that adequate facilities are provided for waste and recycling, and sets out storage capacity for waste and recycling. The proposed development would also conflict with the Framework which seeks to achieve well-designed places and ensure developments will function well.

Other considerations

35. The appellant has set out other considerations which they consider amount to the very special circumstances required to justify the proposal, and in this regard, have drawn my attention to a legal judgement⁵.

Need for extra care accommodation

36. National Planning Practice Guidance (NPPG) sets out reasons as to why it is important to plan for the housing needs of older people, including that the need to provide housing for older people is critical⁶. Policy CS13 of the CS states that the Council will support the development of specialist accommodation for older people and vulnerable groups in suitable locations, and the level of need will be that reflected in the latest Strategic Housing Market Assessment (SHMA).
37. The latest SHMA identified a need for 918 specialist homes for older people between 2013-2033. The Council state that so far, from 2013-2020, 259 units for older people have been completed. A further 334 units for older people are expected to be delivered. This will amount to 593 completions towards their target. Whilst some of these are expected numbers, I understand that construction has commenced for developments such as at Broadoaks and the former Ian Allan Motors site. Having regard to these figures, there remains an unmet need for specialist homes to be fulfilled, but the Council are making positive progress in achieving their delivery target.
38. The SHMA data is somewhat dated, and Policy CS13 does not differentiate between various types of accommodation. My attention has been drawn to the Surrey County Council Commissioning Statement: Accommodation with care, residential & nursing care for older people. This calculates, as at April 2019, a demand for 313 extra care units by 2035. The consultee response from Adult Social Care advised that Woking will need to consider the total capacity of these (developed and approved facilities) in order to identify the gap to be filled by new developments over the next 15 years. Furthermore, the response sets out that, in their view, the development cannot rely on a need for extra care development in Woking as giving weight to very special circumstances.
39. The Council set out that there is not a shortage of C2 accommodation in the Borough. In contrast, the appellant has provided a Need Assessment (dated 2020) to demonstrate an unmet need for extra care accommodation within a 5km radius of the site. This method encompasses largely rural areas, and a large part of the radius is outside the Borough of Woking which is a different approach to the Council. I understand the reasoning in considering a 5km

⁵ Brentwood BC v SSE [1996] 72 P&CR 61

⁶ Paragraph: 001 Reference ID: 63-001-20190626

radius from the site as this is likely to represent the geography from which apartment occupiers are likely to be attracted.

40. Two appeal decisions⁷ have been provided to demonstrate that there is no recognised methodology to assess need. In the Walton-on-Thames case the Inspector noted that the Surrey County Council Commissioning Statement sets out that there is no single, recognised methodology for identifying future residential and nursing care need. The Inspector in the Epsom appeal took into account that decision in relation to there being no single, recognised methodology for identifying future residential and nursing care need. Furthermore, they concluded that the County Council's estimate should not be read as a limit on the amount of care accommodation to be provided. Nor should the benefits of provision in excess of that number be given less weight than would otherwise be attached.
41. I do not disagree with the findings of the Inspectors. However, the appellant has insufficiently addressed the Council's assertion that they have not taken into account the significant contribution made by developments at Broadoaks and Sheer House and at Ian Allan Motors for example. Furthermore, the Needs Assessment report states that it is necessary to limit the period of time for which this report remains valid to four months from report date. There has been sometime since the report was produced, but I am mindful that there is nothing before me to suggest there has been a notable change in need. For these reasons, I am not satisfied that the Need Assessment adequately assesses the level of need for the accommodation and does not provide a direct comparison to the Council's figures.
42. Based on the information presented, I acknowledge that there is a need for extra care accommodation in the Borough, but I do not consider that there is currently a critical shortage of such accommodation in the Borough or that the Council are unlikely to meet their targets. Nevertheless, the proposal would contribute to this specific area of housing need at a wider level. It would help to offer older people a better choice of accommodation and would help them to live more independently for longer in accordance with the principles of national policy. I give significant weight to this consideration.

Housing supply

43. The appellant states that the proposed 54 apartments would provide for the equivalent of 30 new dwellings. They also consider that 30 class C2 equivalent dwellings at the site is more than could be accommodated if the site were progressed for class C3 dwellings.
44. The proposed extra care accommodation would help the Council achieve its housing provision targets, as set out in Policy CS10 of the CS. The provision of extra care accommodation would also help to free up existing homes owned by older people who require a level of care and release them back into the market for family accommodation. Prospective residents could come from outside Woking which would not benefit the housing supply in Woking. The main parties agree that the Council is able to demonstrate a 5 year housing land supply, and the Council state that the Borough currently has a 9 year supply of housing land.

⁷ APP/K3605/W/20/3263347 and APP/P3610/W/21/3272074

45. The appellant notes that whilst the Site Allocations document (as subject to the Minor Modifications following the Inspectors Report) allocates some sites for sheltered housing and care homes, this is not specifically for C2 extra care as proposed. Further, they highlight that the allocations do not meet the need.
46. Whilst this benefit would be of very limited weight to Woking Borough Council, it could be a benefit to other areas and would help to meet the Government's objective of significantly boosting the supply of homes. In addition, the provision of extra care apartments helps to achieve the Framework's social objective in providing a range of homes. For these reasons, overall, I give this consideration limited weight.

Re-use of redundant site and enhancements to the character of the area

47. The support comments highlight that the site is currently an eyesore which detracts from the character of the area and attracts anti-social behaviour. The appellant states that the redevelopment of the site is of paramount importance to bringing it back into a beneficial use, making the most of previously developed land and to improve the visual appearance of the site and its context.
48. The existing building has been vacant for some time and is in a poor visual condition. The site has limited effect on the character of the area due to existing vegetation and hording. The appellant has the ability to maintain the site if they wish and could improve the security of the site to prevent it being further vandalised and subject to fly tipping.
49. The redevelopment of the previously developed site is acceptable in principle. Whilst planning policies promote an effective use of land and supports the development of previously developed and brownfield land, it also requires developments to be sympathetic to local character. The site is in a poor visual state, despite that I have found that the development would cause harm to the character and appearance of the area. I give very limited weight to this consideration.

Employment opportunities and economic benefits

50. The Framework seeks to build a strong, competitive economy. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity. An Economic and Social Impact Assessment was submitted to support the proposal.
51. The development would generate economic benefits both during construction and once operational. The economic benefits associated with the construction phase would be temporary, whereas the harm I have found particularly in relation to the Green Belt would be permanent and irreversible in nature. Nonetheless, the development would bring economic benefits to the local community, securing economic growth and creating jobs in the local area, in line with planning policy. Taking into account these considerations and the scale of the development, I give limited weight to this consideration.

Social and wellbeing benefits

52. The NPPG states that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel

more connected to their communities and help reduce costs to the social care and health systems⁸.

53. The appellant's submission sets out the social and wellbeing benefits of the extra care apartments. These benefits include: increased happiness and life satisfaction due to living within an inclusive and social environment, which can reduce isolation and loneliness for older people. In addition, it can reduce the number of falls by older people as they are within a safe and adaptive environment. It could also help to relieve the pressure on current NHS services as it can ease GP visits and lead to less bed-blocking in local hospitals. Considering these factors and the scale of the development, I give limited weight to this consideration.

Community support

54. As part of the pre-application process, the appellant undertook dialogue with the local community. As set out in the Statement of Community Involvement, the response to the proposal has largely been positive. In addition, there have been many support comments submitted in relation to the application which I have considered in making my decision. I give very limited weight to this consideration.

Other matters

55. The appellant has highlighted that the reasons for refusal do not allege concerns in relation to: highways, residential amenity, housing mix, standard of accommodation, affordable housing, and other technical matters. The absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. The other matters highlighted do not amount to a positive consideration in support of the appeal.
56. I have considered the planning conditions that could be imposed. However, they would not overcome the adverse impacts and conflicts identified or make the development acceptable.

Whether very special circumstances exist

57. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
58. As set out above, I have found that the proposal would represent inappropriate development in the Green Belt. In addition, the proposal would cause harm to the character and appearance of the area and would not provide sufficient parking or bin storage. The other considerations relating to need for extra care accommodation is given significant weight. I give limited weight to the contribution to housing supply, employment opportunities and economic benefits, and social and wellbeing benefits. I give very limited weight to the considerations relating to the re-use of redundant site and enhancements to the character of the area, and community support.

⁸ Paragraph: 001 Reference ID: 63-001-20190626

59. Set against these benefits and considerations are the harms to the Green Belt, to which substantial weight should be given, and the other harms in relation to the character and appearance of the area, parking and bin storage. When drawing this together, the other considerations advanced results in a finely balanced decision. However, the other considerations would need to clearly outweigh the substantial harm to the Green Belt and other harms. Accordingly, the advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

60. I conclude that the proposal would amount to 'inappropriate development'. In addition, I have found that the proposal would result in moderate harm to the openness of the Green Belt. I have also found that the development would cause harm to the character and appearance of the area, would not deliver sufficient parking and would not provide sufficient bin storage. Despite the merits of the proposal, there are no very special circumstances to outweigh this harm. Consequently, the scheme would conflict with Policies CS6, CS18, CS21 and CS24 of the CS and Policies DM11 and DM13 of the DPD. It would also be contrary to the Framework, Woking Design SPD, Council's Parking Standards Supplementary Planning Document (2018) and the Council's Waste and recycling provisions for new residential developments guidance.
61. A Unilateral Undertaking has been submitted which provides a contribution towards the Strategic Access Management Monitoring of the Thames Basin Heath Special Protection Area Mitigation Strategy and restrictions relating to occupation, health assessment, basic care package, and care agency. Given my findings in relation to the main issues and that the proposal would be unacceptable for other reasons, I have not considered the obligation further as it would not be determinative to my decision.
62. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR