



Appeal Decision

Site visit made on 14 July 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Appeal Ref: APP/Y3615/W/25/3364374

North Wyke Farm, Guildford Road, Normandy, Surrey GU3 2AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Bramley Health Support Services Limited against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01167.
 - The development proposed is described as the construction of a care home, 17 supported living units with staff accommodation and ten one and two bedroom affordable homes.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Guildford Borough Council against Bramley Health Support Services Limited. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to an application for outline planning permission with all matters reserved. The reserved matters are access, appearance, landscaping, layout, and scale. As such where the proposed plans show any information relating to these reserved matters, I have treated them as illustrative for the purposes of making my decision as they show how the site could be developed.

Main Issues

4. The main issues therefore are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and relevant development plan policies;
 - The effect of the development on the character and appearance of the area including trees;
 - The effect of the development on highway safety and capacity;
 - The effect of the development on surface water flooding and drainage;
 - The effect of the development on protected species, habitat and whether it could provide biodiversity net gain ("BNG");

- The Thames Basin Heaths Special Protection Area (“SPA”) and planning obligations;
- Whether the proposed development is appropriately sustainable in relation to climate change, sustainable design, construction, and energy; and
- If the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Green Belt

5. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (“the LPSS”) states that the Metropolitan Green Belt, as designated on the Policies Map, will continue to be protected against inappropriate development in accordance with the Framework.
6. The Government attaches great importance to Green Belts. 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 permanence¹. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances².
7. The settlement of Normandy features development which broadly follows Glaziers Lane and Guildford Road. The appeal site is detached from this settlement. As one travels from Guildford Road onto and along Westwood Road, buildings give way to open fields of considerable size before the appeal site is reached. While there is a pocket of dwellings and an equestrian centre near to the appeal site, this has an isolated character and does not read as a village.
8. Having regard to the appeal site’s characteristics and the location, context, pattern, density and scale of existing buildings, and existing open space, when assessed on the ground, I conclude that the appeal site does not sit within a village. Accordingly, the appeal proposal would not constitute limited infilling in a village. Even if I am wrong on this point, a care home, seventeen supported living units with staff accommodation and ten affordable homes cannot be said to be ‘limited’ in this context.
9. Footnote 7 of the Framework protects areas or assets of particular importance and this includes habitats sites such as the SPA and areas at risk of flooding. The proposed development’s adverse effect on the SPA, which is set out later in this decision and its impact on flooding, provides a strong reason for refusing the proposed development. The appeal site is therefore excluded from Green Belt under the Framework’s glossary.
10. Paragraph 156 of the Framework sets out three criteria which must all be met to meet the ‘Golden Rules’. However, there is no mechanism before me to secure affordable housing or improvements to infrastructure. Given at least two of the

¹ Paragraph 142 of the Framework

² Paragraph 153 of the Framework

Golden Rules would not be met, there is no need for me to consider this matter further.

11. The essential characteristics of Green Belts are their openness and permanence. Openness has spatial and visual aspects. While all matters are reserved, a care home, seventeen supported living units with staff accommodation and ten affordable homes would inevitably reduce Green Belt openness through development and activity that would occupy land which is broadly undeveloped.
12. Consequently, I conclude that the proposed development would represent inappropriate development in the Green Belt thereby causing substantial harm. I also conclude that the proposal would cause substantial spatial and visual harm to the openness of the Green Belt by not preserving it and would encroach into the countryside. The proposal would therefore conflict with the relevant provisions of Policy P2 of the LPSS. This, amongst other things, aims to protect the Green Belt against inappropriate development.

Character and Appearance

13. The appeal site is an open verdant field bounded by mature trees, a low-level post and wire fence, and hedging some of which is growing around the low-level wire fence. The open and green character of the field in combination with the vegetative boundary contribute positively to the character and appearance of the area.
14. Open fields border two sides of the appeal site, and a pocket of residential development sits to one boundary known as Walden Cottages. There is also a pair of semi-detached dwellings across Westwood Lane. This combination of small pockets of development set within open fields and mature trees with vegetation gives the locality a peaceful rural character.
15. The Appellant's application form and Council's decision notice states that the proposed development would be a care home, seventeen supported living units with staff accommodation and ten affordable homes.
16. I am mindful that the plans submitted are illustrative in respect of any matters that are reserved, and they indicate how the site could be developed. Appearance, layout, scale, and landscaping are reserved matters. Any assessment in this respect would be at the later reserved matters stage, which would incorporate considerations as to whether it would or would not integrate with the locality.
17. At this later stage the development could also be supported by information showing the location of trees and any impact of the proposed development upon these trees ensuring that significant trees and hedgerows which contribute toward the character and appearance of the area³ would be retained or their loss fully justified.
18. Nonetheless, and as a matter of principle, the loss of the open field which positively contributes to the peaceful rural character of the locality and its replacement with a care home, 17 supported living units with staff accommodation and ten affordable homes including means of enclosure, circulation routes, and associated activity would have a considerable urbanising effect in this rural area. This would generate significant harm to the character and appearance of the area.

³ and those which may support protected species or qualify as important hedgerows.

19. The proposed development would therefore unacceptably conflict with the relevant provisions of Policies H1 and D1 of the LPSS and Policy D4 of the Guildford Borough Local Plan: Development Management Policies 2023 ("the LPDMP"). These, amongst other things, require development to make a positive contribution towards improving the quality of the built environment.

Highway Safety and Capacity

20. While access is a reserved matter, the Appellant would still need to proportionally show that the proposed development would be acceptable, in principle, regarding its impact on highway safety and capacity. There is limited up to date evidence, as part of this appeal, to show that the highway network can accommodate the proposed development without adverse impact on highway safety and capacity.
21. The illustrative drawings show a location where the access may be sited, and the evidence suggests that an informal crossing facility between the site and the existing footway on the far side of Westwood Lane would be required. It would also be necessary for the Appellant to show suitable visibility from the vehicular access. These matters would need to be addressed proportionally, as a matter of principle, as part of an outline application, but detailed aspects would be reserved for later approval.
22. The Appellant has not, however, adequately addressed these issues in evidence and therefore I cannot be satisfied that the proposed development would not unacceptably compromise highway safety and capacity. The proposed development would therefore fail to accord with the relevant provisions of Policy ID3 of the LPSS. These look to, amongst other things, ensure that development would not be detrimental to the transport network for all users.

Surface Water Flooding and Drainage

23. Policy P4 of the LPSS states that all development proposals are required to demonstrate that land drainage would be adequate and that it would not result in an increase in surface water run-off. Paragraph 181 of the Framework identifies that flood risk should not be increased elsewhere and footnote 63 of the Framework also confirms that a site-specific flood risk assessment should accompany all proposals involving sites of one hectare or more.
24. As the appeal is outline, evidence submitted should be proportionate to the matters under consideration. However, it is essential that the submission is relevant to the development proposed. While a Surface Water Drainage Report has been provided, it is unclear if it relates to the appeal site. This is because reference is made at paragraph 1.1.2 of this report to 'clear Condition 1 and 2' of another planning decision, Ref 23/P/01507 dated September 2023.
25. The Council have raised several concerns in respect the drainage hierarchy, lack of infiltration, soakage testing, runoff, infiltration rates, SuDS features, suitability of any waterbodies to receive flows, and drainage / riparian responsibilities. The Council also suggest that a sequential test is required in accordance with paragraph 175 of the Framework.

26. The Appellant has failed to address any of the Council's concerns as part of its statement of case. Accordingly, and in the absence of contrary evidence, the proposed development has not provided acceptable information in respect of surface water flooding and drainage. It would therefore unacceptably conflict with the relevant provisions of Policy P4 of the LPSS. This, amongst other things, requires development to show that drainage would be adequate and would not result in an increase in surface water run-off.

Protected Species, Habitat and BNG.

27. Policies ID4 of the LPSS and P6 of the DMP seek to maintain, conserve and enhance biodiversity while seeking opportunities for habitat restoration, creation, and gains in biodiversity.
28. The appeal is supported by a Preliminary Ecological Appraisal (PEA) prepared by Lizard Landscape Design and Ecology. The report confirms that an initial scoping survey was undertaken on the 12 June 2024. The report states that further phase two ecological surveys, regarding bats and reptiles, are required to understand and assess potential impacts of the proposed development and to formulate a suitable mitigation strategy. Further information is also required in respect of amphibians⁴.
29. In addition, the appeal site is located close to St Marks' Churchyard Site of Nature Conservation Importance ("SNCI"). While the proposed development is outline and any considerations would be proportionate, no information regarding the likely impacts on the nearby SNCI have been submitted.
30. The additional surveys and information have not been submitted or even discussed in the Appellant's statement of case. Given the nature of these surveys and their potential to inform the detail of any future reserved matters, it is necessary to have this information at the outline stage. However, as it has not been submitted, the proposed development has not clearly shown that it would appropriately maintain, conserve, and enhance protected species and habitats.
31. I note that further surveys in addition to what I have set out above may be required depending on the final detail of the reserved matters. However, these matters would need to be considered at that point in time.
32. In respect of BNG, the Council state that while on-site baseline habitats have been entered into the Statutory Metric, the Appellant has not clearly demonstrated that the appeal would have feasibility for measurable net gain secured for the lifetime of the development. This has not been addressed or discussed in the Appellant's statement of case, and I am therefore unable to be satisfied that the proposed outline scheme could achieve appropriate BNG.
33. Drawing all these considerations together, the Appellant has failed to address the Council's concerns as part of its statement of case. In the absence of contrary evidence, the proposed development has not provided acceptable information in respect of protected species, habitat and whether it could provide BNG.
34. The development as proposed would conflict with the relevant provisions of Policy ID4 of the LPSS and Policies P6 and P7 of the LPDMP. These, amongst other things, require development to maintain, conserve, and enhance biodiversity while seeking opportunities for habitat restoration and creation.

⁴ Paragraph 4.3.2 of the Preliminary Ecological Appraisal.

Thames Basin Heath Special Protection Area ("SPA") and Planning Obligations

35. The site lies within the zone of influence of the SPA, which is noted as an internationally important habitat for rare bird species. Increased recreational pressure arising from additional residents in the zone of influence could potentially have a likely significant effect on the habitat either alone or in combination with other projects, as some of the rare bird species it supports nest on the ground and could be disturbed by walkers or their dogs.
36. While this is an outline application, I am mindful that outline planning permission must not be granted unless it has been shown that the development would not adversely affect the integrity of the SPA.
37. Having reviewed the evidence before me, I cannot rule, beyond all reasonable scientific doubt, that the proposed development would not result in an adverse effect upon the integrity of the SPA. In these circumstances, permission could only be granted if it were found that adequate mitigation would occur so as to avoid the adverse effect. There is no avoidance or mitigation before me, and I am unable to rule out adverse impacts on the integrity of the SPA.
38. Given the nature of the appeal, the impact upon infrastructure is not fully understood at this stage. However, it would be likely to become clearer at the reserved matters stage. In such cases a legal agreement can be drawn up to secure the delivery of affordable homes and any other obligations, if necessary, directly related, and fairly and reasonably related in scale and kind. This can be reviewed at reserved matters. However, no such agreement is before me.
39. It has not, been shown that the development would not have an adverse effect on the SPA or make appropriate provision for planning obligations. Consequently, it would not comply with the relevant provisions of saved Policy NRM6 of the South East Plan 2009 and Policies P5, H2, ID1 ID3, and ID4 of the LPSS and P6 of the LPDMP. These, amongst other things, require development proposals to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Sustainability

40. Policy D2 of the LPSS sets out requirements in terms of sustainable design and construction, climate change adaptation, and climate change mitigation, decentralised, renewable, and low carbon energy. The Council's Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document 2024 ("the SPD") is also a material consideration.
41. The appeal is outline with all matters reserved, and as indicated above, the plans submitted are illustrative in respect of any matters that are reserved, and this is to indicate how the site could be developed. These plans are not part of the formal proposal with appearance, layout, scale, and landscaping reserved for later consideration.
42. I agree with the Council that full detailed proposals would not be expected at the outline stage; however, the Appellant would still need to submit proportionate information to the development proposal. In this case the appellant has provided some information about operational running costs in relation to energy, water, zero carbon building techniques and renewable energy.

43. Given the outline nature of this appeal with all matters reserved, the Appellant has satisfactorily provided a proportionate level of detail with this outline application. Furthermore, detailed information to satisfy Policy D2 and the SPD would be expected to accompany the reserved matters application.
44. The proposed development would therefore comply with the relevant provisions of Policy D2 of the LPSS. This, amongst other things, requires development to respond to climate change through sustainable design, construction, and energy.

Other Matters

45. The Church of St Mark and Pirbright Tomb are Grade II Listed structures.
46. The evidence shows that the Church is circa mid-19th century constructed in coursed Bargate stone with ashlar dressings and a steep pitched plain tiled roof. Other features include a heavy timber framed gabled south porch with cusped bargeboard.
47. The evidence also shows that the Pirbright Tomb is circa early 20th century and is dedicated to Lord Pirbright, M.P., Secretary of State and a Privy Councillor. It is a stone tomb with panelled sides and Jacobean style strap work decoration. The Pirbright coat of arms is carved on the lid amongst other things.
48. The Council did not raise objection in respect to the impact of the proposed development on the listed structures when considering the separation distance and intervening boundary treatments. I agree with the Council that the setting and significance of the listed structures would not be unacceptably harmed in principle, save consideration of the matters which are reserved.
49. The Appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the Appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.
50. It is suggested that the Council has approved other development nearby and this should reinforce the acceptability of this appeal. However, there is no detail before me regarding these other schemes. I do not know the land designations, the scale of the development or the material considerations at play when they were approved. These therefore have limited bearing on my overall conclusions.

Other Considerations

Harms

51. The Council is unable to demonstrate a five-year supply of housing sites and Paragraph 11 of the Framework is relevant. However, under Footnote 7 to Framework Paragraph 11.d) i. the proposal's adverse effect on the SPA, as well as its impact on flooding and the Green Belt, provide a strong reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply and for the same reason the appeal site is excluded from Grey Belt under the Framework's glossary.
52. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework also sets out that any harm to

the Green Belt should be afforded substantial weight. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

53. I have found that the proposal would amount to inappropriate development in the Green Belt, and it would also harm the openness of the Green Belt, this harm carries substantial weight. The proposal would also not meet all the Golden Rules requirements as set out in paragraph 156 of the Framework.
54. I have also found that it would cause harm to the character and appearance of the area, highway safety, surface water flooding and drainage, protected species, habitat, and the SPA. In addition, the proposed development does not achieve appropriate BNG. These harms in totality would be considerable and long lasting when considered in the round, I therefore ascribe very substantial weight to them.

Benefits

55. The appeal scheme would broadly offer an element of specialist high complex care bedspaces and facilities. I also note that the proposed development seeks to promote community integration, rehabilitation and recovery within a safe, therapeutic and flexible environment for those with autism, dementia or other special needs.
56. The proposed development would provide care home bedspaces, and I have taken this benefit into account. It would also deliver different types and sizes of housing including an element of staff accommodation. While affordable housing is also proposed, the weight attributable to this element of the proposed development is moderated as there is no mechanism before me to secure the affordable housing. Supported living accommodation is also proposed, but it is not clear which of these proposed units would have a C3 Use Class or C2 given the level of care has not been precisely defined. These benefits are further tempered as the appeal scheme does not align with Care Quality Commission or Local Adult Social Care's stated requirements.
57. There would also be economic benefits both during the construction phase and during occupation including job creation. There would also be social and environmental benefits. The site is located near to Ash and Guildford including a bus stop nearby which connects Aldershot to Guildford. However, it is not clear if genuine choice in transport options would be available particularly given my concerns surrounding the crossing facility between the site and the existing footway on the far side of Westwood Lane. This reduces the weight attributable to this particular benefit.
58. Overall, when considering the benefits in their totality, I attach significant positive weight to them.
59. Tying all these considerations together, I conclude that the harm, by reason of inappropriateness and impact upon openness, alongside the other harm identified above, would not be clearly outweighed by the other considerations so as to amount to the very special circumstances required to justify the proposal.

Conclusion

60. For this reason, I consider that there is a strong reason for refusing the proposal. Furthermore, given the above, I also consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the development plan when read as a whole. Moreover, there are no material considerations which indicate a decision otherwise.
61. The appeal scheme would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed.

N Praine

INSPECTOR

Richborough



Costs Decision

Site visit made on 14 July 2025

by **N Praine BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Costs application in relation to Appeal Ref: APP/Y3615/W/25/3364374

North Wyke Farm, Guildford Road, Normandy, Surrey GU3 2AN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Guildford Borough Council for a full award of costs against Bramley Health Support Services Limited.
 - The appeal was against the refusal of planning permission for development described as the construction of a care home, 17 supported living units with staff accommodation and ten one and two bedroom affordable homes.
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Decision

1. The application for an award of costs is refused.

Background

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Applicant ("the Council") state that the Appellant made limited reference to the green belt, grey belt, and affordable housing. Instead, focusing on providing national data relating to specialist housing without a local context.
4. In addition, the Council state that the Appellant did not attempt to defend its position at appeal in respect of: the character of the area (including trees), highway matters, flood risk, surface water drainage, protected species habitat, biodiversity net gain, sustainability, the Special Protection Area and infrastructure.
5. The Council state that it has been put to unnecessary and wasted expense in having to defend this appeal.

Reasons

6. The costs regime is intended to support a well-functioning appeal system and encourage proper use of the right of appeal. It is aimed at ensuring that all those involved in the appeal process behave in an acceptable way.
7. I do not intend to rehearse the planning merits here as they are fully set out in my Appeal Decision, however, the Appellant's evidence is particularly limited with respect to some of the main issues. I note these issues have sparse reasoning and in some parts do not provide any rebuttal or discussion to the Council's reasons for refusal.

8. I therefore agree with the Council that much of its reasons for refusal were not adequately responded to at the appeal stage. That said, the Appellant is entitled to a right of appeal provided it is exercised in an appropriate manner.
9. The Appellant acknowledged, in evidence, that the development may not be in accordance with the development plan. It is part of the Appellant's case that very special circumstances weigh in favour of the proposal.
10. Regarding the green belt and character of the area, this is a logical approach by the appellant and a matter of judgement, weighting, and planning balance. The Appellant does tackle the green belt in its statement of case and other detailed considerations are provided. I therefore do not consider unreasonable behaviour has occurred in this respect.
11. Turning to highway safety and capacity, given the application was outline with all matters reserved, the appellant needed to proportionally show that the proposed development would be acceptable. Deciding what would be proportionate is a matter of judgment. While I ultimately agreed with the Council, the Appellant was entitled to test this at appeal.
12. Similarly with matters of sustainability, the Appellant was entitled to test, at appeal, what would be proportionate and on this main issue I agreed with the Appellant.
13. In respect to surface water drainage, protected species, habitats, and biodiversity net gain. These are principal matters which go to the heart of the outline application. Given the nature of these issues and their potential to also inform the detail of any future reserved matters, it is necessary to have this information at the outline stage.
14. The Appellant failed to provide any commentary as part of their statement of case and this amounts to unreasonable behaviour. However, the Council's own statement¹ is also silent on surface water drainage, protected species, habitats, and biodiversity net gain. Therefore, I cannot reasonably conclude that the Appellant's unreasonable behaviour in this regard has resulted in unnecessary or wasted expense for the Council in the defending of these issues.
15. I also appreciate the Appellant did not enter into a legal agreement or defend its position in this regard and the Council do point this out in a sentence near the bottom of page three of their statement. Again, this amounts to unreasonable behaviour by the Appellant, but, beyond a sentence highlighting this inaction, and as a matter of fact and degree, I do not consider that the Council has been put to unnecessary or wasted expense defending their decision for this particular reason.
16. Even though this is a repeat application, there were changes to the National Planning Policy Framework, the lodging of an appeal in regard to this application had some value and I have found that the Appellant acted reasonably in some respects. Therefore, pursuing the appeal was not without merit. However, and while I have found some unreasonable behaviour on behalf of the Appellant, this, on balance, has not amounted to unnecessary or wasted expense for the Council.

¹ Dated 13 May 2025.

Other Matters

17. The Appellant suggests that the Council acted unreasonably at the application stage such as the time taken to validate the application and respond to enquiries during the application lifecycle of the development proposal. However, my power to award costs is limited to costs necessarily and reasonably incurred in the appeal process only. It has not been clearly shown how these delays caused additional costs in pursuing this appeal.

Conclusion

18. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Praine

INSPECTOR

Richborough