

Planning Committee

17 June 2020

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher (Tel: 01483 444056)

1.	<p>Mr Rob O'Carroll of Bellway Homes Limited (Thames Valley) Land to East of White Lane and West of Chestnut Lodge, Drovers Way, Ash Green, Guildford, Surrey, GU12 6HY</p> <p>18/P/01950 – The development proposed is the erection of 59 residential dwellings with associated access, parking, landscaping and infrastructure.</p> <p>Planning Committee – 17 July 2019 Decision – Refused Recommendation – To Approve</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issue is whether the market housing mix would be satisfactory having regard to the site size, characteristics and location.• Across the site, 2- and 3-bedroom market units of varying floorspaces would make up the majority of the market housing proposed. Taking this and all other matters into account, especially the advice in the SHMA that the mix should not be used prescriptively, the semi-rural location and the medium size of the site, I consider the overall market mix to be satisfactory and justified in the circumstances. This deviation from the SHMA market mix would not be significant nor would it prejudice the delivery of an appropriate mix of housing across the plan area as a whole.• I am satisfied that the mix of housing tenures, types and sizes would be appropriate to the site size, characteristics and location such that this requirement of Policy H1 of the Local Plan would be met. The scheme would meet the requirement of the NPPF that within the planning policy approach for housing the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies.• I conclude that the market housing mix would be satisfactory having regard to the site size, characteristics and location and thereby would comply with Policy H1 of the Local Plan and the Framework in this respect.• I conclude that to address the highway impacts of the proposal, and to comply with the requirements of policies ID1 and ID3 of the Local Plan, the obligation to make a financial contribution towards the ARB scheme is necessary to make the development acceptable in planning terms. The obligation is directly related to the development as it would help address the impact from the additional traffic movements. I am satisfied that the financial contribution would be fairly and reasonably related in scale and kind to the development. The obligation therefore meets the requirements	<p>*ALLOWED</p>
----	--	------------------------

	<p>of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p> <ul style="list-style-type: none"> • Where the mitigation would be secured, when undertaking an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, I am satisfied that the proposal, alone or in combination with other schemes, would not significantly and adversely impact on the integrity of the SPA. • In terms of all the other matters raised, including potential flooding, relationship to adjoining properties, design and layout, sewer capacity, car parking, trees and ecological impact, I am satisfied that these issues have been addressed in the submissions and where appropriate could be safeguarded by planning conditions. • I conclude the appeal should be allowed. 	
2.	<p>Mr and Mrs Scotland Glengarden, Clandon Road, West Clandon, GU4 7TL</p> <p>18/P/02430 – The development proposed is the erection of a new 5-bedroom detached house and a new access and garage for the existing property in the grounds of Glengarden.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would be inappropriate development in the Green Belt. • The effect of the proposal on the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA); and • If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. • Glengarden is a large, detached, property which is set in generous grounds. It has two associated detached garages positioned to its side. The proposal seeks permission to subdivide this existing plot and construct a detached dwelling following the removal of these garages. A new access and garage would also be provided for the existing property. • The NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specific exceptions. • The appeal site is outside the settlement boundary of West Clandon, as defined by the development plan. However, the Framework does not define the term ‘village’. • Although properties along this part of Clandon Road are larger and have bigger gardens than development within the village boundary to the south, they are visually and functionally connected to the village. Consequently, notwithstanding development plan proposals maps, I consider that the appeal site should be regarded as being within the village of West Clandon. • The Highway Authority has considered amending the speed limit along this part of Clandon Road to 30mph to be consistent with roads within the settlement boundary. However, this was not realised in the absence of adequate funding for traffic calming measures. • Furthermore, the Council’s document entitled ‘Guildford Borough Settlement Profiles’ states that the village of West Clandon extends beyond the defined 	*ALLOWED

	<p>settlement area. This reinforces my findings in terms of the appeal site falling within the village.</p> <ul style="list-style-type: none"> • The Council is satisfied that the proposal would represent limited infilling, with regard to the scale of the proposal and having visited the site, I see no reason to conclude otherwise. The proposed development would therefore constitute limited infilling within a village and would meet the exception identified at paragraph 145(e) of the Framework. • I conclude that the proposal would not be inappropriate development in the Green Belt with regard to the openness of the Green Belt or indeed in terms of the purposes of including land within it. • The proposal would also accord with Policy P2 of the LPSS insofar as it only permits new buildings in the Green Belt which means the exceptions of national planning policy. • The appeal site is approximately 4.5km west of the TBHSPA a protected European site. It is therefore within a 'Zone of Influence' for the SPA and it is likely that occupants of the proposed development would visit it. Consequently, when combined with other development in the area, this scheme would have a likely significant effect on this habitat designation through increased disturbance as a result of recreational activity. • I am satisfied that the S106 Agreement is an appropriate mechanism to secure the delivery of proportionate and relevant mitigation in respect of the TBHSPA. I am therefore content beyond all reasonable scientific doubt that the proposal would not adversely affect the integrity of the SPA. It would accord with policies P5 and ID4 of the LPSS, Policy NE4 of the LP, Policy NRM6 of the South East Plan – Regional Spatial Strategy for the South East and the provisions of the Conservation of Habitats and Species Regulations 2017 as amended. These seek to secure the long-term protection of Special Protection Areas and mitigate any harmful impacts to them. • The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be allowed. 	
<p>3.</p>	<p>McCarthy and Stone Retirement Lifestyles Ltd North House and South House, Albury Road, Guildford, GU1 2BW</p> <p>18/P/01568 – The development proposed is erection of 20 apartments with associated communal facilities, parking and landscaping.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the proposal on the character and appearance of the site and immediate area. • The effect of the proposal on Thames Basin Heaths Special Protection Area (SPA); and • Whether the proposal would make adequate provision for affordable housing. • The appeal site comprises two large two-storey buildings with shallow pitched roofs, which are both sub-divided into four self-contained flats. The front garden includes landscaped areas and informal parking arrangements, which are to some extent screened by a large front boundary wall and hedging. Whilst it maybe argued that the buildings are of no architectural merit, they retain a domestic scale and sit unobtrusively within their landscaped setting, despite the size of the plot, which appears 	<p>DISMISSED</p>

noticeably wider than the majority of sites lining Albury Road.

- The surrounding area is mainly residential in character and is predominantly made of large two and three storey buildings, many of which date from the Victorian era.
- The spaciousness of development along Albury Road, including at the appeal site, makes a marked contribution to the leafy and suburban character which defines the area.
- The appeal scheme would result in a significant intensification of development on the plot, not only in terms of massing, bulk and site coverage of the proposed building, but also the extensive and formalised areas of hardstanding required for the provision of parking.
- The proposed development would be noticeably wider than the existing buildings and virtually span across the entire width of the plot, reducing the characteristic degree of spacing with neighbouring properties. As a result, the positive contribution that the appeal site currently makes to the sense of spaciousness and openness in the area would be significantly diminished.
- The proposed block would also project a lot further into the plot and breach what is otherwise a fairly consistent rear building line. Although it is accepted that the depth of the building would to a large extent be screened by, the sprawling width of the block and landscaping when viewed from Albury Road, it would nevertheless be apparent from neighbouring properties.
- The tiered effect of the different parts of the building, combined with its excessive bulk, massing and width, would overwhelmingly dominate the street scene and fail to relate to its immediate surroundings.
- The extensive use of hip and flat roof elements would be awkward and overly complicated, thus detracting from the simpler forms of development which are commonly found in the locality.
- The reduction to the floor to ceiling heights of the different levels of accommodation would in turn affect the external envelope of the development. It would result in a building of horizontal proportions and 'squat' appearance, which would be at odds with the vertical emphasis of the Victorian properties that otherwise prevail in this area.
- Despite a palette of contrasting materials, the appeal development would still appear as a single mass, and unduly stand out as a building of an institutional scale, by reason of its lack of articulation and overall bulk and massing.
- The size of the hardstanding area to the front of the site would be concealed to some extent by the front boundary wall, which is proposed to be retained and would not warrant the dismissal of the appeal on this sole basis, particularly as there are other similar arrangements within the immediate vicinity.
- Nevertheless, I find that the size of the area taken up by the driveway and car parking provision is a further illustration of the harm which would be caused to the character and appearance of the area as a result of the quantum of development proposed.
- The appeal development would cause unacceptable harm to the character and appearance of the site and immediate area. It would therefore conflict with the aims of Saved LP Policies G5 and H4, Policies D1 and D4 of the LPSS, the Council's Residential Design Guide and Guildford Landscape Character Assessment and Guidance – Townscape Assessment.
- The appeal site lies within 5km to the Thames Basin Heaths SPA. Whilst I was not provided with a draft copy of the legal agreement at the hearing, there is no completed planning obligation before me. In the absence of

	<p>adequately secured mitigation measures, I am unable to complete the appropriate assessment required by the Habitats Regulations and cannot therefore be certain that the proposal would not prejudice the integrity of the Thames Basin Heaths SPA.</p> <ul style="list-style-type: none"> • The appeal scheme would therefore fail to accord with Saved LP policy NE4, Policy NRM6 of the South East Plan (May 2009) and Policy P5 of the LPSS, as well as the Thames Basin Heaths SPA Avoidance Strategy SPD. • The parties reached an agreement during the course of the appeal process, and the draft S106 indicates that a contribution of £212,142,80 would be secured towards affordable housing. • However, in the absence of a duly completed planning obligation, the proposed development would fail to adequately provide for affordable housing and would therefore conflict with Policy H2 of the LPSS and the Council's Planning Contributions SPD (2017). The proposal would also be contrary to the aims of the Framework, which states that affordable housing should be provided where a need for it is identified. • Overall the identified harm would significantly outweigh the benefits offered by the appeal development. The appeal should be dismissed. 	
<p>4.</p>	<p>Mr Clive Price of Baron's Pub Ltd The Jovial Sailor, Portsmouth Road, Ripley, GU23 6EZ</p> <p>19/P/01055 – The development proposed is the erection of 3 no. dining barns and outside bottle bar.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues in relation to the Green Belt is 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. • The effect of the proposal on the openness of the Green Belt; • If there is harm by reason of inappropriateness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal. • The Jovial Sailor is a recently renovated public house and its grounds fronting Portsmouth Road (the B2215) very near to the village of Ripley, within the Green Belt. • The proposal seeks planning permission for three 'dining barns' which have been placed within the patio area to the rear of the pub, near to its main entrance, and a single storey bottle bar which extends from the pub's rear elevation nearby. The dining barns are modest timber structures with floor areas of less than 5m² and the bottle bar has a floor area of around 13m². • The site is previously developed land and the appellant considers the proposal to fall for consideration under exception g) of paragraph 145 of the Framework. This amongst, other things relates to the limited infilling of the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, where the development would not have a greater impact on the openness of the Green Belt than the existing development. • To my mind, the dining barns, ancillary as they are in use and form, and the bottle bar, as a subordinate extension, amount to the augmentation of the Jovial Sailor's offer as an established public house. 	<p>DISMISSED</p>

	<ul style="list-style-type: none"> • As such, they do not constitute the redevelopment or limited infilling of the land, and the proposal is not therefore applicable to this exception. Moreover, the dining barns find no potential refuge in any of the other exceptions set out in the Framework. • The Council has identified that the bottle bar has led to a significant 143.8% increase in floor area from the original building and I have no reason to disagree. It has therefore resulted in disproportionate additions over and above the size of the original building. • The proposal is inappropriate development in the Green Belt, in conflict with Policy P2 of the GBLP and the Framework. • The patio and garden seating areas, and to a lesser extent the car park, are inherently open, communal spaces and together provide a perceptible degree of spatial openness. The proposal has eroded this to a modest extent, particularly the dining barns which, despite their small scale, are disruptively sited in a somewhat centralised and prominent position. Given such, openness would not be preserved, contrary to the objectives of national and local policy. • I have found that the proposal would be inappropriate development within the Green Belt, and it would also fail to preserve openness. There are harms to which the Framework requires me to attach substantial weight. • The proposal would conflict with the development plan and the Framework when taken as a whole. For this reason, the appeal should be dismissed. 	
<p>5.</p>	<p>Mr T Shea 26 Jenner Road, Guildford, GU1 3PP</p> <p>19/P/01473 – The development proposed is the erection of a single storey side extension, detached garage and alterations.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the development on the character and appearance of the area and whether the development would preserve or enhance the Guildford Town Centre Conservation Area (CA). • This part of the Guildford Town Centre CA, a designated heritage asset, is characterised by 19th century housing which varies in scale and appearance. However, the appeal site occupies a prominent corner position visible from both Harvey Road and Jenner Road and is noted as a building of particular townscape merit. The appeal property is an attractive building, making a positive contribution to the special character of the CA. • The proposed alteration to the roof through the addition of four substantial dormers would introduce dominant and disproportionately large additions to the roof which would represent competing and discordant elements. • Even though part of the frontage is screened by vegetation the building is sufficiently visible that the roof alterations would be unacceptably prominent on both the building and within the CA. • They would make the roof appear more dominant in the street scene and would introduce inharmonious features that would uncharacteristically interrupt the original roofline, causing harm to the character and appearance of the CA. • The wholesale replacement of timber windows to UPVC would also represent a harmful impact on the character of the property and character of the wider CA in an area where the Council has taken active steps 	<p>DISMISSED</p>

	<p>through an article 4 direction to prevent such changes in order to protect its character.</p> <ul style="list-style-type: none"> • These aspects of the proposal either separately or cumulatively would have a detrimental effect on the significance of a designated heritage asset although the harm would, in the words of the NPPF be less than substantial. • For these reasons, the proposal would conflict with policies D1 and D3 of the Guildford Borough Local Plan : Strategy and Sites (2019) (the Local Plan); to saved policies G5 and HE7 of the Guildford Borough Local Plan 2003 (Saved Local Plan); and to the aims of the Framework. • The appeal is dismissed in so far as it relates to the dormer windows and the alteration of the external windows to PVC-U but allowed insofar as it relates to the separate garage and single storey extension. 	
<p>6.</p>	<p>Mr Steve Murphy 2 Fern Cottages, Dorking Road, Abinger Hammer, Dorking, RH5 6SA</p> <p>19/P/00868 – The development proposed is described as loft conversion to create bedroom and bathroom with staircase from first floor.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the development is inappropriate within the Green Belt, having regard to the NPPF and policies in the development plan. • The effect of the development on the openness of the Green Belt; • The effect of the development on the character and appearance of the area; • If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. • There is some dispute regarding the precise area of the original dwelling and the existing accommodation. Even if I were to take the larger of the figures as put forward by the appellant the resulting dwelling would still represent around twice the size of the original building. • It is a fundamental principle, that development which is judged to be materially larger is inappropriate development. This be definition, is harmful to the Green Belt and such harm carries significant weight. • On this basis, the proposal would conflict with Policy P2 of the Local Plan and the Framework. These together seek to protect the Green Belt from inappropriate development. • The appellant emphasises that there would be no increase in the footprint of the main house and argues there would be no effect on openness. However, I disagree. The position of the cottage within a wider loose knit group of buildings would introduce additional bulk which would result in a loss of openness directly attributable to the extension. Though this loss of openness would be modest in the overall context of the Green Belt it is still a location of some sensitivity and this is a significant factor. • The site is located within an Area of Great Landscape Value within a loose knit group of buildings. The proposed enlargement would be located away from the main road but would still be prominent from the lane serving properties to the rear of the cottage. • The proposal would replace a pitched roof projection. There would be a 	<p>DISMISSED</p>

	<p>new eaves level raised above the existing eaves and the introduction of a crown roof with pitched elements either side.</p> <ul style="list-style-type: none"> • These features would result in prominent, inappropriate and jarring design features which would be in stark contrast on a building exhibiting traditional proportions. As such, the proposal would be harmful to the appearance of the building and would result in harm to the character of the site and its surroundings. • For these reasons the proposal would conflict with Saved Policies G1 and G5 of the Guildford Borough Local Plan 2003 and to guidance in the Councils Residential Extension and Alterations Guide 2018. • I have found that the appeal proposal would be inappropriate development in the Green Belt and harmful to it. Such harm should be afforded substantial weight. The proposal would result in limited harm to the openness of the Green Belt and also harmful to the character and appearance of the area. Very special circumstances necessary to justify the development do not exist. • The appeal is therefore dismissed. 	
7.	<p>Terri Amato (Chez Nous Living Ltd) Intilis, Surrey Gardens, Effingham Junction, Leatherhead, KT24 5HH</p> <p>Appeal A 19/P/01488 – The development proposed is construction of two detached dwellings at the rear garden of Intilis.</p> <p>Delegated Decision – To Refuse</p> <p>Appeal B 19/P/01483 – The development proposed is construction of a single dwelling with detached garage at the back of the property at Intilis.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues in both appeals are the effects of the proposals on the character and appearance of the area; • The designated Thames Basin Heaths Special Protection Area (SPA) and where adequate compensation has been provided; and, • The living conditions of nearby occupiers in terms of overlooking, noise and disturbance, and the living conditions of future occupiers of the proposed dwelling(s) in terms of outlook. • The appeal site lies amidst a run of spacious and verduous rear gardens which I consider to be the prevailing characteristics of properties on Surrey Gardens. • Both appeal schemes would occupy a large proportion of garden space associated with Intilis (the appeal property) both as a result of the building(s) themselves, and through the proposed access and parking areas, which would diminish the contribution the appeal site makes to its garden setting and the wider swathe of green infrastructure within which it sits. • The provision of dwellings on the appeal site would be at odds with the prevailing street facing pattern of built form on Surrey Gardens, contrary to Paragraph 122 of the NPPF, which makes it clear that development should maintain an area’s prevailing character and setting, including residential 	<p>DISMISSED</p> <p>DISMISSED</p>

	<p>gardens.</p> <ul style="list-style-type: none"> • Whilst each of the proposals would retain a proportion of the existing trees with any tree loss mainly involving specimens of lower value, and additional landscaping could be secured by a planning condition, this would not adequately compensate for the extensive and permanent form of urban encroachment proposed which would undermine the area's identity. • I find that the development proposed by Appeal A and B would harm the character and appearance of the area, contrary to Policy DM1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2019 and saved policy G5(3)(5) of the Guildford Borough Local Plan 2003. • The appeal site lies between 400m and 5km of the designated Thames Basin Heaths SP. No planning obligation has been provided as part of the application or during the appeal process, I am unable to assess whether mechanisms are in place to ensure delivery of any required mitigation. • The appeal schemes would have an adverse effect on the integrity of the designated Thames Basin Heaths SPA. Both appeal schemes would therefore conflict with policies NE1 and NE4 of the Local Plan 2003 and Policy NRM6 of the South East Plan 2009 which seeks to protect species and habitat of importance. • I find that the appeal schemes A and B would not be unacceptably harmful to the living conditions of occupiers of surrounding properties in terms of overlooking, noise and disturbance, nor would either scheme result in unacceptable living conditions for future occupiers. The proposals would comply with Policy G1(3) of the Local Plan 2003, Policy EH-H8 of the East Horsley Neighbourhood Plan 2017-2033 and paragraph 127 of the Framework which require that the amenities enjoyed by occupants of buildings and spaces are not unacceptably compromised. • Both appeal schemes would ensure that living conditions for nearby occupiers and future occupiers of the dwelling(s) would be acceptable. However, I find that both schemes would unacceptably harm the character and appearance of the area and the SPA. • I conclude that both appeals A and B should be dismissed. 	
<p>8.</p>	<p>Mr D Quest of Quest Estates (UK) Ltd Land rear of 22-26 Attfield Close, Ash, Guildford, Surrey, GU12 6PX</p> <p>19/P/00586 – The development proposed is to demolish existing garages and two detached properties with associated access, parking and landscaping.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would provide adequate access for emergency vehicles, in particular fire appliances in the event of a fire. • The effect of the development on the character and appearance of the area. • Whether the development would provide satisfactory provision for bin storage and waste collection, and • Whether the proposal would provide satisfactory living conditions for future occupants of the dwellings, having regard to the pedestrian access through the site. • The proposed dwellings would be accessed off a reasonably long and narrow drive which would include a fairly tight bend about half the distance to the properties from the road. • In relation to a previous residential scheme for 4 dwellings on this site the 	<p>DISMISSED</p>

	<p>Fire Safety Officer advised that it appeared that access for fire fighting purposes to the proposed buildings would be unsatisfactory and that the provision of a residential fire sprinkler system or water mist system installed to the relevant British Standard, as a compensatory feature, could be considered.</p> <ul style="list-style-type: none"> • In the absence of a technical report from an appropriately qualified person and/or clear advice from the Fire Safety Officer that demonstrates that the fire situation posed by the development would be acceptable, I consider that I need to take a precautionary approach. In these circumstances, the location of the dwellings would not meet with the National Planning Policy Framework (the Framework) requirement that decisions should ensure that development create places that are safe. • I conclude that the proposal has not demonstrated that it would provide adequate access for emergency vehicles, in particular fire appliances, and therefore the scheme would not comply with Policy D1 of Guildford Borough Local Plan: Strategy and Sites 2015-2034 (the Local Plan 2019) and the Framework in this respect. • The dwellings would be acceptably designed, the combined bulk of the buildings would not be at odds with the general form of building groups in Attfield Close and the hipped roofs would provide the appearance of some visual separation between the two buildings. • Overall the proposal would accord with the approach in the Framework that seeks the efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. • I conclude that the proposal would have an acceptable impact on the character and appearance of the area and therefore comply with Policy D1 of the Local Plan 2019 and the Framework which seek amongst other things, in this respect that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinctive patterns of development. • The scheme would incorporate a bin store alongside the driveway into the site. This appears reasonable in both size and position to provide a store for waste and recycling that would meet the needs of occupants of the proposed dwellings. • I conclude that the proposal would make satisfactory provision for bin storage and waste collection and therefore would comply with Policy D1 of the Local Plan 2019 in this respect. • The proposal, with the pedestrian access through the site, would provide satisfactory living conditions for future occupants of the dwellings. The scheme would therefore comply with saved Policy G1(3) of the Guildford Borough Local Plan 2003 and the Framework, which seeks, that the amenities of residents are protected from unneighbourly development. • The proposal would not accord with the development plan when considered as a whole. There are no other considerations that outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed. 	
<p>9.</p>	<p>Mr Dominic Manser (Godolphin Homes Ltd) 81 London Road, Burpham, Guildford, GU1 1YT</p> <p>19/P/00034 – The development proposed is demolition of existing dwelling and</p>	<p>DISMISSED</p>

erection of 3-storey block of 9 flats and 10 car parking spaces.

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- The main issues are the effect of the development upon the character and appearance of the area, including the effect on non-designated heritage assets; and whether the proposed development would provide adequate off-road parking provision.
- The appeal property was locally listed by the Council in March 2019 and therefore it is a non-designated heritage asset, as defined by the National Planning Policy Framework.
- The Council explain that Marlyn's Cottage has special interest due to its age, and its surviving original plan form within its plot, much of which appears intact, and its original materials and details that survive, is characterful within a street that has lost much of its earlier historic open land, buildings and historic character.
- In addition, they state that the appeal property and Nos 79 and 79a (known as Marlyn's House) have group value, as they historically formed part of a single and much wider estate or farm known as Marlyn's.
- Whilst the historic rural setting of the buildings has been lost over time by the urbanisation of Buprham, Marlyn's Cottage and Marlyn House are widely visible from the local street context and contribute positively to the local distinctiveness of the area.
- The proposal would introduce a large three storey development at the appeal site, which would occupy a significant amount of the plot width and be site noticeably closer to the side boundary with The Cloisters than the existing dwelling.
- In addition, the proposal would be sited much further forward to the road frontage than the appeal property. In this context, the proposal would have a cramped appearance to the spacious characteristics of the existing site layout.
- The proposed car park would dominate the front of the appeal site and result in the loss of most of the existing mature landscaping, thereby causing unacceptable harm to the character and appearance of the area.
- I acknowledge that the front boundary wall would provide a degree of screening to the proposed car park, extensive public views of this area would be apparent from London Road due to the open nature of the vehicular access.
- In terms of the design of the proposal, despite the use of traditional materials and the inclusion of an external link with Marlyn's House, the block of flats would have a stark and jarring appearance when viewed in the context of Marlyn's House.
- The proposed parapet roof form along with the large flat roof dormer windows on the front elevation would emphasise the bulky form of the proposed development in relative terms, whilst the eaves height of the proposal would be at odds with the neighbouring property which has lower eaves.
- The proposed development would cause significant harm to the character and appearance of the area. The harm would arise from the total loss of a non-designated heritage asset and the design and appearance of the proposed development. This in turn would cause significant harm to the setting of Marlyn's House, which is a locally listed building. Accordingly, the proposed development would be harmful to the significance of the non-

	<p>designated heritage assets.</p> <ul style="list-style-type: none"> • I conclude that the proposal would not accord with policies D1 and D3 of the Guildford Borough Local Plan: Sites and Strategies (April 2019) (the LP), Saved Policies G5 (2), (3), (4), (7) and H4 of the Guildford Borough Local Plan (Jan 2003) and policies B-FD1 and B-EN4 of the Burpham Neighbourhood Plan 2015 -2035 (April 2016) (the NP), which collectively require new development to be of a high quality design, which responds to the site context and local character; and to sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctives. • The proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character. In addition, paragraph 130 of the Framework states that planning permission should be refused for development of poor design. • In the absence of the minimum of 15 car parking spaces for future residents, plus parking facilities for visitors and deliveries, it therefore seems likely that vehicles would either become blocked-in, or that there would be displacement of parking on to the highway. • The proposed development would fail to provide adequate off-road parking provision and consequently unacceptable harm would be caused to the free flow of traffic on London Road. Therefore, the proposal would not accord with Policy B-T1 of the NP or Policy ID3 of the LP, which states that off-street vehicle parking for new developments should be provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. Whilst the size of the proposed car parking spaces would be acceptable in this case, this does not overcome my concerns about the failure of the proposal to accord with the minimum on-site car parking requirements. • I conclude that the appeal should be dismissed. 	
<p>10.</p>	<p>Mr Patrick Latham Littledene, 2 Guildown Avenue, Guildford, GU2 4HB</p> <p>19/P/00839 – The development proposed is the erection of one detached new dwelling with parking and access.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the designated Thames Basin Heaths Special Protection Area. • The appeal site is in the rear garden of Littledene, a property on the northern side of Guildown Avenue, located within an urban area of Guildford. • Guildown Road is characterised by mainly substantial detached properties of varying architectural styles mainly positioned towards the front of generally wide plots with large rear gardens that provide a sense of spaciousness. • Littledene is positioned within a plot somewhat narrower than many others along the northern side of Guildown Avenue. The evidence indicates that the original plot had previously been sub-divided to accommodate the erection of the adjacent property 'Laneside'. • The proposed dwelling would be a substantial detached property and would 	<p>DISMISSED</p>

	<p>be erected approximately in the centre of the sub-divided plot. A new access to the site would be formed off The Mount, approximately opposite a public footpath which represents the boundary between the last property on the northern side of The Mount and open fields.</p> <ul style="list-style-type: none"> • As a result of the narrowness of the plot towards The Mount, and the size and position of the footprint of the proposed dwelling, it would substantially fill the width of the plot. • The depth of the building would be greater than its width and the area of hardstanding to the front of the dwelling would extend virtually across the width of the plot. These factors, taken in combination, would result in a denser and cramped form of development. • The sheer scale of the proposed dwelling, exacerbated by its position on higher ground compared to ground levels along The Mount adjacent to the site, would overwhelm and dominate the sub-divided plot. • Notwithstanding the presence of mature trees and vegetation along The Mount and the proposed planting, the development would appear uncharacteristically prominent and out of place when viewed from the public domain. • I am satisfied that a condition could be imposed to ensure that the size and design of the proposed ‘timber gates’ and indeed the boundary treatment at the front of the appeal site, would not result in visual harm to the more rural character and appearance of this section of The Mount. • The Council has also raised concern about the design of the proposed dwelling, citing the prominence of the projecting front gable due to its excessive width, lowered eaves level and over-scaled bay feature, and the awkward junction where the projecting gable meets the adjacent central gable. • Taking into account that some other properties in the area have some of these features, and the varying design characteristics of buildings within the surrounding area, I am satisfied that the aforementioned design features would be acceptable. The proposal would accord with the design aims of Policy G5(7) of the Guildford Borough Local Plan 2003 (GBLP). • However, the proposed dwelling, by virtue of its substantial size relative to the size of the plot would appear ‘squeezed’ in the ‘street-scene’ thereby conflicting with the prevailing pattern of development along the northern side of Guildown Avenue and the southern side of The Mount. In the context of the pattern of development in the vicinity of the appeal site, the proposal would give rise to an unacceptably cramped appearance. • I conclude that the proposal would be significantly harmful to the character and appearance of the area. Consequently, it would not accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (2019) (LP), policies G5(2) and G5(3) of the GBLP and Chapter 12 of the NPPF. • The appeal site is located within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area (SPA). Had the proposal been acceptable in planning terms it would have been necessary for me to undertake an Appropriate Assessment (AA) as the competent authority. Given my overall conclusion on the character and appearance main issue, it has not been necessary for me to pursue this matter any further. • I conclude that the appeal should be dismissed. 	
11.	<p>Dr Moses Afshari-Mehr Land at Berthorpe, Puttenham Heath Road, Compton, Surrey, GU3 1DU</p> <p>19/P/00760 – The development proposed is construction of one chalet</p>	DISMISSED

bungalow. Formation of 2 parking spaces, hardstanding area and driveway. Demolition of an existing pair of garages. Removal of an existing driveway.

Delegated Decision – To Refuse

Summary of Inspector's Conclusions:

- The main issues are whether the proposal is inappropriate development as defined by national and local planning policies;
- The effect on the openness of the Green Belt and the purposes of including land within it; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- The appeal site is located on the south side of Puttenham Heath Road, in countryside within the Surrey Hill Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
- The site has a frontage onto Puttenham Heath Road, with dwellings to both sides, lying within a loose knit line of detached residential properties. There are also houses to the rear and to the southwest of the site.
- Within this context, the proposal comprising a detached, modest sized dwelling, set back into the site from the road, and largely screened in public views by frontage trees and vegetation, would be in keeping with the layout of built development within the site vicinity, and would not harm the wider character of the countryside. As such, it would comprise 'limited infilling' in accordance with the aforementioned definition of GBLP Policy P2.
- However, the site does not lie within the designated settlement boundary of the closest villages of Puttenham, which lies about 1.2 km to the northwest, and Compton, which is located around 1km to the southeast.
- Following my site inspection, I saw no evidence of day-to-day facilities and services that would normally be associated with a village, nor evidence of good public transport links within the immediate vicinity of the appeal site. The distances from the site to both these villages are considerable.
- The B3000 Road, which is busy with fast flowing traffic and is unlit and without pavements in places, would not be conducive to easy accessibility from the appeal site by means of walking or cycling to the facilities and services provided by these villages.
- The future occupants of the new dwelling, which could potentially include the elderly, children and those with mobility issues, would be heavily reliant on the use of private motor vehicles to gain access to the most basic of services.
- I do not find the site to be located within either village. Therefore, I conclude that the proposal would not comprise an exception to inappropriate development within the Green Belt when assessed against Paragraph 145 e) of the Framework and Policy P2 of the GBLP.
- I consider that both in spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. As such, the proposal would not compromise an exception to inappropriate development when assessed against Paragraph 145 g). It would also fail to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
- In conclusion, I have identified that the scheme comprises inappropriate

	<p>development in the Green Belt as defined by the Framework. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <ul style="list-style-type: none"> • In addition, there are adverse impacts on the openness of the Green Belt and the purpose of safeguarding the countryside from encroachment. • Very special circumstances to outweigh this harm do not exist here. • The appeal should therefore be dismissed. 	
12.	<p>Mr James Gross 37 Stoke Fields, Guildford, GU1 4LT</p> <p>19/P/00868 – The development proposed is the construction of a ground floor single storey rear extension, the enlargement of the existing basement and the construction of new side and rear boundary walls. The enlargement of the front basement window, the construction of associated lightwell and associated railings.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the proposed development on the character and appearance of the existing building and the surrounding area, including the Stoke Fields Conservation Area; and • The effect of the proposed development on the living conditions of the occupants of No.39 Stoke Fields, with particular reference to outlook and light. • The appeal site is part of a terrace of 6 similarly-designed properties. The property has a two-storey projection to the rear and a single storey outhouse (used as a utility room) beyond this. A gap of approximately 2.4m is present between the two-storey projection and the party wall to No.39 Stoke Fields. • With a width of over 4m, the proposal would engulf the existing gap, and encompass a large part of the outhouse, extending significantly towards the boundary with No.35 Stoke Fields. It would extend as far back as the existing combination of the width, depth and height, would create a bulky addition that would not be sufficiently subservient to the host property. • Although the pitch angle of the proposed roof would be similar to that of the outhouse, it would be significantly at odds with the pitch angle of the roof of the main dwelling, resulting in an awkward relationship. This awkward relationship would be continued via the placement of the glazing, which would not sit well within the existing fenestration arrangements, with their pronounced vertical emphasis. Whilst the contemporary design ethos is recognised, the extension’s poor integration with the host property would harm its appearance. • The appeal site is located within the Stoke Field’s Conservation Area. The row of terraced dwellings which the appeal property is part of has a clear rhythm, with levels being a defining feature. In accordance with the Framework, I give great weight to the conservation of this heritage asset. • The proposal would increase the height of the party wall to No.39 by over 1m, with the ridge height of the extension extending nearly 1m higher than this. At this height, the proposal would appear as an incongruous element in the street scene, due to being an isolated example of an extension at this scale, when viewed from Stoke Grove. • A large proportion of the glazing would be visible above the rear alley wall, 	DISMISSED

and would appear out-of-place when viewed from Stoke Grove, due to its relationship with the existing property and the lack of similar examples in the locality. The proposed materials (including the use of London type brick and black/graphite coloured metal doors and glazing) would not off-set the incongruous nature of the proposal and its negative effect on the character of the area.

- The proposal would markedly contrast with these nearby extensions, in that the proposal would extend noticeably further beyond the two-storey projection of the host property. I do not consider that those nearby extensions are comparable with the proposal.
- Given the harm that I have identified, it follows that the proposal would not preserve or enhance the character or appearance of the SFCA. Whilst the harm that would be caused to the significance of the conservation area would be less than substantial, because the proposal would only be visible from a small part of the SFCA, this harm needs to be weighed against the public benefits of the proposal.
- The proposal offers several public benefits impacting on the character of the area, including: the reconstruction of the party wall to No 39 (including a timber screen); the use of thin-framed steel 'Crittall' windows for the extension; the replacement of timber fencing with a rear garden wall (including the use of reclaimed bricks to create a period-specific finish); a new timber gate with vertical boarding; the removal of down and soil vent pipes from the façade of the property; the addition of a new basement window and lightwell; and a new plinth and metal railings.
- All of these public benefits taken together do not outweigh the harm that I have identified.
- Overall, I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the existing building and the surrounding area, including the SFCA.
- The proposal is contrary to Policy D3 of the Guildford borough Local Plan: strategy and sites (2015 – 2034) (adopted 25 April 2019) which states that development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported.
- Due to its projection and proposed location, the proposed extension breaches the 45-degree guideline, specified in the Residential Extensions and Alterations Supplementary Planning Document (2018) ('SPD').
- The proposal would be likely to cause overshadowing to the rear of No.39, including a loss of light to the living room window.
- Considering the orientation of No 39 to the appeal property, and taking account of the height of the proposed extension and its roof pitch, any further overshadowing would not be significant. Accordingly, the proposal is acceptable with regards to light.
- The expanse of built form on the party boundary with no 39 would result in an imposing and overly-dominant structure close to the garden and living room window of No.39.
- Although single storey, the scale of the extension would result in an overbearing structure that would be materially detrimental to the outlook from No.39's living room window.
- The proposals enclosing effect would also make the rear garden of No 39 much less pleasant to use. Accordingly, the single storey rear extension would be detrimental to the living conditions of the occupants of No 39.
- The proposal would resolve the existing issue where overlooking is possible

	<p>from the kitchen windows of No.37 to the windows opposite at No.39. However, this benefit would not offset the dominating and harmful effect caused by the overall mass of the proposal on the living conditions of the occupants of no.39.</p> <ul style="list-style-type: none"> • Whilst any overshadowing would be minimal, I conclude that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupants of No.39 Stoke Fields, with particular reference to outlook. • The proposal conflicts with saved policy G1(3) of the Guildford Borough Local Plan (adopted January 2003) which seeks to protect the amenities enjoyed by occupants of buildings from unneighbourly development. The proposal is also contrary to paragraph 127 f) of the Framework which seeks to create places that promote a high standard of amenity for existing and future users. The proposal also conflicts with the advice given in the SPD, regarding avoiding overbearing impacts. • The appeal should be dismissed. 	
13.	<p>Mr Stuart Freeman Vacant plot between Homecroft and High Steeps, Peaslake Lane, Peaslake, Guildford, GU5 9SY</p> <p>19/P/00780 – The development proposed is described as “a detached residence with 4 bedrooms and all usual ancillary facilities, on two levels, on an undeveloped plot. Provision of two car spaces at pavement level with storage facilities for waste bins are also part of the scheme”.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The main issues are the effect of the development on the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value. • The setting of the Peaslake Conservation Area; • Trees within and adjoining the site and any resulting visual effect, and • Any protected species. • The proposed dwelling would be sited on an elevated section of the hillside. The building would be stepped into the slope and to accommodate the length of the building it would be necessary to undertake a reasonably extensive amount of excavation. • The quite significant bulk of the building stretching back into the site would be conspicuous in some narrow-angled views from the road. • The height of the front elevation, the elevated position of the building on the slope and the overall bulk would, from the front of the site, appear as a harmful intrusion of built form on this open site section of land. • The works to excavate part of the frontage and provide a car parking area would be clearly visible and add to the combined impact of a significant and prominent change to the visual appearance of the site. • The site does not have the benefit of any sizeable and established trees towards the front of the site to help soften the impact of the proposed dwelling. In these circumstances the proposal would appear as a jarring introduction of development and would not assimilate successfully into the landscape in the same way as those nearby dwellings which are positioned further up the slope. • The Old Surgery is a prominent building and its siting is not in general accordance with the pattern and form of the surrounding buildings on this side of the road. Nevertheless, I do not consider that because this building 	DISMISSED

is prominent it justifies a further and in this case sizeable building that would be prominent and bulky, and unduly detract from the appearance of the appeal site.

- In mid-distance views from along the road the side boundary trees would screen the proposed dwelling and the parking area would have less of an impact. There are limited views of the site from the other side of the valley. However, in the area in front of the site the impact would be pronounced and cause harm to the character and appearance of the area. This harm could not be satisfactorily ameliorated by a landscaping scheme for the reasons explained above.
- The site is also located with the Area of Great Landscape Value (AGLV) and for the same reasons the site would not preserve the distinctive character and appearance of this part of the AGLV.
- I conclude that the proposal would harm the character and appearance of the area, including the AONB and AGLV. Consequently, the proposal would not comply with saved policy G5 of the Guildford Borough Local Plan 2003 (the Local Plan 2003), policies P1 and D1 of the Guildford Borough Local Plan ; Strategy and Sites 2015 – 2034 (the Local Plan 2019) and the Framework which seek, amongst other things, that all new development will be required to achieve high quality design that responds to distinctive local character, including landscape character, of the area in which it is set.
- The Peaslake Conservation Area (CA) is in part significant because it consists of a range of traditional and vernacular buildings, including some more modest cottages as well as the public house and church, often with stone or hedged front boundaries, in a generally verdant village setting.
- The scheme would replace part of the front boundary bank with an excavated area for the parking of cars, steps and front boundary walls. While the plans show areas of planting, the proposals would nevertheless, diminish the undeveloped character of the frontage area and replace it with one with a more developed feel with car parking and related hard surfacing. This would erode some of the positive contribution that the site makes to the street scene and the views towards the CA. In this way, the scheme would detract from the setting of the CA.
- The effect of the proposal would be to cause minor harm to the setting of this part of the CA and therefore detract from the significance of this heritage asset. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 196 of the Framework.
- The benefits of the scheme would be the provision of an additional unit of accommodation, built to high environmental standards, in a location that appears to have reasonable access to services, facilities and public transport.
- There would be social and economic benefits to the local area both during construction and in subsequent occupation. However, as a single unit of accommodation would be provided these public benefits would be minor and afford no more than limited weight.
- I conclude that the proposal would harm the setting of the CA and that this would not be outweighed by the public benefits.
- It is explained that there is every intention to maintain and protect the trees alongside the boundaries and that indeed there would be supplementary planting.
- Nevertheless, the scheme proposes reasonably extensive excavations of sections of the hillside, some form of foundation to assist with the construction of the dwelling and terrace areas formed to the rear of the property.

	<ul style="list-style-type: none"> • In the absence of comprehensive and technical evidence to demonstrate that the trees would not be adversely affected during the build process and subsequently, I consider it necessary to take a precautionary approach. • The trees are an important and valuable feature of the local area and I am not satisfied that they would not be adversely affected by the proposal. • I conclude that I need to take a precautionary approach because the development has the potential to adversely effect protected species. The scheme has not been demonstrated to comply with saved Policy NE4 of the Local Plan 2003 and the Framework which concerns, species protection. • I conclude that the appeal is dismissed. 	
14.	<p>Mr and Mrs D Rickwood Rogate, Seale Lane, Seale, GU10 1LF</p> <p>19/P/00945 – The development proposed is single storey rear extension.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The appeal site is within the Green Belt and so the main issues are: • Whether the appeal development is inappropriate development for the purposes of the NPPF. • The effect of the proposal on the openness of the Green Belt; and • If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. • The appeal property comprises a detached, chalet-style dwelling which forms part of a loose-knit line of dwellings on the north side of Seale Lane. It lies within the AONB and AGLV. The proposal is a single-storey, flat-roofed rear extension to the kitchen/breakfast room. • By referencing the site planning history, the Council has determined that the original dwelling was a single storey property with a total floor area of approximately 88sqm. On this basis, given that the current dwelling has a floor area of around 155sqm and the floor area of the proposed extension is approximately 20.3sqm, the resulting total size of the appeal property would be about 175.3sqm. This would represent an uplift over and above the original dwelling floorspace of around 99.2%. • I find that such a large increase in total floorspace means that the appeal development would result in an addition to the original building that would be disproportionate in the terms of Paragraph 145 of the Framework. • The appeal scheme would be inappropriate development in the Green Belt, having regard to policy P2 of the GBLP and the Framework. • Openness has a spatial as well as a visual aspect. In terms of the former, the proposal would add bulk, mass and volume to the existing building, having a footprint of around 3.5m by 5.8m and a height of about 3.1m, plus a roof lantern. I find that the proposal would result in a moderate reduction in the openness of the Green Belt. • The proposal would be sited to the rear of the dwelling and would effectively 'square off' the rear part of the building, with a flatted-roof addition that would have a lower and less bulky roof form than that of the existing rear building projection. • The size of the proposal would be subservient to that of the existing building and the extension would respect the scale of the main house. The development would be sited at the back of the dwelling and would not be 	DISMISSED

	<p>visually prominent within the prevailing built context of the group of residential properties within which the appeal site sits. I find that in visual terms, there would be no harm to the openness of the Green Belt.</p> <ul style="list-style-type: none"> • The absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt as a result, and this does not affect the above findings on the spatial aspects of the development. • The appeal property would be inappropriate development in accordance with the terms set out in the Framework and Policy P2 of the GBLP. • I conclude that the appeal should be dismissed. 	
<p>15.</p>	<p>Mr R Hunt Highlands Farm, Portsmouth Road, Ripley, GU23 6EY</p> <p>19/P/00580 – The development proposed is erection of two buildings, laying of hardstanding, associated engineering operations and change of use to mixed use agricultural and equestrian following demolition of agricultural buildings.</p> <p>Delegated Decision – To Refuse</p> <ul style="list-style-type: none"> • The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies. • 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; and • If the proposal would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. • Highlands Farm comprises around 9.3 ha of land, located in the countryside between the villages of Ripley and Send Marsh. • The appeal proposal comprises the aforementioned two pitched roof, box profile metal clad Buildings A and B, the laying of concrete hardstanding around the buildings within the farmyard, the construction of a track to the north of the farmyard, a retaining wall close to east side of the farmyard and the construction of raised planters to the side of Buildings A and B. • The appellant contends that the proposed equestrian use, whether commercial or not, falls within the definition of outdoor sport and recreation. • The appellant has submitted an Equestrian Appraisal and Business Plan as part of the Appeal Statement, confirming that the equestrian stock would be the focus of the business operation, and that the horses to be reared are intended to be of racing quality. • The appellant's submitted information confirms that the equestrian use would be a commercial business for the rearing and breeding of horses for sale, irrespective of whether they are sold for racing purposes or personal recreational use. • I acknowledge the appellant's assertion that the proposal would contribute more widely to the outdoor sport of horse racing, but the proposal would not involve sporting or recreational activities taking place on the appeal site. • I do not find the proposed mixed use of the site for agriculture and equestrian use to comprise an exception to inappropriate development within the Green Belt when assessed against Paragraphs 146 e) of the Framework. • Given my findings on the proposed equestrian use not falling within a sport or recreation use, Buildings A and B would therefore not accord with the exceptions to inappropriate development in the Green Belt within 	<p>DISMISSED</p>

	<p>paragraphs 145 a) and 145 b) of the Framework.</p> <ul style="list-style-type: none"> • Following my visit, I find the new buildings to have a visually intrusive impact on the surrounding countryside, due to a combination of their large footprints, height and massing, green metallic material, pitched roof design and proximity to each other. They appear visible above the height of the site perimeter fencing when viewed from public viewpoints outside the site. • Taking into account the likely reduction in overall floor space based on the submitted valuation report, and the visually prominent nature of the new buildings, as witnessed on my site visit, I conclude that Buildings A and B have resulted in a moderate impact on the openness of the Green Belt. • The appellant contends that the level of unbuilt on land has not been increased by the formation of the access track and hardstanding. I find that the evidence before me is inconclusive with respect to the previous amount of hardstanding within the farmyard, the land levels within the area of the retaining wall and amount of previous built development on the site of the raised planters. Therefore, I am unable to assess with any certainty whether these elements of the scheme have had a greater impact on the openness of the Green Belt and the purpose of including land within it than the previous development that existed on the site. • I conclude that the access tracks have a greater impact on the openness of the Green Belt than the previous development on this part of the site. • I therefore conclude that the development as a whole would not comprise an exception to inappropriate development when assessed against paragraphs 145 a) and b) and paragraphs 146 b) and e) of the Framework. • It would also fail to safeguard the countryside from encroachment, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. • The proposal would harm the intrinsic rural character and appearance of the countryside. It would be contrary to Policy D1 of the Guildford Borough Local Plan 2019 which requires new development to achieve a high quality design that responds to the distinctive local character, including landscape character of the area in which it is set. • I conclude that the appeal should be dismissed. 	
<p>16.</p>	<p>Mr David Arnold Dunmore Farm, Broad Street Common, Guildford, GU3 3BL</p> <p>19/P/00906 – The development proposed is replacement of existing dilapidated 6ft wooden boundary fencing, to the north & north east boundary with like sized fencing; to replace existing dilapidated pool store shed with smaller new shed; to install a wooden log cabin adjacent to the north boundary.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The site falls within the Metropolitan Green Belt and the main issues are whether or not the proposal is inappropriate development within the Green Belt for the purposes of the NPPF (the Framework) and development plan policy; • The effect of the development on the openness of the Green Belt; and • If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. 	<p>DISMISSED</p>

- The appeal site is the garden of Dunmore Farm, a Grade II Listed Building. The host dwelling falls within a scattered group of buildings, with the general pattern of development being loose knit, coupled with surrounding open land and pockets of trees, contributing to a generally verdant and open character.
- The proposed development would comprise three distinct elements, consisting of a log cabin adjacent to the northern boundary; replacement fencing to the north and north-eastern boundaries and a replacement pool store shed.
- The Framework states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions.
- The proposed log cabin would not conform to any of the exceptions detailed within paragraph 145 or Policy P2 of the Guildford Local Plan: Strategy and Sites 2019 (LP) and would therefore amount to inappropriate development in the Green Belt.
- The proposed fence to the northern boundary would replace fencing of a commensurate height and form and would to my mind therefore not be inappropriate development. However, a significant element of the fence proposed to the north-eastern boundary would be taller and of a more solid form than the existing enclosure observed at the time of my site visit and to my mind would be materially larger.
- Therefore, the proposed altered form of enclosure to the north-eastern boundary would be inappropriate development in the Green Belt.
- The proposed pool shed would replace an existing storage shed, being in the same use and smaller than that which it replaces and as such would not be inappropriate development under criterion d) of paragraph 145 of the Framework and Policy P2 of the LP.
- The presence of the log cabin and altered fence to the north-eastern boundary would introduce additional built form. The appeal site is not clearly visible within the wider landscape, from Public Rights of Way or from the public highway.
- Whilst I acknowledge that there are a number of trees around the site and nearby development, the openness of the Green Belt is clearly evident in the vicinity of the appeal site and the wider area.
- Although the loss of openness that would be directly attributable to the proposed log cabin and altered fence would not be substantial, the introduction of additional built form would diminish the openness of the Green Belt to a limited degree.
- The proposed development lies within the curtilage of Dunmore Farm, a Grade II Listed Building. The Council have indicated that there would be no harm to the setting of the listed building, and I have been given no evidence that would lead me to a different view.
- The proposed log cabin and altered enclosure to the north-eastern boundary would be inappropriate development in the Green Belt and would also harm the openness of the Green Belt.
- I have balanced the factors in favour of the proposal which I have found to cumulatively carry limited weight. Consequently, these considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.
- I conclude that the appeal should be allowed insofar as it relates to the replacement pool store shed and replacement fencing to the north boundary but dismissed insofar as it relates to the log cabin and fencing to the north-eastern boundary.

17.	<p>Mr Anthony Broad of QQQ 33 Ltd Land to the north of Harewood Road, Mellow, Guildford, GU4 7HD</p> <p>18/P/02011 – The development proposed is erection of 5 no. dwellings, creation of new access, and associated drainage and landscape works.</p> <p>Planning Committee – 24 April 2019 Decision – Refused Recommendation – To Approve</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • The main issue is whether the proposed loss of public open space would be acceptable. • Located within an area of primarily residential character, the appeal site comprises a privately-owned area, which is designated as open space. • I note that the Guildford Open Space, Sport and Recreation Assessment did not identify a surplus of open space in the locality and in fact, Mellow experiences deficiencies in several open space typologies. • The proposal would therefore not accord with the exception set out by paragraph 97a of the Framework. As the appeal development does not relate to alternative sports and recreation provision to existing facilities, paragraph 97c is not considered relevant to the appeal proposal. • The appellant’s submissions include an Open Space Assessment (OSA) undertaken by The Environment Partnership, which was considered by the Council as part of a revised planning application for an identical scheme and recently approved under delegated powers. • There is currently no formal right of access to the site for members of the public. Additionally, the site’s usability for recreational purposes is presently constrained by the function it fulfils as an attenuation drainage basin, but also its topography and densely vegetated condition. • Although representations made by interested parties suggest that the site is used by members of the public, this could cease as any time as it is privately owned. • Accordingly, this raises questions over the categorisation of the site as an Accessible Natural Open Space which, as shown by the appellant, could be explained by the absence of up-to-date and robust assessment of this area by the Council. • Although it is somewhat overgrown the site nevertheless holds some amenity value, particularly because it provides visual relief in an area otherwise largely surrounded by built environment. • The appeal scheme would enable the construction of five dwellings and the retention of part of the site as an attenuation drainage basin, whilst providing a publicly accessible area of open space on the remainder. • The area of open space would be repurposed as Amenity Green Space, for which there is an identified deficit in Mellow. Having regard to the evidence before me, and the limitations of the Council’s assessment of the appeal site in particular, I am satisfied with this approach. • Given that the provision of an area of public space and informal recreation is required to comply with the requirements of local and national planning policies, the UU would, in its present form, not satisfactorily secure the provision and retention of a high quality and publicly accessible open space, but also its future management and maintenance. • Accordingly, I conclude that the proposal would result in an unacceptable loss of protected open space and would therefore fail to accord with LPSS 	DISMISSED
-----	--	------------------

<p>Policy ID4 and paragraph 97 of the Framework.</p> <ul style="list-style-type: none"> • Had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment to ensure that the proposal would not adversely affect the integrity of the Thames Basin Heaths SPA, in accordance with the Habitats Regulations. • I conclude that the appeal should be dismissed. <p>COSTS DECISION</p> <p>Mr Anthony Broad (QQQ 33 Ltd) for a full award of costs against Guildford Borough Council.</p> <ul style="list-style-type: none"> • The applicant is seeking an award of costs on substantive and procedural grounds. It is argued that the Council acted unreasonably in refusing the appeal proposal and in failing to submit an appeal statement to substantiate their reasons for refusal. • A decision made by the Planning Committee contrary to the Case Officer's recommendation does not itself constitute unreasonable behaviour. Members are entitled to reach a different decision, as long as they do so whilst relying on substantive planning grounds. • Despite the absence of statement of case from the Council, it is nevertheless apparent, having regard to the Case Officer's Report, that the appeal development was found not to fully accord with local planning policies seeking to protect open space and the Thames Basin Heaths Special Protection Area (SPA). • The minutes to the Planning Committee set out the reasons why the application subject to this appeal was considered unacceptable. Members of the Planning Committee did not act unreasonably as the weight attributed to the loss of open space and the benefits associated with the proposed scheme are to some extent a matter of planning judgement, including in respect of the tilted balance. • The second reason for refusal relates to the effect of the development on the Thames Basin Heaths SPA. The Case Officer's report refers to the Appropriate Assessment (AA) undertaken as part of the application process and concludes in this regard that the integrity of the Thames Basin Heaths SPA would be safeguarded, subject to the completion of a Section 106 Legal Agreement prior to the determination of the planning application. • The reference to the effect of the development on the Thames Basin Heaths SPA as part of the reason for refusal was justified to ensure that it is addressed accordingly as part of a subsequent appeal or revised application. • In referring to the absence of an AA within their second reason for refusal, the Council acted unreasonably. <p>I find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On that basis, an award of costs is not justified.</p>	<p>REFUSED</p>
--	-----------------------