



Appeal Decision

Site visit made on 28 October 2019

by **Andrew Bremford BSc (Hons) MRICS**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/D3640/W/19/3234802

Land east of Shangri-La, Fairfield Lane, West End, Woking GU24 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Gandhum and Mr T Galvin (Arktec Ltd) against the decision of Surrey Heath Borough Council.
- The application Ref 18/0863, dated 20 September 2018, was refused by notice dated 27 June 2019.
- The development proposed is the erection of four detached dwellings with associated garages, parking and landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- the effect of the proposal on the character and appearance of the area;
- whether or not the proposal would exacerbate existing drainage and flooding problems in the area; and
- if the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would represent inappropriate development

3. The appeal site is currently undeveloped land extending to approximately 0.2 hectares. It falls within land designated as Green Belt. It is proposed to erect four detached dwellings with associated garages, parking and landscaping, each with access off Fairfield Lane.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new

buildings as inappropriate in the Green Belt. However, there are exceptions to this which, amongst other things, include "*limited infilling in villages*".

5. There is no dispute between the main parties that the appeal site lies outside the defined settlement boundary. However, the appellants consider that the extent of the village does not end at the settlement boundary and in this regard the site is part of the village.
6. Although some of the village's services and facilities are north of the settlement boundary, the compact suburban development pattern of the village changes to a more rural character north of Benner Lane at the junction with Fairfield Lane and Streets Heath. Fairfield Lane, an unmade private no-through road with no pavements, leads east from Benner Lane towards open countryside and is rural in character. From Benner Lane up to the appeal site on the north side of Fairfield Lane there are several properties ending at Shangri-La. Whilst these are close together the pattern of development beyond the appeal site is more sporadic and hence there is a greater sense of openness around and between buildings.
7. The open appeal site, with its wide frontage and open fields to the north, represents a definite visual break, marking the point where the character of Fairfield Lane changes from that of a village to open countryside. For these reasons, I would not describe the appeal site as being located within the village, notwithstanding that it is close to the settlement boundary and the development site directly south of Fairfield Lane.
8. Even if I was to conclude that the site was within the village, I do not consider that the proposal would constitute infilling. Infilling is not defined in the Framework and hence remains a matter for the decision maker. I consider that the Council's definition in paragraph 5.11 of the supporting text to Policy CP3 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (2012) (CS) is reasonable in so far that it states that "*infilling is defined as the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage but not backland development*". Furthermore, the glossary in the CS defines infill development as "*development of a vacant site in a substantially developed frontage or area*".
9. In this case, although the dwellings along the north side of Fairfield Lane and west of the site are closely positioned, the same cannot be said for the properties to the east of the site. Thus, in my view, the frontage along the north side of Fairfield Lane is not substantially developed, nor continuous. Furthermore, taking into account the size of the site, I do not consider it represents a small gap in the context of its relationship to other existing development adjoining and adjacent to it along the north side of Fairfield Lane. On the basis that I consider the frontage along the north side of Fairfield Lane is not substantially developed, notwithstanding the presence of the development site to the south of Fairfield Lane, I also do not consider the site to be in a substantially developed area.
10. For the reasons outlined above, I conclude that the proposal would amount to inappropriate development in the Green Belt. To this extent, it would not accord with the Framework or with Policies CP1 and CP3 of the CS.

Openness and Green Belt purposes

11. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. Indeed, the essential characteristics of Green Belts are their openness and their permanence.
12. The construction of four detached two-storey dwellings on the site would undoubtedly have a significantly harmful impact on the openness of the Green Belt. This is particularly the case as the site currently has no buildings or other development on it. Indeed, the site is part of the open vista visible from Fairfield Lane across the field with trees as part of the backdrop.
13. On the basis that I have characterised the site as open countryside rather than part of the village, the proposal would lead to encroachment of development into the countryside and hence would conflict with one of the purposes of the Green Belt.
14. The Council's 'Green Belt and Countryside Study 2017' places the location of the site within a large parcel of Green Belt land identified as G40. The evidence before me indicates that this parcel of land is considered to play a very strong role in preventing development that would result in the merging of settlements principally at Chobham and West End, but also between Chobham and Lightwater, which are linked by the Bagshot Road, and West End and Windlesham. The appellants contend that the development would make no difference to the green gap between West End and the other settlements. However, whilst I acknowledge the site forms only a small part of the large parcel of land the development would, nonetheless, fragment it thereby reducing its effectiveness.
15. For the reasons outlined above, I conclude that the development would lead to a significant loss of Green Belt openness. It would also conflict with two of the five purposes of the Green Belt, as defined in paragraph 134 of the Framework, which is "*to prevent neighbouring towns merging into one another*" and "*to assist in safeguarding the countryside from encroachment*".

Character and appearance

16. Fairfield Lane is characterised by mainly detached properties of varying sizes, a mix of single storey and two-storey dwellings, of contrasting architectural styles. The size and shape of plots vary and there is no uniformity to the position of buildings within their respective plots or the size and position of parking areas. The dwellings within the major development site south of Fairfield Lane are set back from Fairfield Lane behind existing mature landscaping. These characteristics, combined with mature trees, hedges and other foliage within and along the boundaries of properties in Fairfield Lane gives the immediate area an intrinsically rural and spacious character which the appeal site makes a positive contribution towards.
17. The appeal site would be sub-divided into four plots of roughly similar size and the proposed detached dwellings would be positioned in approximately the same position within each plot. Furthermore, there would be a very similar expanse of hardstanding in front of each proposed dwelling. Thus, there would be a symmetry to the layout of the proposed built form which would appear out of place within the street-scene and at odds with existing development in the

immediate area. The scale and design of each proposed dwelling would be largely uniform which would be unsympathetic and out of keeping in an area characterised by properties which differ in scale and design terms.

18. The development would significantly erode the contribution that the site makes to the open countryside around the village. It would also be very readily visible from the public footpath along Fairfield Lane. Overall, and for the reasons outlined above, the proposal would appear discordant against the more irregular pattern of development directly fronting Fairfield Lane and would materially and unacceptably reduce the existing sense of openness. Therefore, the proposed development would be significantly harmful to the character and appearance of the area. Consequently, I conclude that it would conflict with Policy DM9 of the CS; guidelines 6 and 8 of the Village Design Statement West End 2016, and principles 6.6, 6.7, 6.8, 7.4 and 7.8 of the Residential Design Guide Supplementary Planning Document 2017 which, amongst other things, seek to ensure development proposals respect and enhance the local character of the area.

Drainage and flooding

19. Notwithstanding that the site lies within Flood Zone 1 the evidence before me indicates the site and surrounding area is prone to flooding from local sources, including surface water run-off. The application is supported by a surface water drainage strategy, however no strategy for the disposal of foul water has been submitted.
20. The surface water drainage strategy sets out that surface water run-off from the development would be attenuated on site and discharged, at a restricted rate, to a receiving watercourse. However, full level details for the surface water drainage proposal and indicative ground levels within the site and along its boundaries is not set out in the strategy. Therefore, whilst the strategy is acceptable to a point the appellant has not submitted enough detail to demonstrate that the proposed surface water drainage scheme would be capable of operating as intended.
21. The appellants point out that the additional level details could be required as part of a planning condition. However, the lack of compelling evidence in the form of a satisfactory surface water drainage strategy to demonstrate that the development would not exacerbate existing drainage and flooding problems in the area is a matter of overriding concern, and I am not persuaded that the proposed development could be made acceptable using a planning condition. For a planning condition to have been appropriate, I would have needed to have been satisfied that it would be possible for the intended drainage scheme to be capable of being implemented.
22. For the reasons outlined above, it has not been demonstrated that the proposal would not exacerbate existing drainage and flooding problems in the area. Consequently, I cannot conclude that the proposal would accord with Policy DM10 of the CS and the Framework which, amongst other things, seek to ensure development proposals reduce flood risk to and from the development or at least be risk neutral.

Other considerations

23. Paragraph 143 of the Framework states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". It goes on to state that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. There is disagreement between the parties as to whether the Council can demonstrate a five-year supply of deliverable housing sites. However, specific policies within the Framework relating to the Green Belt indicate that development should be restricted. Consequently, paragraph 11d of the Framework is not engaged. This limits the weight which could be attached to the benefit of four additional dwellings. That said, and if I were to agree with the appellants' housing land supply calculations, the proposal would seek to boost the supply of private market dwellings in the area. In this context, I therefore afford this matter some positive weight in the overall planning balance.
25. The proposal would create some employment at construction stage, although this would be relatively short lived and so a relatively limited benefit. I have no doubt that the occupiers of four detached dwellings would help to support local facilities and services, although the economic contribution from the occupiers of four properties would not in itself be a very significant benefit.

Planning Balance

26. I have found that the proposed development would amount to inappropriate development in the Green Belt. In addition, it would have a significantly harmful impact on the openness of the Green Belt and would conflict with Green Belt purposes, namely that of safeguarding the countryside from encroachment and preventing neighbouring towns merging into one another. In addition, I have also found that the proposal would cause significant harm to the character and appearance of the area. Moreover, it has not been demonstrated that the proposal would not exacerbate existing drainage and flooding problems in the area. I afford significant weight to these matters as part of the determination of this appeal.
27. Against the above, must be balanced the identified other considerations, including the relatively limited contribution that the proposal would make to the supply of houses in the area (even taking into account the appellants' housing land supply calculations) and in respect of economic matters. On balance, I conclude that the substantial weight to be given to the Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

Other Matters

28. The site is located within the 5 km buffer zone of the Thames Basin Heaths Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to

approve planning permission. Thus, given my overall conclusion on the main issues it has not been necessary for me to pursue this matter any further.

29. The appellants have referred to a number of appeal decisions¹ as part of the appeal in order to support their view that the proposal should be allowed. However, these appeal decisions are not directly relevant to the appeal proposal for a number of reasons. Four of the five appeal decisions referred to are in a different local authority area and the appeal decision referred to in the Surrey Heath Borough Council area is for development in the countryside and not Green Belt and thus is not directly comparable to the appeal proposal. Moreover, the description of development is different for each case and the site context also appears to be different. Furthermore, and in any event, I have not been provided with exact details of the aforementioned developments including accompanying plans and site history. I have determined this appeal on its individual planning merits.
30. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

¹ References APP/C3430/W/18/3207145, APP/R0660/W/18/3201548, APP/B3438/W/18/3214689, APP/K0425/W/17/3188084 and APP/D3640/W/15/3139682