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## Appeal Decision

Inquiry opened on 26 November 2013

Site visit made on 29 November 2013

**by John L Gray DipArch MSc Registered Architect**

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

**Decision date: 9 January 2014**

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**Appeal Ref. APP/Y3615/A/13/2199732**

**Land at Church Street, Effingham, KT24 5NA**

- 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 Adam Simkin, on behalf of the Minton Pension Group Fund, against the decision of Guildford Borough Council.
  - The application, ref. 13/P/00019, dated 14 December 2012, was refused by notice dated 9 April 2013.
  - The development proposed is the demolition of small outbuildings and the erection of a part 2-storey, part 3-storey, 60-bedroom residential care home with nursing and dementia care (Use Class C2), with associated car parking, landscaping and ancillary works.
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**Decision: the appeal is dismissed.**

### The inquiry

1. The inquiry sat for four days – from 26 to 29 November 2013. I made an unaccompanied visit to the surroundings of the site on 25 November and a comprehensive accompanied inspection of the site and its surroundings on 29 November, including visits to 3 and 4 Effingham Place, The Lodge, 4 Church Cottages and the churchyard and burial ground of St Andrew's Church.

### Main Issue

2. Effingham is washed over by the Metropolitan Green Belt. There is no dispute that what is proposed would be inappropriate development in the Green Belt.
3. Accordingly, the main issue in the appeal is whether there are considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, and thus provide very special circumstances to justify allowing the appeal and granting planning permission. That encompasses a number of aspects.
4. In addition to harm by reason of inappropriateness, and to the openness of the Green Belt, the harm asserted by the Council and third parties is to the character and appearance of the Effingham Conservation Area, the settings of nearby listed buildings and the level of amenity enjoyed by neighbouring residents. The design of the proposed building has much to do with these. In addition, third parties were concerned about the access to the site and the amount of traffic that the proposal would generate. The consideration put forward by the appellant as clearly outweighing whatever harm arises is the need for the development.

## **Reasons**

### ***The Green Belt***

5. The village of Effingham is washed over by the Metropolitan Green Belt. Saved Policy RE1 from the Guildford Local Plan confirms that. Development within the Green Belt is controlled by Policy RE2, which is broadly consistent with policy in the much more recent National Planning Policy Framework (NPPF). Policy RE3 identifies settlements within the Green Belt where small-scale infill and housing development and appropriately scaled community or employment facilities may be permitted. Effingham is one of those villages but the appeal site lies outside the settlement boundaries defined for the village on the Proposals Map.
6. Accordingly, and as was agreed by the appellant, the proposal would be inappropriate development in the Green Belt and, by definition, harmful to it. The NPPF says that the essential characteristics of Green Belts are their openness and their permanence. To have a building in the Green Belt where previously there has been none cannot but reduce openness and conflict with the principle of permanence.
7. The NPPF is clear at para. 86 that a village should be included in the Green Belt only where its open character makes an important contribution to the openness of the Green Belt. It should not be included if that character ought to be protected for other reasons. The appellant argued that this should apply to Effingham, and particularly to the appeal site, which is effectively surrounded by village development. There is merit in that argument because, when one looks at the five purposes of the Green Belt, it is difficult to argue that preserving the openness of the appeal site would serve any of them.
8. That said, para. 83 of the NPPF is clear that Green Belt boundaries should be altered only in exceptional circumstances, through the preparation or review of the Local Plan. That process is under way in Guildford. A Green Belt and Countryside Study commissioned by the Council recommends that Effingham should be inset within the Green Belt. However, consultation on the Issues and Options for the Local Plan has prompted widespread objection to the proposals for modification of the Green Belt throughout the Borough. Thus, at this very early stage in the preparation of the Local Plan, no weight can be given to the professional indication that Effingham should be inset within the Green Belt.
9. Of course, to allow this appeal would not simultaneously or automatically bring any changes to the Green Belt boundary. Planning permission would be granted only if very special circumstances existed to justify allowing what is accepted as being inappropriate development within the Green Belt. In the circumstances, however, it would be wrong to assume that the village will eventually become inset within the Green Belt and to weigh that in the balance between harm and other considerations.

### ***The design of the proposed development***

10. This would be a large building. Architecturally, however, there is much to be said for the proposed design. The plan comprises two mirrored L-shapes, joined at a slight angle at the top of their legs. The design makes use of the site's downward slope from south to north; it is two-storeyed at its southern end and three-storeyed at the north but with changes in the ridge line throughout its length to avoid unduly large and unbroken roof planes. The

building is also expressed throughout as a two-storey building, with the third floor in its northern half being contained within the roof space. The façades are highly articulated, using projections in the floor plan, gables, hips and dormers to give a lively character and to create an impression akin to the traditional vernacular styles of the area. The materials assist in that – predominantly red brick and steeply pitched plain-tiled roofs.

11. The design seeks to conceal the true scale of the proposed building. Whatever the viewpoint, it is intended to look as if it comprises a series of linked terraces with the scale of traditional cottages. Two things count against that. Firstly, the roofs, while traditional in style and material, would have spans wider than the traditional norm, meaning higher ridge lines and larger areas of roof pitch than one would expect to see. The articulation helps to disguise that but cannot fully succeed; the perception would still be of something rather deeper than would be traditional. Secondly, the perception would also, almost inevitably, be of a very large building mass. What would be seen from any given point would be a building in a traditional style but its full extent would still be perceived because those seeing the building from one angle would also be aware of the views from elsewhere in Lower Road, Church Street or the churchyard and burial ground.
12. The appeal site is well screened by existing trees, which could be suitably reinforced by new planting. In addition, the building would, for the most part, stand comfortably away from the site boundaries. Those factors do not, however, overcome the drawbacks. Even though most of the views from outside the site would be only glimpses, especially in the summer months, the perception of size could not be avoided. In any event, being inconspicuous or otherwise obscured cannot automatically convert something that is inappropriate, if that is what it is, into something acceptable.
13. Summing up, the proposed design can be argued as complying with much of what is sought by saved Local Plan Policy G5 but cannot be considered properly to reflect the scale of the existing built form in the village. To that extent, the proposal runs contrary to G5(2) on scale, proportion and form. While not in itself a compelling reason for dismissal of the appeal, this is a conclusion to be borne in mind in assessing the impact on the Conservation Area and the settings of the nearby listed buildings.

### ***The character and appearance of the Conservation Area***

14. The introduction to the appellant's appraisal of the character and appearance of the Conservation Area is "a typical Surrey village with a concentration of historic development around the parish church ...". It notes that the historic core has been surrounded by later development and that, while Effingham would originally have been an agricultural community, it is now predominantly a commuter village. The Council describes Effingham as "a rural settlement which has developed over the centuries and yet retains many historic buildings". It notes that the buildings are generally set in clearly defined plots and that the village scene is enhanced by the presence of many mature trees.
15. Where opinions differ is in the contribution made by the appeal site. It was originally part of the curtilage of The Lodge, the listed building standing to its east. It has never been built upon, save for buildings ancillary to the gardens of The Lodge. It is largely surrounded by vegetation, including numerous mature trees. It is difficult, in some places impossible, to see into the site. Even so, it is easy to discern as a substantial open plot of land; it is also in

the historic core of the village, next to the church. Together, these factors must contribute, one way or another, to the character and appearance of the Conservation Area.

16. It does not matter that there has never been public access to the land; it is the perception and knowledge of its openness that is important. Neither, for the same reason, does it matter that it is now separated from the property of which it was originally part. Nor does it matter that it was for some years used as a school playing field, with some levelling of the original contours (not evident from outside the site and barely so within it) and does not affect the perception of openness. The trees around the perimeter of the site are acknowledged by the appellant as contributing positively to the Conservation Area; that they largely obscure views into the site does not, however, diminish the importance contributed by the perception of the openness beyond them.
17. It was said or suggested on a number of occasions during the inquiry that, putting the openness of the Green Belt to one side, there might be no objection in principle to having some form of built development on the site. That does not seem unreasonable – but much would depend on precisely what was being proposed. There is little doubt that the perimeter trees and the impression of openness beyond them could be preserved, literally or figuratively, by building that was appropriately located, scaled and designed.
18. Indeed, the appeal scheme demonstrates that to a very great extent. If one considers the proposal from individual viewpoints, then the size or mass of the development would not be obvious, because of the screening provided by the boundary trees. However, the cumulative effect from those individual views would be the knowledge and understanding of a building very much larger than any other in the Conservation Area. It would even be much larger than The Lodge, which (its age notwithstanding) might be bracketed with the church as the visually and culturally most significant buildings in the Conservation Area. The adopted design approach, to give the impression of traditional terraced cottages, would not disguise that; moreover, there are no traditional terraces of such length or complexity within the Conservation Area.
19. Accordingly, the character and appearance of the Conservation Area would not be preserved or enhanced because, despite not being wholly visible, the proposed building would be understood as substantially larger than any other building in the Conservation Area; even if it were not, the traditional character it seeks to purvey would still be of a group of buildings larger than any other. That puts the proposal in conflict with saved Local Plan Policy HE7 on new development in Conservation Areas (criterion 3 in particular) and also Policy CF1 (the first criterion).

### ***The settings of listed buildings***

#### **St Andrew's Church**

20. The church stands on relatively high ground, within its churchyard, in a position befitting its prominence for the historic core of the village. A burial ground, effectively an extension of the churchyard, lies between the church and the appeal site. It is at a lower level than the original churchyard and separated from it by a fairly high wall; nevertheless, it has similar characteristics to the churchyard and is an integral part of the setting of the church, a grade II\* listed building. The listed monuments are part of the setting of the church and their own importance does not extend beyond that.

21. The whole of the historic core of the village might be said to be the setting of the church; it is, however, more precisely defined as the boundary of the churchyard and burial ground. The style and disposition of the buildings in the vicinity of the church are better assessed in conservation area terms than as part of the setting. The appeal site lies outside the setting and is on lower ground. Its openness may seem to contribute positively – but that is actually more to do with the trees along the boundary. The corner of the proposed building would be over 17 metres from the boundary, with a two-storeyed façade some 29 metres long running away at an angle of about 40°. Views of a building in that position, standing in open grounds and designed in a traditional idiom, would not diminish the setting of the listed church, which derives first and foremost from its churchyard and attached burial ground.

#### The Lodge

22. An interesting mid-Victorian house, once with substantial grounds, The Lodge is a grade II listed building now sub-divided into two dwellings within a much reduced curtilage. The appeal site has been separated from it for some years now and does not give the impression, visually, of having originally been part of the grounds. Land to the east, through which the access to the building once ran, has long been separated and is now developed as part of a large school (outside the Conservation Area). In order to generate funds for restoration of The Lodge, land abutting Lower Road was developed in the 1990s with four large detached houses, thus further reducing the curtilage of the listed building. The gardens are locally listed but, given their appearance nowadays, it seems that this might be as much in recognition of their history as for what remains actually to be seen.
23. In principle, a building on the appeal site need not harm the setting of The Lodge – though that depends on what sort of a building and where it would be positioned. The Lodge stands on land much lower than the appeal site and, while the contours of the garden rise fairly naturally towards it, there is the danger of a building having a somewhat overbearing relationship with what is, and ought to remain, one of the predominant buildings in the Conservation Area. The wire line illustration produced on behalf of the residents suggested that that would be so; however, the image subsequently produced by the appellant, which also shows reasonably dense boundary planting, is the more accurate and indicates that, while there would be a significant change, the proposed building would not be overbearing; that is so notwithstanding that it would be a very much larger building than would be perceived from The Lodge's curtilage. Thus, despite the size and proximity of the proposal, the setting of the listed building would be unharmed.

#### Church Cottages and the Old Post Cottage

24. These grade II listed buildings stand on the west side of Church Street and their setting is confined to that side of the road – effectively the inter-relationship between them, their gardens and other buildings and gardens in the vicinity, exhibiting overall the characteristics one would expect to see in a historic rural village. The trees along the boundary of the appeal site are part of the setting of the buildings but the openness of the site beyond them is not a significant contributor. Being on the opposite side of the road and beyond those boundary trees, the proposed development would not noticeably impinge on the historic character of the listed buildings and their surroundings and would register only obliquely in views towards the buildings.

### The Red House

25. One of Lutyens' early buildings, the Red House, a grade II listed building, stands on the north side of Lower Road, separated from the appeal site by the substantial twentieth century house that is Ambledown. Because of that, its setting does not extend as far as the appeal site. There would be no more than glimpses of the proposed building from the Red House or its curtilage or Lower Road in its vicinity. The building's setting would thus be unharmed.

### Conclusion

26. There would be no harm to the settings of any of the listed buildings in the vicinity of the appeal site. There is thus no conflict with what is sought by saved Local Plan Policy HE4.

### ***Residential amenity***

#### The Lodge

27. The nearest corner of the proposed building would be about 9 metres from the boundary with The Lodge and around 34 metres from the patio outside the building (about 39 metres from the building itself, scaled from the landscape plan). Ordinarily, one might assume that 9 metres was sufficiently far from a boundary and that any potential overlooking of neighbouring property from the ground floor could be overcome by suitable boundary treatment. Here, however, three bedrooms and a lounge/dining room on the first floor would have more or less direct views towards The Lodge and its garden. While the distance can be considered sufficient to avoid any harmful loss of privacy within the rooms of The Lodge, there is the prospect of inappropriate overlooking of the garden, including the patio outside the house. The problem could only be successfully resolved by boundary planting using semi-mature specimens and, even then, might take some years to become effective.
28. There is also the question of whether a building so close to the boundary and on higher ground would be an unduly domineering presence when previously the appeal site has been open ground. As indicated above in relation to the setting of The Lodge, the proposed building would not be an overbearing presence for its residents.

#### 4 Effingham Place

29. The nearest corner of the proposed building would be around 18 metres from the appeal site boundary and well over 40 metres from the house. There would be lounge/dining rooms on the two upper floors with windows facing indirectly towards no. 4 but, at the distances involved, there would be no loss of privacy within the house and no unduly harmful overlooking of the garden.
30. Neither would a building at that distance appear overbearing to any harmful extent. There would obviously be a significant change from the presently undeveloped state of the site – but there is no reason why that in itself should be harmful, especially given the traditional style of the proposed design.
31. The access road and car park would also be close to no. 4's boundary. There would inevitably be noise from vehicles on the access road or in the car park, including car doors being shut, engines being started and reversing beepers from service vehicles (which would more likely be vans than lorries). One is aware in the garden of traffic noise from Lower Road but noise from the appeal site would have a more direct impact. Much of what would occur would be during the working day, though there would also be those visiting

residents in the evenings and there would be comings and goings related to the shift working of the staff. Additional landscaping within the appeal site boundary could help to muffle, though not eradicate, the effect of what noise would arise. On balance, the concentration of vehicular activity close to no. 4's rear boundary would bring an unacceptable level of noise and disturbance.

### 3 Effingham Place

32. Any effect for the occupiers of 3 Effingham Place would be from vehicles using the proposed access and manoeuvring in the car park. There is already a significant amount of noise in the rear garden from traffic passing along Lower Road (with which the property has a boundary). Although it would be from a different direction, the number of vehicles likely to use the access would not add to that to any undue extent. Reversing beepers being used in the car park might well be noticeable but vehicles fitted with those would, almost without exception, be there during the working day. Additional landscaping within the appeal site boundary might help to muffle the effects, though there appears somewhat less room for that adjacent to no. 3.

### Ambledown

33. Ambledown has a side boundary with the proposed access road and its rear (southern) boundary with the car park. Noise from vehicles on the access road would go largely unnoticed because of the orientation and aspect of the house. The near edge of the car park would be some 5 metres from the common boundary and 11-12 metres from the rear of the house. Those living in Ambledown would thus be susceptible to the noise of car doors shutting, engines being started and vehicles manoeuvring. The larger part of the activity on the site would be during the working day, though there would be evening visitors and comings and goings related to shift working. Additional landscaping within the appeal site boundary might help but the space available for that seems more limited than at no. 4 and the level of the car park relative to the house would not assist. On balance, while the amount of vehicular activity associated with the proposed home might not be substantial, it would be unfortunate that Ambledown, which already has Lower Road and Church Road on two sides, would come have an access road and a car park on its other two sides.

### Dwellings on the west side of Church Street

34. The dwellings on the west side of Church Street are sufficiently distant from the proposed building and there is too much intervening vegetation, even in the winter months, for their occupiers to suffer any significant overlooking or loss of privacy. The impact on the dwellings and their curtilages would be no more than considered above in relation to the effect on the settings of Church Cottages and the Old Post Cottage.

### Conclusion

35. There is the potential for harmful overlooking of the grounds of The Lodge from the first floor of the proposed building; and there must be uncertainty that that could be satisfactorily avoided by appropriate landscaping. There is also the clear prospect of harmful noise and disturbance for the occupiers of Ambledown from activity within the car park and for the occupiers of 4 Effingham Place from the access road as well as the car park. These conclusions put the proposed development in conflict with saved Local Plan Policies GF(3) and CF1 (the third criterion).

### ***Access and traffic***

36. Council withdrew reason for refusal no. 5, being satisfied that appropriate visibility splays could be achieved along Lower Road. Some third parties were not convinced and were concerned also about the amount of traffic already in Lower Road.
37. Based on Manual for Streets 2, the visibility splays for the access road junction may be measured from a point 2.4m back along its centre line from the Lower Road carriageway edge to the nearside vehicle tracks in either direction. Based on measured vehicle speeds and on the information provided by the highway authority on its land east of the access (notwithstanding the correspondence with the owner of 3 Effingham Place), an acceptable splay of 47 metres in that direction can be achieved. To the west, visibility of 45 metres can be achieved clear of the existing brick pier on the boundary with Ambledown. There is also a measure of safety in that direction, since the junction with Church Street makes it highly unlikely that oncoming vehicles would stray at all close to the nearside edge of the carriageway.
38. The amount of traffic entering and leaving the site would not be so great as to add unacceptably to the amount of traffic already moving on Lower Road. Parked cars, particularly at the beginning and end of school hours, might impede visibility in either direction for vehicles joining Lower Road; were that thought to pose a significant problem for highway safety, however, the appraisal and remedy would lie with the highway authority, which saw no serious problem when consulted at the application stage.

### ***Other considerations***

39. Apart from arguing very limited or no harm to the openness of the Green Belt, the character and appearance of the Conservation Area, the settings of listed buildings and residential amenity, the appellant put forward need as the consideration that could clearly outweigh the harm from inappropriateness. Since those other matters go to the nature or extent of the harm that would be caused, it is only need that could provide the very special circumstances to justify permitting the proposed inappropriate development in the Green Belt.

### **Need**

40. There is no doubt that, in general terms, there is a need for care home provision, particularly in connection with dementia. The County Council accepts that there is a need. That said, it is difficult to quantify. The evidence to the inquiry indicated that the serious deficiency in the area is a qualitative one, with a reasonable likelihood of the estimated quantitative requirement being likely to be met, or very nearly so.
41. The submissions to the inquiry are hardly conclusive. For example, of the one in four people occupying hospital beds who suffer from dementia in some form, it is not known how many might be in hospital for reasons wholly unconnected with dementia. It is entirely possible that hospital beds could be freed because some could be cared for in appropriate accommodation elsewhere; equally, to live in a home is a personal choice that some might be unwilling to make (preferring, if not hospital, their own homes).
42. Nor are the specific arguments about the need for a care home in this particular location entirely convincing. The process of assessing the nature of the need, the appropriate catchment area and potential alternative sites appears also to have its shortcomings.



43. It seems that the starting point was the selection of the site. That is not necessarily wrong because, if there is understood to be need in a given general area, it is logical to look first for available sites within that area which could contribute to satisfying the need.
44. Then, though, there is what appeared initially to be a curious catchment assessment using a 5-mile radius and a 30-minute drive time. Clearly, even at peak hours, a 30-minute drive time in a largely rural location would take in a far wider area than a 5-mile radius, probably greater than a 10-mile radius. However, even a radius of 7-8 miles would start to encompass a substantial additional population in Guildford and in the neighbouring Mole Valley District. That would inevitably change any assessment of need. It would also influence any assessment of possible alternative sites for a home, because sites in more built-up areas could come into consideration. And the assessment of possible alternatives is a necessary process if very special circumstances are to be demonstrated in order to justify allowing inappropriate development in the Green Belt.
45. It was explained at the inquiry that the first question to be asked is where the residents of a care home would come from and the second is where would visitors come from. Other things being equal, it can be accepted that people will generally prefer a home close to where they live, hence the 5-mile radius as an appropriate catchment area for residents. The 30-minute drive time is then more a measure of accessibility for visiting relatives. In effect, people prefer to find somewhere local and hope to have friends or relatives within a reasonable driving distance to visit them.
46. On that basis, the 5-mile catchment radius seems a reasonable one. It transpired, however, that Porthaven Care Homes, who would develop the site if planning permission were granted, subsequently used a 10-mile radius as a check on the consultants' findings. If the starting point had been a 10-mile radius, that would have seemed equally reasonable. Therefore the question is again raised of the relative extent of need in differing catchment areas and the possibility of other suitable and available sites within a wider area.
47. The assessment of potential alternative sites was highly constrained by the search criteria. Firstly, only sites within a 5-mile radius of the appeal site were considered, even though the selection of that site seems to have been based as much on its own suitability and availability as in terms of the need to be satisfied. Justification of the catchment radius was based partly on what had been found acceptable in relation to the sites for other care homes; in the absence of information on comparative populations, however, that is too open-ended to carry significant weight. Secondly, only sites of between 0.6 and 0.8 hectares were considered. The lower limit is understandable; if viability could become doubtful with fewer than around 60 bedrooms, then it makes sense only to consider sites large enough to accommodate that size of home. It might be possible successfully to develop smaller sites in urban areas but perhaps less so in a rural village such as Effingham, more open and less densely developed in character.
48. Discounting larger sites is more questionable. Firstly, the evidence is that around 60 bedrooms is a broad minimum, but certainly not a maximum, for a practical and viable operation. If need is what it was said to be by the appellant, then it is difficult to see why a search should be constrained to a site size that was, broadly speaking, the equivalent of the appeal site.

Secondly, there is the possibility of mixed-use development on a larger site, part being used for a care home and part for, probably most likely, market or affordable housing. It is true that the economics of such a possibility must come into play, for example because the market value of residential land is likely to be significantly higher than that for a care home. Nevertheless, it seems that the possibilities of a larger care home or a mixed-use development were discounted without effective consideration in selecting such a limited size range in the search for potential alternative sites.

49. Thus, while there may be little doubt that, in general terms, there is a need for a residential care home, particularly one providing dementia care, the evidence that that need is sufficiently great or sufficiently localised that it ought to, or could only, be met by development on this particular site, on land within the Green Belt, is not compelling.

### ***Overall conclusion***

50. The proposal would be inappropriate development in the Green Belt. It would therefore conflict with saved Local Plan Policy RE2 and paragraphs 87 and 88 of the NPPF unless the harm that would be caused would be clearly outweighed by other considerations. Inappropriate development is, by definition, harmful to the Green Belt and, together with any other harm that would be caused by a proposal, is to be given substantial weight in considering any planning application.
51. In this case, the reduction in the openness of the Green Belt would arise perhaps more from the principle of having a new building than from the actual visual impact. There would be only glimpses of the building from the land surrounding the appeal site and its design bears the characteristics of traditional terraced cottages very much in mind. Even so, it would be perceived by those who know the village as a very large building and, to that extent, would run contrary to saved Local Plan Policy G5(2) on scale, proportion and form.
52. For the same reason, because the proposed building would be plainly understood as substantially larger than any other building in the vicinity, it would fail to preserve or enhance the character and appearance of the Effingham Conservation Area, contrary to what is sought by saved Local Plan Policies HE7 and CF1. In terms of the NPPF, the harm to the Conservation Area would be less than substantial and the balance between that and the public benefit from meeting the need for such a home is a fine one.
53. There would be no harm to the settings of listed buildings in the vicinity of the appeal site and no conflict with saved Policy HE4.
54. Noise and disturbance for the occupiers of Ambledown and 4 Effingham Place and the distinct possibility of harmful overlooking of the grounds of The Lodge put the proposal in conflict with saved Local Plan Policies GF(3) and CF1.
55. The consideration to be set against the harm is the need for the development. There may be no doubt about the generality of qualitative need for the type of development proposed. That said, the evidence adopted an arguably limited catchment area, without a clear exposition of the need within it, and the possibility of suitable alternative sites was seriously constrained by being within that catchment area and by the limited range of site sizes examined. The result was a failure to demonstrate clearly why this particular site should be developed in the manner proposed.

56. The harm from the proposal to the character and appearance of the Conservation Area and on residential amenity would be relatively limited but would nevertheless justify dismissal of the appeal. Even combined with the harm to openness, however, they do not add significantly to the harm by reason of the proposed development's inappropriateness in the Green Belt. That said, the totality of the harm is, in accordance with the NPPF, to be given substantial weight.
57. What goes in the opposite side of the scales is the need for the development. However, the evidence on need was not so compellingly made out as clearly to outweigh the harm that would be caused. Nor were any other considerations presented that could lend support the arguments on need. Accordingly, there are no very special circumstances that could justify allowing the appeal and granting planning permission.

*John L Gray*

Inspector

## **APPEARANCES**

### **FOR GUILDFORD BOROUGH COUNCIL**

Scott Stemp, of Counsel	instructed by the Head of Legal and Democratic Services for the Council.
He called	
Mariana Beardsworth BA(Hons) DipTP DipBldgCons MRTPI	Principal Conservation and Design Officer with the Council.
Jean Churchill BA(Hons) BTP DipEP MRTPI	Interim Local Plan Manager with the Council.
Dr Fiona Farrand BSc(Hons) MSc PhD MRTPI	Senior Planning Officer with the Council.

### **FOR THE MINTON PENSION GROUP FUND**

Harry Wolton QC	instructed by the appellant.
He called	
Jon Chapman MRICS	Director, Pinders, Chartered Surveyors.
David Thorne	Development Director, Porthaven Care Homes.
John Whitton CMLI	Director, Portus + Whitton, Landscape Architects.
Andrew Brown BA BAArch MSc MRTPI RIBA IHBC	Director, Woodhall Planning & Conservation Ltd.
David Alderson BA(Hons) DMS DipM MRTPI	Director, WYG Planning.
Gary Symes DipArch BA(Hons) RIBA	Design Director, PRC Architecture & Planning Ltd.

### **FOR THE RESIDENTS OF 1-6 EFFINGHAM PLACE AND THE LODGE COTTAGE**

Charlotte Grant BSc(Hons) MSc MRTPI	Director, Harwood Savin Limited, Town Planning Consultants.
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### **INTERESTED PERSONS**

James Nicholls	Local resident.
Andrea Lightfoot	For Effingham Parish Council.
Cllr Liz Hogger	Local resident, speaking for herself.

## **DOCUMENTS submitted at the inquiry**

- 1 Extracts from Guildford Borough Local Plan Strategy and Sites Issues and Options document, October 2013.
- 2 Guildford Borough Green Belt & Countryside Study: Summary Document, January 2013 and extract of Study Assessment for Effingham.
- 3 Cllr Liz Hogger's statement and attached documents.
- 4 Longitudinal section through site showing relative building levels.
- 5 Local Plan Proposals Map, Inset 4, Horsley and Effingham.
- 6 Site Plan of proposed building marked up with distances to other buildings.
- 7 Wire line image of proposed building seen from the patio outside The Lodge.
- 8 Sheet of elevations marked up to show where the ridge line is at its highest.
- 9 Email correspondence, report, photographs and plans relating to the site access and visibility splays along Lower Road.
- 10 Council's response to the Inspector's comments and queries on the suggested conditions.
- 11 Application drawings at full size (A3 copies were submitted with the appeal).

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