

TOWN AND COUNTRY PLANNING ACT 1990

Former Laporte Works Site, Nutfield Road, Nutfield, Surrey RH1 4GH.

PUBLIC INQUIRY 10th to 20th March 2026.

PROOF OF EVIDENCE OF PETER LEE

**Appeal by Nutfield Park Developments Limited (Ltd) under Section 78
against the Council's refusal of the outline application for: -**

The development of the site for new homes (Use Class C3) and Integrated Retirement Community (Use Classes C2, E(e), F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (Outline with all matters reserved, except for Access)

Planning Inspectorate Reference: APP/M3645/W/25/3374913

Local Planning Authority References: TA/2023/1281

February 2026

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A) Proof Summary

A1 The appeal proposal under LPA reference TA/2023/1281 is for the following description of development: -

“Outline planning permission for the development of the site for new homes (Use Class C3) and Integrated Retirement Community (Use Classes C2, E(e), F2), creation of new access, landscaping and associated works to facilitate the development, in phases which are severable (Outline with all matters reserved, except for Access)”.

A2 The appeal proposal is for outline planning permission with all matters reserved for subsequent approval except access.

A3 The appeal site comprises 7.9 hectares of development within a larger former minerals and landfill site of 59 hectares in an area presently covered by woodland and open fields and situated beyond the built-up settlement edge of Nutfield Village on the north side of the A25 (High Street). The village is located about 9km to the west of Oxted and 2.7km east of Redhill. It is one of many smaller villages in the district, which is rural in character and set within a varied attractive landscape about 1.5km south of the Surrey Hills National Landscape.

A4 The site is crisscrossed by 9 no. public rights of way running between the A25 and Chilmead Lane in the north and Church Hill to the east.

A5 To the east and southeast of the site lie listed buildings in proximity comprising the Grade II* Listed Church of St Peters and St Paul on Church Hill on elevated ground and the Grade II Listed Folly Tower in the grounds of Redwood on the High Street (A25).

A6 Planning permission was refused by the Council on 3rd October 2025. The grounds for refusal covered the following matters: -

- Inappropriate development in the Green Belt.
- No very special circumstances have been demonstrated to justify the proposal
- The development is in an unsustainable location and not accompanied by necessary improvements to local infrastructure to cater for the needs of occupiers of the development.
- The proposed development would harm the setting of the two listed buildings described above.

- The harm arising from the proposal renders the development unsustainable

A6 As such, the proposed development is contrary to provisions of the National Planning Policy Framework (NPPF) an important material consideration in the determination of the planning application and this appeal, and contrary to a number of policies in the adopted development plan

A7 The appeal proposal does not comply with the following key development plan policies:

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- DP10 - There is definitional, spatial and visual harm to the Green Belt and the development is in conflict with NPPF Green Belt purpose 143 (c)
- DP13 - Very special circumstances have not been demonstrated for the construction of new buildings in the designated Green Belt and the exceptions listed do not apply.
- DP20 – The appeal proposal would harm the significance of heritage assets which would not be outweighed by its benefits.
- CSP18 and DP7 - The proposed development would detract from the overall quality of the area and have an adverse impact on its character and appearance

A8 My evidence for this appeal sets out an assessment of why the application site should be considered Green Belt and not paragraph 155 Grey Belt. The proposal would conflict with paragraph 142's fundamental aim of preventing urban sprawl by keeping land permanently open. The LPA's case is that the site contributes to paragraph 143 c) to safeguard the countryside from encroachment and therefore preserve the essential characteristics of the Green Belts of their openness and their permanence. Accordingly, the appeal proposals for residential development constitute inappropriate development that would cause harm to openness by way of visual and spatial harm, and also definitional harm to the Green Belt. In accordance with paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies policy DP10. Substantial weight should be given to Green Belt harm, in the determination of this appeal. Development harmful to the Green Belt should not be approved except in very special circumstances (VSC).

A9 My evidence is structured to focus on the key areas of dispute between the parties as summarized in Section 8 of the Statement of Common Ground (SoCG) (CD 8.1).

A10 The proposed benefits of the scheme submitted at application stage constitute the purported VSC to outweigh the harm to justify approval. The most significant of these

purported VSCs is the provision of market and affordable housing in circumstances where the LPA cannot demonstrate a five-year housing land supply. It is common ground between the parties as set out in the topic specific SoCG that the Council cannot demonstrate a 5YHLS. The Council's position is that the maximum supply of 1.97 years. The extent of the shortfall is therefore agreed as substantial. It is also agreed that there is a significant under supply of market and affordable housing when assessed against the local housing need figure calculated under the government's standard method.

A11 Set against the purported VSCs are the identified harm to the Green Belt, to the setting of the heritage assets, unsustainable location and other harm that would arise from the development. My assessment is that, given the constraints of the site, the harms resulting from the proposed development clearly outweigh the benefits, and the VSCs for the granting of planning permission do not exist.

A12 I do consider that there are any material considerations which outweigh the conflict with the development plan. It accepts that paragraph 11(d) applies. However, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, having regard to footnote 7. This includes land designated as Green Belt. The proposed development would be inappropriate development in the Green Belt, it would harm its openness, and the very special circumstances necessary to justify the development do not exist. As such, the Green Belt policies in the Framework provide a strong reason for refusing the development proposed.

B) Witness qualifications and statement of truth

B1 My name is Peter John Lee, and I am a Planning Development Manager employed by Tandridge District Council. My qualifications are a Higher Diploma (TEC) in Geographical Techniques and a Bachelor of Arts Degree (2nd Class (Upper)) in Town and Country Planning from the London South Bank University. I have over 44 years planning experience obtained through employment at 7 local planning authorities within the South-East and London. I have been employed by Tandridge District Council since October 2023.

B2 I understand my duty to the Inquiry and have complied, and will continue to comply,

with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinions that I have expressed. The Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. The evidence also draws on information that I have gathered during visits to the appeal site, the most recent being on 22nd January this year. I believe that the facts stated within this proof are true and that the opinions expressed are correct.

1.0 SCOPE AND STRUCTURE OF EVIDENCE

- 1.1 First, I briefly describe the appeal site and the surrounding area, drawing attention to the main features that are relevant to the issues raised by the appeal.
- 1.2 I explain the status of the Council's adopted development plan by setting out the relevant policies in relation to the reasons for refusal of the appeal application. I apply these policies in relation to the reasons for refusal. In doing so, I identify the main issues concerning the harm to the Green Belt, locational sustainability and harm to heritage assets and explain the conflict with national advice and the statutory policies of the local plan. In doing so I rely on the evidence provided by the Council's expert heritage witness, Deborah Gardner on heritage harm.
- 1.3 I also deal briefly with the requirement for developer contributions and the need for these to be secured via a legal agreement. The S106 agreement is being finalised with the appellant at the time of drafting this Proof. It is expected that the appellant will submit the completed S106 agreement as set out in paragraph 7.72 of the Statement of Common Ground (SoCG).
- 1.4 I set out the main areas of dispute from the Statement of Common Ground (SoCG) dated 13th January 2026 comprising the following and addressing them in turn below as the key issues: -
- Whether the scheme comprises inappropriate development under paragraph 155 of the NPPF and whether the test under paragraph 153 has been met, including whether the site is in a sustainable location
 - The degree of harm to the character and appearance of the area
 - The degree of heritage harm of the proposed development and the weight to be attached to the heritage harm
 - Whether the harm to the Green Belt by reason of inappropriateness and any other harm is outweighed by other considerations and therefore constitutes very special circumstances
 - Whether the conflict with Green Belt policy constitutes a strong reason for refusal for the purposes of paragraph 11(d)(i) NPPF.

1.5 I consider that the additional dispute over the C2 use/extra care facility as referred in paragraph 8.5 of the SoCG is addressed by the undertaking in the draft s106 which is in progress at the time of writing. Together with the NHS contribution and care packages clarified in the s106 agreement, once that section 106 agreement is finalized (which I assume it will be) the dispute over the C2 use issue falls away.

1.6 I then discuss the benefits of the appeal proposal and the weight to be attached to the benefits of the scheme, before setting out the overall planning balance and conclusion in the context of section 38(6) of the Planning and Compulsory Purchase Act, 2004 and paragraph 11 d) (i) of the NPPF.

2. SITE AND SURROUNDINGS

2.1 The appeal site comprises a former minerals and landfill site of 59 hectares in area presently of woodland and open fields, situated beyond the built-up ribbon-development edge of Nutfield Village on the north side of the A25 (High Street). The village is located about 9km to the west of Oxted and 2.7km east of Redhill. It is one of many smaller villages in the district, which is rural in character and set within a varied attractive landscape about 1.5km south of the Surrey Hills National Landscape.

2.2 The appeal site access lies next to the western A25 approach to the village from Redhill with the internal access road looping west through woodland to the proposed Integrated Retirement Community (IRC) element at the eastern end adjacent to Church Hill close to the Church of St Peter and St. Paul (Grade II* Listed Building) positioned on elevated ground and overlooking the appeal site. Additional listed buildings are present in the village close to the boundary of the site at the eastern end, including the Folly Tower (Grade II Listed) at Redwood on the High Street.

2.3 The site is traversed east to west and north to south by several public footpaths (9 in total). They are identified on the proposed Access and Movement Plan no. PL-03. For ease of reference, they are Footpath Nos. 192, 195, 568, 571, 572, 621, 622, 624 and 626.

- 24 The village has very limited services which do not cater for the day-to-day needs of the community. It has a Veterinary Practice, a flooring shop, car wash, vehicle repair garage and a nursery all clustered around the junction of the High Street and Coopers Hill Road and top end of Church Hill. There are no other services or facilities within the village of Nutfield.
- 25 The nearest convenience/grocery shop and post office is in the village of South Nutfield situated approximately 1.3km to the south from the proposed site access along Mid Street which has a segregated/disjointed path without street lighting down a steep incline in South Nutfield. The train station in South Nutfield is also further along the same route at approximately 1.7km from the proposed site entrance.

3. PLANNING HISTORY

- 3.1 Planning history is covered in the Officer Report (OR) and the Council Statement of Case (SoC) and is not repeated here.

4. FIVE YEAR HOUSING LAND SUPPLY

- 4.1 As of February 2026, the Council can demonstrate a provision of 1.97 years' worth of supply. Consequently, paragraph 11D of the NPPF is engaged. This is the Council's most recently updated Five Year Housing Land Supply position as at 1st October 2025 set out in the topic specific Statement of Common Ground (SoCG) completed in February 2026. The appellant's position is that the Council can demonstrate 0.87 years supply due to them disagreeing with the Council's position in respect of including outline planning permissions and delivery from windfall rates over the five year period to 30th September 2030. Irrespective of the difference in opinion, both parties agreed that there is an unmet housing need in Tandridge District.
- 4.2 The Council's position is that the most appropriate way of dealing with meeting housing needs is through the adoption of an up-to-date Local Plan. The Council has committed to adopting a new Local Plan as a key corporate priority with its most recent Local Development Scheme identifying completion by 2028. In the interim period before a new Local Plan is in place, the Council adopted the Interim Policy Statement for Housing Delivery (IPSHD). The purpose of the

IPSHD is to set out an interim planning policy framework that proactively encourages suitable sites to come forward that can deliver housing before the new Local Plan is adopted.

- 43 The IPSHD (CD6.7) allows for suitable sites in the Green Belt to come forward to help boost housing supply. This includes sites that were included as draft allocations in the withdrawn 'Our Local Plan 2033' where the Inspector did not raise any objections. It is also possible for other Green Belt sites that deliver housing to be considered acceptable against the IPSHD where they can demonstrate very special circumstances such as enabling development to deliver other benefits.
- 44 The IPSHD has been successful in boosting supply, which while not yet at the point where the Council can demonstrate a five year supply has significantly increased its baseline number of dwellings with planning permission from 1,464 at 31st March 2024 to 1,958 homes as at 1st October 2025. Key sites that have been delivered through application of the IPSHD are as follows:

Table 1: IPSHD Sites

Site	Capacity	Planning Status	Current Status
Land North of Plough Road, Small Field	120	Planning application 2022/1658 approved at committee on 7/12/23, referred to Secretary of State as a departure; not called in.	Permission granted by the Council
Former Shelton Sports Ground, Warlingham	150	Planning application number 2022/267 approved at committee on 7/12/23, referred to Secretary of State as a departure; not called in.	Permission granted by the Council
Land at Plough Road and Redehall Road, Smallfield	160	Application at Redehall Road for 85 dwellings 2024/1389; the site does not include does not include the northern parcel of land, hence the reduction in dwellings.	Permission granted by the Council pending completion of a s106 Agreement
Land to the West of Godstone	150	None	Awaiting an application to be submitted
Land West of Limpsfield Road, Warlingham	90	Southern part of site with the northern area granted permission and commenced construction under 2021/2178	Under construction
Land west of Red Lane	60	None	Awaiting an application to be submitted

Warren Lane Depot	50	Live application for 22 dwellings at Warren Lane – 2024/155; this site does not include the southwestern parcel of land hence the reduction in dwellings.	Application submitted and awaiting decision
Land at Green Hill Lane and Alexandra Avenue	50	Planning application under consideration for 50 homes and 72 bed care home reference 2024/1325 (land north of Chelsham Road)	Application submitted and awaiting decision
North Tandridge One Public Estate	82	None	Awaiting an application to be submitted
1 Park Lane Warlingham, Surrey, CR6 9BY	45	Planning application reference 2024/1393. 49% affordable housing	Permission granted by the Council (July 2025)
Land at Former Godstone Quarry, Godstone, RH9 8ND	140 This was not a draft Local Plan allocation but enabling development	Planning application 2022/1523 approved September 2024 with 50% affordable housing and GP surgery	Permission granted by the Council
Young Epilepsy, St Piers Lane, Lingfield, Surrey RH7 6PW	This was not a draft Local Plan allocation but enabling development	2022/1161 application for residential community comprising 152 units of accommodation	Permission granted by the Council

4.5 Table 1 shows that the IPSHD is an important framework that will enable suitable sites to come forward, including those in the Green Belt, and expected to continue to improve the Council's supply position before the Local Plan is adopted in 2028. The IPSHD is aimed at bringing more suitable land for housing forward. As such, it does not provide support for unsuitable proposals for housing such as proposed in this appeal. For the reasons set out in evidence, the appeal proposal is inappropriate development in the Green Belt there are no very special circumstances including giving due weight to the lack of a five year supply, that would justify granting of planning permission in this case.

5. STATUTORY DUTY UNDER THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990 (the Act)

5.1 Section 66 of the Act places a general duty on Council's in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Evidence presented by Deborah Gardner has addressed the

question of harm to the setting of the heritage assets. I consider the weight to be attached to the preservation of the settings of the buildings in light of her analysis below when addressing the very special circumstances test and in the planning balance section.

6. POLICY CONTEXT

6.1 The starting point for decision making is the development plan comprising, the Tandridge District Core Strategy (2008) and Tandridge Local Plan Part 2 – Detailed Policies (2014). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Paragraph 232 of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication, and that due weight should be given to them according to their degree of consistency with the Framework.

6.3 Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

Development Plan Policies

6.4 The relevant development plan policies for the purposes of this inquiry are set out in Section 6 of the Statement of Common Ground and summarized below. The emerging Tandridge Local Plan 2024-2044 is at pre-submission public consultation stage and referred to in the SoCG. It is not covered in this Proof because it carries no weight in the planning balance.

6.5 The relevant policies of the development plan as set out in the OR are: -

Tandridge District Core Strategy (CS) policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP8, CSP11, CSP12, CSP13, CSP14, CSP16, CSP17, CSP18, CSP19, CSP21 and CSP22

Tandridge Local Plan Part 2 (LPP2) – Detailed Policies - DP1, DP4, DP5, DP7, DP9, DP10, DP13, DP18, DP19, DP20, DP21 and DP22

- 66 Core Strategy housing policy CSP 2 (Housing Provision) is out of date. This does not mean other important policies can be given no weight at all in the determination of this appeal. NPPF (2024) For the purposes of decision making NPPF paragraph 232 confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication, and that due weight should be given to them according to their degree of consistency with the Framework. Accordingly, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. The CS (2008) and LP (2014) policies, which aim to protect local character, the Green Belt and heritage assets remain broadly consistent with the NPPF.
- 67 The appeal proposal conflicts with Policies **CSP18** (Character and Design), **DP7** (General Policy for New development), **DP10** (Green Belt), **DP13** (Buildings in the Green Belt) **and DP20** (Heritage Assets). Conflict with policies CSP18 and DP7 are identified in the officer's report (OR). While this is an area of dispute identified in the SoCG, it is acknowledged that character and appearance did not form a reason for refusal in its own right. The issue is explained further below. The proposal also conflicts with **CSP1** (which directs development towards Tier 1 settlements) and **DP1** (which reflects the presumption in favour of sustainable development set out in the NPPF).

National Policy

- 68 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking, this means that unless material considerations indicate otherwise,
- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *“where there are no relevant development plan policies or the policies*

which are most important for determining the application, are out-of-date granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable location, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination should be restricted”*

6.9 Footnote 7 to paragraph 11 elaborates that “*protected areas or assets of particular importance*” relate to : “*For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*”

6.10 I acknowledge that given that relevant policies for the supply of housing in the development plan are deemed ‘out to date’ insofar as the 5YHLS is 2.17 years and Footnote 8 of paragraph 11 d) is engaged. However, paragraph 11 d) ii) sets out the appropriate planning balance to be taken into account in the consideration of this appeal, such that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies indicate that development should be restricted.

6.11 The following sections of the NPPF are of particular relevance:

- Section 12: Achieving well-designed places.
- Section 13: Protecting Green Belt land.
- Section 16: Conserving and enhancing the historic environment.

6.12 Relevant paragraphs in Section 12 and 13 are discussed further below in the

key issue. Section 16 paragraph 212 requires that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm to its significance. Paragraph 215 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Planning Policy Guidance

- 6.13 On 27th February 2025, the National Planning Policy Guidance on the Green Belt was updated to align with the NPPF 2024. It is a material consideration in assessing the appeal proposal.

Local Supplementary Planning Guidance & Other Guidance

- 6.14 The relevant supplementary planning documents and local guidance which support the above policies and provide further detailed evidence base on the issue and housing need/housing land supply are listed in the Core Documents list and not repeated here.

7. THE MAIN ISSUES

7.1 The reasons for refusal are: -

Refusal reason 1

The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and harm to the visual amenities of the Green Belt. The proposal would not comply with the requirements of paragraphs 155 and 156 of the National Planning Policy Framework (2024) as the development would not be in a sustainable location and necessary improvements would not be made to local infrastructure to cater for the needs of the occupiers of the new development. No very special circumstances exist, either individually or cumulatively, to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies and the provisions of the National Planning Policy Framework (2024) as a whole.

Refusal reason 2

The proposed development would result in less than substantial harm to the heritage significance of St Peter and St Paul's Church and the Folly at Redwood, as defined in paragraph 215 of the NPPF. No heritage or public benefits have been demonstrated as part of this application to outweigh such harm given the unsustainable location of the proposed development. The proposal would therefore be contrary to the provisions Policy DP20 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014) and the provisions of the National Planning Policy Framework 2024.

7.2 As identified by the Inspector at the CMC the main issues are:

(a) Whether the proposed development would constitute inappropriate development in the Green Belt in terms of whether it would fail to comply with the requirements set out in NPPF paragraphs 155 & 156, specifically whether it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across Tandridge and whether it would be in a sustainable location or one which could be made sustainable.

(b) The extent of the development's (the Integrated Retirement Community's) 'less than substantial harm' on the setting and consequently overall significance of the Grade II* St Peter & St Paul's Church and the Grade II Folly at Redwood as expressed on the customary scale for such, and whether such harm would be outweighed by the scheme's benefits.

(c) Whether it would result in any other harm.

(d) The weight to be attached to any harm resulting from the development (as set out above) and to its benefits, leading to the planning balance, when assessed against the balance in NPPF paragraph 11 d).

7.3 I consider those issues in the sections below, but have considered them in the following order and broken down into the following specific issues:

- Firstly, whether the scheme considers inappropriate development, including the question of whether the site is “Grey Belt” (Section 8) and whether the development would fundamentally undermine the purposes of the remaining Green Belt (this set out in Section 9)
- I then consider other harms that the proposal gives rise to, including harm to the character and appearance of the area and heritage harm (Section 9) and heritage harm (Section 10)
- I then consider whether or not there are very special circumstances for the purposes of section 153 NPPF (Section 11)
- I then consider the overall planning balance

8. SECTION 8: WHETHER THE SCHEME COMPRISES INAPPROPRIATE DEVELOPMENT UNDER PARAGRAPH 153 OF THE NPPF AND DP10 OF THE LOCAL PLAN AND THE TEST UNDER PARAGRAPH 155

8.1 The NPPF 2024 supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence.

8.2 Paragraph 153 of the NPPF states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any

harm to the Green Belt, including harm to its openness (*Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate*). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

- 83 Policy DP10 of the Local Plan reflects paragraphs 152-160 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be granted where very special circumstances can be demonstrated to outweigh the harm by reason of inappropriateness and any other harm identified.
- 84 Policy DP13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Policy DP13 sets out the exceptions to this, one of which (Part G) is the limited infilling or the partial or complete redevelopment of previously developed (brownfield) sites in the Green Belt, whether redundant or in continuing use (excluding temporary buildings), where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The application site comprises of "*land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures*" and therefore does not constitute previously developed land under the terms of the NPPF.
- 85 Paragraph 155 sets out that 'the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
- a The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. There is a demonstrable unmet need for the type of development proposed*

c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework*

d. *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

(1) Is the site grey belt?

86 The first key question that this proposal gives rise to is whether the site is “grey belt” for the purposes of paragraph 155 of the NPPF.

87 Grey Belt is defined within the NPPF Annex 2 glossary as “*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*”

88 The assessment of the site and whether it is Grey Belt land in terms of paragraph 143 (a), (b) and (d) and the definitional test under NPPF Annex 2 is covered in the OR. It is accepted that the proposal is Grey Belt for the reasons set out in the OR.

(2) Would the development fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan

89 Paragraph 155 indicates that the development of homes in the Green Belt should also not be regarded as inappropriate where all of the following apply:

a *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*

8.10 In terms of approach, the findings of an Inspector in a recent appeal (APP/X0415/W/25/3360406) in Wymers Wood Road, Burnham attached in appendix 3 is considered relevant. In that case the Inspector indicated that:

19. I have already found that the appeal site does not strongly contribute to purposes (a), (b), or (d) in Paragraph 143 of the Framework. As the appeal site is not urban land, Green Belt purpose (e), which seeks to assist in urban regeneration by encouraging

the recycling of derelict and other urban land, is not a determinative matter in the appeal.

20. The site is devoid of development except for fencing and a gate. The lack of built form on the site and its open nature comprising grass, bushes and trees results in it having a rural feel and an openness that are characteristic of the countryside. Although relatively small in size, the presence of the site amongst the large residential properties that surround it contributes positively to the rural character and tranquility of this area of the countryside. As such, the proposal would result in encroachment of development into the countryside, which conflicts with Green Belt purpose (c).

21. Whilst the proposal would utilise 'grey belt' land, it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal does not, therefore, meet all of Framework Paragraph 155's required criteria (a), (b), (c) and (d), so fails to meet Paragraph 155 overall.

- 8.11 It is notable that the Inspector in that appeal found that the purposes taken together of the remaining green belt would be fundamentally undermined, even though the site did not strongly contribute to purposes (a) (b) or (d). I accept that each case has to be determined on its own merits, but there is no reason why the same approach in principle could not be adopted here (and I note this site is much more extensive in terms of its site area – 7 hectares compared to 0.13 hectare – and therefore the impact of the encroachment of development into the countryside would be more significant)
- 8.12 As directed by Paragraph 143 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open including safeguarding the countryside from encroachment. The site forms a part of the wider Green Belt defined by its openness and countryside character.
- 8.13 The most recent assessment of Green Belt relevant to the appeal site was undertaken by the Council in its 2015 study. The site formed part of Parcel GBA28, which was observed to comprise (outside of Nutfield and South Nutfield) mainly open countryside alongside some isolated buildings. The conclusion on purpose (c) was that the parcel is generally considered to play a strong role in assisting in safeguarding countryside from encroachment. The developed parts of Nutfield and South Nutfield were identified for further investigation in the Green Belt Assessment (GBA) where it was identified there

was a case for inseting these from the Green Belt. The appeal site was not identified as having any potential for development in the GBA.

8.14 On this basis, given the strong role the GB plays in the wider area beyond the immediate appeal site, the development of this site would fundamentally undermine the purpose of the remaining Green Belt across the area of the plan.

8.15 I disagree with what the Appellant has asserted so far in respect of Green Belt purpose (c) in its Statement of Case at paragraphs 5.13 – 5.15. I disagree in particular with the characterisation of the site as not being “countryside.” Whilst it is not open farmland that is not the test. The site has been regenerated, and the previous Fuller’s earth works have been restored back to countryside. I therefore disagree that there would be a very limited effect on encroaching the countryside. I also disagree that the “changes would be barely perceptible across the wider Green Belt within the plan area.”

8.16 I note that paragraph 64-008-202502225 of the PPG states that:

“In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way”

8.17 I acknowledge that the test is whether or not the loss of this Green Belt land would undermine the role of the remaining Green Belt across the area of the plan, and this is not met simply by the loss of the particular appeal site and the encroachment that results. However, the appeal proposal forms part of a wider parcel of land whose purpose of preventing encroachment is clear. It would seriously affect the ability of the remaining Green Belt in this area (particularly to the north) to prevent encroachment by reducing and weakening the role of the Green Belt in preventing encroachment in this area. In my view the effect would result in a significant adverse impact on the aims and purposes of Green Belt in the rest of the plan area and in particular the purpose of preventing encroachment.

(3) Is the site in a sustainable location for the purposes of paragraph 155(c) NPPF?

8.18 In terms of paragraph 155 (c) with particular reference to paragraphs 110 and

115 of the NPPF it is my view on the site is not in a sustainable location for the reasons set out below.

8.19 Paragraph 110 states that:

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.” (emphasis added)

8.20 Paragraph 115 states that

“15. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”

8.21 Paragraph 117 is also considered to be relevant and states that:

117. Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between

pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

(1) The limited range of services at Nutfield and South Nutfield and their distance to the appeal site

- 822 As I have set out in the OR, Nutfield is a very small village with a population of around 300 people. It has a very limited range of existing services comprising a community centre, a jeweller, a veterinary surgery, a flooring shop, a public house and a garage (mechanic, tyre sales and hand car wash). There are no rail stations, schools, doctors or dentist facilities in the village, or a local convenience/corner shop for everyday essentials.
- 823 Although an infant's school and railway station (and corner shop) in South Nutfield are potentially within walking distances of 1.45km and 1.85km respectively of the appeal site, this does not take into account the actual topography and quality of the route from the appeal proposal. The steep hill and disjointed unlit footpath on Mid Street that would need to be climbed between South Nutfield and Nutfield is not conducive for parents with children or elderly people. I consider this in more detail below when looking at walking distances to these services.
- 824 I also note that the settlement hierarchy work that was undertaken for the now withdrawn Local Plan placed Nutfield in the lowest ranked tier (Tier 4 – Limited and unserved settlements). I accept that the plan was withdrawn but nonetheless I consider it relevant (and attach weight to) the fact that the analysis and evidence which supported emerging local plan concluded that Nutfield was ranked in this lowest category in the settlement hierarchy.
- 825 I also consider that scale of the development proposed would be out of proportion with the already limited services available in the village and in South Nutfield. The proposed development would in effect double the size of the village in terms of both housing and population, meaning that a significant number of future occupiers of the appeal proposal would rely on their vehicles to get to services elsewhere beyond both Nutfield and South Nutfield.

(2) *The distances and quality of the walking route to South Nutfield*

- 826 The journey on foot to the nearest corner shop for a pint of milk at Holborn's in South Nutfield at a distance of 1.55km from the site would present similar challenges to the ones I have outlined above when accessing the school at South Nutfield and would be a deterrent to walking in my view. This is particularly as the footpath down to South Nutfield are largely unlit and relatively narrow. The accessibility constraints for pedestrians to South Nutfield on this route are plain to see.
- 827 The Appellant refers to walking distances of up to 2km, and the fact that the nearest corner shop and post office (Holborn's in South Nutfield) is located 1.55km to the south via Mid Street. However, the pedestrian route is down a steep incline with a gradient of approximately 1:10 along a disparate unlit walkway segregated from the road in large part until the village edge of South Nutfield is reached approximately 500m to the south. To climb back up to Nutfield and the appeal site after purchasing essential everyday goods (e.g a pint of milk) is not realistic for elderly residents of the IRC or mothers with prams at the distances involved.

Guidance on walking distances

- 828 I set out below what I consider to be some relevant guidance and relevant appeal decisions on walking distances which in my view are relevant to understanding whether or not the appeal site is reasonably accessible to local services on foot.
- 829 Accessibility is defined in the National Design Guide 2021 (CD5.24, Para.74) as the "*The ability of people to move around an area and reach places and facilities, including older and disabled people, those with young children and those carrying luggage or shopping*". Walkable is defined as "*Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius)*".
- 830 Paragraph 4.4 of the DfT Manual for Streets 2007 (CD5.23) also refers to the concept of 'walkable neighbourhoods' which are "*typically characterised by*

having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot”.

8.31 The importance of locational accessibility to goods and services is borne out by recent appeal decision attached in appendix 4 (APP/J0405/W/25/3363581) in Wellington Place, Cooks Wharf, Bucks where the Inspector took the view on the issue of ‘suitable location’ in a rural area for 9 dwellings in paragraph 7 of the decision that *“the nearest shops and schools are located in Cheddington and Pitstone. These lie further than the typical 800m walking distances outlined in Planning for Walking (ICHT 2015)”*. (see CD5.25). The Inspector concluded in paragraph 16 that *“the combination of safety concerns, the limited bus service, and the distance to daily facilities, would create a very high dependence on the use of private cars by new residents. Residents would be unable to safely access any facilities on foot, and those with mobility issues would be significantly disadvantaged. Overall, I find the appeal site is not in a sustainable or suitable location for housing.....”*

8.32 The same Planning for Walking ICHT 2015 document referred to (CD5.25) clarifies in paragraph 6.3 that *“Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods” with a typical catchment of around 800m or 10 minutes walk”*. The ICHT publication cites the DETR publication ‘Encouraging Walking’ (DETR 2000) which says:- *“Land use planning is the most important long term solution to both our strategic and practical transport needs. Integrated planning reduces the need for travel and makes jobs and services easily accessible to all. We cannot emphasise enough the importance of this aim for planners. We need to change the way we plan and put greater emphasis on enabling access by walking, as well as cycling and public transport”* (Para. 3.4 of CD5.26).

8.33 In addition, the draft consultation ‘Design and Place Making Planning Practice Guidance’ published on 21st January 2026 (CD5.22) is relevant. I acknowledge it currently carries limited weight, but nonetheless it is a material consideration. In any event I note that the guidance may well be adopted by the time the decision is made on this appeal with the closing date of the public consultation being 10th March 2026. Attention is drawn to the concept of ‘livability’ in paragraph 22 of the documents summarizing the components that determine

the quality of life. 'Livable places provide access to jobs, local services and facilities and activities for all'. Creating livable places is to prioritize *proximity* to public transport and community infrastructure (para. 23). In terms of movement paragraph 113 (of CD5.22) acknowledge that 'people are usually prepared to walk up to 10 minutes (800m) to a railway station and up to 5 minutes (400m) to a bus stop, but this is significantly influenced by the following: -

- Nature and quality of the public transport service
- Attractiveness of the walk and how safe it feels
- Gradient of the route
- Quality of the stop (including provision of shelters and benches); and
- Total length of the journey

Design Code M1i on page 107-108 sets out the same 800m catchment to access local services and community facilities for walking and wheeling. The site would not comply with this.

8.34 These guidance documents and appeal decision all indicate that the site would be located too far away on foot from the already limited services located in South Nutfield.

(3) Relevant appeal decisions on sustainability and access to day-to-day facilities and services

8.35 I set out below some appeal recent appeal decisions which make it clear (in the context of sustainability) importance of being able to access services without reliance on the private car.

8.36 In recent appeal decision (APP/C1625/W/25/3365253) in appendix 1 in Westminster Lane in Frampton-on-Severn the Inspector considered the proposed development of 80 dwellings would be inconsistent with the scale and function of the settlement of the lower tier settlement. Even with a GP surgery, primary school, village shop, post office, public houses and sports club noted in the village, the Inspector considered in para. 23 that the "*proposal's residents would not be able to easily access strategic services and facilities outside the village without relying on the private car*". And concluded in para. 24 that "*the proposal would not be consistent with the scale and function of the settlement*".

8.37 Another recent appeal decision (APP/T2405/W/25/3369148) in appendix 2 in Leicester Road, Sharnford for 134 dwellings (including 43 affordable housing units and 16 self-build plots) grappled with the sole issue of sustainable location. Not dissimilar to Nutfield, Sharnford has ‘extremely limited services and facilities,’ comprising a school, public house, play areas and a car garage. The Inspector noted in paragraph 10 that “*facilities for day-to-day living and convenience are not available within the village itself, with residents instead needing to travel to other nearby settlements*”. The Inspector also noted in paragraph 13 that “*non-car routes from the appeal site to day-to-day facilities and services in other nearby settlements are available. There is a relatively dense network of public rights of way, as well as scheduled and on-demand bus service.....However whilst they are available, I do not consider they offer a realistic alternative to the private car.*” The appeal was dismissed on the basis the proposal is not in a sustainable location.

8.38 In terms of the appeal proposal, there are even less services available within walking distance of the appeal site. I accept that each case turns on its own merits, but the appeal decisions above indicate that the key question is whether there is a realistic alternative to the private car, and not merely the question as to whether or not there is reasonable access to public transport.

8.39 For all these reasons I do not consider that there is a suitable range of day-to-day facilities within walking distance of the appeal proposal and therefore the site is not in a sustainable location.

(4) The accessibility of the site to public transport and cycling routes and whether the site can be made sustainable

8.40 The PPG advises that when considering Paragraph 155 (c) of the NPPF (i.e. “*whether the development would be in a sustainable location*”) it is necessary to consider whether a site can be made sustainable. In this regard, it is noted that the applicant proposes to make improvements to provide safe pedestrian access to local bus stops on the High Street (A25) and connections to the SUSTRAN21 cycle route to the north of the site to access Redhill. It is notable, however, that the proposed transport improvements are only focused (apart from the provision of pedestrian crossings on the A25) on getting people to the larger settlements elsewhere such as Redhill. They do nothing to address the inherent unsustainability of the site as a result of the lack of reasonable services

within walking distance.

- 841 I acknowledge the County Highway Authority (CHA) are no longer objecting because of the significant contribution towards DDRT and public transport services. However, I note the CHA have commented that *'it remains the case that this is not an ideal location for this type and scale of development proposed in transport terms, particularly with the diffuse nature of the proposed site layout.'* CHA have acknowledged that if the public transport enhancement measures are secured through the contribution of £4million there would be some material benefits to the highway and public transport improvements. However, whilst it is acknowledged therefore that there is reasonable access to public transport, access to public transport is not the only determinant of whether a site is sustainable.
- 842 Collated survey evidence also attached in appendix 5 shows that the majority of commuting and travel patterns in rural Surrey and particularly in north Tandridge are heavily reliant on the private car even with the existence of local bus routes to nearest service centres. This situation in my view is likely to remain unchanged for future residents of the proposed development.
- 843 It is also unclear in any event whether the proposed sustainable transport contribution will be sufficient to be effective for the lifetime of development in terms of providing sufficient subsidy for residents, or if there would still be a requirement for residents to pay for bus services once it runs out.
- 844 I also note that despite the proposed improvements to local footpaths connecting to the Sustrans21 cycle network to Redhill along the northern boundary of the site this would be a convoluted route for all but the most enthusiastic cyclists. The A25 direct route to Redhill is a hostile and unsafe environment along the A25 without lighting or footways which would deter all but the hardy cyclists and pedestrians to achieve the modal shift advanced by the appellant, and in any event any such shift in my view is likely to be confined to summer months. This affects the weight to be attached to any benefit that improved cycleways might deliver (which is addressed below under planning balance).
- 845 In conclusion therefore whilst it may well be the case that the site has (and would have) reasonable levels of access to public transport, that is not the only

question when addressing the sustainability of the site in locational terms. The question of whether there is a reasonable level of access to local day-to-day services on foot remains relevant.

846 In summary, my view remains that even with the public transport measures proposed by the appellant, future occupiers of the site are still likely to use their car to access nearby local services in South Nutfield, Bletchingley and Redhill.

847 Therefore, I do not consider that the proposal could or would be made sustainable by the proposed transport improvements. This results in conflict with NPPF 110 and 115, because the proposal is not focused on a location which are or can be made sustainable, through limiting the need to travel, nor, in the fact that there would be continued reliance on the private car, does it prioritise sustainable transport modes.

Conclusion on whether the appeal proposal is in a sustainable location

848 For all the reasons above, it is my view that notwithstanding the improvements to public transport accessibility measures, this will not change the overall status of Nutfield village as a limited and unserved settlement resulting in increased travel by car from the occupiers of the appeal proposal to larger service centers such as Redhill 3km to the west.

849 I therefore maintain that the appeal site is an unsustainable location. This is relevant not only to the question of “inappropriate development” under paragraph 155(c), but is also relevant when considering “any other harm” for the purposes of the VSC test.

(5) Are the Golden Rules met for the purposes of paragraph 155(d)?

850 With respect to paragraph 155 (d) and the issue of ‘Golden Rules’ compliance, I set out in the OR that while affordable housing provision would be provided and the proposal would therefore meet para. 156 (a), I do not consider that for the purposes of section 156 (b) of the NPPF, “*necessary improvements to local and national infrastructure*” are being made for the reason set out in the OR, namely that:-

Whilst the improvements to local walking, cycling and public transport infrastructure detailed in the application are acknowledged and welcomed it is still considered that these fall far short of what would be necessary to make the

application proposal sustainable. Vague commitments have been made provide 1,500 square metres of Use Class E (e) - Commercial, business and service for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, and F2 - Local Community: Use as (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where: (i) the shop's premises cover an area not more than 280 metres square, and (ii) there is no other such facility within 1000 metre radius of the shop's location, (b) a hall or meeting place for the principal use of the local community, (c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms, (d) an indoor or outdoor swimming pool or skating rink - floorspace as part of the proposed 'Integrated Retirement Community' but it has not been made clear whether any such facilities would be available for local residents not living in the 'Integrated Retirement Community' or not and on what basis.

851 I remain of that view.

Conclusion on the question of inappropriate development

852 My overall conclusion for the reasons set out above is that I do not consider the appeal proposal meets the requirements of NPPF paragraphs 155 and 156. The proposal although Grey Belt would therefore still constitute inappropriate development. It is therefore necessary to consider in paragraph 153 of the NPPF whether there are 'very special circumstances' to outweigh the Green Belt harm and any other harm. I consider that in the following sections, but before doing so I set out the other harms that I consider the proposal will give rise to.

9. HARM TO CHARACTER AND APPEARANCE OF THE AREA INCLUDING VISUAL HARM

9.1 In this section I consider the harm to the character and appearance of the area and the visual harm that the proposal would give rise. The assessment on character and appearance is set out in the OR at Section 19. The Council clarified on 16 January that its concerns in relation to the impact on character and appearance of the area and visual impact related to two particular matters:

- Harm to users of Nutfield footpaths. The proposal would give rise to visual harm to the users of these footpaths as a result of the introduction of built form and loss of views of the open countryside from certain locations”
- Harm to character and appearance of the area. This is harm in terms of (a) impact on townscape and landscape as the introduction of built development of this scale is out of scale to the village of Nutfield and detrimental to its character as a village, and (b) in the loss of woodland which would be detrimental in both landscape and visual terms.

9.2 It is acknowledged that the appeal proposal is for outline planning permission with access being the only matter for detailed consideration. However, the submitted documents in respect of access and layout, and the illustrative masterplan provide sufficient information for an assessment to be made in respect of the impact of the development on the character and appearance of the site and wider area.

Impact on townscape and landscape

9.3 As shown on the submitted Illustrative Masterplan, the application proposes the provision of three areas of newly built development. To the western side of the site, it is proposed to provide a new residential development, identified as ‘Green Park West.’ This component would have a frontage to the A25 with a width of around 270 metres and would extend back into the site to the north by around 290 metres. This area of development would be located to the west of Parkwood Road and would occupy an area of existing woodland.

9.4 Further to the east, to the rear of the Memorial Hall and Sports Pitch, it is proposed to provide another area of residential development, identified as ‘Park

Wood Hamlet'. This area of development would have a width of around 145 metres and a depth of 137 metres.

95 Further to the east toward the eastern boundary of the site and to the rear of Shortacres and Hunters Gate, it is intended to provide the Integrated Retirement Community ("IRC") that would provide a Care Home facility, retirement living accommodation and some commercial floor space. This component would have a width of around 188 metres and a depth of 154 metres. The design of the IRC itself is not in contention.

96 However, I have concerns (as set out in the OR) in respect of the significant scale and spread of the development and how it would relate to the existing character of Nutfield. The pattern of the existing development form in the settlement is sporadic and primarily linear along the High Street/Bletchingley Road (A25) and Church Hill/Cooper's Hill Road, demonstrating the gradual evolution of Nutfield from an agricultural village that was mentioned in the Domesday Book, through the industrial phase associated with the extraction of fullers earth from the 18th century, and through limited generally small modern housing developments, such as Parkwood Road and Park Works Road. The submitted Masterplan seeks to provide a significant number of new dwellings accessed via new access routes which would push the village envelope further to the west and north into open countryside and woodland.

97 This approach would significantly increase the extent of the village and in my view would cause significant harm to the current village character of Nutfield by changing the pattern of development in a manner that would not integrate effectively with its surroundings.

Loss of woodland

98 The proposal would also result in the substantial reduction of woodland toward the eastern entrance to the settlement. There would also be a significant amount of tree loss within the site. The appellant's Arboricultural Assessment Part 1 (CD1.4) Table 2 (para. 5.2 on page 14) acknowledge that 60 trees/groups of trees are being removed to accommodate the development. The loss of an established woodland and its replacement with built form would in my view result in significant visual harm to the verdant and sylvan character

of the area. The wooded nature of the area also forms part of its landscape character, and I also think it would give rise to landscape harm.

Visual harm to users of the footpaths

- 9.9 The site is also traversed by a number of public footpaths through the woodland and surrounding open countryside. Overlaying build development across existing public footpaths would make it highly visually intrusive and dominant to the extent that it would detract in a visual sense from the character and appearance of the area. Visual harm is identified to the users of the existing footpaths, particularly Footpaths 568, 171 and 192 dissected by the development.
- 9.10 In short, the scale of the development would be harmful to the compact linear character and appearance of the village which would be apparent in views from the A25, Church Hill and extensive public rights of way network.
- 9.11 I acknowledge that the extent of the harm identified has not formed a reason for refusal and that in the OR it did not lead to a conclusion that the breach of CSP18 and DP7 was sufficient to justify refusal in its own right. But nevertheless, there is some conflict with those policies as a result of the impacts I have identified above, in the following key respects:
- DP7 refers to “*Development should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character*”. It also refers to proposals which would “*respect and contribute to the distinctive character, appearance and amenity of the area*”. I do not consider that this would be achieved by this proposal.
 - CSP18 refers to new development needing to “*reflect and respect the character, setting and local context*” and also refers to the need to have regard to the retaining important trees or groups of trees.
- 9.12 The impact on the character and appearance is a material harm which in my view should be weighed in the planning balance and in particular in assessing whether or not there are very special circumstances, as it falls within “any other harm” under paragraph 153 NPPF.

10. HERITAGE IMPACTS

10.1 Refusal reason 2 focuses on the harm to heritage assets described in the OR and conflict with Policy DP20. Namely the Grade II* Listed Church of St Peter and St Paul and the Grade II Listed Folly Tower within proximity to the development site.

10.2 Deborah Gardner concludes in Section 5 of her assessment on heritage harm that: -

“5.2 Harm would be caused to the setting of the listed buildings of the Folly and St Peter and St Paul’s church and under paragraph 212 of the NPPF, any level of harm must be given considerable weight in the decision-making process. In my deliberation of the scheme presented to me, I have determined that the harm arising, which is deemed to be low to moderate of the ‘less than substantial’ spectrum, will be permanent and irreversible.

5.3 Given the clear negative aspects of the proposed development, and the failure to meet the requirements of s66 of the PLBCAA, the NPPF, and Tandridge District Council’s Local Plan, I conclude that based on the consideration of setting and its importance, the appeal proposal causes unacceptable levels of harm to the significance of the heritage assets, and that in the case of The Folly will result in the comprehensive loss of the last remaining historic association to the rural woodland setting.”

10.3 I defer to the assessment by Deborah Gardner’s on the question of the degree of harm to the setting of the listed buildings identified in her evidence. She attributes the harm to be at a low to moderate level of ‘less than substantial harm’ to the significance of the assets and so I have assumed that degree of harm in my evidence.

10.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This creates a statutory presumption in favour of preservation and therefore I consider that considerable importance

and weight should be attributed to the less than substantial harm identified by Ms Gardner. I consider this further below in the planning balance section and when considering whether or not VSC exists.

Heritage balance under paragraph 215 NPPF

- 105 In terms of the heritage balance set out in paragraph 215 of the NPPF, based on the assessment of harm set out in Ms Gardner's proof of evidence, the public benefits of the appeal proposal (which I have set out below when considering the question of whether or not there are very special circumstances) are not considered by me to outweigh the harm nor are they overriding when considering the duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act.
- 106 In summary, based on Ms Gardner's analysis, I consider that the proposal would conflict development plan policy DP20 concerning heritage assets because they do not protect, preserve and wherever possible enhance the historic interest of the heritage assets identified by Ms Gardner. Full weight should be attached to DP20, which is consistent with national policy set out in the NPPF regarding conservation of such assets. The proposal would also conflict with those policies and in particular paragraphs 212 and 215 of the NPPF.

11. ARE THERE VERY SPECIAL CIRCUMSTANCES?

- 11.1 Paragraph 153 states that 'very special circumstances' ("VSC") 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.
- 11.2 The VSC put forward by the appellant at application stage was considered in the OR (paras 29.1 to 29.17 refers to VSC). I concluded that while weight can be attributed to various benefits of the appeal scheme advanced by the Appeal, I did not consider that they amount to VSC. I remain of that view for the reasons set out below.

Harm by reason of inappropriateness and any other harm

113 I first set out below all the harms I consider that the proposal gives rise to, before considering whether or not any of the considerations advanced by the Appellant clearly outweigh them.

- Harm by reason of inappropriateness. For the reasons set out above there is harm by definition due to the proposal constituting inappropriate development. Paragraph 153 of the NPPF indicates that substantial weight should be given to any harm to the Green Belt, including harm to its openness.
- Harm to openness. The development would encroach into the countryside and would significantly impact the openness of the Green Belt both in a spatial sense and in a visual sense. I fully acknowledge that the site does not strongly contribute to GB purposes (a), (b) and (d), but nonetheless I consider that the GB in this location does strongly assist in safeguarding the countryside from encroachment (Green Belt Purpose (c)). In my view there would be significant harm to openness caused by this proposal, and I attach substantial weight to this.
- The less than substantial harm to the setting of the designated heritage assets (this is considered in more detail below). I acknowledge that the harm to the setting of the listed building is not sufficient to constitute a strong reason for refusing development (since it is accepted that this site is considered Grey Belt and the definition of Grey Belt 'excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development). However, nonetheless I still consider that substantial weight can and should still be attached to the degree of harm identified by Ms Gardner in her proof of evidence.
- Harm in terms of visual impact on the character of the area (as set above). I attach moderate weight to this.
- Harm in terms of the site's unsustainable location. I attach significant

weight to this.

The benefits of the scheme relied on by the Appellant as VSC

11.4 The Appellant in its SoC 5.81 the following considerations which it considers amount to a combination of benefits which clearly and demonstrably outweigh the harm the proposal would cause. I set out below each of those benefits listed at Appendix 2 and the weight I attach to those:

- **Market housing delivery.** I fully acknowledge the need for housing in the Tandridge Area and the lack of five-year supply. I attach significant weight to the benefit in providing much needed homes.
- **Affordable homes.** I attach significant weight to the benefit in the delivery of affordable housing that this proposal would achieve.
- **Care provision.** I acknowledge that there is a need for nursing care beds in this area. In the Council's Statement of Case only limited weight was attached to this benefit as the operation of the care home element of the proposal was unclear (and the extent to which they would be operated as C2 units). This issue has been clarified, and I attach significant weight to the delivery of 70 care home beds and 41 extra care home units.
- **Sustainable transport investment.** I acknowledge the significant financial payment offered by the Appellant. Subject to this being found to be CIL Regulation 122 compliant (which is still unclear), I attach limited weight to this benefit. I do not ascribe more than that as I consider that the modal shift will not be particularly significant.
- **Self build housing.** I note that 8 plots would be provided. I attach moderate weight to this benefit.
- **“Major” environmental gains.** I would not describe the environmental gains as major. However, I acknowledge that the proposal would bring a 22% increase in Biodiversity Net Gain and consider that this would be a limited benefit.
- **“Compliance with the Golden Rules”.** In my view compliance with the Golden Rules is not in and of itself a benefit. It is a policy requirement which

a Grey Belt proposal would have to satisfy in order to be considered appropriate development. I do not consider that there is compliance but in any event taking into account alleged compliance in this way would constitute a form of double counting.

- **Improved pedestrian and cycle routes.** I attach moderate weight to this benefit. For the reasons set out above I do not think that the improvements will in reality lead to a significant modal shift away from the car for the residents of Nutfield when accessing Redhill.
- **Employment.** I attach moderate weight to the creation of employment in the IRC.
- **Flexible floorspace.** I attach moderate weight to this benefit.

Conclusion on VSC

11.5 In summary, I do not consider that the benefits advanced above (either taken by themselves or in combination) clearly outweigh the harm that the proposal would cause. Therefore, I do not think that very special circumstances exist for the purpose of paragraph 153 of the NPPF

12 OVERALL PLANNING BALANCE AND CONCLUSION

12.1 In this section I consider the planning balance pursuant to section 38(6) PCPA 2004 (as amended).

12.2 In summary the proposal conflicts with the following development plan policies (I have summarized broadly the issues which those policies deal with):

- CSP1 and DP1 (relating to location of development and sustainable development)
- DP10 and DP13 (relating to Green Belt)
- CSP18 and DP7 relating to character and appearance of the appearance)

- DP20 (relating to heritage assets)

12.3 CSP1 in summary directs proposals to Category 1 and in certain Category 2 settlements). This proposal is not located in such settlements and so there is conflict with this policy. I accept however that limited weight should be placed on the conflict with policy CSP1 due to the lack of 5YLS. I do not consider that no weight at all should be placed on it, because the purpose of the policy is ultimately to direct development towards sustainable locations and in particular larger settlements.

12.4 DP1 applies the presumption of sustainable development and reflects the provisions in the NPPF and in particular the presumption in favour of sustainable development set out at paragraph 11 (although it does not repeat verbatim the same test under paragraph 11). I therefore consider that full weight should be attached to it. Therefore, if the Inspector considers that there is a strong reason for refusal pursuant to paragraph 11(d)(i) of the NPPF, this proposal would also conflict with Policy DP1.

12.5 Substantial weight should however also be attached to the other conflicts with the other local plan policies (in particular DP 10, 13 and 20), which are consistent with the NPPF and therefore attract full weight. On this basis in my view the proposal would conflict with the development plan as a whole.

Other material considerations

12.6 The appeal proposal would also conflict with a number of policies set out in the NPPF. It would result in inappropriate development in the Green Belt, and the applicant has failed to demonstrate 'very special circumstances'. Pursuant to paragraph 152 of the NPPF substantial weight should be attached to the harm to the Green Belt which this proposal gives issue.

12.7 The proposal is also considered to result in less than substantial harm to designated heritage assets which is not outweighed by the benefits of the scheme for the purposes of paragraph 215 NPPF and the "internal heritage balance". Whilst the impact would be at the lower to moderate end of less than substantial harm it is still a material consideration and should be given great weight in line with paragraph 212 of the NPPF. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires decision makers to have special

regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This proposal does not preserve the settings of the two heritage assets in question and the proposal's benefits do not override that statutory presumption.

The titled balance under paragraph 11(d) of the NPPF

12.8 Paragraph 11 (d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

12.9 I acknowledge that since the Council is not able to demonstrate a 5 year land supply, paragraph 11(d) is engaged.

12.10 However, I consider that the application of the policies in the Framework protecting Green Belt (referred to in Footnote 7) provides a strong reason for refusing the development proposed. The proposal constitutes inappropriate development in the Green Belt and very special circumstances do not exist. It results in both harm by definition and substantive harm to openness, to which substantial weight should be attached. This clearly in my view constitutes a strong reason for refusal for the purposes of paragraph 11(d)(i).

12.11 I also acknowledge the benefits of the appeal scheme as material considerations and have set out those out above and the weight I have afforded them.

Conclusion on the planning balance

12.12 In summary, I consider that the proposal would conflict with the development

plan policies set out above and that substantial weight should be attached to those conflicts. I consider that the proposal would conflict with the development plan as a whole. The scheme would also conflict with the NPPF and its provisions relating to Green Belt and conserving and enhancing the historic environment.

12.13 I have considered the benefits of the scheme (outlined above), but I do not consider that there are material considerations which outweigh the conflict with the development plan as a whole.

12.14 For the above reasons, I consider that permission should be refused.

APPENDICES

1. Appeal decision – APP/C1625/W/25/3365253 - Land at Whitminster Lane, Frampton-on-Severn, Gloucestershire GL2 7HP, 8th December 2025.
2. Appeal decision – APP/T2405/W/25/3369148 - Land to the north of Leicester Road, Sharnford LE10 3BD, 19th January 2026.
- 3 Appeal decision - APP/X0415/W/25/3360406 - Land to the east of Wymers Wood Road, Burnham, Buckinghamshire SL1 8LQ – 16th September 2025.
- 4 Appeal Decision - APP/J0405/W/25/3363581 - Land Adjacent to the Duke of Wellington, Wellington Place, Cooks Wharf, Buckinghamshire LU7 9AD – 6th October 2025
- 5 Collated Data of Travel Patterns in Surrey and Tandridge – February 2026
6. Travel Time Accessibility to Goods and Services – February 2026



Appeal Decision

Inquiry held on 10 – 12 September 2025 and 16 - 17 September 2025

Unaccompanied site visits made on 9, 17 and 18 September 2025

by **C Coyne BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/C1625/W/25/3365253

Land at Whitminster Lane, Frampton-on-Severn, Gloucestershire GL2 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Seven Capital plc against the decision of Stroud District Council.
 - The application Ref is S.22/0285/OUT.
 - The development proposed is outline application for the construction of up to 80 dwellings and ancillary works with all matters reserved except access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application which is the subject of the appeal was for outline planning permission, with all matters except for the access reserved for future consideration. An indicative set of plans were submitted with the application, and I have taken these into account only in so far as determining the acceptability, in land use principle terms, of erecting up to 80 dwellings on the site.
3. Land associated with the proposal is allocated for 30 dwellings in the emerging Stroud District Local Plan Review Pre-Submission Draft Plan¹ (SDLPR). This plan has been submitted for examination, but the examination is currently paused. I therefore afford any conflict with the emerging draft plan limited weight in the planning balance.
4. A Case Management Conference was held on 9 July 2025. The purpose of the conference was to provide a structure for the ongoing management of the case and the presentation of evidence. There was no discussion of the merits of the respective parties' cases.
5. At the Inquiry the matter of ecological impact was discussed, as was the nature of the Council's and Natural England's initial objections to the proposal on these grounds. The outcome of this discussion was that, as set out in the evidence², the Council is now satisfied that proposal's potential impact on Ecology could be adequately mitigated via the imposition of suitably worded planning conditions and the implementation of the relevant s106 legal agreement. Consequently, the

¹ Core Document E.3

² Council's Ecology Proof of Evidence.

Council did not seek to defend the fourth, fifth, sixth and seventh reasons for refusal. In addition, and in light of this information Natural England has since withdrawn its objection to the proposal as set out in its correspondence³. Therefore, it has not been necessary to consider this matter any further.

6. Before me are two signed and dated Section 106 legal agreements, one with the Stroud District Council and one with Gloucestershire County Council. They make various provisions which include: affordable housing, library services, education provision, and environmental and ecological mitigation measures. The Council has confirmed that these overcome its concerns in respect of the eighth and ninth reasons for refusal. However, as I am dismissing for other reasons, it is not necessary for me to consider these obligations in great detail.
7. In their respective submitted evidence relating to the planning balance, both main parties have ascribed terms for the weight they give to harms and benefits using differing scales. For the avoidance of doubt and bearing these scales in mind I have ascribed weight in my reasoning below based on the following scale in ascending order: no weight, limited, moderate, substantial, very substantial.

Main Issues

8. In the context of the above the main issues are:
 - whether the proposed development would be consistent with the scale and function of the settlement of Frampton-on-Severn (Frampton);
 - the effect of the proposed development on the character and appearance of the area and its landscape; and
 - whether the proposed development would preserve or enhance the character or appearance of the Stroud District Industrial Heritage Conservation Area (IHCA), the Frampton Conservation Area (FCA), the Saul Conservation Area (SCA) and the Gloucester and Sharpness Canal (Ship Canal).

Reasons

9. The site is situated in a field at the edge of Frampton, a village nestled within the Gloucestershire countryside near to the River Severn and not far from the M5 motorway. The market town of Stroud is also not very far away. The site is also located outside the settlement limits for Frampton, in open countryside, for planning policy purposes.

Scale and function of settlement

10. Core Policy CP1 of the adopted Stroud District Local Plan (SDLP)⁴ outlines a positive approach to considering development proposals that reflects the presumption in favour of development as set out in the National Planning Policy Framework (the Framework).
11. Core Policy CP2 of the SDLP identifies locations in the District for strategic growth and stipulates that development outside of these strategic sites will be in accordance with the settlement hierarchy set out in the Plan. Both main parties

³ Inquiry Documents I.7, I.8 and I.9

⁴ Core Document E.3

- agree that proposal would conflict with Policy CP2 as the appeal site is located outside of the defined settlements as set out in Core Policy CP3 of the SDLP.
12. On sites like this one, beyond the defined settlement limits, Policy CP15 of the SDLP seeks to restrict development and specifies certain principles that should be complied with such as it involving essential community facilities.
 13. Frampton is categorised by Core Policy CP3 of the SDLP as being a second-tier settlement or Local Service Centre. The policy states that these settlements can support sustainable patterns of living because of their current levels of facilities, services and employment opportunities. Emerging Core Policy 3 of the SDLPR designates Frampton as a Tier 3a settlement. It states that these settlements are generally well-connected and accessible places which provide a good range of local services and facilities.
 14. The Council highlight⁵ the fact that a settlement classification review (the review)⁶ was undertaken as part of the evidence base for the examination of the emerging SDLPR with the result being that it in effect 'demotes' Frampton from a second-tier settlement to a tier 3a settlement due to it having poor access to strategic services and facilities. Indeed, the review states that in overall terms the settlement has very poor accessibility with strong local services and facilities, basic local retail provision and no strategic services, facilities or retail provision. It also states that Frampton has very poor access to services and facilities elsewhere due to poor public transport links related to infrequent services and a lack of connectivity.
 15. The Settlement Role and Function Study update (the study)⁷, which also formed part of the evidence base for the SDLPR, highlights that all the current tier 2 settlements in the SDLP perform relatively well in terms of both strategic and local services and facilities, except for Frampton. This is because it has no strategic services or facilities at all which are not 'compensated' for by a 'particularly excellent' range of local services or facilities.
 16. The study's purpose is to understand how towns and villages in the District work and function, to set a strategy for determining the pattern, scale and nature of future development and inform future actions to deliver positive outcomes for local communities. In addition, although lack of accessibility of Frampton to services and facilities was not a distinct reason for refusal, it is clear from the study itself that accessibility to services and facilities is a key factor in its analysis of the role and function of settlements within the District.
 17. Consequently, I consider that Frampton's accessibility to services and facilities to be a key component to understanding its role and function as a settlement. Furthermore, based on the evidence, I also consider the 'demotion' of Frampton to be understandable, reflecting its poor access to a higher-level settlement's strategic services and facilities compared with other villages. Furthermore,
 18. I acknowledge that there are several key services and facilities within the village itself, namely a GP surgery, primary school, village shop, post office, public houses and sports clubs as I saw on my visits. However, these are primarily local services and facilities which do not, in and of themselves, negate the fact that the village still has very poor accessibility to other strategic services and facilities with it being

⁵ Proof of Evidence – Conrad Moore

⁶ Examination Library Document EB123

⁷ Core Document E.40

reliant on other larger service centres for these, such as Stroud. Indeed, the study shows at table 6 that it would be impossible/unrealistic to access a pharmacy or an accident and emergency department or minor injuries unit using public transport from Frampton⁸. Moreover, the study gives Frampton an overall accessibility score of 15 and an overall accessibility rating of 'very poor' meaning that it is 6th from bottom in the ranking of settlements.

19. I am also aware that the GP surgery and primary school serve a catchment area much wider than Frampton, which, on the face of it, suggests that it would be capable of supporting more growth. However, that is not the same as the village being in an accessible location for people to make use of all its services and facilities from other settlements outside it or vice versa. The study also rates the local retail provision as basic with there being no strategic retail services available at all.
20. Another key component to Frampton's role and function as a settlement is in relation to the levels of employment and economic activity within it. The study highlights that Frampton has a small but healthy employment role, with there being a key employment site within the village and about 800 jobs available locally. This equates to slightly more than one job available for every economically active resident, making Frampton a modest net importer of workers. That said, the study also shows that the proportionate housing growth for Frampton between 2011 and 2018 was circa 3% equating to 18 new dwellings and that this is very low housing growth in comparison with other tier-2 settlements, and well below the average District-wide housing growth rate of 6%.
21. In relation to a 'case for growth' for Frampton, the study concludes that the village would benefit from some planned development that was targeted and scaled to meet local housing needs to help tackle housing unaffordability, and to maintain diversity and demographic vitality. The study does however, go on to state that 'considerable growth and development may be unrealistic given its environmental constraints (such as extensive areas of floodplain) and its poor accessibility'. It adds that targeting growth here would offer little opportunity to bring about significant improvements to transport and accessibility, given its remoteness from major transport corridors.
22. In the context of the above, and from the evidence before me including what I have observed on my visits, it is very clear that Frampton is not well-served by public transport and that the services and facilities located within it are highly localised. This means that existing and future residents of the village cannot and will not be able to access strategic facilities and services via public transport. It is therefore also evident that for this reason Frampton is not a sustainable location for housing growth on the scale outlined by the proposal.
23. Consequently, given Frampton's very poor accessibility, related limited capacity for growth and historically low housing growth rate the scale of the proposal would be disproportionate to the role and function of the village. In other words, while the site could accommodate 80 dwellings, the reality would likely be that the proposal's residents would not be able to easily access strategic services and facilities outside the village without relying on a private car.

⁸ Core Document E.40 page 34

24. As a result, I conclude that the proposal would not be consistent with the scale and function of the settlement of Frampton. It would therefore conflict with core policies CP1, CP2, CP3 and CP15 of the SDLP. It would also therefore conflict with Core Policy CP3 of the SDLPR.

Character, Appearance and Landscape

25. The findings of the submitted Landscape and Visual Impact Assessment⁹ (LVIA) are not in dispute. It found that in terms of landscape impact, there would be a short-term major to moderate adverse effect on the appeal site which could be mitigated to a moderate adverse effect in the longer-term once landscape and green infrastructure mitigation measures mature after a 15-year period.
26. The LVIA also identifies limited range moderate to minor short-term adverse landscape effects at a local level on the settlement and the wider setting of the Lowland Plan Landscape Character Type which would reduce to minor adverse effects in the long-term i.e. after 15 years.
27. Visually, the LVIA identifies short-term major to moderate adverse effects from various viewpoints that reduce to moderate adverse in the long-term (views 2,3 and 5) and moderate to minor adverse short-term effects that reduce to minor adverse effects in the long-term. It also identifies one major to moderate adverse short and long-term effect from viewpoint 1 which is where the proposed access would be located.
28. The Council accepted that their preferred option of around 30 dwellings on the site, as per the emerging draft plan allocation, would likely have an adverse impact on the landscape and character of the area but no substantive evidence has been submitted to support this.
29. In any event, the main parties agree that, since the emerging draft plan is currently being independently examined and that this process is currently paused, any conflict with its policies should only carry limited weight. From the evidence before me I see no reason to disagree. Accordingly, I afford the emerging policies limited weight.
30. The Frampton Conservation Area Statement¹⁰ (FCAS) states that the topography and landscape of the land around the village is 'largely flat' and that it remains 'overwhelmingly rural'. Indeed, as acknowledged in the appellant's heritage proof of evidence the appeal site lies within the wider countryside beyond the Ship Canal.
31. Policy ES7 of the SDLP requires the use of the Stroud District Landscape Assessment when determining applications for development within rural areas. The Landscape Sensitivity Assessment (LSA)¹¹ identifies the green gap between Frampton and Oatfield as a sensitivity within the local landscape. However, it also acknowledges the potential for the development of land north of Whitminster Lane while taking account of powerlines and the setting of the Gloucester and Sharpness Canal. The LVIA also points out that the LSA identifies the functional gap between Frampton and Oatfield as a key characteristic.

⁹ Core Document A.15

¹⁰ Core Document E.5

¹¹ Core Document E.27

32. The LVIA also highlights that the landscape surrounding Frampton forms part of a rolling agricultural plain and that the site is relatively flat with its north-east boundary being aligned with the gardens of properties at Oatfield. The FCAS also states that the low-lying nature of the landscape, and the general lack of high walls and fences in the gardens make the buildings in the village prominent within the landscape. I also observed this on site, and consequently, I consider the character of the area to be intrinsically rural despite the obvious links to its canal-based industrial past and the present-day business and industrial activity taking place in Frampton.
33. The site is currently undeveloped, open and rural in character. It forms a spatial and visual gap between the settlements of Frampton and Oatfield with links to the open land further beyond it towards Church Lane and the open sports field on the other side of Whitminster Lane. That said, there are some large industrial buildings beyond one corner of the appeal site at the junction of Church Lane and the Sandfield Bridge which are related to the Sandfield Mill. These do have a denser more built form like those further down the canal near to Fretherne Bridge. However, they do not extend far from the canal side, and they are not very tall apart from the 1950's mill building itself which can be seen from a good distance away, for example from Fretherne Bridge as I saw in my visit.
34. From the evidence before me and what I saw on the stretch of the ship canal between Sandfield Bridge and Fretherne Bridge there are two main pockets of industrial and residential buildings, one larger than the other, which are set within an overwhelmingly rural landscape. The evidence also clearly shows that the site and land next to it forms the unmistakable spatial and visual gap between these two pockets of built development. The site also forms the open gap between the industrial buildings at Sandfield Mill and the houses at Oatfield.
35. This gap is spatially and visually important because the juxtaposition of industry with agriculture and the natural environment. This is a key theme of the IHCA¹² and its setting and given the low-lying nature of the landscape which is dominated by the sky and where buildings are prominent¹³. As a result, while I acknowledge that it is not formally designated in relation to its landscape or heritage value from what I have seen, read and heard I do consider the site to be a very important part of the local rural landscape by maintaining a functional open gap which reflects and maintains its key characteristics of this landscape.
36. The indicative proposal would introduce a large housing development onto the site and these buildings would be visually prominent in the landscape. As such I consider the magnitude of change that the proposal would bring about to the site and to Whitminster Lane to be significant. Consequently, the proposal would have a clearly adverse impact on the intrinsic rural character of the site and local landscape.
37. Furthermore, according to the indicative layout there would only be a gap of about 10 metres between the proposed housing and the industrial buildings at Sandfield Mill. The indicative layout plan also shows that the remaining open green gap between the proposal's built form and that of Oatfield would be irregular with a very small distance between them particularly between plot 66 and Oatfield Cottage.

¹² CAS

¹³ FCAS

38. Moreover, the area of the site proposed to be allocated by draft Policy PS44 of the SDLPR would also appear to be smaller than the appeal site with its boundary being tapered in at an angle so that it narrows towards Whitminster Lane as shown on the addendum to the agreed Statement of Common Ground¹⁴ (SoCG). The boundary of the draft allocation would also appear to be further away from the industrial buildings at Sandfield Mill meaning that there would be a wider gap between it and the hamlet of Oatfield when compared to the site.
39. The proposed gap, in my view, would not be enough to maintain the important visual, spatial and functional space between the two settlements of Frampton and Oatfield. Furthermore, as a result, the proposal would have an unacceptable adverse effect on the functionality of the existing gap in terms of avoiding the coalescence of Frampton and Oatfield.
40. The appellant argues that the proposal would only marginally exceed the area of proposed draft allocation PS44 citing inquiry document I.6 as evidence for this. However, the fact remains that this document shows that there would still be a much smaller gap between the site boundary of the draft allocation and the industrial buildings at Sandfield Mill, than that of the site (which abuts them). Moreover, it is also evident from document I.6 that the gap between any built development on the site and the houses at Oatfield would also be much less than the likely gap between any built development on the draft allocation and those same houses. In any event, the draft allocation is just that and it has not formed a significant part of my consideration of this case given the current status of the SDLPR.
41. The appellant acknowledges that there would be a clear visual impact arising from the proposal as seen from viewpoint 1 as set out in the LVIA and as they rightly state *'to state the obvious, if one were to stand at the entrance of a housing estate, then one will see a housing estate'*¹⁵. Furthermore, while the visual impact would likely be mitigated after a period of time once the landscaping and Green Infrastructure features had matured, the adverse spatial impact on the character of the landscape would not be so mitigated. Additionally, as set out in the LVIA, any proposed landscaping and GI features would take about 15 years to mature and provide any benefit in terms of mitigating any adverse visual impact. Consequently, I consider that the proposal would for the most part be visible from the public highway on Whitminster Lane for a considerable period, nonetheless.
42. The appellant has also stated that the Strategic Assessment of Land Availability New Sites Update Report 2018 (SALA)¹⁶ shows that the appeal site could accommodate 80 dwellings without unacceptable landscape character harm. However, the SALA heritage impact appraisal for site FRA004 observes that the site forms part of the setting of the Ship Canal and that in turn this canal forms part of the setting and historic and landscape context of the IHCA, FCA and SCA and that its development risks the coalescence of Frampton with Oatfield and the loss of a significant gap which contributes to the character and context of the canal network.
43. I therefore conclude that the proposal would cause very substantial harm to the character and appearance of the area and its landscape initially and substantial

¹⁴ Inquiry Document I.6

¹⁵ Appellant's closing arguments

¹⁶ Core Documents E.13 and E.14a

harm in this regard after a 15 year period. As a result, the proposal would conflict with Policy ES7 of the SDLP.

Heritage Assets

IHCA

44. The IHCA Conservation Area Statement¹⁷ (CAS) identifies one of the key themes of the IHCA's special interest as being the juxtaposition of industry with agriculture and the natural environment and highlights the differences in the character of the western part of the study area (the Vale) and the eastern and southern parts (the Valleys) in terms of the buildings, typical materials and shape of the landscape.
45. The site and the surrounding area is located within the western part i.e. the Vale. The IHCA then breaks down the overall study area into character types. The part of the IHCA closest to the appeal site is identified by the CAS as being part of the Rural Frome Vale Green Corridor, Saul Junction and Core Vale Settlement character types.
46. The CAS states that the lower Frome corridor is characterised by its open rolling landscape which broadens out towards the Severn. It also clearly highlights that much of the character around Saul Junction where the Stroudwater Navigation and Gloucester and Sharpness Ship Canal meet is airy and open because the ship canal is wider and more open than the others in the study area. Indeed, from what I saw on my visits, the area around Saul Junction does have an open feel to it particularly when experienced in conjunction with the nearby marina. This was particularly apparent from vantage points near the swing bridge and the Junction Bridge House where the ship canal's width is noticeable.
47. Therefore, based on the above I consider that the significance of the IHCA at Saul Junction is derived from both its industrial past but also the relatively open and rural landscape that surrounds it here.
48. Given its open and rural nature and its proximity to the industrial development at Frampton I consider that the appeal site makes a positive contribution to the setting of the IHCA and the juxtaposition of industry with agriculture and the natural environment. I therefore also consider that the site makes a positive contribution to the significance of the IHCA. As set out above, the proposal would introduce what in effect would be a large new housing estate into this green gap by largely infilling the site, leaving a much smaller strip of open land than what is there currently.
49. On my visits, I saw that the site along with the open field between it and the IHCA form part of a relatively open landscape meaning that the proposal would likely be at least partially visible from the boundary of the IHCA at Church Lane. The proposal would therefore have an impact on the view out from within the IHCA. Similarly, there would also likely be at least some impact from the proposal on views into the IHCA from the end of Oatfield Road, the neighbouring play area, the site itself and from the public right of way within it.
50. The proposal would therefore also have an adverse impact on one of the key features of the IHCA's setting by largely removing an open greenfield site, located beside industrial buildings, which clearly contributes to the juxtaposition of industry with agriculture and the natural environment within the surrounding landscape.

¹⁷ Core Documents E.29, E.30, E.31

Moreover, this adverse impact would be compounded by the replacement of the open greenfield site with a modern housing estate and its associated roads and infrastructure.

51. I consider that the openness of the site is visually and spatially connected to the openness of the field between the boundary of the IHCA and the site. In my view this means that it contributes at least in some way to the setting of the IHCA and that this can be experienced from Sandfield Road/Church Lane. Moreover, the appellant acknowledges that the proposal '*will bring the housing that can be experienced from the short section of the IHCA along Sandfield Road closer toward the observer*' in their proof of evidence. Therefore, set within this context, it is self-evident that the proposal would have a detrimental impact on this openness and therefore the setting and significance of the IHCA.
52. Consequently, I find that the proposal would have an adverse impact on the setting and significance of the IHCA. As a result, it would fail to preserve its character thereby causing less than substantial harm at the lower end of the scale.

FCA

53. As set out in the FCAS the character of the village has been shaped by many factors including history, economics and land use. A key factor in the historical development of the settlement was the construction of the Gloucester and Sharpness ship canal which was created to allow cargo and other ships to avoid the more dangerous tidal waters of the Severn. This in turn allowed the transportation of goods such as chocolate along the canal which led to the establishment of a Cadbury's factory which produced chocolate crumb for transportation to Bournville to be made into chocolate. The FCAS goes on to highlight that this also led to housing being built with the village continuing to expand until the closure of the factory in 1983.
54. The FCAS also highlights that in visual terms the landscape surrounding the settlement influences first impressions on approaching the village with the local topography forming a significant component of views and vistas in and out of it. In addition, as acknowledged by the appellant, it states that the land immediately around the village is '*largely flat*' and '*dominated by the sky*'.
55. As already mentioned above the FCAS also highlights that the low-lying nature of the landscape, and the general lack of high walls and fences in the gardens make the buildings in the area prominent. It would reasonably follow that the same would apply to the site given that the various Conservation Area Statements and other evidence before me all say that broadly speaking the landscape around Frampton is largely open, flat and rural.
56. That said, I did see on my visit that from several vantage points within the FCA, closest to the site, such as Fretherne Bridge, that the site was visually almost completely obscured by the mature trees, vegetation and buildings on the site boundary adjacent to the tennis courts, as also shown by plates 1 and 2 of the appellant's proof of evidence.
57. However, in terms of views into the FCA, I saw that the appeal site was however, at least partially visible from Sandfield Bridge and the towpath as shown by Plates 6 and 7 of the appellant's heritage proof of evidence. While I note the appellant's point that the land immediately next to the corner of the site currently has large

storage containers in situ and that these have by their account been there for quite some time, it is by no means certain that they would remain there indefinitely.

58. The appellant argues that the site is, in their view, located beyond the setting of the FCA meaning that it makes '*no contribution to the significance of the village*'. However, given the appeal sites proximity to the boundary of the FCA, the fact that it abuts the Ship Canal (the historic significance of which is linked to the FCA) and the visual link between them facilitated by the towpath (via which users will experience them), I find it difficult to see how this can be the case. Indeed, the appellant states in their proof of evidence that the settings of the three conservation areas and the Ship Canal overlap and are interrelated.¹⁸
59. Consequently, I find that the proposal, given its prominence, would have an adverse impact on the setting and significance of the FCA. As a result, it would fail to preserve its character thereby causing less than substantial harm at the lower end of the scale.

SCA

60. As set out in the appellant's heritage proof of evidence, Saul village and the SCA are situated within an agricultural landscape which surrounds them apart from where the FCA abuts the Ship Canal and the nearby industrial buildings at Sandfield Bridge and Frampton. It also states that this rural setting makes a positive contribution to the significance of the SCA. It also highlights that the Ship Canal and the Stroudwater Navigation Canal form key aspects of the setting of the SCA.
61. While I note the appellant's point that the appeal site does not contribute visually to the significance or character of the SCA, this is not the same as the site not making any contribution at all. Indeed, the appellant's proof acknowledges that the appeal site makes a 'slight positive contribution' to the significance of the SCA.
62. Consequently, in the context of the above the proposal and subsequent loss of most of the appeal site's spatial and visual openness would have at least some harmful impact on the setting and significance of the SCA by developing the site.
63. I therefore conclude that the proposal would have an adverse impact on the setting and significance of the SCA. As a result, it would fail to preserve its character thereby causing less than substantial harm but at the lowest end of the scale.

Gloucester and Sharpness Canal

64. As mentioned above the Gloucester and Sharpness Ship Canal (the Ship Canal) is characterised by the general openness and rurality of the landscape around it and the lack of development on its banks. Indeed, the CAS describes it as being extremely wide with its airy, open character being in marked contrast to the other two canals within the IHCA study area. Its historical interest and significance is derived from both its industrial past and its open and rural character.
65. Therefore, while I note that there is a fair amount of development on the bank of the Ship Canal at Frampton, there are as outlined above, historical reasons for this and because of this development, the visual, spatial and functional gap that the site provides contributes to the juxtaposition of open rural landscapes and industrial

¹⁸ Appellant's heritage proof of evidence paragraph 4.25

development which is a key theme of the IHCA's special interest as set out in the CAS.

66. The site therefore makes a positive contribution to the setting of the ship canal as acknowledged by the appellant. Furthermore, while I acknowledge that the ship canal is a non-designated heritage asset with a considerable length and that this has a bearing on its interrelationship with the wider landscape, it is reasonable to also assess any impact on its setting in a more local context in relation to the appeal site. It follows therefore that it would also be reasonable for me to assess any potential local impact on its setting and significance that would be caused by the proposal.
67. The appellant argues that given the location of the appeal site next to the Ship Canal, it makes a limited positive contribution to its significance when experienced from that part of the towpath when considered within the wider significance of the Ship Canal as a whole i.e. along the entirety of its length, which according to the evidence is about 17 miles.
68. However, as I have set out above, the proposal relates to the appeal site and while any potential impact it would have on the significance of the Ship Canal as a whole can and should be considered, it would be remiss of me not to also consider any potential locally specific impact it would have on the Ship Canal's significance where it runs past the site. In my judgement, this seems a wholly reasonable and logical thing to do. Moreover, the entirety of the Ship Canal could not reasonably be expected to be interpreted or indeed experienced by someone all in one go.
69. The main parties agree that the Ship Canal's heritage interest is significant and that the proposal would cause less than substantial harm. There is however disagreement as to where on the relevant scale this less than substantial harm sits, at the low end or in the middle.
70. The proposal would be very clearly visible from the Ship Canal towpath directly opposite the appeal site even with the proposed buffer of an open strip of undeveloped land between the site and the canal. Furthermore, given its scale, I consider that the proposed housing would also be very visually prominent in the local low-lying landscape with its built form being extremely dominant in the skyline.
71. Consequently, in the context of the above, and given the appeal site's proximity to the Ship Canal and its current open and rural character set within a low-lying landscape, I consider that the proposal, would have an adverse impact on the setting, significance and historic interpretation of the non-designated heritage asset. I therefore conclude that the proposal would fail to preserve its character thereby causing less than substantial harm in the middle of the scale.

Conclusion on heritage assets

72. As set out in the appellant's heritage proof of evidence the Ship Canal and the Stroudwater Navigation, which is part of the IHCA, are interrelated industrial heritage features. In addition, and taking this context into account, I consider that the FCA and SCA, given their proximity to the historic canals and Saul Junction, where they intersect, also form part of the wider historical landscape of the area and its setting.

73. Moreover, as set out above given the appeal site's location and proximity to these heritage assets and its rural and open character and appearance I consider that it makes a positive contribution to the settings of the FCA, SCA, IHCA and the Ship Canal.
74. Furthermore, as acknowledged in the appellant's proofs of evidence, the character of the landscape around Frampton, including the site is rural and it is also acknowledged that this rurality forms an important part of the settings for the heritage assets identified above albeit in combination with their industrial features and historical development context.
75. As set out above the proposal would have an adverse impact on the settings of the IHCA, SCA, FCA and the Ship Canal. Given that they form part of the wider historical landscape of the area and its setting, the significance of these heritage assets are interrelated and interconnected. Therefore, in this context an adverse impact on one would have at least some adverse impact on the others and their collective setting and historic significance. Consequently, I consider that the proposal would have an adverse impact on these heritage assets and their collective historic significance.
76. The appellant has stated that the Strategic Assessment of Land Availability New Sites Update Report 2018 (SALA)¹⁹ shows that the appeal site could accommodate 80 dwellings without unacceptable heritage harms. However, while the site assessment for site FRA004 does contain a development potential summary with a suggested yield of 70 to 80 units at a medium density (25-30 dph) it does caveat this in its potential impact summary which states that there would be some impact on heritage interest.
77. Moreover, the SALA Heritage Impact Appraisal (HIA) goes on to also highlight that there would only be scope for development on some of the site subject to a 'meaningful and expansive swathe of open space being maintained along the north-east boundary to maintain the distinction between the settlement edge and Sandfield Mill and along Oatfield Lane'. The heritage impact appraisal also observes that the site forms part of the setting of the Ship Canal and that in turn that this canal forms part of the setting and historic and landscape context of the IHCA, FCA and SCA. It also observes that both canals (Ship and Stroudwater Navigation) are characterised by their rural character and the predominant lack of built form along their banks.
78. In addition, the HIA states that the character of the Ship Canal, and the setting and historic context of neighbouring conservation areas, would be impacted by development on the site. It adds that this would likely preclude any built form from up to half of the site, limiting the scale and extent of any such development, in order to preserve the rural character and intermittent nature of development along the canal corridor.
79. Accordingly, I find that the proposed development would negatively affect the historic interpretation of these heritage assets. For this reason, it would fail to preserve the character of the conservation areas as a whole thereby having a negative effect on the significance of these designated heritage assets resulting in less than substantial harm. For similar reasons the proposal would also cause less than substantial harm to a non-designated heritage asset.

¹⁹ Core Documents E.13 and E.14a

80. Paragraph 212 of the Framework, states that great weight should be afforded to the conservation of designated heritage assets, including their setting. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
81. Having regard to paragraph 214 of the Framework, the proposal would provide several public benefits including: the provision of homes, social benefits, an economic benefit, environmental benefits and a good design benefit to which I have afforded very substantial, limited weight, moderate weight and no weight respectively as set out later in this decision.
82. Consequently, the above benefits are not of sufficient weight to outweigh the harm to the identified designated heritage assets to which I must attach great weight.
83. Having regard to paragraph 216 of the Framework, as set out above I consider that the proposal would cause less than substantial harm to the setting of a non-designated heritage asset.
84. The proposal would therefore conflict with paragraph 212 of the Framework, and paragraphs 210 and 216 of the Framework which seek to conserve and enhance the historic environment and consider the effect of a proposal on non-designated heritage assets. It would therefore also fail to meet the requirements of Policy ES10 of the SDLP.

Other considerations

85. The main parties agree that the Council cannot demonstrate an adequate five-year housing land supply with the Council putting this at approximately 3.24 years.
86. The proposal would provide 30% affordable housing equating to about 24 dwellings. The parties agree that this affordable housing provision should be afforded the highest weighting and given the evidence before me, I also agree.
87. There is however disagreement between the main parties in relation to the remaining market housing provision of about 56 dwellings. That said, this market housing would alongside the affordable housing contribute to the supply of housing within the District. Given the lack of a demonstrable five-year housing land supply, I afford this overall provision of housing (affordable and market) very substantial weight in the planning balance.
88. The appellant has also advanced the economic benefit that the proposal would bring to Frampton as it would increase demand for goods and services within the settlement thereby helping to support the local economy and help sustain the village. However, as outlined above, while the proposal's future occupiers would have good access to local services, they would have very poor accessibility to strategic goods and services in larger centres elsewhere outside of the village. This means that the appeal site is not in a sustainable location. It is for this reason that I afford this benefit limited weight in the planning balance.
89. The proposal would also result in social benefits via the provision of open space and a financial contribution towards the improvement of existing library facilities. I afford them moderate weight in the planning balance.

90. The main parties also agree that proposal would provide moderate benefits by securing biodiversity net gain and enhanced habitat improvements. I agree and afford these benefits moderate weight.
91. The appellant has also cited the 'good design principles' adopted in the illustrative site layout plan. However, as the detailed design and layout of the proposed housing is something reserved for future consideration, I afford this benefit no weight and therefore this has a neutral effect on the overall planning balance.

Other Matters

92. Interested parties have raised concerns relating to several matters including residential amenity, drainage, flood risk, highway safety and local infrastructure capacity. However, as I dismissing the appeal for other reasons, it has not been necessary to consider these matters any further.

Planning Balance and Conclusion

93. In the context of the above and the evidence before me, I consider that the most important policies for determining this appeal relate to the outstanding matters of the role and function of the settlement, landscape character, character and appearance and heritage. These are policies CP1, CP2, CP3, CP15, ES7 and ES10 of the SDLP. The proposal would substantively conflict with these policies and I therefore conclude that it would conflict with the development plan as a whole.
94. In the absence of a five-year supply of housing land, the most important policies for determining this appeal are out of date as set out in paragraph 11 d) of the Framework. However, just because a policy is deemed out of date does not mean that any conflict with it should be ignored. It also does not mean that it carries no weight. As set out by paragraph 232 of the Framework, due weight should be given to policies according to their degree of consistency with the Framework. The greater the consistency, the greater the weight.
95. As highlighted above, Core Policy CP1 of the SDLP outlines a positive approach to considering development proposals that reflects the presumption in favour of development as set out in the Framework. This is consistent with the Framework and as such I afford any conflict with Core Policy CP1 substantial weight in the planning balance.
96. Core Policies CP2, CP3 of the SDLP identify locations for strategic growth within the plan area and set out a hierarchy of settlements where development should be located outside of these strategic growth locations. These strategic growth locations and identified settlements reflect the plan's ambitions for development being in the most sustainable locations based on the services and facilities located in each settlement. Sustainable development is a core objective of the Framework as a whole and I consider Core Policies CP2 and CP3 to be consistent with it. As a result, I afford any conflict with Core Policies CP2 and CP3 substantial weight in the planning balance.
97. Core Policy CP15 aims to prevent inappropriate development in the countryside with the aim of protecting its quality and the separate identity of settlements. This is consistent with the aims of paragraph 187 of the Framework which states that planning policies and decisions should contribute to and enhance the natural and

local environment by recognising the intrinsic character and beauty of the countryside. As a result, I afford any conflict with Core Policy CP15 substantial weight in the planning balance.

98. Policy ES7 aims to protect the character of the landscape in the District by ensuring that development proposals conserve or enhance the special features and diversity of the different landscape character types found within the area. It also states that development will only be permitted if the materials, scale and use are sympathetic and complement the landscape character. This is consistent with paragraph 135 which states that policies should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Consequently, I afford any conflict with Policy ES7 substantial weight in the planning balance.
99. Policy ES10 aims to conserve and where appropriate enhance the heritage significance of the District's heritage assets, especially those elements which contribute to the distinct identity of the District. This aligns with the aims of chapter 16 of the Framework and Policy ES10 is therefore consistent with it. Furthermore, the Framework requires that great weight should be afforded to the conservation of a heritage asset. Moreover, given the unique, exceptional and interconnected local importance of the above identified heritage assets, that the proposal would have an impact upon in this case, I afford any conflict with Policy ES10 very substantial weight in the planning balance.
100. I have found that the proposal would conflict with core policies CP1, CP2, CP3, CP15 and policy ES7 of the SDLP. To each of these harms I afford substantial weight in the planning balance. I have also found that the proposal would conflict with Policy ES10 causing harm to designated and non-designated heritage assets to which I afford very substantial weight in the planning balance. For this reason, I also consider that there is a strong reason for refusing the proposal meaning that the presumption in favour of sustainable development as set out in Framework paragraph 11d) is not engaged. The proposal would also conflict with Core Policy CP3 of the SDLPR to which I afford limited weight.
101. Therefore, the proposal would be contrary to the adopted Development Plan when read as a whole and there are no material considerations indicating a decision otherwise than in accordance with it. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Satnam Choongh instructed by Mr Nathan McLoughlin on behalf of Seven Capital plc called:

Nathan McLoughlin BSC (Hons) DipTP MRTPI

John-Paul Friend HND (LGD) BA Hons PGDip LA CMLI

Rob Bourn BA MA MCIfA

Rob Forbes BSc (Hons) MSc MCIEEM

FOR THE LOCAL PLANNING AUTHORITY:

Nina Pindham instructed by Mr Martin Evans on behalf of Stroud District Council called:

Ms Kate Russell BA MSc IHBC

Mr Conrad Moore BSc (Hons) MSc MRTPI

Ms Gemma Davis MSc MRTPI

INTERESTED PARTIES:

Cllr Paul Burnside on behalf of Frampton-on-Severn Parish Council

DOCUMENTS SUBMITTED AT OR SHORTLY AFTER THE INQUIRY

- I.1 - Illustrative Landscape Strategy (dwg no: edp8347_d004)
- I.2 - Outline Habitat Management and Monitoring Plan (edp8347_r004-B)
- I.3 - Recreation Impact Avoidance and Monitoring Plan (edp8347_r006-B)
- I.4 - Shadow Habitat Regulation Assessment (edp8347_r005-B)
- I.5 - Updated NatureSpace District Licence Report
- I.6 – Addendum to the SOCG
- I.7 – Natural England Consultation Response dated 18 September 2025
- I.8 – Natural England Consultation Response dated 19 September 2025
- I.9 - Natural England Consultation Response dated 26 September 2025



Appeal Decision

Site visit made on 6 January 2026

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th January 2026

Appeal Ref: APP/T2405/W/25/3369148

Land to the north of Leicester Road, Sharnford LE10 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jim Abraham against the decision of Blaby District Council.
 - The application Ref is 24/0834/OUT.
 - The development proposed is an “Outline planning application for a.) provision of up to 134 dwellings constituting up to 43 Affordable Housing units, up to 75 Open Market Housing units and up to 16 serviced plots for self-build and custom housebuilding, b.) hedge and tree removal with (re)planting where relevant, c.) provision of a mobility hub and d.) some matters reserved.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access. Layout, appearance, landscaping and scale would be the subject of future applications for approval of reserved matters. Plans were submitted showing the access and an indicative layout of the site. Indicative plans have been treated as such.
3. The description of development in my banner heading above is taken from the Council’s decision on the application. This differs from that on the application form, as the scale of the development was reduced during the lifetime of the application.
4. Requests were made to submit late evidence beyond the normal timetable for doing so. Given the timings of the original appeal and my consideration of it, these requests were allowed, and main parties were given the opportunity to comment on them. I am satisfied that no prejudice has arisen to any parties as a result.
5. Following the Council’s decision on the application and the submission of the appeal, the government has published for consultation “National Planning Policy Framework: proposed reforms and other changes to the planning system” which sets out potential alterations to the Framework along with other changes to the planning system. The consultation was accompanied by a Written Ministerial Statement. However, the *draft* Framework for *consultation* is just that. As it is a draft, subject to consultation until March 2026, with consideration for an uncertain period of time after that before publication, I give it no weight in my determination of this appeal and have not found it necessary to seek the views of the parties. I am satisfied that no prejudice arises to any of the parties as a result.

Main Issue

6. The main issue is whether or not the appeal site is a suitable location for the development proposed, having regard to the sustainability of the location.

Reasons

Location

7. The appeal site lies adjacent to, but not within the settlement of Sharnford, which is defined by Policy CS5 of the Blaby District Local Plan – Local Plan (Core Strategy) Development Plan Document, adopted February 2013 (the Core Strategy) as a smaller village. That policy allows for a combined figure of 80 units to be delivered in smaller villages between 2006 and 2029. The level of housing planned for by this policy in this settlement has been delivered. Policy CS1 of the Core Strategy sets the strategy for locating new development in the district on which CS5 builds.
8. The strategic objectives for both of these policies include, amongst other things, providing housing to meet needs, optimising affordable housing delivery and encouraging and developing the use of more sustainable forms of transport. They also establish a clear methodology for distributing development across the district on the basis of the scale of development reflecting the range of services, facilities and public transport alternatives within each settlement.
9. Given the location of the appeal site, the policy conflicts with Policies CS1 and CS5 of the Core Strategy.

Sustainability

10. Sharnford is extremely limited in terms of the services and facilities within it. I accept that there is a school, public houses, play areas and a car garage, but note that there is no shop or post office. As such, facilities for day-to-day living and convenience are not available within the village itself, with residents instead needing to travel to other nearby settlements, such as Sapcote or Stoney Stanton for day-to-day services and facilities.
11. The appellant accepts that the shop and post office in the village has now closed, and I saw this on my site visit, with no obvious signs of any imminent re-opening. Whilst it may be, as the appellant suggests, that the appeal development might lead to an increased demand for such a shop and its eventual re-opening, I have no evidence to support that.
12. Non-car routes within Sharnford are, as the appellant says available on lit footways, connecting the site to the village centre. However, as noted above, there are relatively few facilities to access in the village. In addition, some parts of the footway are narrow, and the siting of obvious average speed cameras through the village combined with my experiences on my site visit suggest that the walking experience, particularly on the narrower footways is less than encouraging. This would be particularly pronounced for anyone in a wheelchair or pushing a pram.

13. Non-car routes from the appeal site to day-to-day facilities and services in other nearby settlements are available. There is a relatively dense network of public rights of way, as well as scheduled and on-demand bus services. These do connect Sharnford, and the site in particular to Sapcote and beyond. However, whilst they are available, I do not consider that they offer a realistic alternative to the private car.
14. The public rights of way, whilst pleasant to walk along in the course of a site visit, would not offer a realistic route to get, for example, milk and bread from Sapcote. Similarly, whilst the bridleway in its current form would be accessible to horse riders and bike riders on certain types of bike and with an appropriate degree of adventurousness, it does not offer a reasonable, practical, easy alternative to the private car. Again, this would be particularly pronounced for anyone in a wheelchair or pushing a pram. An offer of footway improvements has been made but see little evidence of how this would work in practice, particularly beyond the boundaries of the site itself, so give relatively little weight to that offer.
15. Turning away from meeting day-to-day needs, there are scheduled and on-demand bus services which provide access to employment locations and larger settlements. However, looking at the timetable posted in the bus shelter closest to the site, and in evidence before me, I do not consider that this offers a realistic alternative route to such locations. By way of example, using the scheduled bus service, one could not access Enderby Park and Ride or Fosse Park before 10am.
16. None of these non-car modes of transport really offer, in my opinion, and on the evidence before me a sensible, context-appropriate real choice to the private car.
17. Directing development to sustainable locations is a key part of the Framework. As is focussing development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
18. Evidence from 2020, commissioned to support the emerging development plan, which was published in advance of the closure of the shop and post office, found that the settlement was one of the least sustainable in the district. Only limited development was therefore considered appropriate in view of the reliance on the private car. This supports the conclusions I have reached above.
19. As such, the appeal site is not a sustainable location and is not therefore a suitable location for the development proposed, in direct conflict with Policies CS1, CS5, CS10 and CS18 of the Core Strategy as well as national policy in the Framework.

Other Matters

20. I accept that beyond the locational and sustainability harm identified by the Council in their decision and by me in my reasoning above, there are no other harms arising from the proposal. In particular, it can be safely accessed, would not cause landscape or visual harm and there are no other insurmountable constraints to, or restrictions on the development of the site, subject to the imposition of suitable conditions.

Planning balance

21. Main parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites, and as such, the development plan policies which are most important for determining the application are deemed out-of-date by the Framework. There is disagreement on the size of the shortfall, but as there is agreement on its existence, I do not need to establish the size of it. Although I have referred above to the requirements identified in the Core Strategy for this settlement type having been met, I accept that these figures are not a ceiling.
22. Subject to the test at paragraph 11d)ii of the Framework, the proposal could therefore benefit from the presumption in favour of sustainable development.
23. I have found above that the appeal site is not a sustainable location and the proposal conflicts with the development plan as a result. The Framework explicitly identifies that policies within it which direct development to sustainable locations should be given particular regard when applying the test at paragraph 11d)ii.
24. I have found that the proposal would give rise to unsustainable transport patterns owing to the likely reliance of future occupiers on the private car to meet their day-to-day needs. This conflicts with the aim of the Framework to promote sustainable transport, even acknowledging that opportunities to do so will vary between urban and rural areas.
25. With regard to unsustainable patterns and modes of transport, the appellant has drawn my attention to another appeal which addressed similar issues, albeit in a different local plan area, subject to different development plan policies. Consistency in appeal decisions, in which like cases should be decided in a like manner is of course an important principle. However, unlike that appeal, this site is not previously developed land. Furthermore, it is a significantly larger proposal. As a result, the cases are not so alike that the conclusions of that Inspector, on the evidence in that case would affect my conclusions here. Moreover, given the size difference, the adverse effects from an unsustainable location and resultant unsustainable modes of travel would be far greater in this appeal than the example given.
26. In addition to the Framework policy conflicts I have found, the proposal also conflicts with the overall spatial strategy in the Core Strategy, which, in this respect, is wholly consistent with the Framework, adding to the overall weight of the adverse impacts I have found.
27. Set against those adverse impacts, there are benefits which arise from the proposal. It would deliver market, affordable and custom/self-build housing where there is a demonstrable need for it, and where that need is not currently being met.
28. The proposal would also give rise to economic benefits, during construction and occupation. It would do these on a site without other harms, including to the landscape, historic environment and highway safety.

29. Although the Framework requires that decisions should recognise that meeting needs in rural areas may require sites to be in locations not well served by public transport, it does so whilst still requiring proposals on such sites to exploit any opportunities to make a location more sustainable. I am not convinced that this proposal or the evidence which underpins it demonstrates that the proposal would take any opportunities to make the location more sustainable, or that fundamentally, there are any realistic, practical opportunities to make the location more sustainable.
30. Whilst those benefits set out above are of some weight, given the overall unsustainability of the site, and the overarching aim of the Framework to deliver sustainable development, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations.
31. It is important to note that my conclusion on the sustainability of the location is reached, in spite of, the age of the Plan, and consistent with the assessment of such matters in the Framework.
32. As such, not being sustainable development, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.

Planning obligation

33. In line with the Procedural Guidance, a completed agreement under section 106 has been entered into and submitted during the course of the appeal. This provides for, in the case of planning permission being granted, the payment of various contributions and the carrying out of various actions. However, as the appeal is being dismissed, it is not necessary to consider the obligation further.

Conclusion

34. The proposal conflicts with the development plan.
35. Whilst there are material considerations which weigh in favour of it, on the basis of the evidence before me, I do not consider that they are of such weight to indicate that a decision be taken other than in accordance with the development plan.
36. The appeal should therefore be dismissed.

S Dean

INSPECTOR



Appeal Decision

Site visit made on 3 July 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/X0415/W/25/3360406

Land to the east of Wymers Wood Road, Burnham, Buckinghamshire SL1 8LQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Higson against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/2850/FA.
 - The development proposed is construction of one detached two storey and single storey, 5-bedroom self-build dwelling house and associated works includes vehicular access, parking, integral garage and landscaping...
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form but I have removed the reference to the proposal being for full planning permission as that is not an act of development.
3. The appellant has submitted a signed planning obligation in relation to the Burnham Beeches Special Area of Conservation (SAC) with this appeal. The Council has provided comments on the obligation, and I will return to this matter later in my decision.
4. Both of the main parties have referred to an allowed appeal relating to a site on the edge of Burnham¹. I have had regard to that appeal decision where it is relevant to the appeal before me.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposal on the Burnham Beeches SAC; and
 - if the proposed development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly

¹ Appeal reference APP/N0410/W/21/3273174

outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate development. However, it lists certain forms of development that are not regarded to be inappropriate. This includes limited infilling in villages (Paragraph 154(e)).
8. Policy GB1 of the South Bucks District Local Plan 1999 (LP) reflects the general aims of the Framework in terms of protecting the Green Belt by allowing only certain types of development. This links to Policy GB3 of the LP, which enables limited infilling within Green Belt settlements where it would not detract from the Green Belt's open character. However, Policy GB3 is more prescriptive than the Framework and only limited weight can therefore be ascribed to that policy.
9. Paragraph 155 of the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that the development of homes, commercial and other development should not be regarded as inappropriate where all the following apply: (a) the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to Paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework Paragraphs 156 and 157.

Whether limited infilling in village

10. Paragraph 154(e) of the Framework does not specify that a proposal would need to be limited infilling within a defined village. As confirmed by the *Wood* judgement², the boundary of a village defined in a development plan may not be determinative for these purposes. Therefore, when considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies.
11. Burnham is a large village that is close to the edge of Slough. The appeal site is located to the north of the village and has residential properties situated around it. The road leading to the site from the contiguous built edge of the village is characterised by an open recreational area to the west and detached dwellings set within large gardens to the east. On the eastern side of the road, there is a significant amount of open vegetated land adjacent to the edge of the village. There is a vehicular access into that land, but it is not apparent from the road

² Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

whether the access leads to any existing development. That verdant, open piece of land therefore creates a visible break in the development along the road.

12. It was clear to me when travelling from the built edge of the village, which comprises higher density development positioned in regimented layouts, towards the site, where the built form becomes lower density and set out in a looser grain, there is a notable change in character and a more rural feel. This is reinforced by the pavement disappearing not long before the aforementioned break in the built form along the road. When nearing the site, the roadside becomes punctuated on one side by driveways and domestic features like timber fencing. However, those do not occur until one approaches Poyle Lane, which is a significant distance from the built edge of the village and clearly beyond the gap in the built form.
13. The proposal can be regarded as limited infilling as it is for a single dwelling in a gap between existing residential properties. Those properties are part of a cluster on Wymers Wood Road, but they do not constitute a village. Despite the relative closeness to Burnham, the site does not have a strong visual or physical link to the village, and the appeal site has more of a relationship with its rural setting rather than the built-up area of Burnham. As such, it would not be located within a village for the purposes of the Paragraph 154(e) exception.
14. Accordingly, I find that the proposed development would not meet the exception set out in Paragraph 154(e) of the Framework.

Grey Belt

15. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
16. Purpose (a) is 'to check the unrestricted sprawl of large built-up areas'; purpose (b) is 'to prevent neighbouring towns merging into one another'; and purpose (d) is 'to preserve the setting and special character of historic towns'.
17. As the appeal site is located away from large built-up areas, it does not strongly contribute to purpose (a). The site is not within a gap between two towns and therefore does not contribute to preventing towns from merging. It also does not form part of a town's historic setting, and the proposal would not have an adverse impact on the significance of such a town. The site therefore does not strongly contribute to purposes (b) or (d) either. As such, it can be considered to be 'grey belt' land.
18. Given my findings above, the development would make use of 'grey belt' land, in relation to which the exception set out within Paragraph 155 of the Framework is potentially applicable. Whether this is the case requires the proposal to be assessed against and to comply with four further criteria.

Paragraph 155

19. I have already found that the appeal site does not strongly contribute to purposes (a), (b), or (d) in Paragraph 143 of the Framework. As the appeal site is not urban land, Green Belt purpose (e), which seeks to assist in urban regeneration by

encouraging the recycling of derelict and other urban land, is not a determinative matter in the appeal.

20. The site is devoid of development except for fencing and a gate. The lack of built form on the site and its open nature comprising grass, bushes and trees results in it having a rural feel and an openness that are characteristic of the countryside. Although relatively small in size, the presence of the site amongst the large residential properties that surround it contributes positively to the rural character and tranquillity of this area of the countryside. As such, the proposal would result in encroachment of development into the countryside, which conflicts with Green Belt purpose (c).
21. Whilst the proposal would utilise 'grey belt' land, it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal does not, therefore, meet all of Framework Paragraph 155's required criteria (a), (b), (c) and (d), so fails to meet Paragraph 155 overall.

Finding on inappropriateness

22. For these reasons, I conclude that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Effects on the openness of the Green Belt

23. Given that there are currently no buildings on the site, the construction of the proposed development would result in a considerable increase in building volume. The proposal would therefore inevitably reduce the spatial openness of the site.
24. Visually, the site is easily visible from Wymers Wood Road. The proposed development would lead to the introduction of a sizeable building. Furthermore, a large area of hardstanding would be laid down in the site to create a parking and turning area, and a residential access would be formed adjacent to the road. As such, the visual openness of the site would be compromised, and this would cause harm to the openness of the Green Belt.
25. On this basis, the proposal would fail to preserve the openness of the Green Belt.

Burnham Beeches SAC

26. The appeal site lies within the 5.6km Zone of Influence of the Burnham Beeches SAC. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the Regulations). The qualifying feature of the SAC is Atlantic acidophilous beech forests, and it is also a rich site for deadwood invertebrates and important epiphytic communities. It is accepted that one of the greatest pressures to the SAC arises from recreational activity. The proposal would increase the local population in the area, which would likely increase recreation use of the SAC.
27. The Council have a Strategic Access Management and Monitoring Strategy (2020) (SAMMS) to address public access to and disturbance of the SAC. The evidence base supporting the SAMMS found that an increase in the number of residential properties within 5.6km of the SAC would require mitigation measures to avoid adverse effects on the integrity of the SAC from the cumulative impacts of development. Consequently, taking a precautionary approach, as required by the Regulations, and when combined with other development within the area, likely

significant effects on the SAC as a result of the proposal cannot be ruled out in the absence of mitigation.

28. The SAMMS is robust and capable of mitigating the likely significant effects of the proposal, subject to a financial contribution being provided towards the SAMMS and the monitoring fees of the Council. The required contributions are £2,023.87 to the SAMMS for each net home. A monitoring fee and legal costs are determined on a case-by-case basis. The appellant's planning obligation provides the necessary financial contribution to overcome the Council's reason for refusal regarding adverse effects on the integrity of the SAC.
29. Whilst I have noted the submission of the planning obligation and have considered its contents, as I have found the scheme unacceptable for another reason, it has not been necessary for me to consider this matter further with regards to an Appropriate Assessment in this instance.

Other considerations

30. The proposal would provide a single dwelling. This would help to address the substantial housing delivery shortfall in the district and boost housing supply as encouraged by the Framework. The proposal would also result in a temporary benefit to the economy during the construction process, and long term economic and social benefits arising from the future occupiers paying into the local economy, using local services and facilities and participating in the local community. The appellant explains that the dwelling would be energy efficient and there would also be biodiversity enhancements resulting from the proposal. In the context of the substantial shortfall in housing land supply, I attach moderate weight to these benefits.
31. The proposal has been put forward as self-build housing. The Framework supports self-build housing on small sites. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 added to the above Act a duty to grant planning permission subject to certain exemptions. This provides that authorities must give development permission in respect of enough serviced plots of land to meet the demand for self-build housing in the authority's area arising in each base period.
32. The appellant has asserted that there is no specific planning policy for self-build or custom-build housing in the development plan area, and that the Council are underdelivering on its statutory duties to maintain an adequate supply of those types of housing. The provision of a single self-build dwelling would help the delivery of self-build housing in the district. However, the appellant does not identify an appropriate mechanism for securing the dwellings as a self-build plot. In particular, a signed legal agreement securing the dwelling as self-build housing has not been submitted with the appeal. As such, without an appropriate means to secure the development as self-build, the weight that can be attributed to this matter is limited.
33. The Council has not objected in respect of matters including highway safety, parking, neighbouring living conditions, and biodiversity and flooding impacts. I attribute a neutral weight to each of these matters in the planning balance, since they are a requirement of the development plan and the Framework in any case.

34. I am also mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the site is in the setting of the Grade II listed Elizabeth's Way, which is a 17th Century two storey, timber-framed cottage.
35. The Council did not find any harm to the significance and setting of the listed building. Based on my site visit, where I noted the separation distance between the appeal proposal and the listed building, together with the intervening mature vegetation, I have no reason to disagree with the Council's conclusion. The appeal scheme is sufficiently distant, and screened from, the listed building, so as not to harm its significance. Accordingly, this is a matter that carries neutral weight in the planning balance as an absence of harm does not weigh positively in favour of the proposal.

Green Belt balance and conclusion

36. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness. Consequently, the very special circumstances necessary to justify the development do not exist.
38. The Council accepts it cannot demonstrate a five-year housing land supply. In these circumstances, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, having regard to footnote 7. This includes land designated as Green Belt.
39. The proposed development would be inappropriate development in the Green Belt, it would harm its openness, and the very special circumstances necessary to justify the development do not exist. As such, the Green Belt policies in the Framework provide a strong reason for refusing the development proposed and Paragraph 11(d)(ii) is not therefore engaged.

Conclusion

40. For the reasons given above, the proposed development would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR



Appeal Decision

Site visit made on 19 August 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/J0405/W/25/3363581

Land Adjacent to the Duke of Wellington, Wellington Place, Cooks Wharf, Buckinghamshire LU7 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Bristow against the decision of Buckinghamshire Council.
 - The application Ref is 24/02222/AOP.
 - The development proposed is outline planning application with all matters reserved except access and layout for the erection of 9 dwellings with associated parking and access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Three different versions of the address were cited across the application form, decision notice, and appeal form. The site access is off Wellington Place, it lies to the south of the converted former Duke of Wellington public house still known by that name, and is in the settlement of Cooks Wharf. For best clarity I have therefore reflected these factors in the address I have used above.
3. The Location Plan red line boundary excludes the western part of Plot 7 and the 'future disabled access and parking area' and adjacent land which are shown on the Proposed Site Layout Plan¹. However, as I am dismissing this appeal for other reasons, it was unnecessary to seek further clarification. The appeal is in outline with all matters reserved except for access and layout. The submitted plans are therefore illustrative only in all other regards.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location for housing, having regard to the spatial strategy including access to services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide sufficient Biodiversity Net Gain (BNG);
 - whether the proposed development should provide for affordable housing; and
 - the effect of the proposed development on drainage and flood risk;

¹ Local Plan BURG/22308/SITELOCC; Proposed Site Layout Plan BURG/22408/SITE9-1E

Reasons

Suitable Location

5. The Vale of Aylesbury Local Plan 2013-2033 (VALP) Policy S1 requires all development to comply with the principles of sustainable development set out in the National Planning Policy Framework ('the Framework'). Policy S2 sets the overall spatial strategy, identifying that strategic growth and investment will be concentrated in sustainable locations in a hierarchy. Policy S3 identifies this hierarchy, and Cooks Wharf is not a settlement named within it. The appeal site therefore lies within a rural area, where Policy S2(j) advises that housing development will be strictly limited and likely to be incremental infill development. In principle therefore, the VALP does not support housing in this location.
6. On a site specific level however, it is also important to assess whether it would be a sustainable location in terms of physical relationships and access to services and facilities. The Framework paragraph 117 states firstly that development should (a) give priority first to pedestrian and cycle movements.
7. New residents would have to undertake very regular travel outside of Cooks Wharf, as the nearest shops and schools are located in Cheddington and Pitstone. These lie further than the typical 800m walking catchment distances as outlined in Planning for Walking (CIHT, 2015). However, even if I were to deem them to be an acceptable walking distance bearing in mind the rural location, these routes include severe access constraints.
8. There is no footway along the majority of Wellington Place. The proposal would provide a pedestrian link from the site's north-eastern corner, with reference that this could include further provision of a footway along Wellington Place, but with no technical or landowner details of whether this could be achieved. Even were this possible, the existing pavement running alongside the terrace to its north is narrow, and would not allow for safe use by persons in a wheelchair or with a pram, or for two persons to easily pass. This pavement then turns into a grass verge a short distance further north, and then a 2.5m wide humpback bridge.
9. Single way traffic across this bridge is controlled with lights, but pedestrians would not see opposing vehicles until near the crest, with no ability at that point to take refuge. I found this very evident on my site visit. Even with local knowledge of traffic light patterns and general traffic movements, this route would be potentially dangerous, especially for persons with reduced mobility, wheelchairs, or prams. On this basis, I see no need to consider the width of the pavement continuing further northwards.
10. The route towards Pitstone along Cheddington Road from its junction with Wellington Place, also has no pavement for approximately 80m, and barely any verge. This route also requires passing through the tunnel under the train tracks, where again there is potential for pedestrian and vehicle conflict. The tunnel does allow for views through to allow judgement whether it is safe to enter, but the impact from the lights change at the humpback bridge means that traffic can be continuous, as evident on my site visit. This provides minimal opportunity for pedestrians to go through safely or to cross over the carriageway.
11. There are also no streetlights in Cooks Wharf. The unpaved narrow canal towpath would only allow commuting in fair weather and daylight, and users would still

need to cross over the humpback bridge. That existing residents may currently be walking these routes, with no injuries or deaths recorded, does not justify putting more people in harm's way. Overall therefore, the proposed 9 new dwellings would create a potentially harmful conflict between pedestrians and vehicles, particularly for vulnerable persons. The proposal would conflict with the Framework paragraph 117(a) and (c) regarding giving priority to pedestrians, and minimising the scope for conflicts between pedestrians and vehicles.

12. Walking to bus stops outside of Cooks Wharf would be unlikely. The bus stops within the hamlet provide only infrequent services, including that bus timings would not allow for typical commuting patterns. There are no Sunday services. Waiting for this bus service would also be difficult for persons in wheelchairs or with prams due to the narrow or non-existent footways. The potential few additional patrons may encourage the bus company to maintain this route, but conflict with the Framework paragraph 177(a) and (b) would still arise, whereby development should so far as possible facilitate access to high quality public transport, and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
13. The appellant's 7th October 2024 email to the Council stated that they would of course be prepared to build a footpath over the canal towards Cheddington, and contribute towards traffic calming measures under the railway bridge. However, no further details of these are before me, including no guarantee of their provision. Without more certainty that these would be technically possible and suitable, I am not able to defer such matters to condition stage, and thus have not taken them into account as part of the proposal.
14. There is the possibility of cycling to the station in Cheddington for a multi-modal journey, or directly to other facilities, although daily primary school journeys would be highly unlikely by bike due to the difficult road conditions. The adjacent mooring facilities offer the opportunity for new residents to travel along the waterway, but this would only be recreational. Although the appeal dwellings would include EV charging facilities, these are mandatory under the Building Regulations. The proposal would not ensure that only zero emissions vehicles were used.
15. The appellant argues the precedent of multiple other housing permissions in Pitstone, with distances to bus stops having been in excess of that from the appeal site, and/or the same width of existing pavements. However, each case must be assessed on its own merits, and there is very limited evidence of those other schemes before me. For example, they may have had a range of other benefits or other material considerations to outweigh any accessibility issues. The site context and nearby road layout of the proposal before me is inevitably markedly different to that of any schemes outside of Cooks Wharf. Moreover, although the Framework paragraph 83 refers when development in one village may support services in another village, Cooks Wharf is not a village. The comparative support to local services in Pitstone from the proposed 9 dwellings would be minimal compared to that from these previous large-scale permissions.
16. As such, the combination of safety concerns, the limited bus service, and the distance to daily facilities, would create a very high dependence on the use of private cars by new residents. Residents would be unable to safely access any facilities on foot, and those with mobility issues would be significantly disadvantaged. Overall, I find the appeal site is not in a sustainable or suitable

location for housing, having regard to the spatial strategy. In this regard it would conflict overall with the Framework, and with the VALP Policies S1, S2, and S3.

17. Regarding pedestrian safety, the proposed development would also specifically conflict with the Framework paragraph 117 as outlined above, and also with paragraphs 115 and 116, whereby developments should ensure that sustainable transport modes are prioritised, that safe and suitable access to the site can be achieved for all users, and that they should only be prevented on highways grounds if there would be an unacceptable impact on highway safety. Conflict with the VALP Policies T1 and T5 would also arise, as they encourage modal shift and greater use of more sustainable forms of transport, improving the safety of all road users, and require no unacceptable transport impact. I note the decision notice also references the VALP Policy T4, but I find it not directly relevant as it only relates to capacity in the transport network.

Character and Appearance

18. The development would extend the hamlet's built form southwards, notwithstanding the existing boat club buildings to the site's south. This would be of a significant extent compared to its size and extent of built form at present. Nonetheless, it would be relatively self-contained by virtue of the thick boundary vegetation along the frontage, the south, and along the canal. From the canal towpath the site's character is not entirely undisturbed and natural, due to the moorings running along the whole stretch of the appeal site, and the boatyard buildings acting as bookends. The appellant identifies that these moorings have been in use for long-term residential occupation for over four decades. Although a rural vista, additional development if well-designed and well-screened would not therefore necessarily be untoward.
19. The Council also considers that the indicative dwelling designs would be at odds with the surrounding traditional building design with relation to height, and in forming a more urbanised form of development as visible from the canal towpath. However, the scale and appearance of the dwellings are reserved matters. The future dwelling designs could be smaller than currently indicated, and could also be mitigated by landscaping as another reserved matter.
20. The site's cul-de-sac type looped road layout would not follow the predominant linear pattern of active road frontages of existing dwellings, but this is due to the site constraint of the thick road frontage vegetation. In itself, I do not find a cul-de-sac inappropriate, as it would allow a set back development pattern similar to that at the Pitstone Wharf Marina, and the detached dwellings by the canal curve. However, the internal layout would be disjointed. There would be a large extent of carriageway and hard surfacing for only 9 dwellings, a parking court on the opposite side of the carriageway instead of any in-plot provision for plots 1-3, and some parking/car ports well away from plots 7-9. This is exacerbated by the 3 separate layout patterns of the dwellings. The layout overall would read as a series of 3 separate schemes, rather than a cohesive whole providing internal legibility.
21. Overall therefore, the proposed access and layout would cause slight harm to the character and appearance of the area. It would conflict with the VALP Policies BE2, BE4 and NE4, which together and amongst other matters, require development to constitute an effective use of land, and respect and complement the scale and context of the site and its setting, and the local distinctiveness and vernacular character of the locality in terms of ordering, form, spacing, and plot

shape and size. The Framework paragraph 135 also requires proposals to be visually attractive including as a result of good layout, and to establish a strong sense of place, using the arrangement of streets, spaces, and building types to create attractive and welcoming places.

Affordable Housing

22. The VALP Policy H1 identifies that residential developments of 11 or more dwellings gross or sites of 0.3ha or more will be required to provide a minimum of 25% affordable homes on site. It further identifies various requirements for such affordable housing, and includes that an open book financial appraisal is required if this level of provision would be unviable.
23. The site size is 0.98ha, but no affordable housing has been suggested, nor any justification on the grounds of viability. The only justification at appeal stage is that the appellant was unaware of this as a requirement, having assumed the scheme reductions from the previous application would drop the proposal below the affordable housing threshold. Although the Council could have raised this issue with the appellant at an earlier stage in the application determination process, Policy H1 has been the adopted policy within the VALP since September 2021. It is primarily the appellant's responsibility to consider all relevant policies.
24. Affordable housing matters cannot be delayed to condition stage as it is too integral to the assessment of the proposal as a whole. The lack of affordable housing would not ensure a mixed and balanced community. As such, it would therefore conflict with the VALP Policy H1.

Biodiversity Net Gain (BNG)

25. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Every relevant planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met, in that development delivers at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The Framework paragraph 187(d) also requires BNG, and the VALP Policy NE1(c) requires measurable BNG.
26. Although the proposal would result in a 22.63% gain in hedgerow units, there would be a loss of 1.07 habitat units, equivalent to 17.14%. Therefore, 1.69 compensatory habitat units would be required to achieve a 10% net gain. The appellant identifies that due to the site's size and available space, this could not be achieved on-site while remaining viable. They suggest that should it be necessary, this shortfall could instead be rectified through procuring biodiversity credits from one of Buckinghamshire Council's accredited 3rd party providers such as Trust for Oxfordshire's Environment, or through the use of Statutory Biodiversity Credits.
27. However, there is no further information to demonstrate sufficient certainty that this off-site provision would be achieved, such as the off-site gains having been quoted for and secured, or that statutory credits have been purchased. A grant of permission would assume the statutory biodiversity gain condition would be in place, which would be an inappropriate approach to defer such BNG consideration without the necessary baseline level of information at this stage.
28. The Council highlights that the BNG baseline and Metric excludes the area in the northwest corner of the site as shown on the Proposed Site Layout Plan, and so

the habitat unit loss would be greater than that suggested in the evidence. However, I have not sought revised plans, partly because these should in any case have been submitted alongside the appeal, but primarily because it would not affect the outcome of my above conclusion on this issue.

29. Overall, the proposal would demonstrate insufficient provision of BNG. It would conflict with the statutory BNG requirements, the Framework paragraph 187(d), and the LVALP Policy NE1(c) as outlined above.

Drainage

30. The application was refused due to a failure to provide adequate information to demonstrate the achievement of a robust on-site surface water management to complete a Sustainable Drainage System (SuDS) Appraisal. The proposed development would be susceptible to surface water flooding, but at application determination stage the Council considered that it had not demonstrated the effective management of surface water run-off on site, or that it would not increase flood risk elsewhere.
31. The appeal provided no substantive additional drainage information. The Council's Sustainable Drainage Officer therefore repeated their previous objection on the basis of additional information being required. This relates to photographic evidence of the existing outfall to the Grade Union Canal and an annotated map of its location; written confirmation from the Canal and River Trust of the agreed discharge rate; and an updated Preliminary Surface Water Drainage Strategy to include the piped network to demonstrate areas of permeable paving, and how surface water runoff from the roofs and hardstanding areas would be conveyed to the detention basin.
32. In the absence of evidence of the existing outfall pipe, the viability of this location has not been demonstrated. As the canal is the final discharge receptor, there is a risk that surface water discharge into the canal would be increased, which has not been agreed to be viable. There is no clarity as to how surface water runoff from the roofs and hardstanding areas would be conveyed to the detention basin, or where permeable paving would be used.
33. Other drainage matters such as maintenance could be addressed via condition, but the above matters are integral to the principle of the proposal. I thus find no reason to conclude differently from the Council's technical expert in this matter. The proposal would therefore not demonstrate the effective management of surface water run-off on site, or that it would not increase flood risk elsewhere. It would conflict with the detailed criteria within the VALP Policy I4, regarding flood risk management, flood risk assessments, and sustainable drainage systems.

Other Matters

Special Area of Conservation

34. The site lies within 12.6km of the Chiltern Beechwoods Special Area of Conservation (SAC), afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). As the Competent Authority, I may only grant permission after having ascertained for myself that the proposed development would not affect the integrity of this or any other protected site. The VALP Policy NE1 reiterates the Habitat Regulations, to

not permit development likely to affect the SAC unless any significant adverse effects can be fully mitigated, or exceptional circumstances can be demonstrated.

35. There are likely significant in-combination effects on this SAC resulting from increased recreational pressure from new housing development. This pressure includes disturbance from the presence of humans and dogs, damage, contamination, and fire. Natural England advised in October 2024 that mitigation measures would be necessary to rule out adverse effects on the integrity of the SAC, including provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG, and/or financial contributions towards the Strategic Access Management and Monitoring strategy.
36. The appeal proposal would therefore be required to provide such mitigation. The appellant identifies that no SANG has been delivered by the Council, such that it is not in a position to positively approve any application whereby such an agreement is required. Even so, the proposal does not include any specific details of any type of mitigation or how it would be secured. I cannot overlook this issue as I must be certain that the statutory Habitats Regulations mitigation requirements would be met. Nonetheless, as I am dismissing the appeal on other grounds, the outcome of further consideration of any proposed mitigation would not be determinative.

Planning Balance and Conclusion

37. The Council can only demonstrate 3.62 years housing supply. However, I found above that the proposal would have a likely significant in-combination effect on the Chiltern Beechwoods SAC. The Framework paragraph 11(d)(i) footnote 7 refers that the application of the Framework policies that protect areas or assets of particular importance, including Habitats Sites, provides a strong reason for refusing a proposed development. I find the impact on the SAC would thus be such a reason. Accordingly, the proposal does not benefit from the Framework presumption in favour of sustainable development as a material consideration.
38. There would be some benefits arising from the provision of 9 new dwellings, including their contribution to the Council's urgent housing need, and economic benefits from their construction and occupation. This is supported by the Framework paragraph 73, whereby small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are essential for small and medium enterprise housebuilders to deliver new homes.
39. However, the proposal would be on a greenfield site on the edge of a hamlet unidentified in the settlement strategy, and has the potential to cause significant harm to pedestrians due to likely conflict with vehicles. It would be an unsustainable location due to the very high reliance on the private car. No affordable housing would be provided, and there has been unsatisfactory demonstration of BNG provision, drainage and flood risk management, and mitigation for the proposal's likely effects on a Habitats site. There would also be minor harm to the character and appearance of the area.
40. Only very limited additional relevant evidence has been submitted at appeal stage, to counter the Council's objections and concerns as raised during its determination, and the decision notice reasons for refusal. I find it overwhelmingly evident that the combination of this harm outweighs the benefits of new housing in this location.

41. In conclusion therefore, the proposal would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR

Appendix 6: Travel Patterns – Surrey and Tandridge

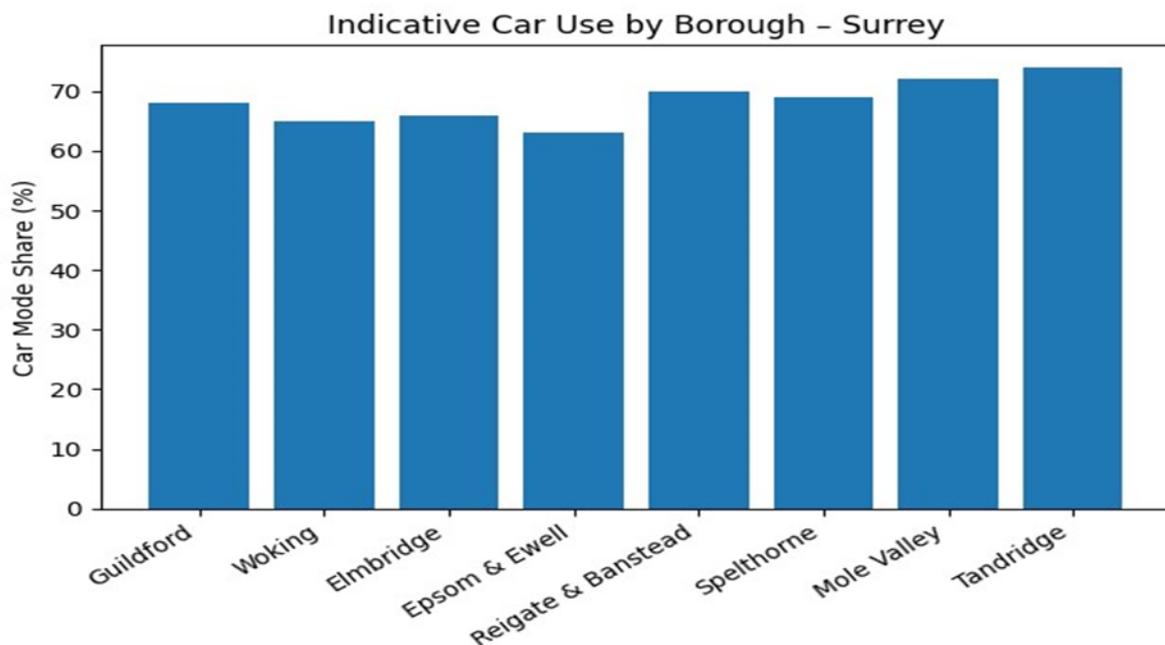
Executive Summary

Travel behaviour across Surrey remains heavily car-dependent, though patterns vary across boroughs depending on rail accessibility, proximity to London, and local employment opportunities. Boroughs with strong rail links show lower car dependency, while more rural districts display higher reliance on private vehicles.

Commuter flow patterns remain strongly oriented toward London and major employment centres, reinforcing pressure on rail corridors and main road connections. Borough-level interventions are therefore crucial in managing transport demand and achieving environmental targets.

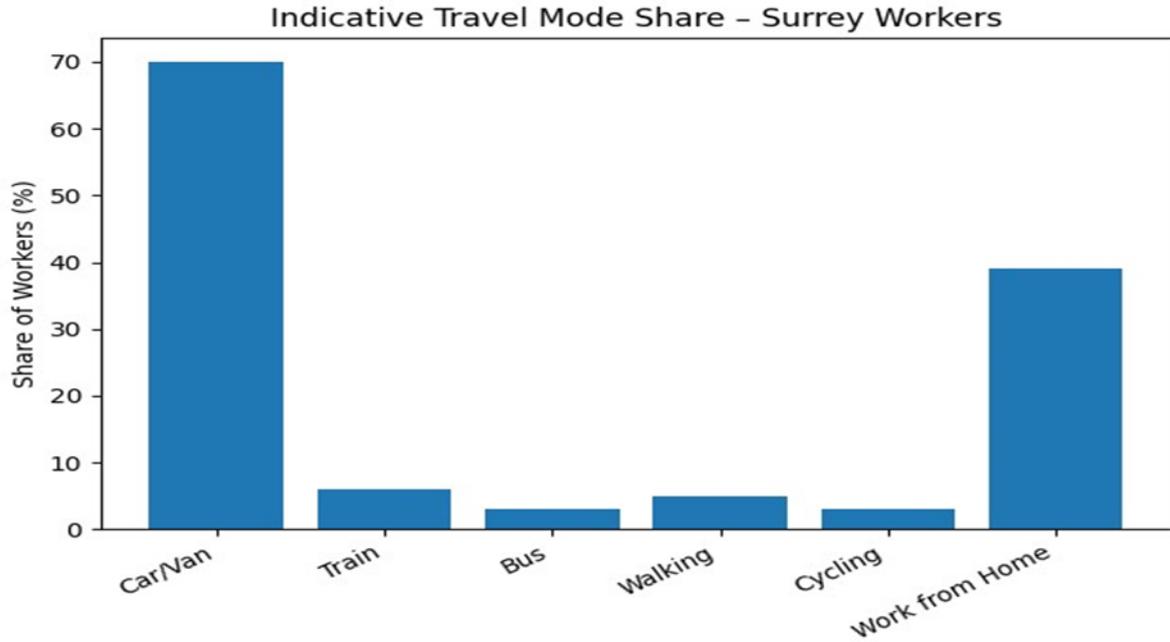
Borough-Level Travel Behaviour

Car use varies across boroughs, generally correlating with rail access and urban density. More urbanised boroughs demonstrate somewhat lower car reliance, while outer and rural boroughs show higher private vehicle use.



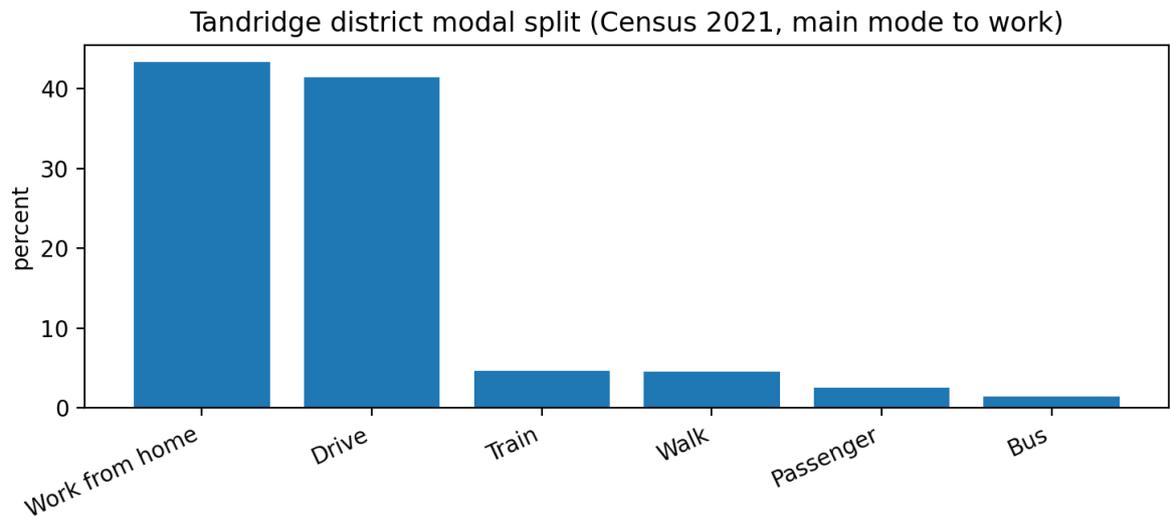
Current Travel Behaviour

Private car use remains the dominant mode for commuting and local journeys. Rail travel is significant for London-bound commuting, while bus and active travel modes represent smaller shares of total journeys. Remote working has reduced peak commuting demand but altered travel timing patterns.



Tandridge – Ward-Level Travel Intensity by Mode

This report provides a ward-level proxy view for Tandridge using Census 2021 Travel to Work (TS061) inputs. 11 ward-proxy zones (Zone A–K) from MSOA travel profiles and present them as a schematic set of panels.



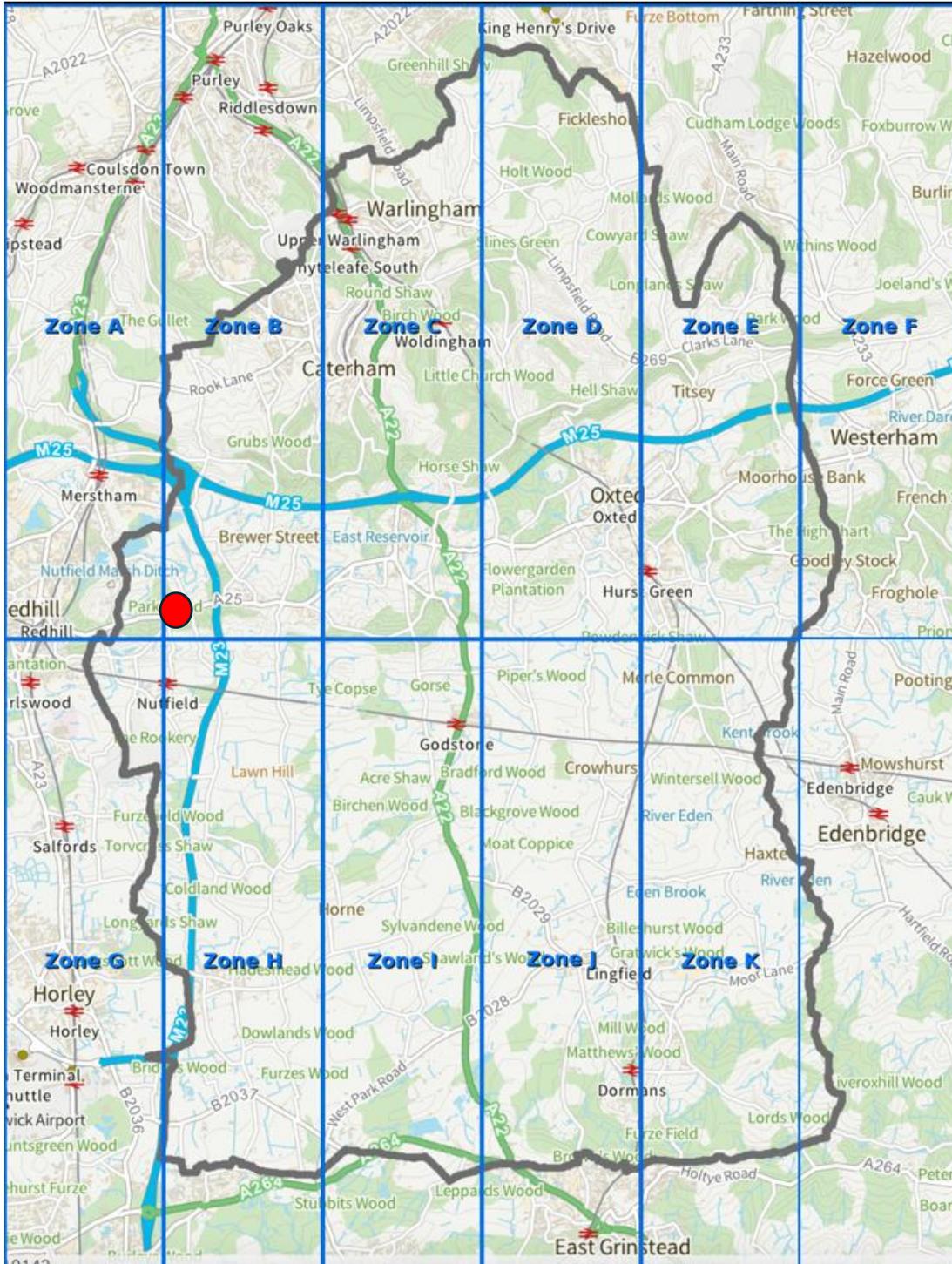
Ward-proxy zone summary (weighted by employed residents travelling)

Zone	Total employed travel	Drive %	WFH %	Public transport %	Active travel %
Zone A	4,538	31.1	53.8	5.4	7.0
Zone B	3,573	47.1	38.3	5.6	4.6
Zone C	2,645	39.9	44.6	6.0	5.3
Zone D	4,345	36.9	45.6	10.5	3.4
Zone E	5,450	34.1	47.8	8.9	5.6
Zone F	2,959	42.8	44.8	3.9	4.0
Zone G	3,051	50.4	36.2	4.7	3.6
Zone H	3,174	41.4	41.8	6.4	5.9
Zone I	4,077	48.9	39.3	3.6	3.6
Zone J	4,789	45.5	37.2	6.8	5.8
Zone K	3,985	42.8	43.3	4.9	5.1

Modelled Zone Key

Zone	Profile
Zone A	Highest WFH + high car use (rural commuter belt)
Zone B	Very high car dependence
Zone C	Car + rail commuter mix
Zone D	Rail-oriented commuters
Zone E	Balanced car + WFH
Zone F	Above-average walking (town centres)
Zone G	Active travel + short trips
Zone H	Low mobility / high WFH

Zone I	Public transport leaning
Zone J	Mixed but car-heavy
Zone K	Lowest active travel (rural periphery)



Appeal Site in Nutfield Denoted by Red Circle.

References and Data Sources

- 1 Office for National Statistics – Census 2021 Travel to Work data.
- 2 Surrey County Council Transport and Local Transport Plan documents.
- 3 Department for Transport traffic statistics.
- 4 Regional transport and mobility survey publications.
- 5 Public transport usage statistics and local authority monitoring reports.

Prepared as an overview briefing document.

Appendix 6 - NGP – Modal Accessibility to Facilities

Junior/Infant Schools: (Schools are listed in Table 5.1 of Transport SoCG)

Earlswood Infant School

5 minutes by car; 22 minutes by Public Transport; 41 minutes walking; 14 minutes cycling.

Earlswood Junior School

6 minutes by car; 25 minutes by Public Transport; 45 minutes walking; 15 minutes cycling.

Bletchingley Village Primary School

17 minutes by car; 14 minutes by Public Transport; 46 minutes walking; 13 minutes cycling.

(Note: Public Transport time seems erroneous, given the bus would route along the same roads as by car, so couldn't be 3 minutes quicker).

(Note: Cycling to all three schools would be along the A25).

Secondary Schools:

Merstham Park School,, Taynton Drive, Merstham, Redhill, Surrey, RH1 3PU

9 minutes by car; 46 minutes by Public Transport; 55 minutes walking; 17 minutes cycling.

Carrington School,) Noke Drive, Redhill, Surrey, RH1 4AD

6 minutes by car; 18 minutes by Public Transport; 40 minutes walking; 14 minutes cycling.

Doctors:

Holmhurst Medical Centre, 12 Thornton Side, Redhill, Surrey, RH1 2NP)

10 minutes by car; 32 minutes by Public Transport; 46 minutes walking; 16 minutes cycling.

The House Partnership – Moat House Surgery, Worsted Green, Merstham, Redhill, Surrey, RH1 3PN.

7 minutes by car; 36 minutes by Public Transport; 56 minutes walking; 16 minutes cycling.

Dentists:

Lowcroft Dental Surgery, 37 Redstone Hill, Redhill, Surrey, RH1 4AW.

3 minutes by car; 14 minutes by Public Transport; 37 minutes walking; 11 minutes cycling.

(Note: NHS appointments only available for under-17's).

Dental Surgery, 31 Nutfield Road, Merstham, Redhill, Surrey, RH1 3EN.

6 minutes by car; 31 minutes by Public Transport; 50 minutes walking; 14 minutes cycling.

Supermarkets:

Tesco Express Redhill 2 Marketfield Way, Redhill, Surrey

6 minutes by car; 11 minutes by Public Transport; 39 minutes walking; 11 minutes cycling.

Sainsbury's Redhill London Road, Redhill, Surrey, RH1 1NN

6 minutes by car; 16 minutes by Public Transport; 43 minutes walking; 10 minutes cycling.

Peter Lee 10.02.26