

Gleeson Developments Limited  
Sentinel House  
Harvest Crescent  
Ancells Business Park  
Fleet, Hampshire  
GU51 2UZ

**Town and Country Planning Act 1990 (as amended)**

**Refusal of Outline planning permission**

**Proposal:** Outline application to consider access for the erection of 30 residential dwellings to include 11 units of affordable housing, comprising 9 no. x 2 bed, 10 no. x 3 bed and 11 no. x 4 bed houses, with associated parking, landscaping and access from New Road, Chilworth.

**Location:** Land at Hornhatch Farm, New Road, Chilworth, Guildford, GU4 8HS

**For:** Gleeson Developments Limited

**Permission for the above application is hereby refused for the following reason(s)**

1. The proposed development is located in the Green Belt outside any identified settlement area and represents inappropriate development which is by definition harmful to the Green Belt. No very special circumstances have been identified by the applicant that clearly outweigh the substantial harm to the Green Belt. The development therefore fails to accord with policy RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/2007), and the guidance contained in the National Planning Policy Framework (paras 87 - 89).
2. The proposed development would result in the encroachment of built form into the countryside which would have a detrimental impact on the openness of the Green Belt. The proposal would not therefore accord with the fundamental aim of Green Belt policy of preventing urban sprawl by keeping land permanently open. The proposal is therefore contrary to the guidance contained in the National Planning Policy Framework (paras 79 - 80).
3. The proposed residential development of 30 dwellings, together with the access road would represent a significant urban intrusion onto open and undeveloped rural land which would be harmful to the rural character of the site. This is contrary to policy and G5(10) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07).

4. The proposed development would conflict with the aim of the Guildford Landscape Character Assessment 2007 for this area, which is to retain the distinct settlements of Shalford and Chilworth and avoid merging these through linear settlements along the main road and retaining the gap along the A248. As such, the proposal is contrary to the Guildford Landscape Character Assessment 2007.
5. The following levels of contribution and provisions would have been sought from the applicant had the application been supported:
  - Off-site recreational contribution of £43,441.78 and the implementation of on-site provision of amenity space and children's play space in accordance with saved policy R2 of the Local Plan 2003 and Infrastructure SPD 2006.
  - 35% of the dwellings to be affordable housing in accordance with saved policy H11 of the Guildford Borough Local Plan 2003 and the Council's Infrastructure SPD 2006.
  - Contribution of £75,000 to be made to Surrey County Council to fund schemes arising from the need generated by the development, such as road, junction and footpath improvements.
  - An educational contribution of £231,147.38 in accordance with Surrey County Council assessment to mitigate the impact of the development on the local schools.

Without a completed legal agreement securing this contribution an objection is raised in accordance with policy G6 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and the Planning Contributions SPD (March 2011).

**Informatives:**

1. You are advised that the following policies and/or proposals in the development plan are relevant to this decision:

Guildford Borough Local Plan 2003 policies - RE1, RE2, G1, G5, G6, H11

2. This decision relates expressly to the following drawings received on 07/02/2013:

46-1791-SK-001 Rev L  
46-1791-SS-001  
46-1791-000  
TD560/10B  
Site survey drawings - 3 of 5 rev 2, 4 of 5 rev 2, 5 of 5 rev 2

And the following accompanying documents:

Transport Statement dated February 2013  
Planning Statement dated February 2013  
Design and Access Statement dated February 2013  
Landscape and Visual Impact Assessment dated February 2013

Site Assessment Report dated May 2012  
Ecological Impact Assessment dated February 2013  
Reptile Survey dated October 2012  
Great Crested Newt Survey dated October 2012  
Archaeological Desk Based Assessment dated January 2013  
Flood Risk Assessment dated January 2013

3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Guildford Borough Council takes a positive and proactive approach to development proposals focused on looking for solutions. We work with applicants in a positive and proactive manner by:
- offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this instance, the applicant entered into pre application discussions before submitting the application where it was advised that the proposal would constitute inappropriate development in the Green Belt and that there existed an 'in principle objection' to the proposal.

The submitted planning application differed in terms of the density of the scheme with greater areas of open space proposed. However the fundamental objection to such development in the Green Belt remains and is not overcome with this planning application.

  
  
Carol Humphrey  
Head of Planning Services

**This decision notice does not grant buildings regulations approval.**

## **Notes in respect of applications for the Planning permission**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Department for Communities and Local Government, under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Department for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on Guildford Borough Council in whose area the land is situated. This notice will require Guildford Borough Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from Guildford Borough Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to Secretary of State. These circumstances are set out in Part V and related provisions of the Town and Country Planning Act 1990.

## **NOTES IN RESPECT OF APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the local planning authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Secretary of State for the Department for Communities and Local Government in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals must be made on a form which is obtainable from the Planning Inspectorate.

### **Purchase Notices**

If Listed Building Consent or Conservation Area Consent is refused, or granted subject to

conditions, whether by the local planning authority or by the Secretary of State for the Department for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on Guildford Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Compensation**

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**NOTE:** Where consent is given to demolish a Listed Building the applicant is advised that "Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage South East Region, Eastgate Court, 195-205 High Street, Guildford, GU1 3EH and English Heritage have subsequently either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it".

### **NOTES IN RESPECT OF ALL APPLICATIONS**

#### **Conditions**

Where this decision notice relates to the grant of planning permission, Listed Building Consent or Conservation Area Consent, the applicant's attention is drawn to the conditions attached. It is the applicant's responsibility to ensure that the conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the local planning authority or seek professional advice.

#### **Breach of Condition Notices**

**IMPORTANT:** If you do not comply fully with the attached conditions Guildford Borough Council may serve a Breach of Condition on you and you may be prosecuted and fined. There is no right of appeal against a Breach of Condition Notice.

**NOTE:** Attention is drawn to Section 20 of the Surrey County Council Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

**If you require any further information on Building Regulations please contact Building Control on 01483 444545.**