

Shortland Farm Statement of Case

**Pursuant to the appeal against non-determination of
planning application 25/9/01521 by Guildford Borough
Council**

Gleeson Land Limited

22 April 2026

LICHFIELDS

69909/06/DL/PH
40802002v10

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1.0 Introduction

- 1.1 This Statement of Case (“SoC”) has been prepared by Lichfields on behalf of Gleeson Land Limited (“the Appellant”).
- 1.2 Lichfields submitted an outline planning application on behalf of the Appellant on the 6 November 2025 to Guildford Borough Council (“GBC”). The description of development for this application (25/P/01521), hereafter ‘the Appeal Scheme’ is set out below:
- Outline planning application with all matters except for the accesses from Guildford Road and Wyke Lane reserved, for subsequent approval for the demolition of the existing buildings and hardstanding and the erection of up to 200 residential dwellings including affordable housing and plots of self-build plots (Class C3); green and blue infrastructure and associated service and utility structures.*
- 1.3 The application relates to land at Shortland Farm, Guildford Road, Ash, Guildford, GU12 6DF (“the Appeal Site”).
- 1.4 The 13-week determination date for the application was the 5 February 2026. During consideration of the application, the Appellant was not asked by GBC to extend the period of determination so the determination date has never changed.
- 1.5 The Appellant has therefore lodged this appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, due to the failure of GBC to determine the application within the statutory period.
- 1.6 A notification of intent to appeal was submitted to the Planning Inspectorate and GBC on 30 March 2026, and this document forms part of the formal appeal submission.

Procedural Guidance

- 1.7 In preparing this SoC regard has been had to Section 12.2 of the Planning Inspectorate’s (PINS) Procedural Guide: Planning appeals – England for appeals relating to applications dated on or before 31 March 2026 (updated 18 February 2026) (“the Procedural Guidance”).
- 1.8 This SoC contains full details of relevant facts and planning/legal arguments the Appellant proposes to make at the inquiry (insofar as they are known at this stage). The Appellant reserves the right to expand or vary its stated case as necessary in response to any relevant change in circumstances and/ or further consultation responses that might arise during the appeal process.
- 1.9 The SoC also includes initial responses to points raised by interested people and statutory consultees. A number of matters raised by statutory consultees have been resolved during the determination period and other outstanding matters are capable of resolution through dialogue and the imposition of appropriate planning conditions and the progression of a s106 agreement / unilateral undertaking.

Statement as to why inquiry is sought

- 1.10 Having regard to Section 11 within the Procedural Guide, as well as the PINS Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals (August 2024) the Appellant considers it is necessary for the appeal to be dealt with by way of a Public Inquiry because:
- 1 There are several complex areas which the Appellant anticipates could form reasons for refusal which would require the submission of technical data and evidence which will subsequently need to be tested via cross-examination. To speak to these matters, and subject to the case presented by GBC it is anticipated that as many as 10 witnesses could be required to provide evidence at inquiry on topic areas as follows:
 - a Planning balance;
 - b The Appeal Scheme's compliance with national policies around grey belt, in particular:
 - i The Appeal Site's contribution to green belt purposes;
 - ii Flood risk and drainage matters;
 - iii Built Heritage matters;
 - iv Landscaping matters, including the Appeal Scheme's effect on openness of the green belt;
 - v Five-year housing land supply ("5YHLS"); and
 - vi Affordable housing.
 - c Transport and highways;
 - d Ecology; and
 - e Air quality.
 - 2 The appeal has generated substantial local interest from local residents and Parish Councils. Around 90 comments have been received, including from Normandy Action Group, Ash Parish Council, and Normandy Parish Council. There is a reasonable prospect that one (or more) of these groups may seek Rule 6 party status.
 - 3 Furthermore, the Appeal Scheme will require an S106 agreement / unilateral undertaking the provisions of which are not currently agreed, may be complex and are likely to require "blue pencil" considerations in the light of the CIL Regulation 122 Tests. A Public Inquiry is an appropriate forum to enable the assessment and conclusion of these matters.
 - 4 Finally, during the pre-application stage, and post submission of the application, there have been extensive periods of non-communication with GBC. Despite recent correspondence from GBC the Appellant does not have a clear understanding of the case that might be made by GBC, nor by some key consultees.
- 1.11 In this context a Public Inquiry would give the Appellant time to firstly find out from the councils SoC what the main issues of debate are to be, then secondly to appoint the relevant technical consultants to act as expert witnesses, and then finally for them to produce proofs

of evidence accordingly. A hearing would not offer the necessary timescales for production of, at present unknown, evidence and the Appellant would be unfairly disadvantaged.

Draft Statement of Common Ground

1.12 To avoid repetition between this SoC and the first draft Statement of Common Ground (“SoCG”) prepared by the Appellant has been submitted with this appeal and contains the following information:

- The Appeal Site and Local Area
- Relevant Planning History
- Background Information and Key Milestones
- The Appeal Proposal
- Development Plan (Adopted and Emerging) and Supplementary Planning Guidance National Policy and Other Guidance
- Matters Agreed between the Parties
- Matters in Disagreement

Structure

1.13 The SoC addresses the following matters:

- Section 2.0 details the Appellant’s case;
- Section 3.0 discusses planning conditions and obligations matters; and
- Section 4.0 sets out our conclusions.

2.0 Planning Policy

2.1 The Statutory Development Plan at the Appeal Site comprises:

- 1 Guildford Borough Local Plan: strategy and sites 2015 - 2034 (adopted 25 April 2019) (“the LPSS”);
- 2 Guildford Borough Local Plan: Development Management Policies (adopted 22 March 2023) (“the LPDMP”); and
- 3 Saved policy NRM6 of the Southeast Plan (adopted 6 May 2009) relates to the Thames Basin Heath Special Protection Area (“TBHSPA”).

2.2 The Appellant considers the scheme to be in accordance with the development plan, notwithstanding the fact that there are material considerations adding weight to the fact that permission should be granted. This includes the concept of “grey belt” as introduced by the 2024 NPPF.

2.3 A full schedule of relevant planning policy, including development plan policy and material considerations (national policy), is contained within the draft SoCG that accompanies this submission. The Appellant anticipates agreeing this with GBC through the SoCG process.

2.4 It is noted that an updated NPPF is anticipated in Summer 2026. If/when this is published the Appellant anticipates addressing this, and any resultant implications, over the course of the appeal process.

3.0 Case for the Appellant

- 3.1 In the context of NPPF paragraph 48, the Appellant is disappointed that it is necessary to submit a non-determination appeal for this site. However, despite the 13-week statutory determination timeframe passing some time ago, on the 5 February 2026, there is no clear timeframe for the appeal application being considered by GBC.
- 3.2 After submission of the notification of intent to appeal on the 30 March 2026, contact was made by GBC and an indication that the application could be heard at the April 2026 planning committee was put to the Appellant. However, despite being advised that a meeting was to be held by GBC to discuss the agenda for that planning committee on the 9 April 2026, no outcome from this was communicated to the Appellant. There has been some further correspondence from GBC seeking timescales for further work on ecology from the Appellant (which is submitted with this appeal), including asking for postponement of the submission of this appeal against non-determination to give GBC time to consider this updated work. GBC have advised of some initial S106 requests, but this list is incomplete and therefore discussion on these issues is premature.
- 3.3 As outlined above there are no substantive objections to the Appeal Proposals from consultee bodies and none were indicated by GBC in discussing taking the application to the April 2026 planning committee. The main outstanding matter related to the Appellant responding to ecology comments from Surrey Wildlife Trust and NatureSpace Partnership Limited. A Technical Note on Ecology and supporting BNG metric are appended to this SoC addressing these consultee comments. More broadly, proactive engagement has been carried out with consultees where more information has been requested and/or potential issues have been raised. This is detailed in the draft SoCG.
- 3.4 The Appellant will demonstrate that, based on their analysis within the planning application submission and subsequent information they have submitted, that there are no sound reasons for resisting the proposal. Conversely there are material considerations to which significant weight should be attached including the presumption in favour of sustainable development, meeting market and affordable housing requirements and other substantial planning benefits which would outweigh any conflict with the development plan.
- 3.5 This SoC briefly expands on these matters below and the Appellant anticipates amplifying these through the appeal process.

Principle of Development

- 3.6 The application is in accordance with the development plan as a whole. LPSS Policy S1 engages the presumption in favour of sustainable development as part of the development plan. This applies where there is no 5YHLS within the borough (as is the case in GBC). The Appellant also considers that Policy S2 is out of date and reduced weight should be applied to this policy.

The Appellant also considers that the scheme accords with both parts (1) and (2) of Policy P2 Green Belt. The broad thrust of the policy is in line with national policy because it defers to the NPPF which states grey belt is a new exception to inappropriate development in the green belt.

- 3.7 The Appellant has demonstrated, through the submission of a planning application, that the application site is “grey belt” land (as defined in the NPPF Annex 2: Glossary) and the Appeal Scheme would adhere to the subsequent criteria at paragraph 155 of the NPPF including compliance with the Golden Rules.

Green belt purposes

- 3.8 In considering the green belt purposes in relation to the Appeal Scheme, the planning application was accompanied by a ‘Technical Note: green belt and openness analysis’ prepared by Leyton Place.
- 3.9 As set out in the Technical Note, the Appellant has demonstrated that GBC’s green belt and countryside studies (over four volumes) which are of relevance to the Appeal Site do not reflect the current national green belt policy and guidance in the NPPF or the green belt PPG ‘Advice on the role of green belt in the planning system’. As a result, the contents of GBC’s evidence base as they pertain to green belt harm are out of date.
- 3.10 With regards to their assessment of green belt purpose a, b and d the Appellant has demonstrated that:
- **Purpose A)** With the planned expansion of Ash the Appeal Site is now close to the settlement edge. The land parcel is near to the built-up area of Ash; however, it is contained by residential development which could restrict and contain development and ultimately conclude that the land parcel makes a **low contribution** to purpose (a).
 - **Purpose B)** Wyke is not a town. Guildford to the east is too distant from the Appeal Site for there to be any discernible functionality in terms of preventing coalescence between Ash and Guildford. It is a very small part of this gap and makes no contribution to visual or perceptual separation. as such the Appeal Site makes **no contribution** to this purpose; and
 - **Purpose D)** The Appeal Site does not form part of the setting of a historic town and has no visual, perceptual, or experiential connection to any historic towns and therefore makes **no contribution** to this purpose.
- 3.11 The Appeal Site and Appeal Scheme can be considered to meet the definition of ‘grey belt’ within the NPPF following consideration against the subsequent tests.

NPPF Footnote 7

- 3.12 The Appeal Site does not fall within a National Park, the Broads, a National Landscape, a Site of Special Scientific Interest, Local Green Space, defined Heritage Coast, irreplaceable habitat, designated heritage assets or an area of coastal change.
- 3.13 The Appeal Site lies partially within an area of surface water flood risk but due to the real-world level of flood risk and proposed scheme mitigation as addressed in the Flood Risk Assessment (FRA), the Appellant is not required to undertake a sequential test.
- 3.14 Minor visual changes to the setting of two heritage assets are found as a result of the Appeal Scheme. This less than substantial harm is considered to be at the low end of the spectrum. The heritage balance at paragraph 215 of the NPPF finds that the public benefits of the

Appeal Scheme are more than sufficient to outweigh the identified harm to the significance of the designated heritage assets.

- 3.15 Therefore, there are no constraints in relation to the Appeal Site that fall within footnote 7 of the NPPF which would represent a “*strong reason*” for refusing or restricting the proposed development.

NPPF Paragraph 155

- 3.16 The Appeal Site and Appeal Scheme form a grey belt proposal and meet the tests at paragraph 155 of the NPPF (including the ‘Golden Rules’). In summary:

- With regards to **part 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;
- With regards to **part b)** there is a demonstrable unmet need for housing (market and affordable). GBC released its most recent Land Availability Assessment (“LAA”) on 5 November 2025. This is after the submission of the planning application and so was not taken into account in the submission material. The LAA contains the calculation of 5YHLS and contends that at present GBC can demonstrate only 2.98 years’ supply in the period 1 April 2025 - 31 March 2030. The Appellant reserves their position to test the LPAs analysis through the appeal process. With regards to affordable housing, the Appellant notes the extreme disparity in affordable housing need as identified in the 2017 Strategic Housing Market Assessment (“SHMA”) addendum for Guildford Borough and the affordable delivery figures in the latest Authority Monitoring Report demonstrate the urgency for affordable housing delivery.
- With regards to **part c)** the Appeal Site is highly sustainable location and will offer a genuine choice of transport modes, not least by the ability to walk along the PROW within the Appeal Site straight to Ash train station in 8-9 minutes or cycle in 3 minutes, but also along Guildford Road to catch a bus and reach services and facilities.

Golden Rules

- 3.17 In the context of NPPF paragraph 156-157, the Appellant will demonstrate that the Appeal Scheme delivers the “Golden Rules”, specifically:

- It will deliver 50% affordable housing, in line with Part A of NPPF paragraph 156 and paragraph 157. Consideration has been given Local Plan policy H2, and the quantum of affordable homes will be fixed within the s106 / Unilateral Undertaking.
- It will deliver improvements to local and national infrastructure including financial contributions (as justified) for primary and potentially other healthcare health services and education which we anticipate will be agreed as part of the appeal process (see Section 4.0) of this SoC for proposed s106 heads of terms) in line with Part B of NPPF paragraph 156 where these comply with the CIL Regulations 122 Tests.
- There is provision of just over 5ha of open space on the Appeal Scheme in line with Part C of NPPF paragraph 156. This far exceeds the requirements of local policy ID6.

Planning Balance

- 3.18 There is a significant and urgent undersupply of housing within Guildford Borough. Given that the element of the development plan containing strategic policies is now more than five years old, and the emerging local plan is not anticipated to be adopted until 2029, GBC will have to look beyond its currently adopted housing allocations if it is to deliver sufficient housing to meet needs.
- 3.19 In the context of a significant lack of 5YHLS acknowledged by GBC (and which the Appellant will address further through the appeal process) paragraph 11d) ii) of the NPPF applies.
- 3.20 Further, the Appeal Scheme meets the requirements of paragraph 155 in the NPPF and therefore (paragraph 11d) i) is not engaged. Therefore, the Appeal Scheme should not be regarded as inappropriate development in the green belt and the presumption in favour of development applies, and the Appeal Scheme should be allowed unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.
- 3.21 Even if the Appeal Scheme is considered not to benefit from paragraph 155 of the NPPF, then the balance at paragraph 153 of the NPPF is passed as the combination of the various benefits (set out at paragraph 3.23 below) clearly outweigh the identified harm to the green belt and the other identified harms.
- 3.22 In applying s.38(6) of the PCPA 2004, the development is in accordance with the development plan and the material considerations in this case indicate that permission should be granted.

Planning benefits

- 3.23 The benefits of the Appeal Scheme are substantial and far outweigh any adverse impacts. These include:
- 1 The provision of 50% market homes.
 - 2 The provision of 50% affordable housing.
 - 3 A highly sustainable development utilising the onsite PROW to create an exceptionally well connected and sustainable new development which can reach the train station on foot in 8 minutes or cycle in only 3 minutes.
 - 4 Meeting the Golden Rules.
 - 5 Proposed improvements to sustainable travel infrastructure.
 - 6 Economic benefits including over 120 construction jobs, forecasted £1.3m uplift in yearly local expenditure, and an uplift of £570,000 in council tax revenues.
 - 7 Enhancements to both the Guildford Road / Wyke Lane and Guildford Road / Harpers Road junctions.
 - 8 Introducing public views towards the Surrey Hill National Landscape.
 - 9 Biodiversity net gain.
 - 10 Surface improvements to the existing PROW that runs across the Appeal Site.

- 11 Improved opportunities for the public to view and appreciate retained trees including a significant net gain in canopy cover across the Appeal Site.

Adverse Impacts

- 3.24 There is no indication from GBC at this stage as to what, if any, adverse impacts they consider the Appeal Scheme result in. Those identified in the Planning Statement related to less than substantial harm at the lower end to two heritage assets settings, localised landscape and visual harm associated with the construction phase and primarily persisting in the short-term only and loss of one tree protected by TPO in a deteriorated condition do not significantly and demonstrably outweigh the benefits.
- 3.25 The potential impact on the Thames Basin Heath Special Protection Area (SPA) are addressed within Section 4.0
- 3.26 This balance establishes a very clear basis for the Appeal Scheme to be determined favourably.

Potential outstanding matters

- 3.27 As noted above the Appellant reserves their position to respond to any further matters raised by GBC or other consultees through the appeal process.

4.0 Planning Conditions and Obligations

Conditions

- 4.1 On 16 April 2026 the Appellant received correspondence from GBC (summarised above) including “initial draft conditions (under s100ZA) and without prejudice to the determination or recommendation”. The Appellant anticipates engaging with GBC on these through the appeal process.

Section 106 obligations

- 4.2 It is recognised that the appeal proposal will give rise to certain infrastructure requirements and the Appellant anticipates entering into a Section 106 agreement / Unilateral Undertaking relating to both the provision of on- and off-site infrastructure and financial contributions. These will include planning obligations in order to meet the Golden Rules required.
- 4.3 The Appellant does have an understanding of the basic S106 / unilateral undertaking assumptions from GBC owing to conversations had in the context of a potential planning committee in April 2026 (which never came to pass) albeit there remains no clarity on whether some of the potential contributions will be sought, and if so the amounts.
- 4.4 In combination with GBC policy requirements and subject to further discussions with statutory consultees, the following financial contributions/obligations are envisaged to form part of the S106:
- Financial contributions (where sought and compliant with the CIL Regulation 122 tests) for primary and potentially other healthcare health services (subject to consultation responses from the relevant parties).
 - Financial contributions (as justified) for education (subject to consultation responses from the relevant parties).
 - Affordable housing – 50% Affordable Housing (tenure split to be agreed at reserved matters stage).
 - Provision and ongoing management of both on- and off-site green infrastructure.
 - Secure the requisite SANG off-site to mitigate impacts on the TBHSPA. At the time of appeal submission, the Appellant is working on an Option Agreement with the landowners and their agents on Phase 2 of the Manor Farm SANG – consented in 2019 and implemented thereafter.
 - SAMM contribution.
 - Improvement to eastbound and westbound bus stops nearby to the Appeal Site.
 - Junction improvements to both the Guildford Road / Wyke Lane and Guildford Road / Harpers Road junctions in the form of pedestrian facilities, dropped kerbs and tactile paving.
 - Potential for a Guildford Road Cycle Network contribution.
 - Off-site BNG related to habitat units.

4.5 Whilst the Appellant anticipates these matters will be agreed through the SoCG process they may wish to use “blue pencil” provisions on one or more of these matters enabling the Inspector to consider if they conform with the CIL Regulation 122 Tests.

4.6 The Appellant has had regard to development plan policy around self and custom-build housing (LPSS policy H1) and considers this would be addressed though the legal agreement (or potentially a planning condition).

Surrey Police

4.7 Surrey Police has requested a contribution totalling £62,720.58 to cover a range of costs that will purportedly be associated with the delivery of 200 homes on the Appeal Site. While the response makes consistent reference contending its compliance with the ‘regulation 122 tests’ within the Community Infrastructure Levy (“CIL”) Regulations 2010 (as amended), as well as with principles established in recent planning and legal decisions, no details of schemes, costings and how they relate to the Appeal Scheme are included.

4.8 At this stage the Appellant is not convinced that the monies sought comply with the CIL Reg 122 tests and may contest this as part of the appeal process if GBC is minded to include it as a planning obligation.

SCC Highways

4.9 SCC Highways has requested a contribution totalling £240,000 to cover highway improvement measures and/or road safety improvements within the vicinity of the Appeal Site. The justification for this amount of money is based on “£1,200 per dwelling – a figure applied to the Orchard Farm, Harpers Road development site (22/P/01083).”

4.10 At this stage, there is no clear evidence that the monies sought comply with the CIL Reg 122 tests to understand if the amount is fair. There is no information on what highway improvement or road safety schemes it will fund, how they have been costed or what shortfalls there may be, or indeed how they would relate to the Appeal Scheme.

4.11 The Appellant may contest the amount of money requested as part of the appeal process, depending on the publication of further evidence in the context of CIL Reg 122 tests, and if GBC is minded to include it as a planning obligation.

4.12 The Appellant will progress these matters in liaison with GBC (and other consultees as necessary) and in line with timeframes required by PINS.

5.0 Conclusions

5.1 In conclusion, the Appellant will demonstrate that:

- 1 The proposals are not inappropriate development in the green belt;
- 2 The proposals represent sustainable development for which there is a presumption in favour of granting planning permission;
- 3 The proposals do not conflict with the relevant Statutory Development Plan policies or if there is any conflict, the conflict is not material; and
- 4 The Appeal Scheme should be viewed positively given the significant planning benefits associated with the scheme.

5.2 Therefore, in accordance with the NPPF (para 11d) any adverse impacts identified do not outweigh the benefits, and specifically do not significantly outweigh the benefits – the test required for planning permission to be refused

5.3 As this is a non-determination appeal, where GBCs stance is not yet clear, the Appellant reserves their position to provide updated information at the relevant stages of the appeal process, including if GBC subsequently contend there are any specific reasons why they consider the appeal should be dismissed.