



Town & Country Planning Act 1990

Appeal by Gleeson Strategic Land
against a non-determination of an outline application,
with all matters except for the accesses, by
Guildford Borough Council
in respect of;

the demolition of 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.

at:

Shortlands Farm
Guildford Road
Ash
Guildford
GU12 6DF

FULL STATEMENT OF CASE ON BEHALF OF GUILDFORD BOROUGH COUNCIL

PINS Ref: APP/6008529

LPA Ref: 25/P/01521

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1. INTRODUCTION

1.1 This Statement of Case is submitted on behalf of the Local Planning Authority, Guildford Borough Council ('GBC' / 'the Council'), in relation to the appeal brought by Gleeson Strategic Land ('the appellant').

1.2 The appeal concerns the following proposal, on Land at Shortlands Farm, Guildford Road, Ash, Guildford GU12 6DF ('the site'):

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.

Appeal Type

1.3 This s78 appeal is against non-determination of the planning application. The application was received and registered on the 6th November 2025 giving a 13-week statutory deadline of the 5th February 2026. It is a matter of fact now that the appeal was lodged before the application could be determined.

1.4 As the appellant also fairly notes the Council did not agree an extension of time making an appeal route and eligible option and the appellant has elected to take that. Consideration of the application continued beyond statutory deadline however, at which point unresolved matters merely pointed to refusal. This involved (as the appellant was and is aware of ongoing consultation activity/responses. The appellant also provided new and updated information for some time after the statutory deadline, themselves, rather than lodge an appeal. This included:

- **20 February 2026**- an Amended / Addendum Drainage Strategy
- **27 March 2026** - a revised suite of parameter plans and illustrative material (Land Use Parameter Plan c102b, Heights Parameter Plan c103a, Parameter Sections c105 and Illustrative Masterplan c101c), superseding November 2025 versions.
- **27 March 2026** - an Air Quality Assessment
- **31 March 2026**- a Biodiversity Net Gain matrix

1.5 Until 30 March, the appellant had not asked the Council to determine the application irrespective of the officer recommendation. The appellant was, understandably, working through its agent to progress the application and, if possible, secure permission at the local level. The Council was also seeking to undertake a thorough assessment of proposals for a site with the potential to contribute to addressing its housing supply position. While the Council recognises the appellant's right to appeal, it does not accept that the application had not been progressing.

1.6 Further to the submission of the appeal the Council has carefully reviewed the appeal documentation and its position. It has appointed Counsel and external consultants to participate in the appeal process.

1.7 The application was reported to the GBC Planning Committee on the 24th June 2026 with a recommendation that the application would have been refused and the putative reasons for such a decision. The committee resolved to carry the officer's recommendation and this statement of case reflects the endorsed position of the Council's elected members.

1.8 GBC will seek to work quickly with the appellant to agree the relevant Statement of Common Ground and explore areas where agreement can be reached to reduce the issues for the inquiry to resolve (insofar as possible). One of the key items will be the agreement of a draft s106 agreement to capture the necessary obligations to meet national and local planning policy.

1.9 In respect of the appeal the Local Planning Authority will expect to call witnesses in relation to the following:

- Planning Balance, Design
- Ecology

1.10 In forming this SoC, the Appellant's SoC has been reviewed and is noted. The Council's SoC sets out in the following sections;

Section 2- Describes the Site and Surroundings

Section 3 – Describes the appeal proposals

Section 4 – Explains the relevant planning history

Section 5 – Sets out the Development Plan and other material planning considerations relevant to this appeal

Section 6 – Confirms and expounds the Reasons for Refusal

Section 7 – Which covers the principal issues for determination

Section 8 – Deals with necessary planning conditions, contributions and the legal tests

Section 9 – the Council's conclusions

2. APPEAL SITE AND SURROUNDINGS

About the Site

- 2.1 The Appeal Site comprises land at Shortlands Farm, with existing buildings and hardstanding to be demolished, together with associated fields. The site area extends to approximately 10.24 hectares. The Site gently falls from Guildford Road with the levels across the site at ~75m to 85m AOD across the Site. Wyke Lane to the east is also higher than most of the application site.
- 2.2 The Site is approached from (and bounded by) Guildford Road (A323) to the north from which the existing access is taken. Wyke Lane is to the east, and Harper's road on the west, the two connecting in a loop further to the south.
- 2.3 Access is also provided via Public Right of Way ('PROW', FP ref: 356) which crosses the northern half of the Site in a south-west to north-east direction between the farm buildings and Guildford Road. The PROW is lined by a strip of mature trees (mostly covered by TPO) and hedgerows along the entirety of its route through the Site. For many users the PROW's condition and these characteristics would make access challenging and upgrade works would be required.

Surrounding Development

- 2.4 In a broad sense residential development already adjoins on three sides, in varying formats, with open countryside (and Green Belt) stretching out to the south.
- 2.5 The site is bordered by development on three sides. To the north (on the opposite side of Guildford Road), and to the immediate east and west the area comprises low-density, small-scale residential development of around 10–15 dph, characteristic of a village / urban fringe in density and character. Further west is the strategic housing allocation "Land to the south and east of Ash and Tongham" set out by Policy A31 of the Guildford

Local Plan: Strategy and Sites ('LPSS') which continues to bring forwards housing led development on the land allocated for a total of 1,750 homes.

Site Constraints

- 2.6 Turning to constraints, in policy terms the Site is located within the Green Belt, the boundary of which extends up to Harper's Road, close to the western edge of the appeal site. As mentioned it is crossed by PROW 356, and there are a number of trees along this route and elsewhere in the site covered by Tree Preservation Orders (TPO). Tree Preservation Order (Tree Preservation Order) ref: 2017/8 includes a number of trees on the Guildford Road frontage, a line of trees running on the north-east boundary along Wykes Lane as well as the line of trees running either side of the PROW.
- 2.7 Statutory ecological designations are within approximately 300 metres north of the site¹. Part of the appeal site, the northernmost part, sits within 400m of the TBHSPA, SAC and SSSI; the remainder within 400m to 5km. It is also in the Impact Risk Zone ('IRZ') of the Ash to Brookwood Heaths SSSI and in a corridor between two Biodiversity Opportunity Areas (BOAs)- Thames Basin Lowlands BOA on the north, North Downs BOA on the south.
- 2.8 In terms of heritage assets there is 'York House' (ref. 1029635; Grade II Listed building) to the west (c.40m) and 'East Wyke Farm' (ref. 137711; Grade II Listed building) to the south (c.180m). A non-designated heritage asset, 'The Lion Brewery Public House', is located at the corner of Harper's Lane and Guildford Road further (c.150m) west. The site is not within or near to any Conservation Area, or Schedule Ancient Monuments. Desk-based research indicates that the site is likely to have low archaeological potential in relation to all periods, except (potentially) one².

¹ These are 'Thames Basin Heaths' Special Protection Area ('TBHSPA'); the 'Thursley, Ash, Pirbright & Chobham' Special Area of Conservation ('SAC'); and the 'Ash to Brookwood Heaths' Site of Special Scientific Interest ('SSSI').

² remains associated with buildings, Roque's 1768 map

2.9 In terms of other constraints the Site is:

- located entirely within Flood Zone 1 (land with a low probability of flooding), with modest but significant parts of the Site at risk from surface water flooding (crossing the northern POS, south of the PROW and in the south west corner of the site)
- Lower grade Agricultural Land Classification ('ALC'), split across 'Urban' category and Grade 4 (Poor) classification.

3 RELEVANT PLANNING HISTORY

3.1 The site has a range of planning permissions historically relating to agricultural use/operations of the farm.

3.2 Relevant to this appeal is the more recent planning history. In 2017 an outline planning application was submitted and refused which sought Outline permission for a residential development consisting of 300 dwellings with all matters reserved. That scheme was refused (not appealed) for a significant number of reasons and the decision notice is included as Appendix A showing these in full which included, broadly:

- **Green Belt** - inappropriate development, harmful by definition, with substantial harm to openness and conflict with Green Belt purposes; very special circumstances not demonstrated.
- **Thames Basin Heaths SPA / ecology** - residential development fell within the 400m exclusion zone, with potential significant effects on the Ash to Brookwood Heaths SSSI and inadequate protection of protected species; failure to meet the Habitats Regulations.
- **Highways and access** - access arrangements to Guildford Road (A323) and Wyke Lane not demonstrated to be safe; development traffic impacts on the Guildford Road / Ash Hill Road roundabout and the rail crossing not adequately assessed.
- **Sustainability of location** - not demonstrated to be a sustainable location or to minimise the need to travel.
- **Character, settlement separation and design** - would diminish settlement separation and encourage sprawl; visually intrusive and overdeveloped, an inappropriate response to the urban-rural fringe.
- **Trees and landscape** - potential damage to high-amenity on-site and adjoining trees forming part of the landscape setting.
- **Heritage** - less than substantial harm to the settings of York House and East Wyke Farm Cottage (both Grade II listed), not outweighed by public benefits.

- **Residential amenity** - detrimental impact on 138 Guildford Road (light, privacy, overbearing).
- **Infrastructure / S106** - absence of a completed planning obligation to secure affordable housing and the necessary contributions.

3.3 Notably the above decision pre-dated the current key Development Plan documents, and the latest NPPF and PPG.

3.4 In 2025 an EIA screening opinion request was submitted (on the 6th August, GBC ref: 25/S/00002) to confirm with the Council its view on whether proposals for up to 200 dwellings would be EIA development. The Council resolved it would not be and accordingly an Environmental Statement would not be required. That decision was issued on the 27th August 2025.

4 THE PROPOSED DEVELOPMENT

- 4.1 The Appeal Proposal is an outline planning permission, with all matters reserved except the accesses from Guildford Road and Wyke Lane, for the demolition of the existing buildings and hardstanding and the erection of up to 200 residential dwellings including affordable housing and self-build / custom-build plots (Class C3), together with green and blue infrastructure, areas of open space (stated by the appellant to exceed 5 hectares), sustainable drainage, landscaping and associated services and utilities.
- 4.2 A suite of plans and technical documents was submitted, including parameter plans, an illustrative masterplan and a Design and Access Statement. These documents demonstrate one way in which the proposed quantum of development could be accommodated on the Site. Whilst the masterplan and layout are indicative, the parameter plans are relied upon to fix the principal development parameters at outline stage, including the upper quantum of 200 dwellings. The significance of that point for the Council's design case is addressed in Section 7.
- 4.3 The parameter plans and certain technical documents were revised/supplemented by the appellant after the statutory determination date, the revised parameter plans (c102b, c103a, c105 and Illustrative Masterplan c101c) being submitted on 27 March 2026 and superseding the November 2025 versions (i.e. c. 3 weeks prior to the submission of the appeal). The appellant also submitted further information with its appeal, including an Ecology Technical Note (FPCR, 22 April 2026) responding to the consultation comments of Surrey Wildlife Trust and NatureSpace Partnership, and an updated Biodiversity Net Gain metric and plans. The Council's position on that further information is addressed in Section 7. However, notably the scheme is significantly augmented/adjusted compared with how it sat at the 5th February statutory determination deadline.

4.4 The scheme is described by three parameters plans:

- Land Use Parameter Plan (ref. 25019/C102B)
- Heights Parameter Plan (ref. 25019/C103A)
- Green Infrastructure Parameter Plan (ref. 25019/C104)

4.5 The land use and access parameters describe a development area within the site of 5.23ha which is just over 50% of the site (gross) and 5ha of public open space. Public open space is necessarily targeted towards the north of the site where housing would fall within the 400m SPA buffer and in the south west corner where the site suffers more significantly from surface water flooding which seems to originate from overland flow. In terms of access primary vehicular access is shown to Guildford Road, connecting through open space into the residential development area through a break in trees and hedgerows crossing over the PROW. Emergency access onto Wyke Lane is also indicated, appearing to use another gap between trees on this eastern boundary.

4.6 The building heights parameters restrict most of the site / scheme to a maximum of 2 storeys but in two fairly substantial areas a 3 storey building limit is proposed either side of the spine/access road on entry to the development from Guildford Road.

4.7 The green infrastructure parameters are shown in a straightforward manner, reflecting the land use parameter plan, and simply describe the location and extent of the areas of public open space and the retention of existing trees and hedgerows retained “unless indicated for access”.

4.8 The parameters are supplemented by indicative detail set out by a masterplan and landscape masterplan.

5 RELEVANT PLANNING POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require planning decisions to be taken in accordance with the Development Plan unless material considerations indicate otherwise. Likewise the NPPF sets out the importance of the plan-led systems and reinforces that the starting point for decision making lies with the Development Plan.

The Development Plan

5.2 The Development Plan currently comprises the following documents:

- Guildford Borough Local Plan: Strategy and Sites 2015–2034 (adopted 25 April 2019) ('the LPSS');
- Guildford Borough Local Plan: Development Management Policies (adopted 22 March 2023) ('the LPDMP'); and
- Saved Policy NRM6 of the South East Plan (2009), relating to the Thames Basin Heaths Special Protection Area.

5.3 The Development Plan policies of relevance to the consideration of this appeal are highlighted below and are those listed in the putative reasons. Reference may also need to be drawn to other Development Plan policies in evidence in order to offer context to these policies and Development Plan objectives, so those are also set out.

Guildford Borough Local Plan: Strategy and Sites (2015- 2034) (LPSS)

- S1 (Presumption In Favour Of Sustainable Development)
- S2 (Spatial Development Strategy)
- P2 (Green Belt)
- P5 (Thames Basin Heaths Special Protection Area)
- H1 (Homes for all, including self- and custom-build)

- H2 (Affordable Homes)
- ID1 (Infrastructure and delivery)
- ID3 (Sustainable transport for new developments)
- ID4 (Green and blue infrastructure)
- D1 (Place shaping / design)

Guildford Borough Council: Development Management Policies (LPDMP) 2023:

- P6 (Protecting Important Habitats and Species)
- P7 (Biodiversity in New Developments)
- H7 (First Homes)
- D4 (Achieving High Quality Design and Respecting Local Distinctiveness)
- ID5 (Protecting Open Space)
- ID6 (and related infrastructure / open space policies)
- ID9 (Achieving a Comprehensive Guildford Borough Cycle Network)

Supplementary planning documents

- Guildford Landscape Character Assessment & Guidance (2007)
- Green Belt SPD 2023
- Residential Design Guide 2004

National Planning Policy and Guidance

5.4 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and as an extension of national policy the National Design Guide and National Model Design Code all provide relevant planning policy and guidance at a national level and may be referenced where relevant to the putative reasons. These documents are material considerations in the determination of this appeal. The following chapters and paragraphs of the Framework, and sections of PPG are considered particularly relevant:

National Planning Policy Framework (NPPF) 2024

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land
- Chapter 15: Conserving and enhancing the natural environment

5.5 In particular as set out in the putative reasons paragraphs of particular relevance are 129, 131, 135, 139, 155 and 156 of the Framework.

Draft National Planning Policy Framework (NPPF) & National Development Management Policies

5.6 Given the on-going consultation stages no weight was given in the decision to the emerging framework's policies which was subject to significant representation and at this time no further feedback is available on the timescale or direction / changes to the draft text from government. The Council is mindful that the publication of a new framework is likely to occur during consideration of this appeal and will seek to amend/supplement its case accordingly if / when so invited by the Inspector to do so but no further consideration is given to the draft at this stage.

National Planning Practice Guidance (NPPG)

5.7 The following sections in the PPG may be referred to by the Council as related / relevant to the issues identified in the putative reasons:

- Biodiversity Net Gain and Natural Environment
- Determining a Planning Application
- Green Belt
- Design: process and tools
- Effective use of land

6 REASONS FOR REFUSAL

6.1 The application was refused for the following four reasons.

Reason 1

The proposals are considered to meet the criteria for Grey Belt, as set out in the National Planning Policy Framework. The application however has not addressed or met the terms of the National Golden Rules in securing 50% affordable housing and local infrastructure mitigation towards transport improvement, public transport and improvements to Ash Station, walking and cycling infrastructure, healthcare, policing, education and biodiversity net gain, including mitigation towards the Thames Heath Basin Special Protection Area and the Surrey Local Nature Recovery Strategy. As such, the proposals are inappropriate in the Green Belt. As such the proposals are contrary to Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (Adopted 25 April 2019) and Paragraphs 155 and 156 of the National Planning Policy Framework.

Reason 2

The submitted ecological information includes inadequate or inconsistent information in relation to protected species and would not provide an appropriate baseline for assessing biodiversity net gain. The proposals could therefore impact on habitats to protected species, in particular birds, bats and newts and appropriate mitigation has not been identified. As such the proposals are contrary to Policies P5 of the Guildford borough Local Plan: Strategy and Sites 2015 – 2034 (Adopted 25 April 2019) and Policies P6 and P7 of the Guildford Borough Local Plan: Development Management Policies (Adopted 22 March 2023) and the requirements of the National Planning Policy Framework and the Surrey Local Nature Recovery Strategy (Adopted March 2026) requiring 20% Biodiversity Net Gain from development.

Reason 3

In the absence of an agreed or completed legal agreement to secure mitigation towards infrastructure towards affordable housing, policing, highway improvements, public transport (including improvements to Ash Station), healthcare, education, biodiversity enhancement and mitigation, the proposals are contrary to Policies H2, ID1, ID3, ID4, and P5 Guildford borough Local Plan: Strategy and Sites 2015 – 2034 (Adopted 25 April 2019) and Policies H7, P6, P7, ID5, ID6 and ID9 of the Guildford Borough Local Plan: Development Management Policies (Adopted 22 March 2023) and guidance set out in the Council's Adopted Supplementary Planning Documents, the Surrey Local Nature Recovery Strategy and the aims and objectives of the National Planning Policy Framework.

Reason 4

Taking into account the rural character of the surroundings, the amount, density and scale of the proposal has not been robustly demonstrated to be acceptable and would be likely to result in a development that would fail to deliver a high quality of design and good place making having regard to the criteria in national policy (NPPF Paragraph 129, 131, 135 and 139) and guidance. As a result the development would result in unacceptable harm to the character and appearance of the area, including the prominent views of the development from Guildford Road, Wyke Lane and PROW 356. The proposal is therefore contrary to Policy D1 and P3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (Adopted 25 April 2019) and Policy D4 of Local Plan: Development Management Policies (Adopted March 2023).

7 PRINCIPAL ISSUES TO BE CONSIDERED AT INQUIRY

7.1 The application, though submitted in outline, includes access matters for determination in detail. The Council was therefore required to consider the application before it, which includes the question of the principle of development, with the primary access from Guildford Road, emergency access from Wyke Lane and the parameters and detailed access plans set out as follows³:

- Land Use Parameter Plan (ref. 25019/C102B)
- Heights Parameter Plan (ref. 25019/C103A)
- Green Infrastructure Parameter Plan (ref. 25019/C104)
- Primary Access (MJGWYKELANE 1/01 REV P4)
- Emergency Access (MJGWYKELANE 1/06 REV P2)

7.2 The application was also supported by a suite of supporting plans and documents, seeking to demonstrate how the quantum of floorspace could be accommodated on the site, including the following plans:

- Existing Buildings Sheet 1 (ref. 25019 S110)
- Existing Buildings Sheet 2 (ref. 25019 S111)
- Existing Buildings Sheet 3 (ref. 25019 S112)
- Existing Floor and Site Levels (ref. 25019 S102A)
- Illustrative Masterplan (ref. 25019 C101C)
- Illustrative Landscape Masterplan Sheet 1 (ref. CLPD 259 P01-1)
- Illustrative Landscape Masterplan Sheet 2 (ref. CLPD 259 P01-2)
- Illustrative Landscape Masterplan Sheet 3 (ref. CLPD 259 P01-3)

³ List shows latest plans where original plans and drawings have been superseded

- 7.3 Matters of layout, scale, appearance and landscaping would form part of a subsequent reserved matters application, if consent is granted.
- 7.4 The appeal scheme Land Use Parameter Plan shows a development zone that extends up to or close to the eastern boundary with Wyke Lane, the western boundary and the PROW. The main areas of open space are shown between the PROW and Guildford Road, in the south and south-western part of the site and a linear space that runs north south through the centre. The Heights Parameter Plan illustrates areas for up to 3 storey development immediately adjacent to the PROW, which infer a gateway feature either side of the access road and a proposed gap to be created in the existing line of trees and hedgerow. The remainder of the site is shown as up to 2 storey. This plan is supported by Proposed Parameter Sections which illustrate the relationship between the proposed building heights and adjacent existing development. It is to be noted that the Section A-A does not illustrate the true extent of the proposed development on the eastern boundary with Wyke Lane as it is taken through the proposed SUDs.
- 7.5 The green Infrastructure Plan is limited to illustrating the areas of proposed green space and existing trees and hedgerows to be retained. There is a lack of detail in terms the SUDs location and extent, landscape buffers with Wyke Lane, the PROW and open space top the west. There is also no gaps in hedgerows shown where pedestrian or emergency access points are proposed or locations for play areas, nodes and key frontages that contribute to place-making and allow more informed judgement on design merits.

Reason 1: Grey Belt

Principle of Development

- 7.6 The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land. In its latest calculation, published on 1st April 2025, the Council concluded that it could demonstrate a 2.98 years' deliverable supply of housing for the period 1st April 2025 to 31st March 2030.

7.7 The first and overarching issue is the application of the presumption in favour of sustainable development, arising from the Council's acknowledged inability to demonstrate a five-year housing land supply. As a result, NPPF paragraph 11d)ii) is engaged and the tilted balance applies. This sets the strategic context for the remaining issues in dispute. Namely, whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. The operation of the tilted balance is further informed by NPPF paragraphs 129 and 135, a Footnote 9 policy, which require developments to achieve appropriate densities, are sympathetic to local character, sustain an appropriate mix and amount, a strong sense of place and promote sustainable travel modes and therefore attract particular weight where, as here, the appeal scheme is lacking in sufficient detail to demonstrate that both an effective use of land and a well-designed place can be achieved.

7.8 The site is located within Normandy Parish. Paragraph 14 is not engaged due to the absence of a Neighbourhood Plan covering the Site.

Does the appeal scheme meet the Golden Rules for Grey Belt

7.9 Policy P2 (Green Belt) of the LPSS is in conformity with the more recently published NPPF. Whereas the policy does not directly refer to the concept of Grey Belt it does resist inappropriate development, from which Grey Belt is excluded through Paragraph 155 of the Framework, and allows for forms of development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, as listed in the Framework. It is therefore appropriate to follow the policies in the NPPF and afford substantial weight to Policy P2, despite the LPSS pre-dating the publication of the NPPF⁴.

⁴ Ref. Paragraph 232, NPPF (2024)

- 7.10 The Appeal Site is approximately 10.24ha and is located wholly within an area of Green Belt and open countryside, as established through the Development Plan. It is not subject to any statutory designations or other ‘*areas or assets of particular importance*’ listed in Footnote 7 to Paragraph 11 d)i) that would provide a strong reason for refusal. However, it is noted the site is located within the 400m-5km Zone of Influence (ZOI) for the Thames Basin Heaths SPA and the appellant has not demonstrated adverse effects on the integrity of the Thames Basin Heaths SPA can be adequately mitigated.
- 7.11 The Site is located near, but separate, from the settlement boundary to Ash & Tongham to the west, which forms part of the Blackwater Valley Urban Area and is therefore considered to be a ‘large built-up area’ in the context of paragraph 143 of the Framework. There are areas of residential development to the east, north and west, which front onto Wyke Lane, Guildford Road and Harper’s Road respectively. To the south lies open countryside. There is a cluster of rural buildings within the Site, which include stabling and a flood lit menage, forming previously developed land, which are also within the Green Belt designation. The appeal scheme is not considered to constitute an incongruous pattern of development.
- 7.12 On the basis of the above and having regard to the definition of Grey Belt within the Framework⁵ and national guidance within the PPG ‘*How should the contribution land makes to the relevant Green Belt purposes be assessed?*’⁶ the Site is not considered to strongly contribute to purposes (a), (b), or (d) of paragraph 143 of the Framework and is therefore Grey Belt.
- 7.13 Paragraph 155 of the Framework states, in order for Grey Belt sites to be considered as appropriate development within the Green Belt, it is also necessary to demonstrate the proposed development would not fundamentally undermine the purposes of the remaining Green Belt across the Plan area, there is a demonstrable unmet need, it is

⁵ Annex 2: Glossary, NPPF

⁶ Paragraph: 005 Reference ID: 64-005-20250225

sustainably located and would meet the 'Golden Rules' requirements in Paragraphs 156-157 of the Framework. Therefore, whether a site is Grey Belt falls within the Framework's definition of Grey Belt, or whether it would meet the 'Golden Rules' are separate considerations and are not wholly reliant on each other.

7.14 The Council's case is that the appeal scheme does not comply with the requirement of Paragraph 155d) of the Framework to meet all of the Golden Rules for a major development as set out in Paragraphs 156 and 157. The appellant has not provided sufficient evidence to demonstrate that the appeal scheme would provide 50% affordable housing or would deliver necessary improvements to local or national infrastructure including biodiversity measures to align with and deliver the Local Nature Recovery Strategy and 20% BNG uplift.

7.15 Whilst the appellant anticipates entering into a Section 106 Agreement / Unilateral Undertaking relating to both the provision of on- and off-site infrastructure and financial contribution. However, they state in Paragraphs 4.8 and 4.11 of their SoC that contributions sought by Surrey Police and Surrey CC Highways maybe contested as part of the appeal process. In the appellant's SoC reference is made to how the golden rules will be met through obligations in a S106 Agreement / Unilateral Undertaking. To be clear at the time the appeal was lodged the Authority was not in receipt of a draft Unilateral Undertaking and the appellant had not commenced the S106 process. As noted earlier in Section 1 this was a live and ongoing planning application up until the appeal was lodged.

7.16 Therefore, whilst the site is considered to be Grey Belt, notwithstanding the earlier point on mitigation of impacts on the Thames Basin Heaths SPA, the appeal scheme does not satisfy Paragraph 156 a) or b) and cannot comply with Paragraph 155 d) and consequently is inappropriate development within the Green Belt.

Reason 2: Ecology

Would the appeal scheme cause significant harm to ecology & biodiversity

- 7.17 The Council's case is that the proposal fails to demonstrate that its ecological impacts have been properly assessed, avoided, mitigated, or compensated, contrary to the requirements of the NPPF, the Development Plan or the Surrey Local Nature Recovery Strategy (LNRS). The ecological consultees, Surrey Wildlife Trust ('SWT') and Nature Space Partnership have identified significant outstanding concerns that remain unresolved, as referred to below. Furthermore, the appellant has not demonstrated the proposed mitigation measures to avoid adverse effects on the integrity of the Thames Basin Heaths SPA will be secured. As a consequence Natural England stated in their formal comments that their advice is likely to be amended to an objection were they to be re-consulted. These concerns indicate that the development does not provide a robust or deliverable ecological mitigation strategy, nor does it demonstrate compliance with the mitigation hierarchy or the requirement to secure measurable biodiversity net gain.
- 7.18 Nature Space Partnership's consultation responses highlight critical deficiencies in the submitted protected species surveys, for great crested newts, to confirm likely presence and an impact assessment and mitigation strategy, if confirmed to be present.
- 7.19 SWT's consultation response also highlights critical deficiencies in the ecological assessment of great crested newts and additionally for birds and bats, with gaps in seasonal coverage and methodological limitations with regard to the latter.
- 7.20 A technical note (dated 22.04.26) has been submitted by the appellant in response to the consultee comments by SWT and NatureSpace Partnership. Whilst the note states the consultee comments have been addressed it accepts the survey methodology has not been conducted completely in accordance with BCT guidance and surveys for April to June are absent. Furthermore the note seems to overly rely on mitigation planting to

compensate for survey deficiencies. With regard to great crested newts the note accepts suitable habitat lies within 500m of the Site although justifies the lack of survey effort due to physical barriers between the Site such as highway, woodland and gappy hedgerow.

- 7.21 Therefore, the appellant has not provided sufficient information to demonstrate that impacts on protected species, habitats and SPA can be avoided, mitigated or compensated. As confirmed previously by SWT and the Nature Space Partnership, the ecological baseline is incomplete and with regard to Natural England's comments the mitigation strategy for the Thames Basin Heaths SPA is unproven and long-term management arrangements are unclear.
- 7.22 On this basis this appeal scheme fails to comply with the ecological requirements of the Development Plan or the Surrey LNRS, which require robust ecological assessment, protection of habitats and species, and delivery of biodiversity enhancements. Furthermore the NPPF requires ecological impacts to be properly understood and addressed through the mitigation hierarchy and to secure measurable biodiversity net gain (NPPF paras 187, 193, 195).
- 7.23 In the absence of adequate information and a deliverable strategy, the Council cannot conclude, on the basis of the information before it, that the development would avoid significant ecological harm, and this conflict carries very substantial weight against the proposal.
- 7.24 The recent Heath Drive, Send appeals (APP/Y3615/W/24/3350157 and 3350162, 25 March 2026), concerning the same agreed housing supply shortfall position, were dismissed because ecological harm outweighed the benefits, notwithstanding the tilted balance.

Reason 3: S106

- 7.25 In the absence of adequate information and a deliverable strategy, the Council cannot conclude, on the basis of the information before it, that the development would avoid significant ecological harm, and this conflict carries substantial weight against the proposal. It is anticipated that the reason for refusal 3 may be satisfactorily addressed through a S106 Agreement, as referred to at Section 4 of the appellant's Statement of Case. At the time of writing no S106 document had been received. Assuming that these objectives have been achieved in this way the Council will provide a CIL justification document in advance of the Inquiry. The Council will work with the appellant to complete a Legal Agreement, under Section 106 of the Town and Country Planning Act 1990, as amended.

Reason 4: DESIGN

Taking into account the rural character of the surroundings, the amount, density and scale of the proposal has not been robustly demonstrated to be acceptable and would be likely to result in a development that would fail to deliver a high quality of design and good place making having regard to the criteria in national policy (NPPF Paragraph 129, 131, 135 and 139) and guidance. As a result the development would result in unacceptable harm to the character and appearance of the area, including the prominent views of the development from Guildford Road, Wyke Lane and PROW 356. The proposal is therefore contrary to Policy D1 and P3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (Adopted 25 April 2019) and Policy D4 of Local Plan: Development Management Policies (Adopted March 2023).

Would the appeal scheme achieve a well-designed place

- 7.26 RfR4 describes that the appeal scheme has failed to demonstrate it would deliver a high quality of design on account of its amount, density and scale, which would result in unacceptable harm to the character and appearance of the area. A lack of detail in the

submitted Parameter Plans (submitted for approval) does not allow for important design principles to be secured in any subsequent reserved matters application (as set out below), as also referred to in the Design Officer's formal comments (30.01.26).

7.27 For decision-making purposes, in applying the "tilted balance" in para. 11(d)(ii) of the Framework, the decision-maker is directed to give "particular regard" to "key policies", including securing well-designed places. Footnote 9 identifies key policies which include paras. 135 and 139 of the Framework.

7.28 The NPPF (2024) places great importance on design, setting out its expectations in Section 12 of the document. Indeed, it confirms at the outset (paragraph 131) *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."* It also confirms that (at paragraph 135, criteria b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and (criteria c) planning policies and decision should ensure that developments, inter alia, *"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."*

7.29 Paragraph 139 states inter alia, *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁷, taking into account any local design guidance and supplementary planning documents such as design guides and codes."*

7.30 The Council will give evidence on examples of why the proposal does not represent a well-designed place and would be a visually prominent form of development within the rural locality, and the harm this will cause to landscape character of the site and area. In presenting its evidence the Council will refer to the local and national design policies and

⁷ Ref. National Design Guide and National Model Design Code

guidance set out in the Development Plan, SPD, the Framework and National Design Guide. Regard has been had to the formal comments on the application from the Design Officer (30.01.26) and the following key design considerations which encapsulate the most relevant urban design principles in these documents.

Layout and Scale

- 7.31 The impact on key views from the north (Guildford Road and PROW 356) and the east (Wyke Lane) relates mainly to the proposed layout, landscaping and building heights.
- 7.32 The appeal proposal for 200 dwellings is significant, presenting a prominent development in place of the attractive open parcel of land. This is particularly the case in views from Guildford Road, Wyke Lane and PROW, mainly with regard to the proposed layout, landscaping and building heights.
- 7.33 For users of Guildford Road and residents of the adjacent properties, the site appears to comprise mainly of paddocks and open grassland, with a cluster of rural buildings served by the existing vehicular access and driveway. The LVIA states there would be significant adverse visual effects from the appeal scheme on residents of Guildford Road during construction, reducing to neutral after construction. Whereas views are currently filtered by the line of mature trees that cross the Site in a south-west to north-east direction along the PROW 356, these are predominantly deciduous and would provide only limited screening in winter months, even with additional understorey planting. The Heights Parameter Plan shows an area of 3 storey development immediately adjacent to the trees along the PROW and at the northern and closest part of the residential area to Guildford Road. This would result in both the extensive area of proposed built form being visible in short distance public and private views from the north.
- 7.34 This is contrary to Policy D1 (criteria 18) which has particular regard to avoiding piecemeal development and protecting and enhancing the existing character of Ash & Tongham.

7.35 There is further uncertainty over the visual impact of the appeal scheme on account of the appellant's proposal to deliver surface improvements to the PROW, also requested by Surrey CC Highways in their formal comments (8th May 2026). The PROW is little more than a narrow dirt track and would require widening and enhancement to become a significant and viable route to the station and the facilities of Ash. Any proposal to widen this track could impact on the trees and hedgerow and whilst there are a number protected by TPO their potential loss would exacerbate the visual impact of the appeal scheme, in particular any 3 storey development in the area shown on the Heights Parameter Plan.

7.36 The appeal scheme will also appear of some prominence in views from Wyke Lane, which abuts the site's eastern boundary, and to which pedestrian and emergency accesses will be taken into the site. The Land Use Parameter Plan infers the appeal scheme would extend up to or close to the boundary with Wyke Lane and as a result would be readily visible from the public realm and adjacent properties. The Illustrative Masterplan infers the development would turn its back on Wyke Lane with a row of rear elevations and gardens backing onto the lane, particularly visible in public and private views at short distance. This poor relationship with the existing residential area would cause further harm to the Green Belt in visual terms and is unjustified.

Site Capacity and Density

7.37 Adopted Local Plan Policy D1 (Place Shaping) and Adopted LPDMP Policy D4 (Achieving High Quality Design and Respecting Local Distinctiveness) reflect the Framework and NDG through requiring, inter alia, new development to achieve high quality design and to respond to the local character (including landscape character), including taking into account locally distinct patterns of development, landscape setting, maximising opportunities for pedestrian and cycle movement and the setting of buildings in the wider environment. Policy D4 of the LPDMP provides further qualifying criteria for achieving a high quality of design through responding to the various components that

contribute to a site's character and context, such as urban grain (i.e. layout, height, bulk, massing), landscape character.

7.38 Whereas, Paragraph 129 of the Framework requires development to also make efficient use of land it also requires development to take into account (criteria d) "the desirability of maintaining an area's prevailing character and setting".

7.39 The Officer Report states that the proposed housing density, based upon the developable area of 5.23 ha and the provision of 200 homes would result in a density of 38.2dph. With regard to the immediate built context, to the east is the small neighbourhood on Wyke Lane, comprising approximately 70 dwellings, mostly two storey semi-detached houses which surround a number of bungalows. Arranged in a cul-de-sac format (inward facing) this development typifies a low density (approx. 15 dph gross) residential character.

7.40 With regard to the adjacent residential area adjacent and to the north of Guildford Road, the residential character is generally more compact but also of a low density arrangement (approx. 10 dph gross), with typically generous plots occupied by detached two storey houses or bungalows and interspersed in places with private undeveloped land. To the immediate west limited housing in a modest grouping is found along Harpers Road in a more varied scattered pattern typical of a settlement/rural fringe.

7.41 It has not been demonstrated that the density proposed could be accommodated as a well-designed place. The Council considers, on the information available, the response to the constrained developable area would be likely to harm the character and appearance of the area, and by association the Green Belt.

Benefits of Development

7.42 The Council's committee report set out to planning committee several benefits of the development. These are not repeated in detail here but the Council accepts that those

benefits apply in this case and should be ascribed due weight within the correctly applied planning balance (e.g. subject to compliance with Golden Rules / VSC).

7.43 In summary, the benefits identified include the contribution towards addressing the Council's current under supply of housing (market, affordable and self-build housing), the creation of construction related jobs, the provision of on-site open space, potential BNG position (when resolved), and via sustainable transport improvements.

7.44 Whilst ultimately a matter for the Inspector, the Council consider that there is no need in this appeal to determine the exact level of housing under supply, or to hear formal evidence on the issue, given agreement that there is an undersupply, and given that the courts have confirmed that expressing deliverable housing supply as a range is acceptable in principle: see *Hallam Land Management Ltd v SSCLG* [2018] EWCA Civ 1808, see [36]-[38], and as discussed at [52]-[53] and [82]-[84]. It is hoped that agreement can be reached on this issue in advance of the inquiry. It is noted that the Appellant has sought to agree this matter through a draft Statement of Common Ground.

7.45 The Council has reviewed its case and has calibrated the weight to be attached to the benefits by reference to recent GBC appeal decisions, which are themselves material considerations. The most significant weight is attributed to the contribution to the shortfall in housing, and meeting a range of housing needs.

7.46 With the tilted balance engaged, in the recent 'Heath Drive' appeals (APP/Y3615/W/24/3350157 and 3350162, 25 March 2026), dealing with the same agreed housing supply figure of 2.98 years, the Inspector gave significant weight to the housing benefits of 29 and 40 dwellings, yet dismissed both appeals, the harm having significantly and demonstrably outweighed the benefits. This appeal scheme is considerably larger, and the Council considers attaching substantial weight to the delivery of market and affordable housing is more reasonable.

7.47 As to self-build housing, the recent Blakes Lane Farm appeal (APP/Y3615/W/25/3373297, 18 December 2025), for 3–5 self-build dwellings, saw the Inspector attribute considerable weight to that benefit. Here the self-build provision is required by Policy H1, amounting to up to 10 dwellings, and largely represents the discharge of a policy requirement. It may attract commensurate weight, but as a self-standing benefit would not in any event attract more than substantial weight.

7.48 The Council will set out the weight to be given to other benefits in evidence, but does not conclude that any other benefit will carry any more than moderate weight.

8 PLANNING CONDITIONS, CONTRIBUTIONS AND LEGAL TESTS

- 8.1 Without prejudice, the Council will seek to agree with the appellant, a draft Schedule of Planning Conditions to be imposed on any permission granted without prejudice to the outcome of the appeal. If possible, this will be submitted as part of the Statement of Common Ground.
- 8.2 The Council will work with the appellant to complete a Legal Agreement, under Section 106 of the Town and Country Planning Act 1990, as amended. At the time of drafting this Statement the appellant has not provided a draft Section 106 Agreement.

9 CONCLUSIONS

- 9.1 The Council will consider all matters in the proper context and undertake a careful planning balance in evidence, taking into account the positive benefits and negatives referred to in Section 7 of this Statement.
- 9.2 For the reasons set out above, and as will be evidenced at the Inquiry, the Council considers that the appeal should be dismissed. Whilst it is agreed that the Site falls within the Framework definition of Grey Belt, the appeal scheme does not satisfy all of the requirements of Paragraph 155 of the Framework, in particular Paragraph 155d). Consequently, the proposal remains inappropriate development in the Green Belt. Green Belt is an area of particular importance identified in Footnote 7 to Paragraph 11d)i) of the Framework and therefore provides a clear reason for refusing the proposal. Should the Inspector nevertheless proceed to the balancing exercise under Paragraph 153, the appeal scheme fails to demonstrate the Very Special Circumstances necessary to justify inappropriate development in the Green Belt. The substantial benefits arising from the delivery of market, affordable and self build housing does not clearly outweigh the harm to the Green Belt, together with the other harms identified by the Council. As a result, there remains a strong reason for refusal under Paragraph 11d)i) of the Framework.
- 9.3 In any event, should the Inspector conclude that the proposal falls to be assessed under Paragraph 153 of the Framework, the Council's position is that the proposal would still fail to demonstrate Very Special Circumstances necessary to justify inappropriate development in the Green Belt. Paragraph 153 requires substantial weight to be given to any harm to the Green Belt, and planning permission should not be granted unless the potential harm to the Green Belt, together with any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.4 Whilst the Council accepts that the proposal would deliver market, affordable and self-build housing, and other benefits, those benefits do not clearly outweigh the harm arising from inappropriate development, to the openness of the Green Belt, and the additional

harms identified in this Statement. The appellant has not demonstrated that very special circumstances exist which justify inappropriate development in the Green Belt.

9.5 Other harms and conflicts with the Development Plan and the Framework arise from a failure to;

- provide adequate information in relation to protected species and an appropriate baseline for assessing biodiversity net gain and is therefore not considered to meet the requirements of Policies P5 of the LPSS, Policies P6 and P7 of the LPDMP and Paragraph 193 of the Framework;
- secure necessary mitigation towards local infrastructure and is therefore not considered to meet the requirements of Policies H2, ID1, ID3, ID4 and P5 of the LPSS, Policies H7, P6, P7, ID5, ID6 and ID9 of the LPDMP and Paragraph 156 of the Framework; and
- deliver a well-designed place and therefore is also not considered to meet the requirements of Policy D1 and P3 of the LPSS, Policy D4 of the LPDMP and Paragraphs 11d)ii) and corresponding Footnote 9 and Paragraphs 131 and 139 of the Framework.

9.6 Taken together, these conflicts represent harm that would significantly and demonstrably outweigh the benefits, taking the NPPF as a whole and paying particular regard to key policies that seek to secure well-designed places. Accordingly for the purposes of paragraph 11 of the Framework the Council's evidence will show that the appeal should be dismissed and planning permission refused.

9.7 The Council will seek to agree a relevant list of core documents to be referred to at the inquiry.

APPENDICES [provided under separate cover]

Appendix 1 Decision Notice 17/P/00507

Appendix 2 Appeal Decision – Land South-West of Blandford Forum By-Pass, Blandford St
Mary (3256221)

Appendix 3 Appeal Decision – Heath Drive, Send (3350157)

Appendix 4 Appeal Decision – Blakes Lane Farm (3373297)

Appendix 5 Relevant Policies in the Adopted Local Plan Strategy and Sites (2019)

Appendix 6 Relevant Policies in the Adopted Local Plan Development Management Policies
(2023)