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**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Refusal of outline planning permission: 17/P/00507

Date of Decision: 08/09/2017

Proposal: Outline permission for a residential development consisting of 300 units (105 affordable) with all matters reserved.

Location: Shortlands Farm, Guildford Road, Ash, Guildford, GU12 6BL

For: Mr Miles
Siteplan UK LLP

The above application is hereby refused for the following reason(s):

1. The proposed development is inappropriate development within the Green Belt and is harmful by definition. In addition, the level of development proposed would have a clear and substantial detrimental impact on the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt. It has not been demonstrated that the benefits of the proposal amount to very special circumstances such as to clearly outweigh the harm to the Green Belt and the other harm identified. The development therefore fails to comply with the objectives of policy RE2 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated (24/09/2007) and chapter 9 of the National Planning Policy Framework.

2. The proposed development is within the 400m exclusion zone of the Thames Basin Heaths Special Protection Area where it could have potential significant effects on the Ash to Brookwood Heaths Site of Special Scientific Interest. The Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 indicates that mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted. Furthermore the application site has the potential to support a number of protected species and it has not been demonstrated that the proposals could be undertaken without causing significant harm to these protected species. As such the proposal is contrary to saved policies NE3 and NE4 of the Guildford Local Plan 2003, saved policy NRM6 of the South East Plan 2009 and would be contrary to the objectives of chapter 11 of the NPPF. For the same reasons the development would fail to meet the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.
3. The proposed development involves the creation of a vehicular access to Guildford Road (A323) where it has not yet been demonstrated that the proposed access could be implemented in accordance with Design Manual for Road and Bridges, nor has the impact of this access on the flow of traffic on Guildford Road be assessed adequately. This could lead to conditions prejudicial to highway safety contrary to the objectives of Policy G1(2) of the Guildford Borough Local Plan 2003, Section 4 of the National Planning Policy Framework March 2012 and the third Surrey Local Transport Plan April 2011.
4. The proposed development involves the creation of a vehicular access to Wyke Lane (D66) where it has not yet been demonstrated that the proposed access could be implemented in accordance with Manual for Streets. This could lead to conditions prejudicial to highway safety contrary to the objectives of Policy G1(2) of the Guildford Borough Local Plan 2003, Section 4 of the National Planning Policy Framework March 2012 and the third Surrey Local Transport Plan April 2011.
5. It has not been demonstrated that the development is located in a sustainable location, or that the need to travel can be minimised and the use of sustainable modes can be maximised. The proposal is therefore contrary to the objectives of Policy G1 (2) of the Guildford Borough Local Plan 2003, Section 4 of the National Planning Policy Framework March 2012 and the third Surrey Local Transport Plan April 2011.

6. It has not been demonstrated that development related traffic can be accommodated on the existing highway network without causing significantly affects, in particular the operation of the Guildford Road and Ash Hill Road roundabout and the safe operation of the nearby rail crossing. This could lead to conditions prejudicial to highway safety contrary to the objectives of Policy G1(2) of the Guildford Borough Local Plan 2003, Section 4 of the National Planning Policy Framework March 2012 and the third Surrey Local Transport Plan April 2011.
7. The proposed development would diminish the separation between the exiting settlements and will encourage unplanned sprawl. In addition to this the proposed development would be visually intrusive and not in character or keeping with its semi-rural location. The erection of 300 units on this site, in any form, would not respond to local context and would appear overdeveloped and urban in nature which again is not an appropriate design response for the urban-rural fringe. This would be detrimental to the character and appearance of the area. The proposal is therefore contrary to saved policies G1 and G5 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction dated 24/09/2007), and chapter 7 of the NPPF.
8. It has not been demonstrated that the proposed development, due to the number of units, will not result in damage or destruction of the high amenity value on-site or adjoining trees which provide an important part of the landscape setting of the site. The proposals are therefore contrary to G1(12), NE5 and the NPPF.
9. The proposed development would cause less than substantial harm to the significance of both York House and East Wyke Farm Cottage (both Grade II Listed buildings) from impacts to their setting. Any public benefits identified do not clearly outweigh the harm caused. This is contrary to saved policy HE4 of the Guildford Borough Local Plan 2003 and the Chapter 12 of the National Planning Policy Framework.
10. It has not been demonstrated that the proposed development, by reason of the number of units proposed, and close proximity to the neighbouring dwelling at 138 Guildford Road, would not result in a detrimental impact to amenities of the occupiers of this property in relation to loss of light, loss of privacy and overbearing impact. The proposal is therefore contrary to saved policy G1(3) of the Guildford Borough Local Plan 2003.

11. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This may include, but is not limited to the following:

- transport mitigation, inclusive of a contribution to facilitate an alternative to the Ash railway crossing
- transport sustainability measures
- the provision of 35% affordable housing, tenure to be agreed with the Housing Manager
- a contribution towards early years education infrastructure in the Ash and Tongham area
- a contribution towards primary education infrastructure in the Ash and Tongham area
- a contribution towards secondary education infrastructure in the Ash and Tongham area
- a contribution to expand Glaziers Lane surgery or other health facility as may be agreed
- the provision of community buildings / spaces
- the provision and maintenance of playing fields, children's play space and amenity space
- the provision and maintenance of SuDS

In addition to the above, it has not been demonstrated how the scheme would comply with the Conservation of Habitats and Species Regulations 2010, as amended.

Accordingly the proposal would be contrary to policy G6 of the Guildford Local Plan and the objectives of the NPPF.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
 - Offering a pre application advice service
 - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
 - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was sought by the applicant. Within this advice Guildford Borough Council made clear the significant in principle objections to the application at that time. During the application determination process it was not considered appropriate to seek amendments, or allow for further negotiation to address some of refusal reasons that have the potential to be resolved. It has been made clear to the applicant that further negotiation to narrow the distance between parties at any appeal would be facilitated at that time.

2. This decision relates expressly to drawing: Indicative Proposed Site Plan ref. CAL010716 03 A, and additional information received on 06/03/2017 and 12/06/2017.
3. Should the applicant be minded to appeal the decision, we would suggest engagement with the Council as soon as possible, to seek to agree a Statement of COMmon Ground and a draft S106.

Please read the Important Notes attached.



Tracey Coleman
Director of Planning and Regeneration

Important Notes

The applicant is recommended to retain this decision notice in a safe place or with the title deed of the property.

Appeals to the Secretary of State

General

If you are aggrieved by the decision of your 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 under section 78 of the Town and Country Planning Act 1990 (as amended).

You, or an agent acting on your behalf, can appeal if you were the person who made the application. Appeals are dealt with by the Planning Inspectorate, an executive agency of the Department for Communities and Local Government. Its primary function is to determine appeals on behalf of the Secretary of State.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Outline Planning Application

If you want to appeal against this refusal, then you must do so within 6 months of the date of this decision notice. Appeals must be made using a form which you can get from the Planning Inspectorate.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier

The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

Purchase Notices

If either the Council or the Secretary of State 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 the Borough Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).