



Mr. Matt Briant  
Quod  
8-14 Meard Street  
London  
W1F 0EQ

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

**Refusal of planning permission: 21/P/01306**

**Date of Decision: 04/04/2022**

**Proposal:** Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham.

**Location:** Land at Effingham Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP

**For:** Berkeley Homes (Southern) Ltd c/o Agent

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

1. The proposal represents inappropriate development within the Green Belt which is harmful by definition. In addition, due to the quantum of development and its location, the proposal would result in a harmful loss of openness to the Green Belt and would result in further encroachment into the countryside, thereby conflicting with the purposes of including land within the Green Belt. The case for very special circumstances has been considered, however, the benefits of this proposal are not considered to clearly outweigh the inherent harm to the green belt (and any other harm). As such, the proposal is contrary to policy P2 of the Guildford Borough Local Plan Strategy and Sites, policies ENP-G1 and ENP-G5 of the Effingham Neighbourhood Plan and chapter 13 of the National Planning Policy Framework.

2. Taking into account the rural character of the surroundings, the proposal would represent an overly urban form of development which would result in harm to the character and appearance of the area, including the prominent views of the development from Effingham Common Road. The proposal is therefore contrary to policy D1 of the Guildford Borough Local Plan Strategy and Sites, policy ENP-G2 of the Effingham Neighbourhood Plan, chapter 12 of the National Planning Policy Framework and the National Design Guide.
  
3. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of a completed planning obligation, the Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). As such the development is contrary to the objectives of saved policy NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07), policy P5 of the Guildford Borough Local Plan: Strategy and Sites and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 as amended, and as the development does not meet the requirements of Regulation 64 the Local Planning Authority must refuse to grant planning permission.
  
4. In the absence of a completed planning obligation the development fails to mitigate its impact on infrastructure provision. This includes, but is not limited to, the following:
  - the delivery of 22 affordable housing units;
  - provision of SAMM contributions;
  - secure SANG land to mitigate the impact of the development on the TBHSPA;
  - contribution towards Police infrastructure;
  - contribution towards early years education projects;
  - contribution towards health care infrastructure;
  - contribution towards but not limited to, the Digital Demand Responsive Transport (DRT) bus service and enhancements of the existing local public bus service as required;
  - a contribution towards the 'Lower Road/Effingham Common Road Traffic Calming' scheme;
  - a Travel Plan auditing fee;
  - secure triggers which prohibit the commencement of the development until certain circumstances are met (these may be tied to the construction of the replacement school and/or the already approved residential phase on Lodge Farm); and
  - securing the provision, maintenance and management of the open space areas proposed through the planning application, including the new village green area, the natural play area, community growing gardens, amenity space and a community orchard.

Accordingly, the proposal is contrary to policies ID1 and ID3 of the Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015-2034, the Council's Planning Contributions SPD 2017 and the NPPF.

**Informatives:**

1. This decision relates expressly to drawing(s):

Drwg / Doc No.	Drawing / Document Title
01023C_S01	Site Location Plan
01023C_MP02	Illustrative Masterplan
01023C_S01	Site Sections - Sheet 1
01023C_S02	Site Sections - Sheet 2
01023C_S03	Site Sections - Sheet 3
01023C_S04	Site Sections - Sheet 4
01023C_S05	Site Sections - Sheet 5
01023C_001A	Plot 1 - Elevations
01023C_001C	Plot 1 - Plans
01023C_002A	Plot 2 - Elevations
01023C_002B	Plot 2 - Plans
01023C_003A	Plot 3 - Elevations
01023C_003B	Plot 3 - Plans
01023C_004A	Plot 4 - Elevations
01023C_004B	Plot 4 - Plans
01023C_005A	Plot 5-6 - Elevations 1
01023C_005B	Plot 5-6 - Elevations 2
01023C_006A	Plot 5-6 - Plans 1
01023C_006B	Plot 5-6 - Plans 2
01023C_007A	Plot 7-8 - Elevations 1
01023C_007B	Plot 7-8 - Elevations 2
01023C_008A	Plot 7-8 - Plans 1
01023C_008B	Plot 7-8 - Plans 2
01023C_009A	Plot 9 - Elevations
01023C_009B	Plot 9 - Plans
01023C_010A	Plot 10 - Elevations
01023C_010B	Plot 10 - Plans
01023C_011A	Plot 11 - Elevations

01023C_011B	Plot 11 - Plans
01023C_012A	Plot 12 - Elevations
01023C_012B	Plot 12 - Plans
01023C_013A	Plot 13 - Elevations
01023C_013B	Plot 13 - Plans
01023C_014A	Plot 14 - Elevations
01023C_014B	Plot 14 - Plans
01023C_015A	Plot 15 - Elevations
01023C_015B	Plot 15 - Plans
01023C_016A	Plot 16 - Elevations
01023C_016B	Plot 16 - Plans
01023C_017	Plot 17-18 - Elevations
01023C_018	Plot 17-18 - Plans
01023C_019A	Plot 19-20 - Elevations 1
01023C_019B	Plot 19-20 - Elevations 2
01023C_020A	Plot 19-20 - Plans 1
01023C_020B	Plot 19-20 - Plans 2
01023C_021A	Plot 21 - Elevations
01023C_021B	Plot 21 - Plans
01023C_022A	Plot 22 - Elevations
01023C_022B	Plot 22 - Plans
01023C_023A	Plot 23 - Elevations
01023C_023B	Plot 23 - Plans
01023C_024A	Plot 24 - Elevations
01023C_024B	Plot 24 - Plans
01023C_025A	Plot 25-26 - Elevations 1
01023C_025B	Plot 25-26 - Elevations 2
01023C_026A	Plot 25-26 - Plans 1
01023C_026B	Plot 25-26 - Plans 2
01023C_027A	Plot 27 - Elevations
01023C_027B	Plot 27 - Plans
01023C_028	Plot 29-30 - Elevations1
01023C_029	Plot 29-30 - Elevations1
01023C_030	Plot 29-30 - Plans
01023C_031A	Plot 31-32 - Elevations 1
01023C_031B	Plot 31-32 - Elevations 2
01023C_032	Plot 31-32 - Plans
01023C_033	Plot 33-34 - Elevations
01023C_034	Plot 33-34 - Plans
01023C_035A	Plot 35 - Elevations
01023C_035B	Plot 35 - Plans
01023C_036	Plot 36-39 - Elevations 1
01023C_037	Plot 36-39 - Elevations 2
01023C_038	Plot 36-39 - Plans
01023C_040	Plot 40-41 - Elevations

01023C_041	Plot 40-41 - Plans
01023C_042	Plot 42-47 - Elevations 1
01023C_043	Plot 42-47 - Elevations 2
01023C_044	Plot 42-47 - Plans 1
01023C_045	Plot 42-47 - Plans 2
01023C_048	Plot 48-53 - Elevations 1
01023C_049	Plot 48-53 - Elevations 2
01023C_050	Plot 48-53 - Plans 1
01023C_051	Plot 48-53 - Plans 2
01023C_054A	Plot 54 - Elevations
01023C_054B	Plot 54 - Plans
01023C_055A	Plot 55 - Elevations
01023C_055B	Plot 55 - Plans
01023C_056A	Plot 56 - Elevations
01023C_056B	Plot 56 - Plans
01023C_057A	Plot 57 - Elevations
01023C_057B	Plot 57 - Plans
01023C_058A	Plot 58-59 - Elevations 1
01023C_058B	Plot 58-59 - Elevations 2
01023C_059A	Plot 58-59 - Plans 1
01023C_059B	Plot 58-59 - Plans 2
01023C_060A	Plot 60 - Elevations
01023C_060B	Plot 60 - Plans
01023C_061A	Plot 61 - Elevations
01023C_061B	Plot 61 - Plans
01023C_062A	Plot 62 - Elevations 1
01023C_062B	Plot 62 - Elevations 2
01023C_062C	Plot 62 - Plans
01023C_063A	Plot 63 - Elevations 1
01023C_063B	Plot 63 - Elevations 2
01023C_063C	Plot 63 - Plans
01023C_064A	Plot 64 - Elevations
01023C_064B	Plot 64 - Plans
01023C_065	Plot 65-67 - Elevations
01023C_066	Plot 65-67 - Plans
01023C_068	Plot 68-69 - Elevations
01023C_069	Plot 68-69 - Plans
01023C_070	Plot 70-71 - Elevations
01023C_071	Plot 70-71 - Plans
01023C_072	Plot 72-79 - Elevations 1
01023C_073	Plot 72-79 - Elevations 2
01023C_074	Plot 72-79 - Plans 1
01023C_075	Plot 72-79 - Plans 2
01023C_080A	Plot 80 - Elevations
01023C_080B	Plot 80 - Plans

01023C_081A	Plot 81-82 - Elevations 1
01023C_081B	Plot 81-82 - Elevations 2
01023C_082	Plot 81-82 - Plans
01023C_083A	Plot 83 - Elevations
01023C_083B	Plot 83 - Plans
01023C_084	Plot 84-91 - Elevations 1
01023C_085	Plot 84-91 - Elevations 2
01023C_086	Plot 84-91 - Plans 1
01023C_087	Plot 84-91 - Plans 2
01023C_092	Plot 92-94 - Elevations
01023C_093	Plot 92-94 - Plans
01023C_095	Plot 95-106 - Elevations 1
01023C_096	Plot 95-106 - Elevations 2
01023C_097	Plot 95-106 - Plans 1
01023C_098	Plot 95-106 - Plans 2
01023C_099	Plot 95-106 - Plans 3
01023C_107A	Plot 107-108 - Elevations 1
01023C_107B	Plot 107-108 - Elevations 2
01023C_108A	Plot 107-108 - Plans 1
01023C_108B	Plot 107-108 - Plans 2
01023C_109	Plot 109-110 - Elevations 1
01023C_110	Plot 109-110 - Plans
1581-002E	Thornet Wood Community Open Space
1581-003D	Residential Landscape Masterplan
1581-004E	Village Green Landscape Plan

2. 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 before submission and the applicant addressed some concerns raised before submission. However, the Local Planning Authority found that the submitted scheme was not acceptable and permission was therefore refused.

Please read the Important Notes attached.

A handwritten signature in black ink that reads "D Ledger". The signature is written in a cursive style with a large, stylized initial 'D'.

Daniel Ledger  
Interim Head of Place

## **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.

#### **Planning Permission**

If you want to appeal against the refusal of this application or against condition(s) attached to this approval, then you must do so within 6 months of the date of this decision notice.

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).