



Appeal Decision

Inquiry held on 8-10 March 2016

Site visit made on 10 March 2016

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2016

Appeal Ref: APP/R3650/W/15/3008821

35 Frensham Vale, Lower Bourne, Farnham GU10 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Bargate Homes Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2014/1890, dated 28 September 2014, was refused by notice dated 30 January 2015.
 - The development proposed is the erection of up to 46 no. dwellings, vehicular and pedestrian access, car and secure cycle parking, landscape and ecology management, and servicing.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an outline application with all matters other than access reserved for later approval.
3. An agreement containing planning obligations pursuant to section 106 of the Act was submitted at the inquiry. This overcomes the Council's reasons for refusal based on an absence of such obligations.
4. The Farnham Neighbourhood Plan is in preparation but has not yet been submitted to the Council. It carries limited weight at this stage.

Main Issues

5. The main issues are:
 - a) the implications of the local housing land supply position with respect to the application of relevant national and development plan policies;
 - b) the effect the development would have on the character and appearance of the area;
 - c) whether the proposal is acceptable in terms of flood risk;
 - d) whether the development would provide a satisfactory mix of dwellings;
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- e) whether there are significant shortcomings in the location of the site in terms of sustainable travel;
- f) whether the proposal overall amounts to sustainable development.

Reasons

Housing land supply and policy position

6. The 4.8ha site lies adjacent to but outside the defined urban area of Farnham as indicated in the Waverley Borough Local Plan 2002. It comprises an existing dwelling surrounded by commercial plantation land. The site is agreed to be subject to policy C2 on Countryside Beyond the Green Belt. Under the policy, the countryside will be protected for its own sake, and building in the open countryside away from existing settlements will be strictly controlled. The supporting justification for the policy sets out limited categories of development which may be acceptable in such locations. The appeal proposal for residential development of the site does not fall within any of these, and is therefore contrary to policy C2. It is thereby not in accordance with the development plan because of the fundamental nature of this policy conflict. A finding in favour of the proposal is thus dependent on there being other material considerations to override the development plan.
7. The National Planning Policy Framework sets out an aim in paragraph 47 to boost significantly the supply of housing. It requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. They should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Framework indicates that the buffer should be increased to 20% where there has been a record of persistent under delivery of housing.
8. According to paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy C2 is agreed to be such a policy on the basis of its potential effect of governing the location of housing in broad geographical terms.
9. The Council calculates its five-year position as 4.33 years as at 1 October 2015. This is based on an annual requirement of 519 dwellings, taken from the West Surrey Strategic Housing Market Assessment 2015. The appellant calculates the position at 2.9 years. This is based on the same requirement, but applies a 20% rather than 5% buffer and assumes that the previous shortfall should be made up within the immediate five year period rather than over the lifetime of the emerging Waverley Local Plan.
10. The scale of the shortfall was not debated at length at the inquiry, with the Council arguing that a difference in supply of between around 3 years or around 4 years is not material to the matter of whether permission should be granted. Nevertheless, with the relevant target being missed each year since 2009 (a period of 7 years) and a cumulative shortfall since then of well over 1,000 dwellings, it appears that this is at least a borderline case of a 20%

buffer being warranted. This is notwithstanding that before 2009 there was a record of delivery above target, the effects of the recession, or that the relevant requirement since 2013 was only calculated in 2015. There also seems to be no compelling reason as to why the existing shortfall should not be addressed over the five year period rather than the life of the plan, having regard to the national aim of boosting delivery and that the Council is expressly seeking to take a proactive approach in identifying land. Overall it appears on the evidence before me the appellant's assessment of the current five-year position is more reliable, but either way there is a large shortfall. It is a significant material consideration and to be given substantial weight.

11. Having regard to paragraph 49 of the Framework, policy C2 is not up-to-date. While as a saved policy it remains extant, the settlement boundaries through which it is applied are not based on accommodating current development needs. The Council acknowledged this at the inquiry, and did not seek to rely on conflict with the policy as decisive in its case against the proposal. In the circumstances the policy is capable of being outweighed by the current housing land supply position in the Borough.

Character and appearance

12. The Lower Bourne area of Farnham comprises a predominantly residential locality with pockets of low density housing. Frensham Vale is an informal adopted highway with limited stretches of raised footway but framed by wide adopted highway verges. Frontage development is present on both sides of the road, and on the south side (where the appeal site is located) more modern residential estate-type development has penetrated at depth behind the frontage properties. The site is the last property going westwards on the south side of the road and in part abuts a combination of properties fronting onto Frensham Vale and development at depth within Vale Close. The bulk of the site is set back from the Frensham Vale frontage, with a projecting strip connecting to the road and containing an entrance driveway on one side.
13. The site is formed of the existing house of 35 Frensham Vale and its immediate curtilage together with the shared private drive that also serves another dwelling (no. 37, which is encircled by but outside the site). It also includes a substantial area of commercial coniferous plantation which, while not within the residential curtilage, is part of the private estate associated with the dwelling. The site is heavily undulating and enclosed by vegetation, with much of it not visible from Frensham Vale or adjacent residential properties. The existing substantial dwelling is not seen from any public vantage point. To the rear are the grounds of Edgeborough School, with an intervening deep bank of mature trees and vegetation.
14. In addition to the plantation trees the site contains individual and groups of deciduous trees. A number of oak trees along the forward projection to Frensham Vale are protected by a tree preservation order. With respect to the plantation trees, there was some debate at the inquiry on how future commercial felling would affect the site. The likely timescales and extent of such felling are uncertain, but the appellant's assessment is fairly based on the existing degree of tree cover, which is the approach I follow.
15. The landscape character of this part of the Wealden Greensand National Character Area is well wooded, with coniferous forestry a strong feature. The Council's Landscape Study of 2014 relating to Farnham & Cranleigh identifies

that the area within which the site lies (segment FN3) is enclosed by trees and is rural in nature, with a pattern of large individual properties set in large gardens. The segment is ascribed a moderate landscape sensitivity and medium landscape value. The study concludes that some low density development could occur adjacent to the settlement edge within the woodland, as long as the forest character still predominates; it is stated that otherwise development would be more likely to have a negative landscape impact due to a combination of character, landscape quality and designations.

16. The site is outside any environmental or special character designations. This includes the local designations of Areas of Strategic Visual Importance and South Farnham Area of Special Environmental Quality. It is evident from third party representations that the undeveloped and wooded nature of the countryside abutting the built-up area is appreciated by local people. However, there is no firm basis on which to conclude that the site and its immediate setting should have the status of a 'valued landscape' as referred to in paragraph 109 of the Framework.
17. The application was submitted in outline form but accompanied by a substantial amount of information relating to the anticipated configuration of the scheme. With the extent of analysis underlying it, a considerable degree of reliance can be placed on this material with respect to the likely final form of development, which includes landscaping in terms of the extent of existing tree retention and scope for new planting. At around just below 10 dwellings per hectare the density of the proposal is very low. The indicative layout has careful regard to the existing trees and topography, and the siting and design of dwellings would respond to the shapes of the site's contours. The design strategy appears capable of meeting its aim of seeking to retain significant banks of trees to the north and south and a block of deciduous broadleaved trees in the centre of the site, together with other trees on the boundaries and on plots within the site. New planting is also intended to achieve a better balance between the coniferous woodland species and native broadleaf species. This would be supported by a landscape management plan for the site, which could be secured by planning condition and obligation.
18. The application was supported by a formal Landscape and Visual Appraisal based on conventional methodology, and this forms the basis of the appellant's landscape evidence. It identifies the landscape value of the site as medium, with medium sensitivity. Visual receptors around and within the site are judged to have medium sensitivity (except at no. 37 which is high). Having regard to the heavily wooded nature of the site, which is typical of the large-scale landscape character area, and its relative degree of concealment, these descriptors appear to be reasonable.
19. The appellant assesses that the magnitude of landscape change as a result of the proposal would be moderate. Beneficial effects on the broader landscape character are asserted and would result from a shift to broadleaf trees, but I consider that these would be marginal having regard to the extent of the site. More locally (within segment FN3 and in the immediate vicinity of the site) it is suggested that there would be a permanent direct neutral effect by way of the low density development and retention of vegetation. Within the site itself, the assessment is that there would be a temporary direct adverse effect, leading to beneficial as new native broadleaved planting matures and gives a better balance between coniferous and broadleaf. In my judgment, these potential

benefits are somewhat overstated, and there would be an overall negative outcome on the local landscape as a result of the introduction of significant built form within the largely undeveloped site. However, the degree of adverse change to landscape character would be limited due to the potential for assimilation of this development within a treed setting and the existing context of built development in the area.

20. In terms of visual effects, at both the broad and local scales the appellant ascribes a permanent neutral direct effect. The only permanent direct adverse effects are identified as within the site and as seen from nos. 37, 33 and 31 Frensham Vale.
21. The Council's criticism of the proposal focuses on the public view from Frensham Vale, asserting in contrast that there would be an urbanising impact as a result of the development. There would be an element of visible urban development from the new decked access driveway alongside the existing one, despite the intended retention of the protected trees and new planting. With the substantial removal of trees from the site and seasonal loss of leaves from the retained deciduous trees, it is also likely that there would be at least glimpsed views of new buildings from the road. The appearance of buildings in place of existing vegetation in some longer distance views including private ones also cannot be ruled out, for example from parts of Longdown Road to the north.
22. Nevertheless, trees would largely screen and filter views into the site, and the visual impact of the new dwellings would be limited. In essence, with the set back and screening of development, the proposal would secure the green gateway into the town by way of trees and hedges along roads identified as important in the Farnham Design Statement 2010. Views along Frensham Vale would remain largely unchanged. Similarly, paragraph 17 of the Framework requires the intrinsic character and beauty of the countryside to be recognised, rather than that the countryside is protected for its own sake. Due to the particular features of the site and the contextual approach of the proposal, there is no fundamental conflict with this core planning principle.
23. Policy C7 on trees, woodland and hedgerows seeks to ensure that the extent of tree cover in the Borough is maintained. The tree removal necessary for the proposal results in some conflict with this policy, which is additional to the in principle conflict of the development with policy C2. However, the overall adverse impact on the character and appearance of the area would amount to no more than a limited degree of harm.
24. Policy D1 on the environmental implications of development seeks to prevent material detriment including by way of harm to the visual character and distinctiveness of a locality. Policy D4 sets out criteria to be met in ensuring that development is of a high quality design which integrates well with the site and complements its surrounding. Although cited in the reasons for refusal, the Council did not pursue a case based on conflict with these policies at the inquiry. Council officers assessed that the development would integrate well within the site and complement its surroundings. I consider that policies D1 and D4 would adequately be satisfied.

Flood risk

25. There is a watercourse channel along Frensham Vale which is culverted in parts. The Environment Agency's flood risk mapping shows the outline of Flood Zones 2 and 3 (medium and high fluvial flooding risk respectively), which are tight together, irregularly following the line of this. At the junction of the site with Frensham Vale and south-westwards from this point the demarcated area of Flood Zones 2/3 extends to land outside the carriageway on both sides of the road. This takes in a part of the linear strip of the site which projects towards and links with the road. The zones identified in the Strategic Flood Risk Assessment for the Borough use the same data, and there is no dispute on the reliability of the designations.
26. The Council's reason for refusal alleging that the proposal is unacceptable in terms of flood risk contained 3 parts. The first ground was that the site is not considered to be sequentially preferable over other reasonably available sites appropriate for the proposed development which are at less risk of flooding. I return to this below.
27. The second part was that the proposal failed to demonstrate that the development would not lead to surface water runoff that would increase flood risk. Following the submission of further information by the appellant, including details of soakaway potential, the Council is now satisfied that surface water issues have been resolved, and this part of the reason for refusal is withdrawn. There is no technical evidence to warrant a different conclusion.
28. The third ground of the refusal was a failure to demonstrate that safe access and egress could be provided to serve residents of the proposed development. Further analysis submitted by the appellant has met the concern raised by the Environment Agency on this matter. This is on the basis of demonstrating that a route of safe access and egress with a 'very low' flood hazard rating could be provided from the proposed dwellings to an area wholly outside the 1 in 100 year plus 20% allowance for climate change floodplain. The route extends south-westwards along Frensham Vale to a point which is outside Flood Zones 2/3.
29. Aspects of this analysis have been criticised in a technical review submitted by third parties. However, it appears that the suggested variations in the parameters used would not undermine the finding on the degree of hazard. The Council advises that this matter has also been successfully resolved and the part of the reason for refusal is withdrawn. As an additional point, the Environment Agency is further satisfied that floodplain compensation could be provided by way of level for level compensation at the location of earthworks for the new access driveway link onto Frensham Vale, and that flood waters should not be displaced during a flood event. Again, there is no firm basis on which to conclude otherwise.
30. The remaining matter in dispute is therefore with respect to the first part of the refusal in relation to the sequential test. The appellant argues that, in view of the above resolved issues and the adoption of a sequential approach to development within the site, with all the housing to be in Flood Zone 1 (low fluvial flooding risk), together with the relatively small part that lies within Flood Zones 2/3, there should be no requirement for the sequential test to be applied.

31. The Framework states in paragraph 101 that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. More detailed advice is given in the Planning Practice Guidance (PPG) on the approach to be taken to flood risk, involving following the steps of assess, avoid, and manage/mitigate. This includes advice on applying the sequential test to individual development proposals as part of the avoidance of flood risk.
32. The PPG confirms that the test is to ensure that a sequential approach is followed. Flood zones provide the basis for applying the test. The aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, again taking into account the flood risk vulnerability of land uses and applying the exception test if required.
33. The appellant relies on a component based approach to assessing the vulnerability of different parts of the development, as allowed for in applying Table 3 of the PPG. However, that table relates to the exception test, and a footnote makes clear that it does not show the application of the sequential test. A sequential approach to the location of development within the site does not preclude the need to apply the sequential test to the overall site selection process. Cases where the sequential test need not be applied, involving developments allocated in development plans and minor development and changes of use, as set out in the Framework and elaborated in the PPG, do not apply in this case.
34. I recognise that only a small part of the site falls in Flood Zones 2/3. However, this part is within the section which connects the remainder of the site onto Frensham Vale, and is the location of much of the proposed new access driveway link to the highway. The Flood Zones 2/3 part is therefore an important element both of the overall site and the proposed development, where there is appropriately assessed to be a medium/high fluvial flood risk with potential adverse consequences on access. The proposed means of construction of the link, including its elevation above the existing ground level, and demonstrating that the development would be safe, are factors that properly relate to the requirements of the exception test and the manage/mitigate step where a development has been accepted as necessary. The guidance makes clear that these are to be applied only following the application of the sequential test.
35. I have carefully considered the scope to apply judgment and take a proportionate approach to this matter, as advocated by the appellant. However, photographs of flood events in Frensham Vale provided by third parties underline the reality of the flood risk and that it is not just a theoretical concern. I also note another appeal case referred to by the appellant where the Inspector addressed the implications of areas of flood zones 2 and 3 falling within a larger site (ref APP/P1133/A/13/2209715). That case appears to differ importantly from the current one in that the flood zone 2 and 3 areas could

- potentially be excluded from the site without materially affecting the proposed development. Similarly, in the Eastleigh example referred to, the higher risk zones appear to be located around the perimeter of the site within proposed landscape areas. I have considered the current case based on the particular circumstances of the site and proposal.
36. I have also taken into account the earlier belief of the appellant that the matter of the sequential approach had been resolved, and the suggestion of the Council's consultant that only brief comment on it would be necessary. However, I consider that this is a case where application of the sequential test is warranted. While the PPG makes clear that sequential test considerations are a matter for the local planning authority in the first instance, it states that advice should be taken from the Environment Agency, and I also note that one of the representations of the Environment Agency on the proposal referred to a need for the test to be applied.
37. The PPG makes clear that it is for the developer to provide the evidence for the local planning authority to apply (if necessary) the sequential test. Without prejudice to its case that the test is not necessary in this instance, the appellant has undertaken what is described as a sequential assessment. According to the PPG, the area to apply the test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The area of search in the appellant's assessment is limited to the Farnham area. On the basis that, as one of the four largest settlements in the Borough, Farnham needs new homes, the approach to limiting the search to this settlement is agreed by the Council and is appropriate.
38. The PPG sets out that, when applying the test, a pragmatic approach on the availability of alternatives should be taken. The appellant has based the assessment on greenfield sites identified through the Council's most recent Strategic Housing Land Availability Assessment (SHLAA). It looks only at sites scored at the upper end of a scale for suitability, availability and achievability as housing sites (rated green or amber in the SHLAA). This leads to a conclusion that there are 13 sites which can be considered sequentially preferable to the appeal site and are deliverable in the short term (the next 5 years). These are indicated as being capable of delivering some 730-775 dwellings (including 46 on the appeal site).
39. The appellant compares the results of this exercise with the current shortfall in the Borough's five-year housing land supply, which equates to 1,809 dwellings based on the appellant's assessment. From this the appellant concludes that, even if all of the identified sequentially preferable sites are developed in the next five years along with the appeal site, the current shortfall in five-year housing land supply would still not be met by a significant number. However, the shortfall applies to the whole Borough. It does not provide an appropriate basis by which to assess the adequacy of the greenfield land supply at Farnham on its own, since there is no clear ground on which to expect this to represent the sole potential source to make up the supply.
40. A further comparison is made with figures contained in the Council's Housing Options consultation document (October 2014). This sets out alternative scenarios for greenfield release around Farnham, among other locations, for delivery of the Borough's calculated Objectively Assessed Need (OAN) over the plan period of the Waverley Local Plan, which is under preparation. It indicates

a need to accommodate a minimum of 700 dwellings on such sites (which with a recent uplift in the OAN increases to 770). Based on the scale of development currently proposed at Dunsfold Aerodrome, this rises to 1,500 homes (uplifted to 1,650), and up to 2,700 homes (uplifted to 2,970) based on other options. However, at this stage these options are not settled. They also relate to the total requirement over the Plan period up to 2031 rather than just sites deliverable in the next five years, on which basis the appellant has identified alternative sites. Over this longer term it could reasonably be expected that other sites could come forward which have not been included in the appellant's assessment. For example, the Council points out that site no. 381 in the SHLAA (rated amber in the SHLAA with a capacity of 500-850 dwellings), which is all in flood zone 1, has been excluded by the appellant.

41. There is no dispute that there will be a need for greenfield land releases around Farnham to meet future housing needs. However, the appellant's study indicates the existence of a significant number of potential sites within the relevant area of search which are sequentially preferable to the appeal site and many of which could accommodate a similar number or more dwellings than the current proposal. On the available evidence this is not a case of the type cited as an illustration in the PPG of when the sequential test might be passed, comprising where there are large areas in flood zones 2 and 3 and development is needed in those areas to sustain the existing community such that sites outside them are unlikely to provide reasonable alternatives. The comparisons with the current five-year shortfall and future potential scenarios do not establish the necessity to develop the appeal site as proposed.
42. Overall it has not been demonstrated that there are not reasonable alternatives to the proposal in this case, bearing in mind that the intention of the sequential test is to steer new development to sequentially preferable sites. The test is therefore failed, and the exception test is not brought into play. The conclusion is that the proposal does not comply with national policy in the Framework on avoiding development in areas at risk of flooding.

Housing mix

43. The Framework in paragraph 50 sets out an aim to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In pursuit of this, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
44. The proposal would provide 40% of the total number of dwellings as affordable homes (18 units), to be secured by planning obligation. There is no dispute regarding this level of provision.
45. Policy H4 on density and size of dwellings contains numerical targets. There is agreement that the factors of the policy's age and rigid prescriptive approach reduce the weight that should be accorded to it.
46. The Strategic Housing Market Assessment (SHMA) of 2015, while not in itself policy, provides recent and robust evidence on local housing need. The proposed mix of the affordable housing units includes proportions of 1, 2 and 3

bed dwellings that closely match the requirement for this sector set out in the SHMA, and there is no dispute on the acceptability of this.

47. The 28 market housing units would comprise dwellings which would all be of 4 or more bedrooms. This mix diverges substantially from the indicative requirements contained in the SHMA for market housing, which specifies a mix of around 9% 1-bed, 32% 2-bed, 38% 3-bed, and only 20% 4 bed plus.
48. There is clearly a degree of need for larger market units, and evidence of market demand for such units in this locality. The SHMA target is of a strategic nature, applying across the Borough. However, there is a substantial range of market dwelling unit sizes required locally that would not be provided for in the development. The appellant refers to design and layout considerations for the scheme and an intention to have regard to the character of the wider area, reflecting a low density setting, as set out in the Design and Access Statement. Nevertheless, given that the scheme successfully accommodates smaller affordable housing units, this factor does not convincingly justify the omission of any smaller market housing units.
49. Balanced against this is that the scheme would provide a good mix of units overall and make provision for the most acute area of need, which is for smaller affordable units. However, the mix of market housing does not accurately reflect the aim of the Framework of accommodating identified requirements, and to that extent would not fully achieve the type of communities it seeks.

Sustainable travel

50. It is recorded as common ground between the main parties that the site has a reasonably sustainable location in relation to the urban area of Farnham.
51. Local representations highlight the absence of a footway in this section of Frensham Vale and the relative distances to local facilities. The proposal would provide for the marking of a pedestrian and cycle priority area on the carriageway between the site and the Frensham Vale/Frensham Road junction, a gateway feature to the west of the site entrance to reinforce the speed limit change on Frensham Vale, and a contribution towards new bus stop infrastructure and pedestrian crossing improvements, as well as a travel plan to be secured by condition. I understand that these measures were sought by the local highway authority. Similar measures were included in a scheme recently granted permission at appeal on a site nearby at Gardener's Hill Road (ref APP/R3650/W/15/3023031). The Inspector found them to be an acceptable means of facilitating walking trips from that site, and represent satisfactory provision towards providing opportunities for residents to travel by means other than private car.
52. Having regard to the particular features of the current appeal site's location, I can appreciate the basis for local doubt about the likely effectiveness of promoting walking with shared pedestrian and vehicular use of the carriageway, and also about the limitations of the local bus services. These represent shortcomings in the degree of accessibility of the site and the potential attractiveness of non-car travel modes. However, these factors are insufficient to warrant a departure from the common ground position. With regard to potential traffic and safety impact, the proposal was supported by a transport assessment, and there is no technical evidence to undermine the

conclusion of the local highway authority that the development would be acceptable in these respects.

Sustainable development and overall balance

53. The Framework defines sustainable development on the basis of the policies in its paragraphs 18 to 219 taken as a whole. It sets out that there are three dimensions to sustainable development: economic, social and environmental.
54. The development would create economic benefits in terms of construction impact, revenues and local spending. In social respects, there is a strong need for new housing in the area and an absence of a five-year housing land supply. The proposed dwellings would contribute towards addressing this, and with 40% of the units as affordable housing would help meet the acute need for such housing in the Borough. Planning obligations would provide for contributions to meet community needs that would arise from the proposal. Conversely, the residential mix of the market units would not fully meet the aim of mixed communities.
55. In environmental terms, there would be some landscape improvements from new native species planting. The proposal would also allow for ecological enhancements through appropriate management measures, with withdrawal of the Council's reason for refusal on this matter following the provision of additional information. As found above there would be some limited adverse effect on landscape and visual character. Despite some shortcomings, the site is a reasonably sustainable location for new development, and some measures are put forward to improve accessibility by non-car modes. However, a major negative environmental factor is that the proposal does not comply with national policy on avoiding flood risk in the Framework.
56. The Framework sets out a presumption in favour of sustainable development. Paragraph 14 indicates that, for decision-taking, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. As specified by footnote 9, the latter include locations at risk of flooding.
57. In this case there is no dispute that policy C2 is not up-to-date. However, due to my conclusion above on flood risk, and the conflict found with national policy on flooding, the proposal is not subject to the tilted balance of paragraph 14. The housing gain that would result from the development, in combination with the other benefits of the proposal as set out above, are in my judgement insufficient to outweigh the conflict with the objective of flood risk avoidance and the other identified harmful impacts.

58. Overall I find that the proposal does not represent sustainable development.

Conclusion

59. For the reasons given above I conclude that the appeal should not succeed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Scott Stemp of Counsel	Instructed by Head of Legal Services, Waverley Borough Council
He called:	
Brian Woods BA MRTPI	Managing Director, WS Planning & Architecture
ONC	
Neil Bagley	RPS

FOR THE APPELLANT:

Scott Lyness of Counsel	Instructed by James Devane, HKH Kenwright and Cox
He called:	
Andrew Traves BCivEng	Opus International Consultants
CEng MISE MCIHT	
Barrie Draper BSc(Hons)	Arboricultural Consultant, Ecourban Ltd
HND TechCert CertArb	
Ann Rowland BA BLD	Co-director, Landscape Perspective Limited
CMLI	
David Neame BSc(Hons)	Director, Neame Sutton Limited
MSc MRTPI	

INTERESTED PERSONS:

Nigel Hartley BA BArc BTP RIBA	Chestnut Planning, on behalf of Frensham Vale
MRTPI	Action Group
Peter Hornsby	Local resident
Councillor Carole Cockburn	Borough and Town Councillor for Farnham Bourne

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Statement of Common Ground
- 2 Folder of documents relating to flooding matters
- 3 Letter from WS Planning & Architecture dated 3 March 2016 and attachments
- 4 Draft section 106 agreement
- 5 Forestry Commission letter dated 21 October 2013 and attachments
- 6 Letter from Lindsay Carrington Ecological Services dated 15 January 2016
- 7 Tree plans (2no.)
- 8 Mr Traves's qualifications
- 9 Appellant's opening submissions
- 10 Chestnut Planning statement dated 7 March 2016
- 11 Waverley Borough Council Consultation on Potential Housing Scenarios
- 12 Council's tree officer comments dated 1 December 2014
- 13 Council's superseded note on five-year housing land supply
- 14 Map showing location of Dunsfold Park
- 15 Highway works drawings for Gardener's Hill Road proposal

- 16 Completed section 106 agreement dated 8 March 2016
- 17 Technical note on access deck maintenance
- 18 Technical note on sites with multiple flood zones with attachments
- 19 Technical note on third party flood data review
- 20 Council's closing submissions
- 21 Appellant's closing submissions
- 22 Revised draft conditions

Richborough Estates