



Appeal Decision

Inquiry Opened on 30 January 2018

Site visits made on 2 and 27 February 2018

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2018

Appeal Ref: APP/R3650/W/17/3178819

Farnham Park Hotel and Restaurant, Hale Road, Farnham GU9 9AB

- 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 PLOT (Farnham) LLP against the decision of Waverley Borough Council.
 - The application Ref WA/2016/1323, dated 17 June 2016, was refused by notice dated 28 February 2017.
 - The development proposed, as amended, is described as an "outline application for the erection of 97 dwellings, to include 29 affordable dwellings, the retention of the existing hotel/ restaurant building, provision of community car park together with alterations to access, associated works and provision of SANG (Suitable Alternative Natural Greenspace) land and associated car park; access, landscape, layout and scale to be determined (as amended by plans dated 06/10/16 and 10/11/2016); this application is accompanied by an Environmental Statement".
 - The inquiry sat for 5 days on 30 and 31 January, 1, 2 and 26 February 2018.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was amended prior to its determination. The number of dwellings was reduced from 105; the hotel/ restaurant building is now to be retained; and there are alterations to the layout. Waverley Borough Council (WBC) reconsulted local residents and other interested parties on these amendments. I am satisfied that no parties would be prejudiced by my consideration of this amended scheme and so I have used it for this Decision.
3. The application is in outline form with access, landscaping, layout and scale for determination at this stage. There is an error in WBC's decision Notice in that the first reason for refusal refers to the site being within an Area of Strategic Visual Importance; it is not.
4. During the Inquiry the Appellant submitted two draft Agreements under s106. Completed copies of an Agreement and a Planning Obligation by Unilateral Undertaking (UU) were submitted in accordance with an agreed timetable during the adjournment. The Agreements is between the Appellant; Rheno Property Holdings Ltd; and WBC. The UU is between the Appellant; Rheno Property Holdings Ltd; and Surrey County Council (SCC). The Agreement, signed by WBC, provides for 29 units of affordable housing; the provision of a management plan for the area of SANG, including a financial contribution and

footways between the SANG and Farnham Park; separate car parking areas for users of the SANG and for the Church of St John the Evangelist. It also secures financial contributions towards a play centre and climbing wall at Farnham Leisure Centre; towards an improved footpath along the eastern boundary of Farnham Park and towards the provision of waste and recycling containers.

5. The UU, which is to SCC, secures financial contributions towards Hale Primary School to provide places for 2-year-olds; Potters Gate Church of England Primary School to provide a 5-classroom extension; and Farnham Heath End Secondary School to provide a sports hall.
6. In the light of the Agreement, the UU and an agreed list of planning conditions, WBC did not pursue its reasons for refusal Nos 3 (affordable housing); 4 (financial contributions and off-site highway works); and 5 (impact on the Thames Basin Heaths Special Protection Area (TBHSPA)).
7. Towards the end of the Inquiry the Report on the Examination of the Waverley Borough Local Plan Part 1 (WBLPP1)¹ was published. The Inquiry was adjourned for 3 weeks to enable the parties to take account of it in their closing submissions. During that adjournment on 20 February 2018 WBC resolved to formally adopt the WBLPP1².

Main issues

8. The main outstanding issues are (i) whether the Council is able to demonstrate a five-year housing land supply against a full assessment of housing need and the implications for this in terms of national and local policy; (ii) the effect of the proposals on the character and appearance of the area; (iii) the effect of the proposals on the setting of nearby heritage assets; and (iv) the planning balance: whether the benefits of the scheme are sufficient to outweigh any identified harm.

Reasons

The appeal site and its setting

9. The appeal site, which has an area of almost 12ha, is situated on the western side of Hale Road (A325) and to the south of Upper Hale Road. It is of irregular shape, being roughly in the shape of a capital "E". It is mostly laid to grass having been recently used for horse grazing and with hedges between the small fields. Part of the site has been partly laid out as a cemetery with gravel paths and hawthorn hedges; there is a notice board at the site entrance in respect of Farnham Park Cemetery operated by Regent Memorial, although it appears that no burials have taken place.
10. The site slopes uphill from south to north and there are overhead electricity lines. There is a pylon located centrally within it and further pylons nearby within Farnham Park and on the opposite side of Hale Road.
11. To the north and north west are dwellings in Oast House Lane, with further houses, including the Grade II listed 3, 5, 7 Hale Road and the Grade II listed Church of St John the Evangelist, together with its graveyard, located to the north east. The central prong of the "E" contains a gravelled access road from

¹ Report on the Examination of the Waverley Borough Local Plan Part 1: 1 February 2018 (PINS/R3650/429/8) (ID27)

² Waverley Borough Local Plan Part 1: Strategic Policies and Sites (February 2018) (ID28)

Hale Road that runs past the Daniele Sicilian Hotel and Restaurant which is to be retained and which has a substantial parking area to the north.

12. Ravenswood House and its grounds lie within the angle formed by the vertical and southern arms of the "E". Within this area are Mulberry House³ which is a Grade II listed building, and Ravenswood Lodge. Further south lies Bells Piece, a substantial institutional building with extensive greenhouses which provides residential accommodation and a range of activities for adults with learning difficulties. The western boundary of the site is formed by Farnham Park, a large medieval deer park now owned by WBC. This Park has public access including a footpath close to its eastern boundary adjacent to the site.

Relevant planning history

13. The relevant parts of the site's planning history include an outline planning application for 189 dwellings in 2015 that was withdrawn in June 2016. Following the refusal of the application the subject of this appeal, a revised outline planning application for 89 dwellings was submitted in 2017. It was refused in December 2017 on the same grounds as this appeal scheme.
14. Part of the site was the subject of an application for change of use from agricultural land to cemetery and woodland burial site. This was refused by WBC and allowed on appeal in October 2010. A variation of this scheme was approved by the Council in May 2010. The cemetery scheme, which is not taking place despite the sign board announcing its presence, would have utilised the same vehicular access as now proposed and included a parking area for 19 cars close to the hotel/ restaurant.

The proposals

15. The proposals are in outline form with only appearance reserved for future determination. The scheme, as revised, includes the erection of 97 dwellings of which 29 dwellings (30%) would be affordable housing. Overall there would be a mix of 18x1-bed units; 29x2-bed units; 34x3-bed units; and 16x4-bed units. The housing would be located at the northern end of the site and within this area there would be a Local Area of Play and a Locally Equipped Area of Play. Vehicular access would be via the route of the existing track serving the hotel and which is sited along the central prong of the "E". A new junction would be formed with the A325 Hale Road. Close to this junction a 23-space car park would be provided for use by the nearby church.
16. The housing, roads and parking would occupy 4.74ha with the remaining 7.24ha being used to provide SANG. This area of open space would provide a network of footpaths and a pond. The paths would provide a circular walk and links into the adjoining Farnham Park where there is an extensive network of footpaths. There would be a 15-space car park for users of the SANG. Extensive landscaping is proposed.
17. The off-site works include a new footway/ cycleway on the eastern side of the A325 between the site access and the eastern bus stop; a widened footway/ cycleway on the western side of the A325 between the site entrance and the existing cycleway at the Six Bells roundabout, to the south. Works to this

³ The List Entry (No 1319818) for this property calls it Ravenswood Farm Cottage; the Statement of Common Ground calls it Mulberry Cottage; and elsewhere it is called Mulberry Farmhouse. I have used the name Mulberry House throughout this Decision as this is the name that is now affixed to the wall at its entrance.

roundabout are proposed as is a footway on the southern side of the A325 between Six Bells roundabout and the Water Lane roundabout. New bus shelters, timetabling information and real-time passenger information displays are proposed at the bus stops north of the Six Bells roundabout.

Planning policy

18. The status of the various components of the development plan was an important aspect of the Inquiry and so it is considered in some detail. As set out above its composition changed during the Inquiry.
19. The development plan now comprises the WBLPP1 (2018); saved policies in the Waverley Borough Local Plan 2002 (WBLP); a saved policy in the South East Plan (SEP); and the Farnham Neighbourhood Plan 2017 (FNP). The site lies outside the urban area as defined in the WBLPP1, WBLP and FNP and so the countryside policies apply. It lies within an Area of Great Landscape Value (AGLV); it is outside the Green Belt and the Surrey Hills Area of Outstanding Natural Beauty (AONB).
20. The WBLPP1 was adopted on 20 February 2018 and so is up-to-date and in full compliance with policies in the National Planning Policy Framework (the Framework). It carries full weight. For this Decision, the key policies are Policies RE1, RE3(ii) and HA1. Policy RE1 (Countryside beyond the Green Belt) says that in areas so designated the intrinsic character and beauty of the countryside will be recognised and safeguarded. Policy RE3(ii) (Landscape character) gives protection to the AGLV which will be retained for its own sake and as a buffer to the AONB. Policy HA1 (Protection of Heritage Assets) seeks to ensure that the significance of heritage assets are conserved or enhanced.
21. The only relevant saved policy in the WBLP is Policy HE3 (Development affecting listed buildings and their setting) as there are listed buildings close to the appeal site albeit none within the site itself. The policy says that any development that harms the setting of a listed building will not be permitted. In this regard it lacks the balancing exercise set out in paragraph 134 of the Framework. As it is not consistent with the Framework in this important respect, it can carry only limited weight
22. The SEP was largely revoked on 25 March 2013. Policy NRM6 (TBHSPA) was saved and is extant. This policy says that new residential development that is likely to have a significant effect on the ecological integrity of the TBHSPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England. The policy establishes a 5km zone of influence from the TBHSPA boundary. It also sets out the standards that apply where the mitigation takes the form of the provision of SANG.
23. The FNP was made and adopted by the WBC on 28 July 2017 after an unsuccessful legal challenge. The following policies are cited in the reasons for refusal: Policies FNP1, FNP10, FNP11, FNP12, FNP13, FNP30 and FNP32.
24. Policy FNP1 (Design of new development and conservation) carries full weight. Policies FNP10 (Protect and enhance the countryside) and FNP11 (Preventing coalescence...) both seek to protect the countryside from inappropriate development. While FNP11 is cited in the first reason for refusal the site is not within any of the gaps between settlements mentioned in the policy. The FNP's

housing policies are based upon the unsound requirement in the submission version of the Local Plan; the amount of housing it allows for is too low as the WBLPP1 increases the amount of housing necessary in Farnham to 2,780 dwellings (from 2201 dwellings). An additional complication is that the FNP has an end date of 2030-31 whereas the WBLPP1 has an end date of 2031-32.

25. In his Report on the WBLPP1, the Examining Inspector (EI) comments that the FNP does not provide for the whole of the housing requirement for Farnham. He adds that extra housing will be needed at Farnham in WBLP Part 2 and potentially through a review of the FNP. That does not make the FNP itself unsound, but further housing allocations at Farnham will be necessary with the probable need to adjust the built up area boundary. The EI adds that the FNP remains part of the development plan. It is intended that the additional housing will be provided through allocations in Part 2 of the Local Plan (WBLPP2) unless there is an early review of the FNP⁴. This is carried through in paragraph 6.24 of the WBLPP1 which sets this out as the way forward.
26. The EI considered the need for more SANG in Farnham, as Farnham Park has only sufficient spare capacity to provide SANG for the submitted plan allocations. He refers to the need to provide further SANG and the possibility of providing bespoke SANG on some development sites which have previously been rejected and may now need to be revisited. WBC's SANG Topic Paper Update indicates that there are opportunities for additional SANG at various sites, including the appeal site at Hale Road. The EI concluded that as there are a variety of potential solutions it was not necessary to identify a strategic SANG site for WBLPP1 and that the approach is sound.
27. There is no dispute that the provisions of FNP Policies FNP12 (TBHSPA); FNP13 (Protect and enhance biodiversity); FNP30 (Transport impact of development); and FNP32 (Securing infrastructure) are up-to-date and are fully met by the proposed conditions and the provisions of the s106 Agreement and the UU.

Whether the Council is able to demonstrate a five-year housing land supply against a full assessment of housing need and the implications for this in terms of national and local policy

Housing land

28. The Statement of Common Ground – Housing Land Supply Matters sets out some important areas of agreement and the main areas of disagreement. The starting point is that WBC says that it can demonstrate a five-year housing land supply whereas the Appellant considers that it cannot. It was agreed that the five-year period starts on 1 April 2017; that the shortfall should be dealt with by the "Sedgefield" method; and that completions for the period 1 April 2013 to 31 March 2017 are 1,048 dwellings. It is agreed that in terms of need, the 2014 population projections give a figure of 379 dwellings per annum (dpa) to which is added a vacancy rate adjustment (17 dpa); an uplift for market signals (99 dpa); and an uplift to reflect London unmet need and affordable housing need in the Borough (12 dpa). This gives an agreed figure of 507 dpa.
29. Now that the WBLPP1 has been adopted the "policy on" situation is applicable and so the unmet need of 83 dpa in Woking needs to be added, giving a requirement of 590 dpa. While the Appellant considered that a 20% buffer is

⁴ Examining Inspector's Report paragraphs 94-108, in particular paragraph 98

- appropriate due to persistent under delivery, the EI determined that a 5% buffer is appropriate as WBC met its requirement until the recession in 2008.
30. The Appellant disagreed with WBC's supply figure. However, this figure has been found sound and adopted in the WBLPP1. The EI said that the position is that there is a supply sufficient for 5.2 years as at 1 April 2018. He added that this figure has been depressed as WBC unnecessarily applied a lapse rate of 10% for small sites. The WBLPP1 has been found sound, subject to modifications, which have all been accepted by WBC. The figure was arrived at following the consideration of detailed evidence. This Inquiry is not the forum to challenge the conclusions of the EI or the provisions of a development plan on which the ink is barely dry. The EI accepted that there is a five-year housing land supply and that cannot reasonably be challenged at this time.
 31. The main new evidence produced at this Inquiry was a letter from a house builder who did not agree with WBC's figures for his site (Sturt Farm, Haslemere) but, even if these revised and rather pessimistic figures were to be accepted, WBC could still demonstrate a five-year housing land supply.
 32. The situation in Farnham has been changed by the adoption of WBLPP1 as Farnham's share of the requirement has been increased to 2780 dwellings. The EI said that the amount of housing allowed for by the FNP is too low as it was based upon the figures in the (then) emerging Local Plan which have been found not to be sound. He said that this did not make the FNP itself unsound but that further housing allocations at Farnham would be necessary with the probable need to adjust the built up area boundary.
 33. The NP Examiner considered that the FNP contained robust mechanisms for monitoring housing supply. Paragraph 6.24 of WBLPP1 sets out the mechanism for the additional sites that will have to be provided. It says that this plan allocates strategic sites (100 or more dwellings) and that additional sites will be allocated in WBCPP2 and in neighbourhood plans. The additional housing needed in Farnham will be allocated in WBLPP2 unless there is an early review of the FNP. The WBLPP1 says that all sites required to deliver the housing requirement can be delivered well before the end of the plan period.
 34. I conclude on this issue that, as demonstrated in the WBLPP1, there is currently a five-year housing land supply in the Borough. While more sites will need to be found during the plan period, there is a mechanism in place for these sites to be identified and brought forward.

Affordable housing

35. Policy AHN1 of WBLPP1 requires a minimum provision of 30% affordable housing on sites of this size. There is no dispute that the Borough has a substantial level of need for affordable housing with an identified need of around 314 dpa and a supply of just 131 dwellings in the first three years of the plan period. There are currently around 590 households on the housing needs register for Farnham.
36. The scheme makes provision for 29 affordable dwellings, fully in accordance with the 30% requirement. The provision, timing and mix of dwellings have been secured by the s106 Agreement. This provision, in an area of great need, weighs significantly in favour of the scheme.

The effect of the proposals on the character and appearance of the area

37. The appeal site lies within the "countryside beyond the Green Belt" and within an Area of Great Landscape Value as defined in the WBLPP1. In the FNP the site lies outside the built up area boundary and within an Area of High Landscape Sensitivity and Historic Value which falls within the defined green infrastructure. It lies within an area that has been protected in the recently made FNP and the very recently adopted WBLPP1. Due to these local designations, and the fact that these plans are so up-to-date, I consider that it must fall within the definition of a valued landscape and so should be protected and enhanced in accordance with paragraph 109 of the Framework.
38. It is inevitable that any residential development on a greenfield site will result in a significant change to the character of the site and its immediate surroundings. In this case, the visual impact would be quite localised, as shown on the Visual Envelope⁵ produced by the Appellant. While this is rather too tightly drawn, particularly around the access from Hale Road, it does demonstrate that the proposals would not have a visual impact on a particularly wide area outside the site itself and the immediately adjoining dwellings. The field to the north-west would become surrounded by housing on three sides and there would be a significant impact on private views from adjoining houses. It would also be clearly visible from the church and its graveyard. While part of Bells Piece, to the south, lies within the Visual Envelope, views from there would be of the SANG rather than the housing.
39. The principal public views would be from the footpath within Farnham Park that runs north/ south close to the common boundary between the Park and the site. The views from that path are heavily filtered by existing trees and vegetation on the boundary and by a hedge within the site. While the tops of the houses would be visible, the overall visual impact would be limited. There would be further views from East House Lane from where the houses would be visible through gaps in the boundary vegetation and above a hedge. The provision of the additional landscaping in accordance with the submitted plans would further filter the views of housing.
40. The AGLV and the FNP designation of the site both place the appeal site, together with the land immediately to the south, in a single parcel that also includes Farnham Park. Based upon the evidence to the Inquiry and on my visits to the site and to the Park I agree with the landscape assessment in the Environmental Statement⁶ in that the character of the appeal site is very different to that of the Park. It is also separated from the Park, both visually and physically, by the boundary trees. Visually, the northern part of the site, where the housing is proposed, is largely seen from public viewpoints in the context of the dwellings that wrap around its northern boundaries and extend along the eastern side, giving it the developed feel of a settlement edge.
41. WBC commissioned the Landscape Study – Part 1: Farnham and Cranleigh⁷ in which AMEC were asked to consider Cranleigh and Farnham and their settlement boundaries. The site lies within Segment FN8 which is described as being Farnham Park, between Farnham and Hale, although the plan shows that it also includes the land to the east of the Park, including the appeal site. It

⁵ Appendix 4 to proof of evidence of Clare Brockhurst

⁶ Environmental Statement Part III: Chapter 9 – Landscape and visual impact assessment (CD/4/3 & ID14)

⁷ Report by AMEC Environment & Infrastructure (August 2014) (ID8)

concludes that the capacity for new development in this segment is "limited" which, given that none would take place within the Park, must refer to the appeal site, the sliver of land to the north west or to Bells Piece to the south.

42. The AGLV designation was the subject of a review in 2007⁸ which gave this Waverley part (area W1, as defined on p8 of the review) an "amber" status (having some shared characteristics of the AONB). It recommended that for such areas more assessment work was required to establish whether they are sufficiently robust to be retained as AGLV. The rationale for this was to establish whether this area has sufficient characteristics to be included in the retained AGLV. That assessment has yet to be undertaken which has cast some doubt on the designation. However, the designation has just been carried forward in the recently adopted WBLPP1 following the rigors of an Examination in Public.
43. There would be other benefits of the proposals including the provision and maintenance of 7.24ha of SANG. Landscaping within and around the site together with the provision of play areas would be beneficial although this is mostly mitigation for the site. The removal of the pylon within the site, and the accompanying overhead cables, would benefit future residents as well as users of Hale Road in particular. The pylon in Farnham Park would remain, as would the pylon to the east of Hale Road, so the benefits of removing one pylon and placing the cable underground would mostly accrue to the site itself.
44. Notwithstanding these benefits, overall the proposals would cause harm to the character of the area. It would extend the built form into the defined countryside within an area that has a local landscape designation and whose protection has been reiterated in the recently made FNP and the adopted WBLPP1. The resultant urbanisation of the site would extend the settlement further south and result in some considerable harm to the character of the area. While that harm would be localised, it would be contrary to Policies RE1 and RE3(ii) of the WBLPP1 and to Policies FNP10 and FNP11 of the FNP. It would also fail to protect or conserve a valued landscape, contrary to advice in the Framework. I conclude that the identified harm weighs significantly against the proposals.

The effect of the proposals on the setting of nearby heritage assets

45. There are a number of heritage assets in the vicinity of the site. WBC refers to 9 assets comprising 6 Grade II listed buildings; one Grade II registered park and garden; one locally listed building; and one heritage feature. Although the reason for refusal refers to paragraphs 133 and 134 of the Framework, in evidence WBC did not allege any substantial harm to any of the assets and agreed that only paragraph 134 is engaged. In its written evidence WBC alleged less than substantial harm to the setting of four of the listed buildings and considered that there would be no harm to the other 5 assets. It is agreed that there would be no harm to the significance of Farnham Park.
46. At the Inquiry WBC considered that less than substantial harm would be caused to the setting and significance of Mulberry House and to the setting of the Church of St John the Evangelist. WBC considered that the harm to these two heritage assets would be sufficient to justify refusing planning permission. Any harm to the other assets would not be sufficient to justify refusing permission.

⁸ Surrey Hills AGLV Review by Chris Burnett Associates (26 June 2007) (CD/3/8)

47. With regard to Mulberry House, this harm is alleged to arise from the proposed access road and the new car parking area for the church, both located to the north of the property. The access road would be along the existing alignment of the drive serving the hotel and restaurant and which also serves the approved cemetery. Mulberry House faces towards the south, away from this access road, and is approached via a long drive from a spur off Hale Road. To the rear of the house is a close boarded fence and row of conifer trees which together make the house barely visible from the access road; an outbuilding to the north east of the house further reduces views of the property.
48. The significance of the property derives from it being a restored 18th century farmhouse. It has historic and architectural interest being a fine example of traditional vernacular construction. Based upon the old maps, its access has been changed but remains to the south. Its immediate setting has been changed by the construction of the hotel and restaurant to the north. This has separated it from what may have been some of its associated farmland to the north but it retains an open setting to the south. The proposals would not impact on what remains of its open setting; indeed it may be improved and safeguarded by the provision of the SANG to the south.
49. At the Inquiry WBC expressed concern at the potential harm to the tranquillity of its setting by the urbanisation and increased use of the access road to the north and the car park for the church. This must be seen in the context of the hotel and restaurant immediately to the north of the property. This business has a substantial gravel-surfaced car park and outdoor tables and chairs. The planning permission for the cemetery also included a car park for 19 cars to the north of this access road. In all these circumstances I do not consider that there would be any harm to the significance or setting of Mulberry House.
50. The Church of St John the Evangelist is also Grade II listed having been first listed in 1950. It dates from 1844. The listing gives the reasons for its designation which accord with its significance. These relate to it being an interesting example of an 1840s neo-Romanesque church building by a nationally known architect (Benjamin Ferrey); its striking appearance due in large measure to its round turret; and the good quality furnishings. The church is sited close to the cross-roads in the centre of Hale. There is nothing in this description to suggest that its setting is a key factor in its reasons for listing.
51. The proposed development would impact on the setting of the church due to the proposed housing, the access road and the church car park. The housing would restrict views of the church from the west from where the church can be seen in the context of Hale. While these views are quite long distance, the intervening housing would restrict or prevent such views, damaging the setting of the church. The proposed road would also introduce vehicles to the west and south west of the church. While planting would, in time, reduce the visual impact of the road and its associated traffic, this would also reduce views of the church from the west. The planting would not significantly reduce the aural impact of vehicles using the road. While there is already a considerable level of traffic noise from vehicles on Hale Road, this new traffic would be on the opposite side of the church and reduce the tranquillity of its setting.
52. The proposed car park for the church would be sited some way to the south and be screened by a hedge to the north and planting within it such that its visual impact on the setting of the church would be minimal. Overall, I agree

with the findings set out in the Heritage Statement (June 2016) by CgMs Consulting that there would be a low level of less than substantial harm to the setting of this heritage asset.

53. In accordance with advice in paragraph 134 of the Framework, this harm has to be weighed against the public benefits of the proposals. These benefits include the provision of market and social housing in an area where there has been an acknowledged shortfall in provision; economic benefits arising from jobs during construction and from future occupiers making use of local businesses; car parking for the church; and the provision of a substantially greater quantity of SANG than is required by the development. I have taken account of the fact that WBC can now identify a five-year housing land supply which reduces the weight that may reasonably be given to the benefit of housing provision. Nonetheless, the Framework seeks to boost significantly the supply of housing. Taken together, these public benefits clearly outweigh the limited amount of harm that would be caused to the significance and setting of the Church of St John the Evangelist by the proposals.

Other planning matters

54. I have taken into account all the other matters raised at the Inquiry and in the written representations. Concerning air quality, the written evidence of a local resident showed that the NO₂ levels recorded by a monitoring device exceeded the annual mean objective of 40 µg/m³ over a two week period in November 2017. The level was 44 µg/m³. However, this figure needs to be treated with a high degree of caution for a number of reasons. The monitoring period was just two weeks whereas a full year would be necessary to provide an accurate annual mean figure; the submitted data has not been annualised. The Clean Air Campaigner for Friends of the Earth, who provided the "Clean Air Kit" and the laboratory results, described the results as a snapshot, adding that "...annual average results could look very different...".
55. The monitoring device was located on traffic lights, close to the road. This is at a point where many vehicles would be starting and accelerating away from the lights with some of them travelling up-hill. The monitor was not at a location of relevant exposure, being many metres from the nearest residential façade. The Clean Air Campaigner commented that there would be a reduction in levels even a few metres from the source. The results would need to be re-calculated using DEFRA's "fall-off with distance" calculator, or similar, as deposition rates reduce quickly with distance from the road. Finally, the location of the monitoring device was some distance from the entrance to the appeal site.
56. The Appellant's Environmental Statement concluded that the mitigation measures are acceptable; WBC accepted this conclusion. The site is in a sustainable location within walking or cycling distance of facilities. Conditions could be imposed in respect of construction management details and the provision of electric car charging facilities. Taken together, the evidence does not show that the development would be unacceptably harmful to air quality.
57. I have had regard to the concerns of nearby residents on the impact of the proposed housing on their living conditions. For the occupiers of a number of dwellings in Oast House Lane and Upper Hale Road there would undoubtedly be a significant change in their outlook. The scheme has been designed to ensure that reasonable separation distances would be retained between existing and new dwellings. Along much of the common boundary between the site and

these properties it is proposed to provide areas of public open space. The Officers' Report confirms that the requirements of saved WBLP Policies D1 and D4 are met and that there would be no unacceptable loss of light or outlook and that there would be no overbearing impacts. I agree with that conclusion.

58. The site lies within 5km of the TBHSPA and as the proposal involves the provision of 97 dwellings the development, in combination with other schemes, would have a likely adverse effect on the integrity of the TBHSPA. By way of mitigation the scheme proposes some 7.14ha of SANG which substantially exceeds the requirements of saved SEP Policy NRM6. Natural England initially objected to the proposals as there is insufficient space in the SANG to provide a 2.3km circular walk. This is now to be provided by means of pedestrian access into the adjoining Farnham Park. Its provision, along with the long-term management of the SANG, is ensured by the s106 Agreement.

Planning obligations

59. The planning obligations would ensure that an appropriate quantity and mix of affordable housing is provided within a reasonable timescale. They also provide for the necessary financial contributions towards education, leisure, parks and open spaces, off-site highway works, recycling containers and footpath links into Farnham Park. They would also provide for the management and maintenance of SuDS and public open space. All this accords with the WBLPP1, the FNP and saved policies in the WBLP. I agree that together they overcome reasons for refusal Nos 3 and 4.
60. The provision of a substantial quantity of SANG, well in excess of that required by saved SEP Policy NRM6 (1.715ha), would not only overcome WBC's reason for refusal No 5 but would provide a reservoir of SANG that would enable further dwellings to be built in the Borough. The excess SANG would be sufficient for up to 340 dwellings to be built elsewhere; the precise number would depend upon the size of the dwellings.
61. WBC produced a written justification for the infrastructure contributions (ID31). This is not a contentious issue and I am satisfied that the contributions would all accord with the Community Infrastructure Levy Regulations 2010 (as amended) and with paragraph 204 of the Framework. While most of the contributions are to be provided as mitigation for the development, the construction of 97 dwellings, the provision of 29 units of affordable housing in an area with an acknowledged shortage of such housing and the excess SANG are positive benefits of the scheme that carry weight in its favour.

Whether the proposals comprise sustainable development as defined in the Framework and whether the benefits of the development are sufficient to outweigh any identified harm.

62. A core planning principle, set out in the first bullet point of paragraph 17 of the Framework, is that planning should be genuinely plan-led, empowering local people to shape their surroundings. The WBLPP1 was adopted during the Inquiry; it could not be more up-to-date. Having said that, it is clear from the EI's Report that further land will be needed during the plan period to meet WBC's housing requirement. WBLPP1 sets out a mechanism for achieving that. While the housing land supply policies in the FNP are out-of-date due to the increased requirement in Farnham, the EI made it clear that there is a way forward that preserves the plan-led approach to planning and does not involve

the ad-hoc release of sites in the countryside. That is particularly pertinent in this appeal where the land in question is protected by policies in the WBLPP1, the FNP and by the Framework.

63. The starting point has to be that the proposals are contrary to the provisions of the development plan insofar as it seeks to protect the countryside. The cited policies in the WBLPP1 are fully up-to-date and carry full weight. The relevant policies in the FNP cannot carry full weight, despite the plan having been made as recently as July 2017, as the built up boundary is likely to have to be adjusted to accommodate the additional homes by 2032. I have also had regard to other policies in the development plan which are relevant to this appeal but which did not form part of the reasons for refusal.
64. I do not agree with the Appellant that the development plan is absent, silent or that relevant policies are out-of-date. The development plan includes the WBLPP1 which identifies that there is a five-year housing land supply. This position was endorsed by the EI in his Report. The WBLPP1 provides the mechanism for ensuring sufficient sites come forward over the plan period. It seems unlikely that Farnham will be able to provide all the additional housing required in the town within the built up boundary in the FNP; Policy FNP10 allows for this.
65. I have had regard to whether the proposals comprise sustainable development as defined in the Framework. The Framework says that the policies within it as a whole constitute the Government's view of what sustainable development means in practice. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 says that these roles must not be undertaken in isolation and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
66. Concerning the economic role, paragraph 47 of the Framework seeks to boost significantly the supply of housing. The economic benefits of providing 97 dwellings are clear, but the weight that this attracts is limited due to EI's finding that the Borough can demonstrate a five-year housing land supply. However, the Government seeks to boost significantly the supply of housing and a five-year housing land supply is not a maximum so more housing can beneficially be provided. In addition, the absence of any known constraints to the delivery of housing on this site within the first 5-year period and the fact that the scheme meets the WBLPP1 requirement for the provision of 30% affordable housing would be a significant benefit. The appropriate mix and delivery of these dwellings has been secured through the s106 Agreement.
67. Other economic benefits would be likely to include short term employment opportunities during construction and future residents would be likely to use local shops, businesses and facilities. The site is within walking or cycling distance of numerous facilities and there are bus stops in Hale Road for easy access to the centre of Farnham.
68. In terms of a social role, the proposals would provide a mix of market and rented housing and the masterplan indicates that this would be likely to be a high quality built environment in an accessible location. While the Agreement and UU make provision for various financial contributions, these contributions are proposed as mitigation for the impacts of the development and so cannot

- carry much weight in the overall balance. The same consideration applies to the off-site highway works and the on-site play areas.
69. Concerning its environmental role, the proposals would provide SANG and public open space. The removal of a pylon and the placing of the cables underground would mostly be of benefit to future residents of the site; the pylon within Farnham Park that lies close to the common boundary would be retained. The removal of the cables over Hale Road would be of some limited local benefit. However, the proposals would result in harm to both the character and the appearance of the area and result in less than substantial harm to the setting of a Grade II listed building.
70. The site is not only in the defined countryside, outside the urban boundary, but it is a valued landscape within an Area of Great Landscape Value that is protected by policies in two very recent plans and by the Framework. In terms of the environmental role, the harm would significantly outweigh the benefits. The environmental harm would be significant and would be sufficient to outweigh the economic and social benefits.
71. Also included in the balance is the consideration that the proposals would be contrary to the development plan. There would be harm to both the character and the appearance of the area arising from the construction of a housing estate in the defined countryside which is protected by a local designation that has recently been restated. There would be harm to the setting of a heritage asset and while this harm would be less than substantial as defined in the Framework that does not mean that the harm is not significant. On balance, the proposals would not comprise a sustainable form of development.
72. The Appellant has suggested that the tilted balance as set out in the decision-taking section of paragraph 14 of the Framework is in play due to either (i) the development plan being absent, silent or out-of-date; or (ii) WBC being unable to demonstrate a five-year housing land supply. Concerning (i) parts of the development plan are clearly extremely up-to-date. While the housing allocation for Farnham is changed by the adoption of WBLPP1, the plan sets out the way forward such that the allocation can be met within the plan period. In terms of the housing the development plan is not absent, silent or out-of-date.
73. Concerning (ii), the EI, who carried out a far more thorough examination of the matter than is possible in a s78 Inquiry, made it clear that he considers that there is a housing land supply in excess of 5 years. It would be quite unreasonable not to accept this finding within a few weeks of his Report being published and only a matter of days after the WBLPP1 was adopted. I am satisfied that WBC can demonstrate a five-year housing land supply. For these reasons I am not convinced that the tilted balance is in play.
74. I conclude, therefore, that the other material considerations do not outweigh the provisions of the development plan and so the appeal is dismissed.

Clive Hughes

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robin Green of Counsel	Instructed by the Solicitor for the Council
He called	
Brian Woods BA TP	Managing Director, WS Planning & Architecture
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INTERESTED PERSONS:

Cllr Carole Cockburn	Councillor for Waverley Borough Council and Farnham Town Council
Jeffrey Hogg	Local resident
Wendy Montague	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Draft list of conditions
- 2 Appendix 2 of evidence of Dr Miele at A3 size
- 3 Plan and aerial photograph showing locations of heritage assets
- 4 WBC Five Year Housing Supply 1 April 2014
- 5 Agenda for Housing Land Supply Round Table session
- 6 Letter dated 16 January 2018 from the Secretary of State to Waverley Borough Council (and others)
- 7 Core document list
- 8 Extracts from WBC Landscape Study – Part 1: Farnham and Cranleigh
- 9 The key opening submissions of the appellant
- 10 Opening statement on behalf of WBC
- 11 SANG capacity calculation (30 January 2018)
- 12 Site location plan and site layout for Monkton Lane, Farnham
- 13 Extracts from AMEC Report pp 25, 45 and 52
- 14 Extract from Environmental Statement Part III Chapter 9
- 15 Superseded document
- 16 Draft Agreement under s106 between PLOT (Farnham) LLP, Rheno Property Holdings Ltd and WBC
- 17 Draft Agreement under s106 between PLOT (Farnham) LLP, Rheno Property Holdings Ltd and SCC
- 18 Letter to David Neame dated 31 January 2018 in respect of Sturt Farm, Sturt Road, Haslemere

- 19 Committee resolution in respect of Sturt Farm, Sturt Road, Haslemere (WA/2017/0512)
- 20 Little Acres Nursery, Badshot Lea: estimated annual delivery of dwellings
- 21 Alfold Road Knowle Lane: estimated annual delivery of dwellings
- 22 Little Acres Nursery, Badshot Lea: proposed access to St Georges Road
- 23 Email dated 1 February 2018 re Sturt Farm, Sturt Road, Haslemere
- 24 Little Acres Nursery, Badshot Lea: application site
- 25 Decision notice; land rear of Bindon Lane, Farnham (WA/20/1484)
- 26 Updated list of suggested conditions with track changes
- 27 Report on the Examination of the Waverley Borough Local Plan Part 1 (1 February 2018)
- 28 Waverley Borough Local Plan Part 1: Strategic Policies and Sites (February 2018)
- 29 Agreement under s106 between PLOT (Farnham) LLP, Rheno Property Holdings Limited and Waverley BC (23 February 2018)
- 30 Planning Obligation by Unilateral Undertaking under s106 given by PLOT (Farnham) LLP and Rheno Property Holdings Limited to Surrey County Council (23 February 2018)
- 31 Justification for Planning Infrastructure Contributions (revised version)
- 32 Closing submissions on behalf of Waverley Borough Council
- 33 Planning and Compulsory Purchase Act 2004: Part 9
- 34 *R (on the application of Bewley Homes PLC) v Waverley BC* [2017] EWHC 1776 (Admin) 18 July 2017
- 35 *East Staffordshire BC v SoSCLG* [2017] EWCA Civ 893 30 June 2017
- 36 The closing submissions of the Appellant

PLANS

- A Drawing No HRF-519-S-XX-DR-A-100.PC Existing site plan
- B Drawing No HRF-519-S-XX-DR-A-101.PC Topographical plan
- C Drawing No HRF-519-S-XX-DR-A-102.PB Ownership plan
- D Drawing No HRF-519-S-XX-DR-A-110.PJ Masterplan
- E Drawing No HRF-519-S-XX-DR-A-111.PG Masterplan extract 1
- F Drawing No HRF-519-S-XX-DR-A-112.PE Masterplan extract 2
- G Drawing No HRF-519-S-XX-DR-A-115.PG Land use parameter plan
- H Drawing No HRF-519-S-XX-DR-A-116.PH Building heights parameter plan
- I Drawing No HRF-519-X-XX-DR-A-117.PH Accessibility and movement parameter plan
- J Drawing No HRF-519-X-XX-DR-A-118.PH Open space and green infrastructure parameter plan
- K Drawing No HRF-519-X-XX-DR-A-119.PI Housing mix parameter plan
- L Drawing No HRF-519-X-XX-DR-A-120.PB Existing illustrative site sections
- M Drawing No HRF-519-X-XX-DR-A-121.PG Proposed illustrative site sections
- N Drawing No HRF-519-X-XX-DR-A-122.PB Northern boundary
- O Drawing No HRF-519-X-XX-DR-A-123.PE Northern boundary site sections
- P Drawing No HRF-519-X-XX-DR-A-124.PA Amended layout – northern parcel
- Q Drawing No HRF-519-X-XX-RE-A-901.2 Accommodation type document
- R Drawing No HRF-519-X-XX-RE-A-950.PF Proposed masterplan
- S Drawing No HRF-519-X-XX-RE-A-951.0 POS Perspective
- T Drawing No HRF-519-X-XX-RE-A-952.0 SANG Perspective