



Appeal Decision

Hearing (Virtual) held on 20 June 2023

Site visit made on 21 June 2023

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/R3650/W/23/3316848

Land off Green Lane, Badshot Lea, Farnham, GU9 9JL

- 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 Miss Simone King against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00978, dated 8 March 2022, was refused by notice dated 14 October 2022.
 - The development proposed is the erection of up to 38 no. dwellings (including 75% affordable housing and 4 no. self build dwellings) with vehicular and pedestrian access, public open space, car parking and landscaping.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with only access to be considered at this stage. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration. I have determined the appeal on this basis.
3. During the appeal the Local Plan Part 2: Development Management Policies and Site Allocations has been adopted. As such all retained Policies in the Waverley Local Plan 2002 have been superseded. This is common ground between the parties and the appeal is considered on this basis.
4. A Section 106 Agreement (S106) has been submitted which includes mechanisms which seek to provide affordable housing, self build housing, the management of public open space and play area and to mitigate the effects on the Thames Basin Heaths Special Area of Protection (TBHSPA). I will return to these matters later in this decision.

Main Issue

5. The main issue is whether the site is a suitable location for housing with particular regard to the effect on the character and appearance of the countryside and whether it would lead to increased coalescence of settlements.

Reasons

Character and appearance of the countryside

6. The appeal site is outside any built up area boundary and therefore in the countryside for the purposes of the development plan. The Farnham Landscape

Character Assessment (2018) describes the wider area, including the appeal site, as the 'East Farnham Mosaic' with part of the area as small fields in pasture, blocks of woodland, areas of scrub, allotments and urban edge land uses, and recognises that some fields are a little unkempt. It concludes that the site has a medium landscape sensitivity and landscape value. The Landscape Study – Part 1: Farnham & Cranleigh (2014) considers a smaller portion of this area and concludes that it has a low landscape character and value.

7. The site is an open green field opposite the quiet mainly green space of the cemetery and, other than the limited buildings associated with Green Lane Farm, there are generally open fields to the rear. To the south and west, the Monkton Place housing development, and the development off Hurlands Close served by access roads leading from Badshot Lea Road form a clear edge to the developed area. This differs from the surroundings that were before the Inspector in relation to the adjoining Green Lane Farm site¹. There are electricity pylons which run across the site, the railway line is adjacent and it is opposite the Monkton Place housing development on one site. Although these features contribute to the site not having a high landscape value, nevertheless there is a rural character and appearance associated with its overriding features of openness and greenery. The site therefore makes a positive contribution to the surrounding countryside landscape in this regard.
8. The site is well contained by dense hedges and a railway embankment, and the hedge also encloses the farm buildings to the north. The hedge to Badshot Lea Road is a large and prominent green feature, notwithstanding the fact that it includes a large amount of Laurel which is not a native species.
9. The proposed development would introduce up to 38 dwellings and the associated urbanising activity, access, and domestic paraphernalia. This would fundamentally change the character of the site from an open green field to urban housing development and this would remove the rural character and appearance of the site.
10. The development would include a landscape buffer between Badshot Lea Road and the proposed development, this would incorporate a replacement native hedge for the majority of the frontage, with a 10-15m gap for the access. The hedge would be around 1-1.5m high and trees around 4m high at the time of planting but would mature to around 8m high. The hedge would include native planting and would be managed. The housing could also be located 20m back from the road.
11. However, whilst there would be landscaping along Badshot Lea Road, the existence of the substantial access and the housing and play area likely to be visible through it would immediately indicate that this is not open countryside land. Whilst the open land beyond may be visible, these views would be framed by housing development. The development would also be readily apparent from Green Lane. Consequently, the sense of openness would be lost. Whilst the proposed planting would soften these views as it matures, nevertheless the urban form of development would be clearly evident.
12. I have taken into account that the existing landscape is not high quality. Nevertheless, I have found that the site's open green characteristics are

¹ Green Lane Farm: APP/R3650/W/17/3180922

positive attributes which make a valuable contribution to its countryside landscape setting. And that the development would harmfully erode these important characteristics, changing the site to an urban character. Longer views of the site are limited, however, this change would be clearly perceived in local views. As such the proposed development would be harmful to the character and appearance of the countryside.

Coalescence

13. The Farnham Neighbourhood Plan (2020) (NP) sets out the built up area boundaries for settlements in Farnham. Badshot Lea Road is the main road between the built up areas of Farnham and Badshot Lea. The railway line provides a clear physical feature between these settlements, as noted in the Green Lane Farm appeal². However, there is also a transition from more dense, urban built form into a more spacious, green area. Together these features result in a sense of separation between these two settlements. The advice in the Farnham Design Statement (2010) states that green spaces around the village of Badshot Lea should be protected and I heard that this separation is important to local residents.
14. Following the construction of the Monkton Place development the appeal site is the last parcel of green land between the railway line and the built up area boundary of Farnham.
15. As can be seen above I find that the development would result in an urban form in this location which, even with the proposed landscaping, would be readily perceived from Badshot Lea Road. Other than a narrow undeveloped strip of land under the electricity pylons, the appeal scheme would result in development up to the railway line.
16. The more spacious, green character would be retained on the other side of the railway line, and the development would not result in Farnham and Badshot Lea adjoining one another. Nevertheless, following the Monkton Place development, the remaining separation is very limited. Therefore, the consideration of the effect of this appeal scheme is different to that which was before the Green Lane Farm³ Inspector. Consequently the development of this site would markedly and harmfully erode the separation between Farnham and Badshot Lea, and clearly lead to their increased coalescence.
17. The built up area of Weybourne lies to the north-west and west of Badshot Lea, while the appeal site is to its south-west. Given this relationship, the contribution that the site makes to the separation between Badshot Lea and Weybourne is minimal. The Council have directed me to the boundaries between Weybourne and Badshot Lea in the Landscape character assessment, however this assessment is different to the defined built up area boundaries. Consequently, this does not alter my consideration of the contribution that the site makes towards preventing coalescence between these two settlements.
18. The appeal decision at Lower Weybourne Lane⁴ relates to the gap between Weybourne and Badshot Lea. Given my findings above, this is notably different to the case before me now.

² Green Lane Farm: APP/R3650/W/17/3180922

³ Green Lane Farm: APP/R3650/W/17/3180922

⁴ Lower Weybourne Lane: APP/R3650/W/22/3310793

19. Policy FNP11 of the NP seeks to prevent coalescence between settlements. There is specific mention of preventing coalescence between Badshot Lea and Weybourne. Given its inclusion within the list of settlements it is clear that this particular gap is of great importance. Nevertheless, with regard to other settlements the policy states that 'Proposals...which clearly lead to the increased coalescence of settlements within the Plan area and beyond will not be supported'. This would therefore be relevant to the settlements of Farnham and Badshot Lea.
20. For the reasons above I find that the proposed development would not lead to coalescence between Weybourne and Badshot Lea. However, it would clearly lead to increased coalescence between Farnham and Badshot Lea and the development would be contrary to policy FNP11 of the NP in this respect.

Summary

21. The site is not within the Area of Outstanding Natural Beauty (AONB), Area of Great Landscape Value or Green Belt, which the Land west of Loxwood Road decision⁵ points out that such designations cover a large proportion of the borough. Nevertheless, this site is valuable for the specific role it plays in the separation between settlements as well as its rural character. As such, although there would not be harm to a national landscape designation, this does not overcome the harm to the character and appearance of this important site.
22. I have found that the development is harmful to the character and appearance of the countryside and would harmfully increase coalescence between settlements. As such the site would not be a suitable location for housing. Therefore, it would be contrary to Policies FNP1, FNP10 of the NP and Policy RE1 of the Local Plan Part 1: Strategic Policies and Sites (2018) (LPP1) which together require development to respond to the character of the area of Farnham in which it is located, enhance the landscape value of the countryside and safeguard the intrinsic character and beauty of the countryside. As well as Policy FNP11 of the NP the aims of which are set out above.
23. The site is not part of the Housing Site Allocations in Policy FNP14 of the NP, and therefore the site is not contrary to this policy. Nor is it located within any of the areas of landscape character referred to in Policy RE3 of the LPP1.

Other Matters

24. Policy SP2 of the LPP1 sets out a high level spatial strategy and seeks to focus development at the four main settlements, which include Farnham, and avoid major development on the highest amenity and landscape value, such as the AONB and to safeguard the Green Belt. There is no dispute that the development is in accordance with this policy. However, as set out above the development remains contrary to Policies FNP1, FNP10 and FNP11 of the NP and Policy RE1 of the LPP1 which are directly relevant to the specific detail of this site and proposal. Therefore, the development would not comply with the development plan as a whole.
25. I have had regard to the previous appeal decision at this site⁶ insofar as it is relevant to the appeal scheme. Albeit the development before me now is

⁵ Land west of Loxwood Road APP/R3650/W/21/3278196

⁶ Land off Green Lane: APP/R3650/W/20/3249930

different in terms of matters such as the number of dwellings, percentage of affordable housing and landscaping. I have also been provided with a decision at Hawthorns, Hale Lane⁷. However, in this case there was no harm to coalescence, and the development was larger in scale for up to 65 dwellings. As such it is notably different to this appeal scheme.

Unilateral Undertaking

26. Policy AHN1 of the LPP1 requires a minimum provision of 30% affordable housing for this site (12 units). The S106 would secure 75% of the total number of dwellings as affordable Housing Units (17 units). The appeal scheme would exceed these requirements for the provision of affordable housing.
27. National Planning Policy Framework (2021) (the Framework) supports that the needs of groups with specific housing requirements are addressed, such as people wishing to commission or build their own homes. The Self Build and Custom Housebuilding Act 2015, requires local authorities to give enough suitable development permissions to meet the identified demand. The S106 would secure 4 of the dwellings as custom or self build housing which would make a positive contribution to the needs of this particular group.
28. The proposed development would include an area of natural open space as well as a play area. This would be in line with the Council's play space standards for the provision of such areas which are taken from the Fields in Trust target of 2.4 hectares per 1000 occupants. The S106 secures the future management of the on site open space which is necessary to ensure their provision and availability into the future.

Planning Balance

29. The Council cannot demonstrate a 5 year supply of deliverable housing sites. The Five-Year Housing Land Supply Position Statement, dated February 2023 and the position statement dated March 2023 calculates that there is currently a 4.28 year supply. The appellant has provided appeal decisions⁸ which refer to a 4.01 year supply. It was agreed at the hearing that for the purposes of this appeal the extent of the undersupply fell within this range. In such circumstances, paragraph 11(d) of the Framework is engaged which requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole.
30. Policy ALH1 of the LPP1 allocated 2,780 homes to Farnham, and I understand that the NP has allocated sufficient land for this number of houses and they are being delivered and this is referenced in other appeal decisions⁹. However, this neighbourhood plan became part of the development plan more than two years ago. Consequently, although there may not be the greatest need for housing in this settlement, nevertheless the exception under paragraph 14 of the Framework does not apply and paragraph 11(d) remains engaged.

⁷ Hawthorns, Hale Lane: APP/R3650/W/22/3302987

⁸ Land west of Loxwood Road APP/R3650/W/21/3278196, Land off Scotland Lane: APP/R3650/W/21/3280136, Land South of Alford Garden Centre: APP/R3650/W/20/3265361

⁹ Land at Green Lane, APP/R3650/W/22/3312128

31. Across Waverley I also heard that there has been a persistent under delivery of housing, and it is agreed in the statement of common ground that there is a pressing need for affordable housing. Consequently, Waverley has a very high affordability ratio. There is nothing before me to suggest that these shortfalls are likely to improve in the short term. As such the provision of housing and affordable housing are an important benefit of the development.
32. I am provided with a number of examples of appeals in Waverley where Inspectors have found the provision of housing and affordable housing to be a benefit¹⁰, as well as in another LPA¹¹. Nevertheless, generally, the number of dwellings and/or affordable dwellings to be provided is in excess of that before me now, and therefore these decisions are not directly comparable. However, similarly to these Inspectors I have undertaken a detailed assessment as to housing as a benefit. I am also provided with extracts from decisions where LPAs could demonstrate a 5 year supply of deliverable housing sites which is notably different to the scheme under consideration.
33. The proposal would provide a moderate sized development of 38 new homes, in an accessible location, which would contribute to the government's target to significantly boost the supply of homes and the types of housing secured would address the needs of groups with specific housing requirements including affordable housing and people wishing to commission or build their own homes. The development would also make an efficient use of a small/medium site. Future occupants would be likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Furthermore, the development would create new areas of public open space. These are important considerations, although taking into account the scale of the development, overall I find the appeal scheme to result in moderate benefits.
34. Given the lack of a housing land supply, the policies which are most important for determining the appeal are out of date. As such I afford only limited weight to the conflict with these policies. Nevertheless, the proposed development would undermine the rural character the site contrary to the requirement of the Framework that development should recognise the intrinsic character and beauty of the countryside. It would also result in coalescence between two settlements and therefore not add to the overall quality of the area. Taking into account the specific characteristics of this site, together, these collective adverse impacts would be substantial.
35. This harm is serious, and in my view, leads me to conclude that the substantial adverse effects of the development would significantly and demonstrably outweigh the moderate benefits set out above. As such the presumption in favour of sustainable development does not apply in this case.

Thames Basin Heaths Special Protection Area

36. As stated above the appellant has supplied a copy of a Section 106 agreement concerning payments to provide mitigation to the nearby Thames Basin Heaths Special Protection Area. As the appeal is being dismissed on other substantive issues, it is not necessary to look at these in detail. Moreover, if I had been

¹⁰ Land west of Loxwood Road APP/R3650/W/21/3278196, Land at Lower Weybourne Lane: APP/R3650/W/20/3262641

¹¹ Land west of Burley-in-Wharfedale at Sun Lane and Ilkley Road: APP/W475/V/18/3208020

mind to allow the appeal I would have explored the necessity for undertaking an Appropriate Assessment.

Conclusion

37. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

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J Cannon

S Gruner

D Lewis

T Rumble

FOR THE LOCAL PLANNING AUTHORITY:

K Edwards

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INTERESTED PARTIES:

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