
Appeal Decision

Site visit made on 22 August 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/R3650/W/16/3150802

Pendragon Hall, 13 Gardeners Hill Road, Wrecclesham, Farnham GU10 4RL

- 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 Lady C Caffyn-Parsons against the decision of Waverley Borough Council.
 - The application Ref WA/2015/2223, dated 23 November 2015, was refused by notice dated 18 January 2016.
 - The development proposed is the erection of 3 two storey detached houses each totalling circa 330 sq.m.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 two storey detached houses each totalling circa 330 sq.m. at Pendragon Hall, 13 Gardeners Hill Road, Wrecclesham, Farnham GU10 4RL in accordance with the terms of the application, Ref WA/2015/2223, dated 23 November 2015 subject to the conditions set out in the Annex to this decision.

Procedural matters

2. The application is made in outline with all matters other than access reserved for subsequent approval.
 3. Since the making of the appeal, in May 2016, the Court of Appeal judgement in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441 and the subsequent amendments to the Planning Practice Guidance, resulted in a change to national policy regarding the thresholds for the provision of affordable housing. As a result of this change the Council has withdrawn its reason for refusal in respect of affordable housing.
 4. The Council published its emerging Local Plan Part 1: Strategic Policies and Sites for pre-submission consultation in July 2016. I have not been referred to any specific policies or told how they might affect the proposal, and therefore I have not taken them into account in my decision.
 5. At the time the application was determined, the Council could not demonstrate a 5 year supply of housing land, and thus development plan policies relating to housing supply were to be considered as out-of-date. Since the making of the appeal, the Council contends that it can now show a suitable supply and an appropriate buffer. The appellant has not refuted this contention, and on the basis of the undisputed evidence before me, I consider that a 5 year supply of housing can be shown.
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Main Issue

6. The effect of the proposal on the character and appearance of the surrounding area, which lies within the South Farnham Area of Special Environmental Quality (ASEQ).

Reasons

7. The site is almost a hectare in size and forms part of the open grounds of Pendragon Hall, a large detached dwelling occupying higher land to the north of the appeal site. The site slopes away from the road, both to the south and east, and mature trees within and bordering the site make a substantial contribution to the semi-rural feel to the area.
8. The Council accepts that the site lies within the developed area of Farnham where development may be considered acceptable subject to its impact on visual and residential amenities. However, Waverley Local Plan Policy BE3 provides that new development for housing will not be allowed within the ASEQ if the Council believes that the development would:
 - a) lead to an erosion of its semi-rural character;
 - b) be out of keeping with the scale, pattern and density of surrounding development;
 - c) detract from the well wooded appearance of the area;
 - d) lead to pressure for the fragmentation of other development ;
 - e) result in the loss of hedges or walls.
9. The explanatory text to the policy indicates that the designated areas have retained their special character and appearance for many years and that it is intended to protect these semi-rural features. Whilst the policy pre-dates the National Planning Policy Framework (the Framework), it is consistent with paragraph 17 of the Framework which includes, as one of the core principles, the need to take account of the different roles and character of different areas.
10. The proposal would provide a density of about 3 dwellings per hectare. They would be sited well back from Gardeners Hill Road, and most of the trees along the roadside edge, as well as those within the site would be retained, and additional planting is proposed. A much larger area of garden would be retained for Pendragon Hall to the north.
11. Pendragon Hall has one of the largest curtilages in the area, and the average is much smaller, with those to the north of the site being markedly smaller. The proposal would be a low density development, bounded by woodland on two sides, a tree lined road to the west, and an open grassed area between the site and Pendragon Hall.
12. The underlying policy objective is not to preclude new housing, but to ensure that a semi-rural, rather than rural, character is preserved. In the circumstances of this proposal I consider that suitably designed and located houses, with appropriate landscaping, would ensure that the semi-rural nature of the area would be retained, and that the proposal would be in keeping with its surroundings. A small number of highway verge trees would be lost as a

result of the proposed access, but this would have little impact on the overall appearance of the site, and could be adequately mitigated by new landscaping.

13. The Council also expressed concerns about the effect of retaining walls on the root protection areas of trees within the sloping site. However, bearing in mind that this is an outline application with the layout yet to be determined, I consider that having regard to the lack of constraints to the root systems of trees on the site, the provision of retaining walls at a suitable distance and on one side only of the trees would be unlikely to result in material harm to their health or vitality.
14. The proposal would not inevitably lead to pressure for the fragmentation of other development, and in any event, any future proposals would also need to be judged against the criteria of the policy and any other material considerations, and thus the possibility of further applications for the subdivision of large curtilages is not, in itself, a reason to withhold permission in this case.
15. A material consideration in this case is the permission granted on appeal¹ for 43 houses on the opposite side of Gardeners Hill Road. The site does not lie within an ASEQ, but within the designated open countryside, where the Council aims to control strictly all new development. In that case, the Council could not demonstrate a 5 year supply of housing land, and thus relevant policies were treated as out of date. Even so, the Inspector found that the position of the houses in relation to the site boundaries and the roadside, the loss of few trees and the scope for additional landscaping would ensure that no material harm to character and appearance would result. In this case, involving a proposal with a much lower density, and where there is no objection in principle to new residential development, the arguments in its favour are all the greater.
16. I therefore conclude on the main issue that the proposal would not result in material harm to the character and appearance of the surrounding area, and would not conflict with saved LP Policy BE2, or with saved LP Policies D1 and D4, which respectively deal with the environmental implications of development, including landscape impact and design and layout. Nor do I find any material conflict with the Farnham Design Statement 2010.

Conditions

17. The Council has suggested conditions which I have considered in the light of national guidance. Besides the standard conditions relating to outline applications, a condition to require the access to be carried out in accordance with the approved plans is needed to achieve certainty. Conditions relating to the provision of visibility splays, the closure of the existing access, the provision of parking and turning facilities and the construction management details are needed in the interests of highway safety.
18. Conditions relating to archaeology and ecology are needed respectively to protect heritage interest and to promote biodiversity. A restriction on working hours is necessary to protect the living conditions of nearby residential occupiers.

¹ Ref: APP/R3650/W/15/3023031

Other matters

19. I have had regard to concerns from local residents about highway safety, but I concur with the view of the highway authority which had no objection to the proposal.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The access for the development hereby permitted shall be carried out in accordance with the following approved plans, Refs: 15020(AP)00.06.P3 (Location Plan), BJH 01/02 (Tree constraints plan) and 1505 02B (Proposed access arrangement – appendix 4 of the submitted Technical Note on access dated November 2015).
- 5) The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Gardeners Hill Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility splays shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
- 6) The development hereby approved shall not be first occupied unless and until the existing access from the site to Gardeners Hill Road has been permanently closed and the verge is fully reinstated.
- 7) The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained for their designated purpose.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials and turning for construction vehicles;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to prevent the deposit of material on the highway, and
 - v) a programme of works including measures for traffic management and vehicle routing;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance

with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 10) Construction works pursuant to this permission shall not take place other than between the hours 08:00 hours and 18.00 hours Monday to Fridays and between 08.00 hours and 13.00 hours on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 11) The development shall be undertaken in full accordance with the recommended actions contained in both Chapter 5.4 of key mitigation and enhancements set out in the extended phase 1 ecological assessment prepared by ECOSA dated 13th August 2015 and chapter 4.0 of the phase 2 ecological assessment prepared by ECOSA dated 13th August 2015.