

Appeal Decision

Site visit made on 8 November 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 19 December 2016

Appeal Ref: APP/R3650/W/16/3152456

Land west of Overwood House, Old Compton Lane, Farnham, Surrey GU9 8EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Max Lamb against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0267, dated 4 February 2016, was refused by notice dated 31 March 2016.
 - The development proposed is described as 'erection of two two-storey five-bedroom dwellings and associated garaging'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect on the character and appearance of the locality, whether it would be sustainably located and whether it would adversely affect archaeological remains.

Procedural Matters

3. An amended plan showing a revised siting for plot No 1 is before me¹. However, that plan would be materially different to that which was determined by the Council and as I have the concerns of third parties before me, I cannot be assured that their interests would not be prejudiced by its consideration as part of this appeal. For this reason, I am determining this appeal on the basis of the appeal plans, as the Council did.
4. At the time that the appeal application was determined the Council could not demonstrate a five year supply of deliverable housing sites, and thus the development plan policies relating to housing supply were to be considered out of date. During the course of the appeal, the Council has submitted evidence it considers demonstrates that it can now show a suitable supply and an appropriate buffer. The appellant has contested this matter. I will address this later in my decision.
5. An emerging Local Plan is referred to in the evidence before me. However, no document is before me and I have not been referred to any specific policies or told how they may affect the appeal proposal. I have therefore determined the appeal in accordance with those policies brought to my attention.

¹ Plan No 1581.1E

Reasons

Character and Appearance

6. The appeal site includes an area of grassland with some trees and includes some hedged boundaries. I am advised that trees have been removed from the site in the recent past. It used to be part of the garden to Overwood House. I am advised that it is now in separate ownership. It sits behind that house and is accessed via a long driveway that leads from Old Compton Lane, part of which is shared with Overwood House. It is agreed between the two main parties that the appeal site falls within the definition of previously developed land. As it used to be included within the curtilage of a residential dwelling, I have no reason to take an alternative view on this matter.
7. The character and appearance of the locality is generally rural, informal, verdant and well wooded. It includes large individually designed houses, interspersed with wooded areas and green spaces. Properties are generally set back from Old Compton Lane within large grounds. I noted a number of informal access roads and driveways that lead to small groups of properties set back from Old Compton Road.
8. The appeal development would replicate some of the features of existing development in the locality that I have identified. It would be close to other houses, such that it would not appear isolated. It would be accessed by an existing informal driveway and together with Overwood House, would result in a small cluster of development, which would be a similar informal pattern to other development I observed in the locality. It would include large houses in spacious grounds and as it would retain the existing hedges and planted boundaries and some trees, it would not materially reduce the wooded or rural nature of the locality. As it would retain significant areas of open space, trees and planted areas, it would not materially diminish its unoccupied or verdant character and appearance. Whilst it would be visible in some views from Old Compton Lane and Waverley Road, this would be against the backdrop of some existing sporadic development. Even when viewed from the eastern end of Old Compton Lane, due to the separation distance, the retained hedges and planting and the scale and nature of the appeal development, it would not appear out of place.
9. I conclude that the appeal development would not adversely affect the character or appearance of the locality. It would, therefore, generally accord with Waverley Borough Local Plan (2002) (LP) Policies D1 and D4. Those policies aim to prevent development that would result in material detriment to the environment and for development to respect the local distinctiveness of the area. It would also generally accord with the design guidelines for South Farnham (Waverley) set out in the Farnham Design Statement (2010)², which aims to retain undeveloped areas that preserve the spacious aspect of the area. It would also accord with paragraph 17 bullet point 5 of the National Planning Policy Framework (the Framework), which seeks to recognise the intrinsic character and beauty of the countryside. Whilst not part of the Development Plan, for the same reasons, it would also accord with Council's Landscape Study (2014), which notes that the appeal site falls within Landscape Area FN1-B, which has a high quality character and sensitivity.

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Location

10. The appeal site is located outside a settlement boundary in 'Countryside beyond the Greenbelt', as defined by LP Policy C2. That policy indicates that building in the open countryside away from existing settlements will be strictly controlled. It sets out a number of types of development that may be acceptable, subject to the relevant policies of that plan. The appeal development is not included in that list. Therefore, there would be some conflict with that policy, as the appeal development would involve building in the open countryside away from existing settlements. However, that development plan conflict is limited due to a number of factors.
11. Firstly, whilst the appeal development would be outside the settlement boundary, it would be very close to it. Whilst it would be away from existing settlements, it would be close to Farnham. The proposed dwellings would be located within walking distance of a bus stop, a train station and local primary schools. Further, the local facilities and services in Farnham would be within walkable distance. As the proposed dwellings would be close to existing development and dwellings, they would not be isolated and would help to promote healthy communities. On this basis, even though the appeal site is located outside a settlement boundary, it would help to minimise the need to travel and help to maximise the use of sustainable forms of transport. For this reason it would accord with paragraph 17 bullet 11 of the National Planning Policy Framework.
12. Secondly, I note the keynote policy of the LP, drawn to my attention by the Council, which aims amongst other things, to make provision for development which meets the needs of the local community in a way that minimises impacts on the environment focussing that development on the four main settlements of Farnham, Godalming, Haslemere and Cranleigh, mainly through the reuse or redevelopment of existing sites. In general terms, being a previously developed site and so close to the Farnham settlement boundary, I consider that it would not materially prejudice that keynote policy.
13. Moreover, I note that the appeal site is included within the emerging Farnham Neighbourhood Plan (2016) (NP) built up boundary. As that document is at an advanced stage of preparation, I attach significant weight to it. The appeal site would fall within the South Farnham Arcadian Area subject to Policy FNP8. For the reasons set out above, I consider that the appeal development would generally maintain the informal rural character of the locality, retain the trees and hedged boundaries and would not appear cramped on the appeal site and thereby accord with that emerging NP policy. It would also accord with NP Policy P18, which focusses well designed development on brownfield sites within the built up area of Farnham.
14. I conclude that there would be some conflict with LP Policy C2. However, as the appeal development would be sustainably located, the weight I accord that Development Plan conflict is significantly reduced. I attach limited weight to it therefore.

Archaeology

15. The appeal site is located within an area of High Archaeological Potential as referred to in Policy H14 of the LP, on the basis of previous finds. The appeal application is supported by an archaeological desk based assessment, prepared

by Thames Valley Archaeological Services Ltd, dated August 2015. That desktop assessment identifies that there is a high potential for archaeological remains from the Roman period to be present on the appeal site. As Roman pottery kilns have been revealed in the immediate vicinity, further evaluation was carried out. This includes a geophysical survey, dated June 2016, which produced readings that may indicate the presence of a Roman pottery kiln at the appeal site. The Council has requested further evaluation, by digging a small trial trench across the possible kiln feature to determine the nature and significance of any archaeology present. Such results are not before me.

16. Despite evaluation carried out to date, I cannot be assured of the nature or significance of the potential archaeological remains. As an understanding of the significance of a heritage asset is the starting point to determining any mitigation, I am unable to assess whether mitigation proposed would be appropriate. I also cannot, therefore, be certain of the potential harm that may result from the appeal development, for example, due to the siting of the proposed dwellings. Where a heritage asset is thought to have archaeological interest, the potential knowledge which may be unlocked by investigation may be harmed, even by minor disturbance, because the context in which archaeological evidence is found is crucial to furthering understanding. On this basis, and as the significance of potential remains would be of regional significance, I consider that the Council's approach is proportionate to the potential assets importance and no more than is sufficient to understand the potential impact of the appeal proposal. Further, I consider that it is in accordance with paragraph 040 of the Planning Practice Guidance and paragraph 128 of the National Planning Policy Framework (the Framework). Those paragraphs generally set out that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
17. On this issue, I conclude that the appeal proposal fails to provide sufficient evidence regarding the potential archaeological remains, such that I cannot be assured that material harm to archaeological remains would not result. For this reason, the appeal development would fail to accord with Policy H14 of the LP. That policy requires an approach to the conservation of archaeological remains that accords with the PPG and the Framework.

Other Matters

18. A Unilateral Undertaking is before me aimed to provide mitigation to avoid harm to the Thames basin heaths Special protection Area, dated 17 March 2016. However, on the basis of my conclusions on the main issues of this appeal, I have no reason to consider this matter further.
19. I am referred to other Council and appeal decisions. However, none replicate the circumstances of this appeal and therefore I attach limited weight to them.³

Planning Balance

20. I have found that there would be limited harm as a result of a Development Plan conflict with LP Policy C2. To this I attach limited weight. I have found

³ Appeal Ref APP/R3650/W/15/3023031; APP/R3650/W/15/3121470; APP/R3650/W/15/3130685.

harm may result to potential archaeological remains. To that harm, I attach significant weight. On the other hand, a benefit of the appeal development would be the provision of two residential units, close to public transport, local facilities and services, on a previously developed site. As that would be a very small contribution to the Council's housing land supply, I attach little weight to it. Therefore the adverse impacts would outweigh the benefits. It would not fall within the definition of sustainable development, as set out throughout the Framework and planning permission should not be granted.

21. I have noted the Council's recent Five Year Housing Supply Report, dated 1 July 2016, which indicates that the Council can demonstrate a five year housing land supply. I also have taken into account the appellant's comments on that matter and I note the dispute between the parties. However, even if I were to agree with the appellant's position, that the Council cannot demonstrate a five year supply of deliverable housing sites, the harm to potential archaeological remains would be unchanged. That is the determinative matter in this case. The adverse impacts of allowing the proposed development, would still significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As the matter of housing land supply would not alter the outcome of this appeal, I have no reason to consider it further.
22. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR