
Appeal Decision

Hearing Held on 27 June 2017

Site visit made on 27 June 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/R3650/W/16/3161635

Land at Summerfield Cottage, Runfold St George, Badshot Lea, Farnham GU10 1PP

- 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 Mr & Mrs D Wood against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0406, dated 10 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is an outline application for 3 no. dwellings providing details of access and layout.
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Decision

1. The appeal is allowed and planning permission is granted for 3 no. dwellings providing details of access and layout on land at Summerfield Cottage, Runfold St George, Badshot Lea, Farnham GU10 1PP in accordance with the terms of the application, Ref WA/2016/0406, dated 10 February 2016, subject to the conditions in a schedule at the end of this decision.

Procedural Matters

2. The application was submitted in outline with access and layout to be determined at this stage. I have dealt with the appeal on that basis, with the appearance, scale and landscaping (the reserved matters) reserved for consideration at a later stage.
3. I note that the draft Waverley Local Plan Part 1: Strategic Policies and Sites (draft LP1) has been submitted for examination and oral hearings were commencing on the date of this hearing, but the extent of outstanding objections or whether the policies concerned will be considered as consistent with the Framework is not clear at this stage. Consequently, I am only able to give it moderate weight in my decision.
4. The emerging Farnham Neighbourhood Plan (NP) has been through examination and has passed the referendum, but is yet to be made. As it is at a late stage in preparation, it should carry considerable weight. I understand that it is subject to a legal challenge and judgement has not yet been issued on that. It is normal to assume that administrative acts are lawful unless and until they are quashed. Consequently, that would not reduce the weight I have attached to the NP.

5. An executed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided, which seeks to overcome the reason for refusal relating to the effect of the development on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to that in my reasons.
6. The list of consultees and neighbours notified of the appeal and the consultation responses to the application provided with the appeal questionnaire related to another appeal. At the hearing I was provided with the correct list of people notified of the appeal and the date and location of the hearing along with comments made on the planning application.

Main Issue

7. Whether the proposal comprises sustainable development, with particular regard to the location of the site, the effect on the Strategic Gap between Farnham and Aldershot and the character and appearance of the countryside.

Reasons

8. The Council confirmed that some policies within the Waverley Borough Local Plan (LP) are out of date given their lack of consistency with the National Planning Policy Framework (the Framework), as set out in paragraph 215 of the Framework. For this reason, it has been suggested that the proposal should be considered against the presumption in favour of sustainable development at paragraph 14 of the Framework. In addition, the appellant argues that the Council do not have a five year supply of deliverable housing sites as required by the Framework, such that paragraph 14 would apply for that reason also.
9. Paragraph 14 of the Framework states that planning permission should be granted unless the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

Location of the site

10. Runfold St George comprises a group of dwellings and commercial units to one side of the road, between the village of Badshot Lea and the A31, separated by woodland from St Georges Road that leads from the A31 to the village. The proposal would result in three dwellings fronting the road and extending built development from the existing buildings at Runfold St George toward the village of Badshot Lea. The site is presently in use as the rear garden of Summerfield Cottage.
11. Runfold St George is separated from Badshot Lea by a large field to the opposite side of St Georges Road. Outline planning permission has been granted for the development of 71 dwellings on that field, which would extend development from the centre of the village alongside St George's Road, with the village hall and Runfold St George on the opposite side of the road.
12. The proximity to the village means that the site would be within walking distance, although the nature of the walk along the main road into the village may mean that the private car would be the principle form of transport to and from the proposed development. However, this is not dissimilar to other dwellings on the edge of villages.

13. I note the conclusions of the Inspector into development of the field between Summerfield Cottage and development around the village hall¹, that it was separated visually and physically from the developed area and defined settlement boundary of Badshot Lea. However, that separation was largely formed by the field on which there is now outline planning permission for 71 dwellings that would be included within the settlement boundary in the NP. For these reasons, the relationship has significantly altered between the site and the village since that decision was made, such that the appeal site could not be considered as isolated.
14. Paragraph 55 of the Framework confirms that in groups of smaller settlements, services in one village may support services in a village nearby. Given the close relationship between Runfold St George and Badshot Lea, I conclude that provision of three dwellings at Summerfield Cottage would support services in the neighbouring village of Badshot Lea. As such, the proposed development would comply with paragraph 55 of the Framework. The Council also refer to the Keynote Policy of the LP in their reasons for refusal, but have confirmed that this is out of date, so that policy can only carry limited weight in the decision making process.
15. I note the other appeal decisions provided in relation to Dockenfield Farm² and Yard Farm³. The Council suggest that these were a similar distance from services and facilities, but that at Dockenfield Farm was a mile from the nearest local services in Frensham and that at Yard Farm was described as surrounded by countryside, such that travel by car would be preferable to travel to services and facilities in Ewhurst. For these reasons, I consider that neither case is comparable to that in front of me, so I have considered this case on its individual merits.

Strategic Gap, character and appearance

16. The site is presently open garden land to the rear of Summerfield Cottage and adjoining the road through the small settlement of Runfold St George, separated from the development around the village hall by a small but open field. The frontage to the road presently comprises a close boarded fence and hedge, with the remainder of the garden predominantly enclosed by close boarded fences with a bund to the rear of the property. The surrounding landscape is not of high landscape value, being a largely flat semi-rural landscape between and around settlements.
17. The location is within the defined strategic gap between Farnham and Aldershot, a narrow strip of land that is largely devoid of development, although it opens up such that the gap in the area of Runfold St George is more substantial. This is reflected in the draft LP1 that suggests a review of the strategic gap in Part 2, at which point this area may be excluded, albeit that can only carry very limited weight at this stage.
18. The site provides a modest contribution to the strategic gap. The development of three houses fronting the road, on what is presently garden land enclosed by close boarded fences and a bund, would not materially affect the strategic gap in this location, especially taking account of the approval for 71 dwellings on

¹ Appeal reference APP/R3650/A/14/2224370

² Appeal references: APP/R3650/W/15/3137997 and APP/R3650/W/15/3140762

³ Appeal reference: APP/R3650/W/16/3157863

the opposite side of St Georges Road. As such, it would comply with Policy C4 of the LP that seeks to protect the strategic gap between Farnham and Aldershot.

19. Surrounding development comprises a mix of single and two storey residential and commercial development, with Summerfield Cottage being a bungalow. The proposed development would comprise two storey dwellings fronting the road with potential for soft landscaping in the front gardens to replace the fence and openings forming the accesses with visibility splays. As such, the layout of the proposed development would be more open with the removal of the substantial boundary treatment. The development of the substantial garden would continue the linear form of development fronting this short section of dead end road that would reflect surrounding development at Runfold St George. As such, it would be a logical and legible addition to the existing settlement and surrounding countryside.
20. It was suggested that the proposed buildings could be single storey, but I do not consider that this would be necessary provided that the design and appearance of the proposed dwellings were modest and otherwise reflect the surroundings in terms of character and appearance. Such details would be considered at reserved matters stage.
21. Consequently, I conclude that the proposed development would not cause harm to the intrinsic character and beauty of the countryside. The proposed layout would be acceptable such that there would not be an environmental harm from the proposed development. As such, it would comply with Policies C2, D1 and D4 of the LP, Policies FNP1, FNP10 and FNP11 of the NP, Policies RE1 and TD1 of the draft LP1 and the Framework. These policies recognise the intrinsic beauty of the countryside and seek development to be of a high quality design that does not harm the visual character and distinctiveness of the locality. As Policy C2 of the LP seeks to protect the countryside for its own sake, it goes beyond what is required by the Framework so, in accordance with paragraph 215 of the Framework, I have attached limited weight to this policy. Policies D1 and D4 of the LP, insofar as they are relevant, relate to the quality of design and are consistent with the Framework such that they can attract full weight in the decision making process.
22. I accept my conclusions differ from those of the Inspector dealing with development of the adjacent site. However, that site comprises an open field with boundaries (other than those shared with this site) comprising fencing and hedges of more rural appearance. In addition, that was for a larger development, including dwellings behind the frontage dwellings and away from the road frontage that would have resulted in a much deeper form of development. Consequently, that would have a different effect on the strategic gap and the character and appearance of the rural area.

Other matters

23. The site lies within the zone of influence of the TBHSPA that is designated under the Habitats Directive. Policy NRM6 of the South East Plan (SEP), Policy NE3 of the draft LP1 and Policies FNP12 and FNP13 of the NP require appropriate avoidance and/or mitigation measures be provided to mitigate the effects of recreational disturbance on those sites from residents of new residential development. The S106 legal agreement confirms that the contributions would be put toward the Council's costs in maintaining and

managing areas of Suitable Accessible Natural Green Space (SANGS) pursuant to the strategy and toward Access Management and Monitoring of the TBHSPA.

24. Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) restricts the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure have been entered into since 6 April 2010 and it is a type of infrastructure that is capable of being funded by CIL, no more contributions may be collected toward that project. As the money would be put toward management and maintenance that does not constitute new infrastructure, it is clear that the contributions would not be caught by the pooling restrictions.
25. For these reasons, I conclude that the financial contributions contained within the S106 legal agreement would mitigate the effects of the proposed dwellings on the TBHSPA. As such, they would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the CIL Regulations. In addition, they would be in accordance with Policy NRM6 of the SEP, Policy NE3 of the draft LP1 and Policies FNP12 and FNP13 of the NP that seek to mitigate the effects of recreational disturbance on the TBHSPA from residents of new residential development. On this basis, the S106 legal agreement is of significant weight in favour of the proposal.
26. Access to the proposed dwellings would be taken from the road through Runfold St George that terminates shortly beyond the application site. There would be limited pedestrian and vehicular traffic on this section of road serving these dwellings and the adjacent field, such that the proposed accesses would be suitable to serve the proposed dwellings.
27. The Council have confirmed that they have a 5 year housing land supply, although that is disputed by the appellants. I have not identified any conflicts with relevant policies within the Development Plan or Framework. As such, there would not be adverse impacts arising from development of the site that could significantly and demonstrably outweigh the benefits. I conclude that the proposal would comply with the Development Plan and the Framework as a whole. As such, my decision would not be affected whether or not there is a 5 year supply of deliverable housing land.
28. The proposal would provide social benefits in contributing toward local housing supply. There would be limited economic benefits during the construction of the dwellings and residents would support local services once they are occupied.

Conditions

29. In addition to conditions providing timescales for the submission of reserved matters and commencement of the development that should be imposed to address legislative requirements, in the interests of the character and appearance of the site and the locality, a condition shall be imposed in relation to the reserved matters of appearance, scale and landscaping. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary to ensure adequate parking and turning is provided on site to protect highway safety. A condition limiting hours of construction work is necessary to ensure the development works take place without undue disturbance to neighbouring occupiers. In some cases I have amended the

wording of conditions suggested in the Statement of Common Ground in the interests of clarity.

30. An additional condition was provided at the hearing relating to housing mix as this is not a defined reserved matter. I have concluded that the development of two storey houses would not necessarily harm the character and appearance of the area and scale and appearance are both reserved matters. No reason has been given to consider that the housing mix would not be appropriate. Consequently, I do not consider such a condition is necessary.

Conclusion

31. For the above reasons and taking into account all other matters raised, no matters have been found to outweigh the identified policy compliance. The proposal would be a sustainable form of development and I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping 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 development hereby permitted shall be carried out in accordance with the following approved plans:
 - 14_671_001 Location Plan;
 - 14_671_002 Annotated Location Plan;
 - 14_671_003 Revision A Existing Site Plan;
 - 14_671_004 Revision A Indicative Site Plan.
- 5) No dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing no. 14_671_004 Revision A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 6) Construction works shall take place only between 0800 and 1800 on Mondays to Fridays, 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

APPEARANCES

FOR THE APPELLANT:

Janet Wood	Appellant
Ruth Reed PPRIBA	Director, Green Planning Studio Ltd
Helen Morris LLB(Hons) PGDip	Green Planning Studio Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Kellas MRTPI	Waverley Borough Council
Louise Yandell MRTPI	Waverley Borough Council

DOCUMENTS SUBMITTED AT OR FOLLOWING THE HEARING:

Document 1: Responses from neighbouring occupiers and other interested parties to the planning application

Document 2: Statement of Common Ground agreed by the appellants and Council

Document 3: Extracts from Waverley Borough Pre-Submission Local Plan Part 1: Strategic Policies and Sites with tracked changes

Document 4: Extracts from Farnham Neighbourhood Plan

Document 5: Suggested additional condition regarding the housing mix

Document 6: Section 106 Unilateral Undertaking