

Appeal Decision

Site visit made on 15 November, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 5th January, 2018

Appeal Ref: APP/R3650/W/17/3180959

Land at Moons Hill (to the east of 1 Hillside Road), Frensham, Farnham, Surrey, GU10 3AJ

- 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 Neeraj Kapur against the decision of Waverley Borough Council.
 - The application Ref: WA/2016/2177 dated 26 October, 2016 was refused by notice dated 28 April, 2017.
 - The development proposed is erection of a single dwelling and garage and formation of a new access from Moons Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The draft Waverley Borough Local Plan was examined in June/July 2017, and a schedule of main modifications has now been published. As it is at an advanced stage of preparation, some weight may be given to its policies.

Main Issue

3. The main issue is whether, having regard to development plan and national planning policy, the site is an appropriate one for residential development in terms of its effect on the character and appearance of the countryside.

Reasons

4. The appeal site is located within the countryside beyond the Green Belt, and outside any defined settlement area. It is a part of a larger paddock associated with No 1 Hillside Road to its west, and not considered to be of high agricultural value. It is set on the north side of Moons Hill.
 5. There is open land to the north, including a public footpath and bands of mature trees, and with which the site has a strong degree of visual interconnectivity. There is a school site to its south. There is scattered housing to the west on Hillside Road and around the junction of Gardeners Hill Road and Moon Hill, and the site is adjoined to the east by Cotswold House a detached dwelling which sits alone on the north side of Moon Hill.
 6. The development in the vicinity is largely of buildings set in extensive grounds or gardens, and with strong hedge lines and mature trees. The overall
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character of the landscape, as a result, while not empty of buildings, is an open, green and rural one. Although the site is outside the area of Great Landscape Value south of Moons Hill, the landscape character of the area around it is nonetheless therefore of reasonably good quality.

7. The proposal is for a substantial, five bedroom detached house and a double garage in a vernacular style, to be set at the east end of the pastureland, adjacent to Cotswold House. A length of the natural hedgerow bounding the site would be removed to create access to Moons Hill.
8. Notwithstanding any screening provided by the proposed landscaping of the development, the dwelling would likely to be visible from viewpoints around the site, including the public footpath from the north, and would also be signposted by virtue of its boundary treatments and vehicle access. Although set at the lower end of the sloping site, due to its size and to the limited development on the north side of Moons Hill, it would nonetheless appear as additional substantial development within the countryside. In addition, the size of the dwelling, and associated large area of hardstanding would have a significant urbanising effect on the site.
9. Thus, although the insertion of a single dwelling would be a small addition to the built development in the area as a whole, it would nonetheless contribute to a noticeable reduction in the openness of the area, and towards the coalescence of surrounding settlements. It would also intrude into the attractive views of the open land to the north, thus harming the rural appearance of the area. These effects would, as a result, be significantly harmful to the rural character.
10. Policy C2 of the Waverley Borough Local Plan 2002 (the LP) states that building in the open countryside will be strictly controlled, with a number of stated exceptions, none of which apply in this case, and the appeal dwelling would not therefore comply with this policy. However, the intention of the policy is to protect the countryside for its own sake by restricting development, whereas the approach introduced in the National Planning Policy Framework (the Framework), which seeks to protect the intrinsic character and beauty of the countryside, also accepts that development may be acceptable in the countryside, provided that it is sustainable. As it is not in full accord with the Framework, this reduces the weight that I attach to Policy C2.
11. Policy RE1 of the emerging Waverley Local Plan Part 1 (the eLP) states that in areas in the countryside beyond the Green Belt, the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the Framework. There would be conflict with this policy also.
12. Policy D1 of the LP seeks to resist development which would result in material detriment to the environment by virtue of harm to the visual character and distinctiveness of a locality, and the proposal would conflict with this. It would also conflict with policy D4, which requires that development should be appropriate to the site and respect local distinctiveness.
13. Policy FN10 of the Farnham Neighbourhood Plan 2017 (the FNP) seeks to protect the countryside from inappropriate development, while policy FN11 seeks to avoid coalescence between a number of settlements, including Rowledge and Frensham, between which the appeal site lies. It would therefore conflict with these policies.

Planning Balance

14. Although at the time of the Council's decision, it was not disputed by the parties that it was not able to demonstrate a five year deliverable housing land supply (HLS), an updated five year HLS position statement has been supplied, resulting from the Local Plan Examination Inspector's provisional findings in July 2017. This indicates that the Council is able to demonstrate a 5.84 supply for the five years beginning 1 April, 2017, including the application of a 5% buffer, which has been agreed by the Examining Inspector.
15. However the appellant has drawn to my attention information arising from recent appeal decisions¹ in which the Inspectors concluded that notwithstanding this calculation, and on the basis of detailed interrogation of the figures at Inquiry, the HLS was just below five years, 4.7 years, with the application of a 5% buffer. In addition, the appellant has also put before me the Schedule of Main Modifications arising from the Examination of the emerging Local Plan, which include at MMD3, relating to emerging policy ALH1, an increase, equating to 71 dwellings per year, to the housing requirement between 2013 and 2032. The balance of probability is therefore that the HLS remains somewhere below five years, although not, on the basis of this evidence, any less than 4 years.
16. Paragraph 49 of the Framework is clear that in these circumstances, relevant policies for the supply of housing should not be considered up-to-date, and Paragraph 14 of the Framework is thus triggered. Paragraph 14 states that in such circumstances, the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
17. No specific policies in the Framework have been drawn to my attention indicating that development should be restricted, and I have identified none. I have thus applied the "tilted balance" in relation to the policies in the Framework taken as a whole.
18. The proposed dwelling would contribute to boosting the supply of housing, which would be a benefit, albeit, as it would be a single large dwelling, and as there is a greater identified need within the borough for smaller housing units, a minor benefit. In the light of the probable shortfall in the 5 year HLS, I accord this modest weight.
19. The appeal site sits within at relatively equal distances of up to half a mile from the settlement boundaries of Shortfield and Millbridge, which both have limited local services and facilities. Consequently, any effect in supporting the viability and vitality of these smaller settlements is likely to be dispersed between the two, and the resulting economic benefits very minor.
20. The site is three miles from the far greater number of services provided in Farnham. While there is a regular bus service in the area, the stop is at some distance from the site, and part of the journey to it would have to be made along busy roads where there is no footpath. The greater range of services available in Farnham would thus be more likely to be accessed by private car

¹ APP/R3650/W/17315643; APP/R3650/W/16/3163124 & APP/R3650/W/16/3150558

journey. I therefore see little benefit arising from the scheme in terms of supporting thriving rural communities or sustainable patterns of transport, both of which are objectives of the Framework.

21. There would be some economic benefit arising from the construction of the appeal dwelling, but it would be limited and temporary.
22. Furthermore, the Framework should be read as a whole, and sustainability also has an environmental dimension. The harm I have identified above to the character and appearance of the countryside is to my mind sufficient significantly and demonstrably to outweigh the benefits I have identified, to which in total I attach no more than moderate weight. On this basis therefore, the presumption in favour of sustainable development set out in Paragraph 14 of the Framework does not apply.
23. The Framework is clear at Paragraph 11 that the law requires that the development plan remains the starting point for decision making. The conflict with policies D1 and D4 of the LP and with policy RH1 of the eLP, which I have not found to be out of step with the Framework, therefore add to the balance against the proposal.
24. I have taken into account the written Ministerial Statement of December 2016 in respect of neighbourhood planning (the WMS), and conclude that as the FNP is less than two years old and allocates sites for housing, and as no specific or detailed evidence has been put before me to show that the Council is able to demonstrate less than a three year housing land supply, it can therefore be considered up to date.
25. The WMS supports the overarching the policy objective of empowerment of local communities in shaping the development and growth of their area by insulating neighbourhood plans from being deemed out-of-date due to an overall shortfall in the HLS, unless it is significant. In this light, and taking into account my conclusions on the housing land supply, I cannot agree with the appellant that the requirements of the Main Modifications for a review of this plan or additional allocations to be added in due course necessarily mean that it is currently out of date. This does not therefore diminish the weigh against the proposal which I attach to the conflict with these policies, and Paragraph 198 of the Framework is clear that development which conflicts with a neighbourhood plan that has been brought into force should not normally be allowed.

Conclusion

26. I conclude therefore that the presumption in favour of sustainable development does not constitute a material consideration of sufficient weight in this case to cause me to take my decision otherwise than in accordance with the development plan. Thus, for this reason and for the reasons set out above, the appeal should be dismissed.

S J Buckingham

INSPECTOR