



Appeal Decision

Site visit made on 1 July 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/R3650/W/19/3225951

Land at Binscombe, Binscombe, GU7 3QN

- 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 Oakford Homes against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1525, dated 10 August 2018, was refused by notice dated 18 January 2019.
 - The development proposed is residential development comprising 21 new dwellings including open space, vehicular and pedestrian access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice lists 'retained' Policy H8 of the Waverley Local Plan (LP) (2002) in the first reason for refusal which relates to the effect of the proposal on the Conservation Area. Policy H8 relates to the retention of residential land. Policy HE8 relates to Conservation Areas and was supplied by the Council as part of the appeal documentation. Therefore I have had regard to Policy HE8 in the determination of this appeal.
3. The Council's second reason for refusal, relating to the effect on listed buildings, references 'retained' Policy H3 of the LP. However, it is Policy HE3 of the LP which refers to Listed Buildings. I have therefore had regard to HE3 in the determination of this appeal.
4. During the course of the appeal the examination of the Godalming and Farncombe Neighbourhood Plan (NDP) was concluded, and the document moved to a public referendum. Both main parties have included references to the NDP and its policies within the statements submitted.

Main Issues

5. The main issues are;
 - the effect of the proposal on the setting of the heritage assets, including Binscombe Conservation Area and adjacent Listed Buildings, and
 - whether the proposal makes adequate provision for affordable housing, environmental enhancements, play areas and leisure improvements.

Reasons

Heritage Assets - Conservation Area

6. The site is a field to the north east of the Binscombe Conservation Area (CA). This is separated by further undeveloped land. The CA comprises a relatively small number of historic buildings reflecting the early hamlet around Binscombe Farm, a large 16th century farm complex. Adjoining the CA to the south and east is the more modern development which comprises the main settlement of Binscombe village.
7. The north eastern side of the CA is undeveloped and forms a rural approach to the entrance to the historic farmstead. A strong element of the significance of the CA is the former agricultural nature of the buildings and this connection with the countryside and surrounding fields to which it was associated. The access to the village on this approach is a key view from the rural open surroundings, into the historic hamlet. It is currently open and undeveloped on either side on the approach, apart from three low level dwellings in spacious plots on the junction with Green Lane, which are read as a cluster around the junction.
8. The significance of this rural approach is increased as this isolation historically facilitated non-conformist worship within the hamlet. This is a key element of the historic interest of the area and reflected by the presence of a former Quaker burial ground within the CA and an association in the village with the leader of the movement.
9. The proposal would introduce 21 new dwellings within the field on the approach to the CA. Whilst positioned within existing boundary features and sited with some set back from the road, the proposal would still be visible on the approach to the CA. As set out in the appellant's Heritage Statement, this will lead to a level of suburbanising effect in the setting of the CA by virtue of the increase of built form perceptible on this approach and change the way in which the CA is experienced.
10. Whilst the appellant considers this change to be to a very limited degree, the built form will change the context of this currently open field, and setting of the CA. The key view along the road serving the access to Binscombe would retain its openness to the northern side but views would be disturbed by the plots closest to the road within the proposal site. Whilst these buildings would be reduced height and scale compared to the rest of the proposal, and with hipped roof form, this would create an urbanising effect on the approach, introducing a new built form which would be harmful to an important part of the rural significance of the CA.
11. The urbanising effect would be compounded when passing the site. Whilst there is some openness within the proposed layout as the access would curve around an undeveloped parcel, the buildings would be positioned closely together creating a strong built frontage. I have had regard to the appellant's design rationale of providing a contextually relevant and coherent group, however this would produce a cramped urban appearance, despite the lower overall density and considered use of materials. Although there is some variance in building heights, this built form would be exacerbated by the height of some buildings, such as Plot 8, and the expanses of glazing, particularly at first floor level.

12. Given the importance of the approach, this would have a harmful effect on the significance of the heritage asset. However, due to the openness on the northern boundary of the access to the CA and some boundary landscaping, this harm would be considered less than substantial on the CA as a whole. I note that this position is shared by the two main parties, although the appellant considers this to be at the lowest end of harm and the Council considers that this would likely amount to more than the lowest level. Given the importance of the rural setting to the significance of the CA, and the views along the road to Binscombe, I am more aligned to the Council's position.
13. The proposal would therefore have a harmful effect on the Binscombe Conservation Area. Consequently, it would be contrary to Policy HA1 of the Waverley Local Plan (Part 1) (LPP1) (2018) and saved Policy HE8 of the Waverley Local Plan (LP) (2002). Taken together, and amongst other objectives, these seek to ensure that the significance of heritage assets is conserved or enhanced.
14. However, paragraph 196 of the National Planning Policy Framework (2019) (the Framework) requires that this harm should be weighed against the public benefits of the proposal in such circumstances. I will return to this in the planning balance.

Heritage Assets - Listed Buildings

15. To the north of the site is St Christopher's Cottage, a Grade II Listed Building. This is a 16th century building of modest character set within enlarged generous gardens. The building is relatively self-contained within the plot and historically distanced from the hamlet, which forms part of its significance. The proposal would bring the built form closer to the Listed Building, affecting this significance. Whilst the modern character of the proposal would differentiate it from the Listed Building and allow an appreciation of how the area has developed, it would have an effect on the setting. The proposal does however include additional landscaping on the boundary to the heritage asset. Whilst taking some time to fully establish, this would enhance the existing boundary features, some of which are already substantial, and mitigate some of the effects.
16. To the south of the site is Binscombe Farmhouse, a Grade II Listed Building. This is set on a prominent frontage at the entrance to the village, defining the greater formality of the settlement from the surrounding open countryside. It is prominent in views into the village on the approach into the settlement. It has a strong character as the main view as you enter the hamlet on the approach, with the red brick district from the green countryside. Similarly, the single storey projection alongside the road, stepping up to the main part of the building delineates the entrance to the village. As set out in relation to the CA, the proposal would introduce built form in this key view, reducing the prominence and effect of the Listed Building within the streetscene. Therefore, the proposal would also have an effect on the setting of this Listed Building, which forms a strong part of its significance.
17. The Council's officer's report also referenced the potential for effects on Foxs Barn, a Grade II Listed Building to the south. This is a dwelling of converted barns in which George Fox, leader of The Quakers, is recorded as having preached. This is an important historic association, with some significance also derived from its frontage and cluster with other listed buildings within the

centre of the hamlet. The proposal is positioned some distance away and there is limited inter-visibility, Therefore the proposal would not have a material effect on the setting of this heritage asset, which would be preserved.

18. The harm to the two buildings identified would be less than substantial, given the potential for boundary screening to St Christopher's Cottage and distance to Binscombe Farmhouse. However, this would be contrary to policies HA1 of the LPP1 and saved Policy HE3 of the LP. These require development to ensure that heritage assets are conserved or enhanced and seeks to prevent development that would harm the setting of a listed building.
19. Policy GOD5 of the NDP relates to retaining historic buildings but is silent in relation to issues of setting of heritage assets.
20. Again, paragraph 196 of the Framework is enacted and a balance must be made against the public benefits.

Heritage Assets – Planning Balance

21. The proposal for 21 units would contribute to local housing supply and deliver affordable housing, the need for which has been acknowledged as acute within the Borough¹. The proposal also includes a range of smaller first-time buyer and family units and local enhancements including equipped play, contributions towards highway safety measures, footpaths and ecological works. It would also result in an increase in local short-term employment during construction.
22. However, I am conscious of the requirements of paragraph 193 of the Framework which sets that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Therefore, whilst the harm to the significance may be less than substantial, great weight should be placed on its conservation.
23. Therefore, due to the urbanising effect on the setting of the CA and Listed Buildings, particularly Binscombe Farmhouse, and associated detrimental effect on their significance derived from the rural setting, the proposal would cause significant harm to the heritage assets, to which great weight should be placed.
24. The Council considers that it can demonstrate a 5 year housing land supply as required by the Framework, with a figure of 5.08 years (including a 20% buffer). The appellant has calculated a lower figure of 3.8 years, and has directed me to an appeal decision² which considered that supply could be 3.37 years and 4.6 years. There is some uncertainty about the figures and I do not have all the information available to make a clear determination. In any event, even if I was to find that the Council could not sufficiently demonstrate a 5 year supply, I note that paragraph 11d(i) of the Framework supports the granting of permission unless the application of policies that protect assets of particular importance provides a clear reason for refusing the development proposed. Such assets of particular importance include designated heritage assets.

¹ Appeal Reference APP/R3650/V/17/3171287

² Appeal Reference APP/R3650/W/16/3165974

25. In this case, given my findings in relation to the harmful effects on the heritage assets, I consider that these provide a clear reason not to grant permission in this case.

Adequate Provision of Infrastructure

26. The Council's third and fourth reasons for refusal relate to the failure to enter into an appropriate legal agreement to secure the adequate provision of the proposed affordable housing provision, ecological enhancements, play areas and leisure improvements. The appellant has now submitted a signed Section 106 legal document which has been completed with the Council, and I am aware that the introduction of a Community Infrastructure Levy charge now covers some of the elements of infrastructure.
27. Therefore, these matters have been addressed to the satisfaction of the two main parties. However, given my findings on the first main issue, I have not had reason to review this agreement in detail or assess it against the relevant tests within the Framework or the requirements of the NDP.

Other Matters

28. The site is within the 7km Buffer Zone of the Thames Basin Heath Special Protection Area (SPA). As a designation of European importance this requires demonstration that the proposal would not lead to likely harm on the integrity of the site. However, as I am dismissing the appeal I have not considered this matter further.
29. I note that the site has been removed from the designated Green Belt following a detailed review for the adopted Local Plan Part 1, and is considered positively within the emerging Local Plan Part 2 evidence. However, my findings relate to the detail as proposed within this particular scheme.
30. I am also aware that significant preapplication engagement and revision has taken place which is to the benefit of the scheme, albeit that I have not accepted the proposal as before me.

Conclusion

31. As great weight should be attached to the conservation of heritage assets, there is a compelling objection to the scheme due to the harm identified. The public benefits of the proposal would be insufficient to outweigh that harm. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR