



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: 20th August 2019

Appeal Ref: APP/R3650/W/19/3226309

Land at Culverlands, Moor Park Way, Farnham GU9 8EL

- 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 Alastair & Rebecca Marman against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1664 dated 23 July 2018, was refused by notice dated 13 March 2019
 - The development proposed is erection of one two-storey five-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is in outline form with access to be determined and all other matters reserved. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

4. The proposal is for a dwelling within the grounds of the property known as Culverlands. The dwelling would be positioned to the south of the existing house and would replace a disused tennis court, set within existing planting.
5. The area is to the east of Farnham. Whilst located close to the settlement, the site is outside the designated built up area. There are some dwellings in a scattered form of development on the periphery of the settlement, but the particular area north of Moor Park Way has a distinct rural character with limited built form, individually set dwellings and an undulating openness.
6. The site lies within the open countryside as defined in the development plan where Policy RE1 of the Waverley Borough Council Local Plan Part 1 (2018) (LP) requires recognition and safeguarding of the intrinsic character and beauty of the countryside. Policy RE3 of the LP sets that development must respect and where appropriate, enhance the distinctive character of the landscape. Policy FNP10 of the Farnham Neighbourhood Plan (2017) (FNP) requires development in such an area to enhance the landscape value of the countryside. These policies reflect paragraphs 8 and 170 of the National Planning Policy Framework (2019) (the Framework).

7. The proposal would result in a new two storey 5 bedroom dwelling. This would be positioned between existing dwellings and reduce the openness between buildings to the detriment of the spacious character of the area. It would also be in an elevated position, amplifying its prominence. Whilst the proposed development would not be widely seen, it would nonetheless be sufficiently visible to result in harm to the spatial character of individually set dwellings which is characteristic of the area.
8. The proposal would therefore fail to safeguard the intrinsic character and beauty of the countryside or enhance the landscape value of the countryside. Consequently, it would be contrary to policies RE1 and RE3 of the LP, policies FNP10 and FNP11 of the FNP and with the Framework.

Other Matters

9. The Council has confirmed its position that it can demonstrate a 5 year supply of deliverable housing sites as required by the Framework (5 year HLS), identifying a supply of 5.08 years (with a 20% buffer). The appellant challenges this and has provided an appeal decision¹ to support the position that the Council 'probably' has a supply of less than 5 years. Whilst this appeal decision considered the supply position in some detail, it did not come to a view. I have not been provided with substantive evidence to challenge the Council's position, or an alternative HLS calculation. As such, I am more persuaded by the Council's evidence.
10. I have had regard to the appellant's view that the proposal is previously developed land, being a disused tennis court within a residential curtilage. I am also aware that surrounding trees could be protected to provide some screening of the proposed development. However, this would not overcome the harm to the character and appearance of the countryside.
11. I note that the FNP is currently under review in response to an additional housing requirement. However, this is a separate process to be shaped by the local community and is not currently at a stage where it can be given any meaningful weight. It therefore does not lead me to a different overall conclusion in this case.
12. The site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA) and 5km of the Wealden Heaths I SPA. I have noted the Council and Natural England are satisfied that the proposal would not affect the integrity of the SPA sites provided mitigation measures are secured, and that the appellant has submitted a signed Unilateral Undertaking in order to achieve this. However, given my findings on the main issue, I have not considered this matter in further detail.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR

¹ Appeal Reference APP/R3650/W/17/3171409