



Appeal Decision

Site visit made on 26 November 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/R3650/W/19/3230324

**Land to the south of West Farm, Tongham Road, Runfold, Farnham
GU10 1PJ**

- 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 J Mitchell against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1863, dated 19 October 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the erection of two detached dwellings together with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted with the appeal. These would not alter the position and scale of the proposed dwellings. Instead, they would reduce the width of the internal access road and the overall extent of hardstanding within the site. They also show some additional planting. I consider these changes to be relatively minor in nature and the Council has had the opportunity to comment on the revised plans through the appeal process. Consequently, I do not consider that any party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plans.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the availability of best or most versatile agricultural land.

Reasons

Character and Appearance

4. The appeal site is not covered by any specific landscape designations. It comprises an open field that is bound to the north by the relatively narrow Tongham Road. Beyond this road is the A31. However, this is screened by established trees and it is therefore not an unduly prominent visual feature along this part of Tongham Road. To the rear of the site is a large, predominately open, paddock. Long distance views of this paddock, and of open fields beyond it, are available across the appeal site from Tongham Road.

Despite the presence of built form at either side of the site, the immediate area has a distinctly rural character. Although there are established trees and hedgerows at some of the site's boundaries, its undeveloped nature can be appreciated from Tongham Road. It therefore contributes positively to this rural character.

5. The proposal seeks permission to construct two detached, two-storey dwellings. The scheme would not harm any trees of significant amenity value at the site. Nevertheless, it would introduce a significant number of urbanising features. This would include large residential buildings and gardens with their associated domestic paraphernalia. In addition, even the amended proposal would introduce large areas of hard surfacing. Consequently, not only would the scheme substantially erode the site's openness, but it would also be out of character in this rural setting. This would be to the detriment of the visual quality of the immediate area. Furthermore, the proposal would restrict views of open countryside beyond the rear of the appeal site from certain vantage points along Tongham Road. This would reinforce its harmful impact to the immediate rural setting.
6. The submitted Landscape and Visual Impact Assessment (LVIA) demonstrates that there would be no views towards the appeal site from the surrounding public footpath network or from within the Surrey Hills Area of Outstanding Natural Beauty. Its impact on the wider landscape would therefore be acceptable. However, in my view the LVIA has underestimated the visual impact of the proposal on its immediate setting. Taking all of the above into account, I consider that the scheme would represent a conspicuous encroachment of built residential form into this setting that would fail to integrate effectively with its rural nature.
7. Given the distance to listed buildings at Hewitts Kilns and Hewitts Farm, the proposal would not materially impact upon their setting. However, West Farm and its barns are immediately to the north east of the appeal site and are also listed buildings. I therefore have a statutory duty to have special regard to the desirability of preserving their setting. The significance of these listed buildings appears to be derived from their interesting and historic architectural compositions. Their setting arises from the surroundings in which they are experienced, which in this case is rural. The appeal site's open and undeveloped nature therefore contributes positively to their setting.
8. The proposed dwellings would be some distance from the shared boundary with West Farm and visually separated from the listed buildings by a belt of trees. Nevertheless, in my view the proposed urbanisation of the appeal site would intrude in their rural setting, eroding it in a harmful way. This harm would be limited and would therefore be less than substantial within the meaning of the National Planning Policy Framework (the Framework). Nonetheless, it still adds to the harm identified above.
9. Furthermore, whilst the proposal would infill a gap between West Farm Cottage and West Farm, this would consolidate the linear development along this part of the road, eroding its rural feel. Considered in isolation, the design and scale of the proposed dwellings would be acceptable. However, this would not diminish the identified harm to the immediate rural setting through the unacceptable urbanisation of the site. Planting could be used to screen the proposal. However, the purpose of planting and landscaping is to integrate

development into its surroundings; it is not a means of hiding development that is otherwise unacceptable. A condition requiring such planting would therefore not mitigate the harm I have identified.

10. My attention has been drawn to a development granted¹ at the appeal site for the change of use of land to nursery and landscape gardening and the erection of a chalet bungalow and garage. However, there appears to have been a condition imposed on this permission restricting the occupancy of the approved dwelling to those employed in agriculture. It is therefore not directly comparable to the appeal scheme. In addition, this permission was not implemented. Under these circumstances, this previous permission carries only limited weight in my assessment.
11. For the reasons given, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with Policies RE1 and TD1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1) and saved Policies D1 and D4 of the Waverley Borough Council Local Plan (LP). Amongst other things, these seek to ensure that developments safeguard the character of the countryside, compliment their surroundings and do not harm visual character and distinctiveness of the locality. However, I find that Policies D1 and D4 of the LP are less flexible than the more balanced approach taken within the Framework. They are therefore not fully consistent with it. My assessment in this regard is reinforced by a previous Inspector². Consequently, I afford conflict with these policies moderate weight.
12. In addition, the proposal would conflict with Policies FNP1 and FNP10 of the Farnham Neighbourhood Development Plan (NP) insofar as they seek to ensure developments respond to the character of the area and enhance the landscape value of the countryside. I have been referred to Policy FNP11 of the NP. This deals with coalescence between settlements. The proposal would not result in such coalescence and I therefore find no conflict with this policy.
13. Turning to national planning policy, the proposed dwellings would not represent truly isolated homes in the countryside, with regard to paragraph 79 of the Framework. The Framework also states that windfall developments, as well as small and medium sites, can make a contribution to meeting the housing requirements of an area. However, this should not be at the expense of achieving high quality development which is sympathetic to local character, including its landscape setting. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

Best or most Versatile Agricultural Land

14. The proposal would result in the loss of best or most versatile agricultural land (BMVAL), as defined within Annex 2 of the Framework. Policy RD9 of the LP seeks to resist the loss of BMVAL unless it can be demonstrated that there is a strong case for development on a particular site which overrides the need to protect such land. The Framework also recognises the economic and other benefits of such land.

¹ Ref. WA/1994/1250

² APP/R3650/W/15/3135386

15. The appellant has submitted an Agricultural Land Classification and Soil Resources Report (ALCSRR). I am satisfied that this assessment has been carried out by technical professionals and, given that the Council does not appear to take issue with this ALCSRR, I afford it significant weight in my assessment.
16. The ALCSRR shows that the proposal would only result in the loss of a small section of BMVAL (approximately 0.37 hectares). In addition, the small size of the appeal site means that the land cannot be used to its full potential. Thus, it is not currently farmed, nor has it been for a considerable period of time. Taking the above into account, and as I have no evidence before me to show that the land at the appeal site is used in conjunction with an existing agricultural holding, I consider that the loss of the BMVAL is unlikely to result in significant impacts in the Borough in economic terms.
17. With regard to the above, in my view any technical conflict with Policy RD9 of the LP as a result of the loss of BMVAL would not result in any significant harm. Neither would the scheme undermine the Framework's economic objectives in this regard. Consequently, I conclude that the proposal's effect on the availability of BMVAL would be acceptable.

Other Matters

Special Protection Area

18. The appeal site is within a 'Buffer Zone' for the Thames Basin Heaths Special Protection Area (SPA), a European designated site. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. In this case, mitigation measures have been identified and the appellant has provided an executed Unilateral Undertaking which would secure them. On this basis, the Council withdrew its objection in respect of this matter.
19. However, the Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the framework of an Appropriate Assessment (AA) rather than at the screening stage³. As the competent authority, if I had been minded to allow the appeal it would have therefore been necessary for me to go back to the parties to seek further information in order to undertake an AA for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Schemes in the Surrounding Area

20. I note that a development of 254 dwellings has been allowed at appeal at land at The Street. In addition, outline permission was granted for 71 dwellings at St Georges Road. However, these schemes are of a completely different scale to the appeal proposal. Consequently, they will have been assessed on a different basis, taking into account wider social, economic and environmental factors. They are not directly comparable to the scheme before me, which I have assessed on its individual merits. Similarly, developments to accommodate the need of the gypsy and traveller community are not comparable with a proposal for two open market dwellings.

³ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

21. In addition, the approval of commercial activities and a barn conversion at West Farm will have been assessed having regard to different planning policies and the provisions of the permitted development regulations. They are therefore not relevant to my assessment of the appeal scheme.

Strategic Gap

22. It would appear that the Council has concerns with this development being positioned within the locally designated Farnham/Aldershot Strategic Gap. However, it has not referred to this designation, or to the policies which concern it (Policy C4 of the LP or Policy RE3 of the LPP1), within its decision notice. In any event, given my findings on the first main issue, this matter is not determinative to my decision as I am dismissing this appeal for a substantive reason. I have therefore not considered it further.

Other Representations

23. I note that there is support for this scheme from third parties on the basis that it would reduce fly tipping, decrease anti-social behaviour and improve security at the site. However, I am not persuaded that the appeal proposal is the only means of achieving this. Accordingly, this carries only limited weight in my assessment and is not a reason to permit a scheme which I have found to conflict with the provisions of the development plan.

Planning Balance

24. The Government is seeking to significantly boost the supply of housing. The proposal would provide two dwellings, of an appropriate housing mix, in a fairly accessible location. However, this would make only a small contribution to the Council's housing stock. Similarly, the economic benefits of the proposal would also be small and would primarily relate to short-term employment during the construction period. Expenditure by future residents would make only a minimal contribution to local services. In this context, I give little weight to these social and economic public benefits.
25. I have found that the small loss of BMVAL would not result in any significant harm to the availability of such land. However, the absence of harm in this regard is a neutral factor in the planning balance. The scheme would also be acceptable in other respects, such as in terms of highway safety and living conditions for future occupants. However, these are requirements of the development plan and are also neutral factors in the planning balance.
26. On the other hand, the proposal would significantly harm the character of the immediate rural setting. Although conflict with Policies D1 and D4 of the LP carries only moderate weight, the cumulative conflict with the development plan weighs heavily against the proposal. In addition, the scheme would give rise to limited harm to the setting of adjacent listed buildings, adding further weight against the scheme. In my view, this collective harm would outweigh the very modest public benefits of the proposal. Having regard to paragraph 11(d)(i) of the Framework, there is therefore a clear reason to dismiss the appeal even if the Council is unable to demonstrate a five year housing land supply and the presumption in favour of sustainable development does not apply.
27. However, even if that was not the case, taking all the above factors into consideration, I consider that the adverse impacts of the proposal would

significantly and demonstrably outweigh the benefits and on that basis the scheme also fails.

Conclusion

28. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict. For this reason, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR