
Appeal Decision

Hearing Held on 22 October 2019

Site visit made on 22 October 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/R3650/W/19/3226124

Land at Cherryfields, Fullers Road, Farnham, GU10 4DF

- 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 Ian Carter of Carter Brothers [Properties] Ltd against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1219, dated 4 July 2018, was refused by notice dated 26 February 2019.
 - The development proposed is construction of 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council confirmed at the hearing that the Town Council had been consulted on the appeal and notified of the hearing. However, it was established that a number of external bodies who were consulted on the original planning application were not consulted on the appeal or notified of the hearing. The hearing was adjourned following consideration of the main issues to enable this consultation to take place. No issues were raised in this consultation that would justify sitting for a second day. The hearing was closed in writing after the event.
3. The site visit was carried out on an unaccompanied basis after the event on 22 October 2019, with the agreement of both main parties.

Main Issues

4. The main issues in this appeal are
 - i) Whether or not the Borough of Waverley has an adequate supply of land for housing; and
 - ii) the effect on the Character and Appearance of the area

Reasons

Supply of housing

5. The evidence provided by the Council prior to the hearing sets out a housing requirement of 5501 dwellings from 2019 to 2024, taking in to account the

2018 Housing delivery test results. It identifies a supply of 5704 houses, or around 5.2 years.

6. The appellant identifies 15 sites involving over 10 units, amounting to 381 dwellings which have been included in this figure but where, having regard to the National Planning Policy Framework ("the Framework") and Planning Practice Guidance ("PPG")¹, it is argued they are not deliverable². These sites do not currently benefit from any planning permission, or only benefit from outline planning permission with outstanding reserved matters. Whilst the Council have made efforts to contact the developers and cite various published information, correspondence and statements by developers, on none of the identified sites does this evidence demonstrate there is a realistic prospect that housing will be delivered on the site within five years.
7. Furthermore, the appellant draws attention to issues which make the delivery of these sites uncertain. In the case of publically owned land, the site is either yet to be disposed or there is no clear development partner. In other cases the likelihood of a planning application coming forward appears to be linked to the status of the site within an emerging plan.
8. In none of these cases, based on what I read and heard, is there any definitive evidence that the sites are likely to be delivered over the 5-year period. Whilst the Council cite a note prepared in 2017³ in support of its plan making process which supports its view that sites will come forward quickly, this predated the methodology set out in the Framework and PPG and cannot account for every site-specific circumstance. In this case the arguments advanced by the appellant cast significant doubt on the deliverability of the sites identified.
9. Accordingly, for the purposes of this decision the Council's housing supply should be reduced by 381, so 5323. Taking account of the further doubts raised by the appellant about the windfall rate based on recent data relating to the delivery of such development, this results in a housing land supply of around 4.7 years at the most. This finding is based on the evidence before me in this appeal. However, it appears to be broadly consistent with other recent appeal decisions cited by the appellant, including those issued following the publication of 2018 Housing Delivery Test results. This includes a site on Cox Green Road⁴ where the Inspector concluded that the housing land supply was around 4.3 years, and the Windacres Farm scheme⁵ where the supply was found to be 3.9 years.
10. It follows that there is an inadequate supply of housing within the Borough and this is a relevant material consideration in this decision. I will return to this matter in the planning balance section.

¹ Planning Practice Guidance: Paragraph: 007 Reference ID: 68-007-20190722

² This figure is based on the document entitled "Appendix 1 to statement "5 year Housing Land Supply – LPA rebuttal – Appellant Comments October 2019" provided by the appellant in advance of the hearing. The total number of dwellings for all 15 sites amount to 381.

³ Housing Land Supply and Housing Trajectory Contextual Note: Prepared for Waverley Borough Council by Troy Planning and Design (May 2017)

⁴ APP/R3650/W/19/3227970

⁵ APP/R3650/W/19/3230164

Character and Appearance

11. The site falls within the village of Rowledge. It is set on Fullers Road which has housing broadly arranged in a line to each of its sides, stretching from the village centre to the junction with the A325. This housing generally comprises detached buildings set in spacious plots. It is surrounded by irregularly shaped fields and woodland, which are in places visible from the road and which help to create a semi-rural setting to this village.
12. The site currently appears as a gap within this built up, ribbon frontage. It has a paddock like appearance. Whilst mown and described as amenity land, it has not been landscaped in a manner typical of domestic gardens. Tall trees screen the residential and other development around Cherryfields, due north of the site, and this open land extends a considerable distance back from the road, contiguous with other fields and woodland beyond. The site is currently clearly visible from the road through gaps in the boundary vegetation, particularly from the junction with the driveway to Cherryfields.
13. The proposed building would adopt a traditional design that is sympathetic to other existing buildings along Fullers Road and would be set in a spacious garden. However, the replacement of open, undeveloped land with the appearance of countryside with residential development including domestic curtilage and a large area of hardstanding would urbanise the site, changing its character and appearance. Consequently, one of the few remaining gaps in this built up frontage would be substantially enclosed, thus diminishing the semi-rural character of this road. In this respect there would be harm to the character and appearance of the area.
14. The principle of residential development on this site has previously been found to be acceptable. However, the previous appeal decision⁶ and the 2015 grant of planning permission by the Council precede the change in planning policy that took place in 2017, with the exclusion of the site from the built-up boundary in the Farnham Neighbourhood Plan (2017) ("Neighbourhood Plan").
15. The change in policy following the previous planning decisions represents a significant material change in circumstance. Whilst another planning Inspector commented in 2013 that the site is seen in the context of the built environment along the road, the new policy designation suggests that the whole site should be seen in the context of the countryside. On inspection, the current boundaries appear to reflect the situation on the ground. The appeal site appears as countryside, contrasting visually with the residential dwellings and gardens that surround it.
16. Policy FNP 10 of the Farnham Neighbourhood Plan requires that proposals in such areas enhance the landscape value of the site, an objective which is also reflected in policy RE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) ("Local Plan"), which seeks to recognise and safeguard the intrinsic character and beauty of the Countryside. The proposed residential development; and associated loss of land with the appearance of countryside with the positive visual attributes described above, would conflict with these policies. Overall, there would be significant harm to the character

⁶ APP/R3650/A/12/2188849

and appearance of the area, and in this respect the proposal conflicts with the development plan.

Other considerations - Character and Appearance

17. Whilst the site falls close to an administrative boundary with East Hampshire, on the ground the entirety of this part of Fullers Lane appears to fall within the village of Rowledge. In consequence, there is no conflict with policy FNP 11 of the Neighbourhood Plan which seek to prevent the coalescence between settlements. However, this finding does not overcome the harm identified above.
18. The site was previously partially designated as an area of strategic visual importance, although this is no longer the case. On the evidence before me, the site does now not benefit from any protected landscape designation. However, this does not change my finding that there would be harm to the character and appearance of the area.

Planning Balance

19. It follows from my findings in the first main issue that the Council cannot demonstrate a 5-year housing land supply. In consequence, the policies most relevant to the determining the application are out-of-date. In these circumstances the Framework requires that 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.
20. The appellant argues that the Farnham Neighbourhood Plan does not contain housing allocations to meet its identified requirement, and cannot therefore be given full weight. This is reflected in findings of other recent appeal and secretary of state decisions⁷, and a review of the Neighbourhood Plan is now underway. Accordingly, on the evidence before me the circumstances set out in paragraph 14 of the Framework do not apply.
21. Considering the benefits of the proposal, this single house would be located in a village, which benefits from services including a shop and pub. In locational terms it is accessible. Its appearance would be appropriate designed in relation to existing buildings in the village and would provide a high standard of living accommodation. In these respects it would achieve a number of planning policy objectives, including the requirement in the Framework to deliver a sufficient supply of homes. There would be some economic benefits of the development, through construction activity and additional spending in the local economy.
22. However, the proposal only amounts to one unit. The overall weight that can be given to the proposal is therefore minimal in terms of the overall housing supply position within the Borough. Furthermore, there would be conflict with the requirement in the Framework to conserve the natural environment, as the proposal would lead to the loss of an area with the appearance of countryside which contributes significantly to the semi-rural setting of the road. I attach significant weight to the harm that would arise, in this respect.

⁷ APP/R3650/W/17/3171409, particularly paragraph 78.

23. Overall, even taking account of the established shortfall in housing supply, as identified by the appellant, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The harm to the character and appearance of the area is of a magnitude that justifies the refusal of planning permission, and the presumption in favour of sustainable development does not apply.

Other Matters

24. The appellant draws attention to another appeal decision where a planning Inspector granted planning permission for a scheme, finding that material planning considerations outweighed the conflict with the development plan⁸. However, my decision must be based on the individual circumstances that apply in this case. The same approach is not justified here.
25. The planning application that led to this appeal was submitted prior to the expiration of the original planning permission on the site. However, the Council reassessed the proposal in light of the revised policy framework and came to a different conclusion on the planning merits of the scheme. It will be clear from my reasoning above that I agree with the conclusion reached.
26. It is also suggested that the production of emerging planning policies have been delayed, and that the introduction of Community Infrastructure Levy may also be delaying development from coming forward in the Borough, casting further doubt on the ability of the Council to meet its housing requirement. I have also taken in to account the evidence provided that housing completions within Waverley have been below the envisaged level for a number of years. However, these considerations do not justify granting planning permission in the face of the harm identified.
27. Concerns are also expressed about the handling of the planning application that led to this appeal. However, the decision must be taken on the planning merits of the case.

Conclusion

28. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

⁸ APP/H1840/W/17/3188250

APPEARANCES

For the Appellant

H Thwaites	Planning Consultant
S Thwaites	Planning Consultant
I Carter	Appellant

For the Local Planning Authority

C French	Planning
P Staddon	Planning
K Dove	Planning

Documents submitted at the hearing

1. Consultation response from Farnham Town Council

Documents submitted after the hearing

2. Appeal decision at Windacres Farm (APP/R3650/W/19/3230164)
3. Consultation response from Natural England dated 11 November 2019.