



Appeal Decision

Site visit made on 1 June 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/R3650/W/19/3240800

Plot 2, Springfield, 30 Frensham Vale, Lower Bourne, Farnham GU10 3HT

- 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 & Mrs C Abrahams against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1931, dated 1 November 2018, was refused by notice dated 13 September 2019.
 - The development proposed is erection of detached dwelling with associated parking and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with associated parking and garage at Plot 2, Springfield, 30 Frensham Vale, Lower Bourne, Farnham GU10 3HT, in accordance with the application Ref WA/2018/1931, dated 1 November 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. For clarity, and in the light of the planning history of the land associated with Springfield, I have included Plot 2 with the site address. Permission was also refused for a dwelling on Plot 1 in September 2019. However, this has recently been allowed on appeal¹. As all parties were aware of this proposal when addressing the scheme before me, I have had regard to this decision in my assessment of the current proposal and am satisfied that no one has been prejudiced by me doing so.
3. Since this application was determined the emerging Farnham Neighbourhood Plan (FNP) has been 'made' and replaces the previous FNP. Its policies therefore carry full weight in my consideration of the appeal proposal.

Main Issue

4. The main issue is the effect of the proposed dwelling on the character and appearance of the countryside.

Reasons

5. Frensham Vale is a straight street with grass verges on both sides. It emerges from the outskirts of Farnham towards the undeveloped countryside beyond. The road is largely enclosed by mature hedges and trees giving the area a

¹ APP/R3650/W/19/3240797

verdant, semi-rural appearance. The detached houses that characterise the street are set well back from the road in generously proportioned plots. Travelling in a westerly direction beyond Douglas Grove, development on the northern side of the road becomes more scattered. Even though there is a continuation of detached properties on its southern side, many of these are barely visible from the road due to the extensive and mature vegetation on the roadside boundary. However, the verges become narrower and the road is lined on both sides with trees giving it an almost tunnel-like appearance. This change in character, particularly on the road's northern side, coincides with the boundary to the built-up area defined in the FNP.

6. The appeal site is part of the very large area in front of No 30, a substantial detached dwelling set in extensive grounds, immediately beyond the built-up area boundary of Farnham. The site is part of a gradual transition between the more urban pattern of development to the east and the rural undeveloped countryside to the west. Policy FNP10 of the FNP does not preclude development beyond the settlement boundary. However, it gives priority to protecting the countryside from inappropriate development and sets out criteria that any proposal must meet in order to be acceptable.
7. The site lies within the area defined as the Rowledge to Tilford Wooded Greensand Hills from the Surrey Landscape Character Assessment. Due to the extensive tree belts, which surround No 30's entire plot and are protected by means of TPOs, the site is screened from the surrounding area. Public views into it are limited to places where there are gaps in the trees. As the trees are protected and are some distance from the proposed dwelling, there are no reasons to consider that there would be pressure to have them felled or excessively pruned in the future.
8. The appeal site is currently laid to grass and enclosed by trees on both its roadside and eastern boundaries. Its other boundaries are marked by newly planted hedges along a new driveway. The dwelling and garage on Plot 2 would be served by this new access which has recently been constructed as permitted development. The access has created a small break in the otherwise continuous tree belt that marks the northern side of Frensham Vale. The dwelling would be set in a good-sized plot and would occupy part of the gap between No 28 and the dwelling recently granted planning permission on Plot 1.
9. The proposed dwelling would be set well back from the road, would only be glimpsed through the trees and would not be directly seen from the street. The semi-rural character of Frensham Vale itself would be little changed and effects on the wider landscape would be both localised and limited. The proposal would extend the existing pattern of development slightly further to the west. By occupying the gap between No 28 and the recently approved dwelling on Plot 1, the more sporadic pattern of development that characterises the north side of Frensham Vale would be marginally eroded. However, in addition to the trees on the roadside boundary, the TPO which protects the woodland to the west of the site would provide another visual and functional separation between the dwellings at No 30 and the area further west.
10. The scale of the proposed dwelling would be appropriate for the size of plot and would not be unduly large when compared with other detached dwellings in the locality. Its chalet-style design and use of traditional materials would be in keeping with other dwellings in the vicinity. There would be no adverse effects

on the surrounding woodland setting, which is safeguarded and would be retained. Additional landscaping, which could be secured by condition, would protect and enhance the site's landscape setting and value.

11. Taking all these factors into consideration, I conclude that the proposal would not harm the character and appearance of the countryside. Consequently, there would be no conflict with Policy RE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 (WBLPP1) or Policy FNP10 of the FNP, which seek to protect the intrinsic character and beauty of the countryside. Neither would there be any conflict with Policy FNP11 as the proposal would not lead to any coalescence of settlements.

Other Matters

Flood risk

12. A Flood Risk Assessment (FRA), dated May 2019, was presented in support of the application. Its conclusions have been challenged by local residents, particularly in the light of recent flooding on Frensham Vale. This was evidenced by photographs of the road near the appeal site being inundated following a period of heavy rain.
13. However, neither the Environment Agency (EA) nor Surrey County Council raised an objection to the proposal. The EA's most recent response confirmed that the dwelling would be in Flood Zone 1 and, according to its latest flood modelling, outside the area that would be affected by a 1:100-year flood event. In terms of surface water, the FRA indicates that there would be safe access and egress for future occupants. The Council did not contest this assessment, having regard to the Waverley Strategic Flood Risk Assessment. Therefore, while I appreciate the concerns of local residents, on the basis of the technical evidence before me, there is no compelling reason to set aside the conclusions of the EA or the Council in respect of flood risk.

European Designated Sites

14. The appeal site lies within 7km of the Thames Basin Heath Special Protection Area (SPA), within 5km of the Wealden Heaths SPA and within 2km of Thursley, Hankley and Frensham Commons SPA and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC). The qualifying features of these European Designated Sites are ground nesting birds, namely the Nightjar, Dartford Warbler and Woodlark and the heathland habitats on which they rely in order to breed. The birds and their habitats are threatened by recreational disturbance by visitors and traffic related air pollution. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) requires the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone or in combination with other plans or projects. This responsibility now falls to me in the context of this appeal.
15. The proposal would increase the number of people living permanently within the buffer zones of the protected areas. A Screening Assessment (SA) submitted with the application acknowledged the close proximity of the appeal site to two of the protected sites. However, the SA considered these to be under less pressure from additional human activity having regard to the distribution of housing growth set out in the development plan.

16. The SA identified an abundance of alternative recreational spaces nearer to the appeal site than the closest SPA/SAC including Bourne Wood, Farnham Heath and Gong Hill. There is also a network of public footpaths and bridleways nearby. The SA therefore concluded that any additional use of the protected sites and pollution associated with traffic movements from the dwellings proposed on both Plots 1 and 2 would be negligible. Consequently, even in combination with other plans and projects, the proposal would not give rise to a likely significant effect on the SPAs or SAC.
17. Natural England was consulted on the application, accepted this conclusion and confirmed that there was no need for an Appropriate Assessment (AA). NE's views carry considerable weight as the statutory consultee in respect of ecological matters. I am therefore satisfied that there would be no risk of an adverse effect on the integrity of the SPAs or SAC arising from the proposal.

Planning Balance

18. There is a dispute between the parties as to whether or not the Council can demonstrate a 5 year supply of deliverable housing sites (5YHLS). From the evidence before me it is in the range 4.3 to 5.9 years. However, as a single dwelling would make only a marginal contribution to the borough's supply of housing, any social and economic benefits from the proposal would carry very limited weight in my overall assessment of the scheme.
19. I have found that even though the appeal site lies just beyond the boundary of the built-up area the proposal would not result in unacceptable harm to the intrinsic beauty and character of the countryside. In all other respects the proposal is acceptable. This leads me to conclude that the proposal complies with the development plan as a whole. In these circumstances, and even though the Council can demonstrate a 5YHLS, there is no justification for withholding planning permission.

Conditions

20. In addition to the standard time limit, the Council has suggested a series of conditions in the event that the appeal was allowed. I have considered these in the light of the tests set out in Paragraph 55 of the Framework and the Planning Practice Guidance, amending them where necessary for the sake of clarity and precision.
21. In the interests of certainty, it is necessary to specify the approved plans. In order to protect the character and appearance of the area conditions are required to agree details of external materials, landscaping and tree protection works and secure their implementation. To ensure highway safety and make adequate provision for vehicles on the site, conditions are needed to secure parking and turning areas and ensure that construction is undertaken in accordance with an agreed Construction Method Statement. In the interests of promoting biodiversity, conditions are justified to ensure safe site clearance, appropriate external lighting and enhancements for wildlife. To promote the use of sustainable transport, secure cycle parking and an electric car charging point are required. In order to comply with the development plan, conditions are needed to secure high-quality broadband and compliance with the Building Regulations optional requirements in respect of water consumption.

22. In accordance with Regulation 2(4) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, I consulted the appellants on the wording of conditions that relate to matters that I consider should be agreed prior to the commencement of any works on the site. The appellants agree to these conditions which relate to landscaping and a Construction Method Statement.

Conclusion

23. I have concluded that the proposal complies with the development plan when read as a whole. There are no other considerations that indicate that a decision should not be taken in accordance with the development plan.
24. For this reason, the appeal is allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL2301/A, PL204/*, PL205/A, PL200/*, PL203/*, PL202/* and PL206/.*.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to prevent the deposition of materials on the highway;
 - v) on-site turning for the construction vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until a scheme for the landscaping and replacement tree planting on the site including the retention of existing landscaping, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/ densities and an implementation programme. The hard and soft landscaping works shall be carried out in accordance with the approved details before the development is

first occupied. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837: 'Trees in relation to construction'. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) All the trees to be retained within the site shall be protected in strict accordance with the submitted Arboricultural Method Statement and accompanying Tree Protection Plan prepared by David Archer Associates, for Plot 2, 30 Frensham Vale, dated October 2018.
- 6) No development above slab level shall take place until samples of all the external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved sample details.
- 7) The development shall only proceed in a precautionary manner, to avoid the killing or injuring of any individual reptiles that may be identified during development in accordance with the following working methods:
 - i) All clearance works will be undertaken when common reptiles are likely to be fully active i.e. during the April to September period;
 - ii) Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand;
 - iii) Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include: cutting vegetation to a height of no less than 30mm and clearing no more than one third of the site in any one day, or cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut;
 - iv) Following removal of tall vegetation using the methods outlined above, remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles from returning;
 - v) Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above;
 - vi) Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped;
 - vii) Any building materials such as bricks, stones etc, will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on the ground.

Should any common reptiles be discovered during construction, which are likely to be affected by the development, works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

- 8) Demolition or construction works, including deliveries to and from the site shall take place only between 0800 and 1800 hours on Monday to Friday, 0800 and 1300 hours on Saturdays and at no time on Sundays or on Bank or Public Holidays.
- 9) The development hereby permitted shall not be occupied until the biodiversity enhancements set out in paragraph 5.1.4 of the Ecology Appraisal: Plot 2, 30 Frensham Vale, Farnham, prepared by David Archer Associates, dated January 2018 have been incorporated into the development.
- 10) The dwelling hereby permitted shall not be occupied unless details of all external lighting has been submitted to and approved in writing by the local planning authority. The external lighting shall be implemented in accordance with the approved details.
- 11) The dwelling hereby permitted shall not be occupied until the spaces within the site for the parking and turning of vehicles have been laid out in accordance with the approved plans so that vehicles may enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated purpose throughout the lifetime of the development.
- 12) The dwelling hereby permitted shall not be occupied until a fast charge electrical socket has been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The fast charge electric socket shall be retained in accordance with the approved details throughout the lifetime of the development.
- 13) The dwelling hereby permitted shall not be occupied until a scheme for the secure parking of bicycles has been implemented in accordance with details which have previously been approved in writing by the local planning authority. The secure bicycle parking shall be retained for its designated purpose throughout the lifetime of the development.
- 14) The dwelling hereby permitted shall not be occupied until the Building Regulations Optional requirement of 110 litres water/person/day has been complied with.
- 15) The dwelling hereby permitted shall not be occupied until details of the best available speed broadband infrastructure have been submitted to and approved in writing by the local authority. The approved broadband infrastructure shall be implemented in accordance with the approved details.

End of Schedule of Conditions