



Appeal Decision

Site visit made on 6 October 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/R3650/W/20/3249930

Land off Green Lane, Badshot Lea, Farnham GU9 9JL

- 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 P Martin against the decision of Waverley Borough Council.
 - The application Ref WA/2018/2196, dated 20 November 2018, was refused by notice dated 30 September 2019.
 - The development proposed is erection of up to 50 dwellings (15 affordable) with access from Badshot Lea Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to an outline application with approval sought for access. All other matters are reserved - layout, scale, appearance and landscaping. I am treating the submitted drawings as only indicative of the reserved matters.
3. A planning obligation under section 106 of the Town and Country Planning Act 1990 (s106) was submitted as part of the appeal and has been duly executed. The s106 includes obligations aimed at addressing reason for refusal numbers 2 (relating to effects on the Thames Basin Heath Special Protection Area) and 3 (regarding provision of affordable housing). The Council has indicated that they are content with the s106 and do not therefore wish to defend reasons for refusal 2 and 3.
4. The s106 makes provision for 30% of the homes created by the proposed development to be affordable, which is sufficient to meet the minimum requirements for affordable housing in Policy AHN1 of the Local Plan Part 1 (Local Plan).
5. There is also a contribution towards the improvement, operation, and maintenance of Suitable Alternative Natural Green Space. This is a method of mitigation to ensure the proposal would not, in combination with other plans and projects, have adverse effects on the Special Protection Area.
6. I am satisfied that both obligations meet the tests in paragraph 56 of the National Planning Policy Framework (the Framework) and can be taken into account in reaching my decision.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the surroundings, including the relationship between settlements.

Reasons

Character and appearance

8. The site lies adjacent to the built up area of Farnham in a location that is regarded as countryside beyond the greenbelt for planning purposes. Policy RE1 of the Local Plan seeks to safeguard the intrinsic character and beauty of the area.
9. The updated Farnham Neighbourhood Plan (Neighbourhood Plan) was passed at referendum in March 2020 and forms part of the development plan for the area. Policy FNP10 places priority on protecting the countryside from inappropriate development and shows the site to be outside the defined Built Up Area Boundary (BUAB). The proposal does not fall within the exceptions in FNP10(a) where development outside the BUAB may be permitted.
10. The appeal site is on flat and low lying ground below Badshot Lea. It is mostly open field, bounded by hedgerow and the railway line. There is some hardstanding that the Council indicates is the subject of enforcement action that is not within the remit of this appeal.
11. Beyond the site there are a mixture of commercial and residential uses, including the adjacent residential development at Green Lane Farm which is currently under construction. The greenery and openness linked to nearby leisure uses, the cemetery and other fields provides a contrast with the parts that are more built up and visual relief from built forms that contributes positively to the character of the area.
12. Due to the more constrained nature of the surroundings the site is not extensively visible from longer views. Nevertheless, it plays a role in providing a more localised sense of greenery between the areas of Farnham and Badshot Lea that is reflective of the location at the edge of settlement.
13. The level of boundary screening would, in combination with the topography and nearby built development, localise the impacts of the proposed development. However, even taking account of the level of visual containment, the introduction of some 50 houses would fundamentally change the character of the site to one that is urban and residential. This would include the visual effects resulting from the extensive changes to the south east boundary associated with the new access which would contrast starkly with the existing hedgerow that is tight to the boundary on this side of the site and is a strong natural feature. It is noted that Policy FNP1 of the Neighbourhood Plan seeks to protect such natural features as part of the design of new development.
14. A carefully considered landscaping and layout design agreed as part of reserved matters may assist with assimilating the development into its surroundings and mitigate the loss of the boundary hedgerow to a degree. However, it would not address the fundamental change in character and reduction in greenery which would be an inevitable consequence of green field development of this nature.

15. The overall effect of the proposed development would be to reduce the remaining sense of greenery in the surroundings as it would be simply viewed as a continuation of the development at Green Lane Farm. This would be at the expense of the visual relief that the site currently provides from built forms. It would negatively affect the character of the area in a way which would conflict with the designation of the site as falling outside the BUAB where only limited new development will be allowed in accordance with Policy FNP10 of the Neighbourhood Plan or safeguard the character of the area under Policy RE1 of the Local Plan.
16. In relation to coalescence between built areas, the location of the site is such that it only makes a limited contribution towards preventing the coalescence of Aldershot and Farnham. Notwithstanding this, as the site falls within the Farnham/Aldershot Strategic Gap, there is conflict with saved Policy C4 Waverley Borough Local Plan and RE3 of the Local Plan.
17. Policy FNP11 of the Neighbourhood Plan also has the broader intention of resisting proposals which lead to increased coalescence between individual settlements within the plan area. Of relevance in this case is the relationship between Farnham and Badshot Lea.
18. The Council highlight the Farnham Landscape Character Assessment as a document that informed the evolution of the Neighbourhood Plan. While the assessment highlights the more limited contribution that this location makes to the rurality of the surrounding landscape, it acknowledges that development in the area is likely to have an impact on the separation between settlements.
19. The appeal site and other land around it comprising the area outside the BUAB is made up of a patchwork of mostly green and open spaces that vary in individual quality and contribution to the area. Notwithstanding this, the Neighbourhood Plan recognises that even limited development could undermine the effectiveness of the BUAB in preventing coalescence. As such, the land outside the BUAB plays a cumulative role in meeting the objectives of Policy FNP11.
20. The 2018 appeal decision at Green Lane Farm¹ recognises that the railway line at the edge of the present appeal site marks the boundary between the areas of Badshot Lea and Farnham. It also provides a physical barrier and definition to the boundary where open space either side of the railway line is a feature of the area. In allowing a reduction in the gap, the Green Lane Farm decision maintained the present appeal site as an undeveloped area on the Farnham side of the boundary.
21. The appeal proposal would infill the space between the Green Lane Farm site and the railway line and consequently bring built development on the Farnham side closer to Badshot Lea. The result would be an increase in the coalescence of settlements. The perceived effects of this would be reduced by the screening close to the railway line and natural topography of the area, but not to the extent that it would prevent the proposal from conflicting with Policy FNP11 and the inclusion of the site outside the BUAB.

¹ APP/R3650/W/17/3180922

22. In conclusion, the proposed development would result in harm to the character and appearance of the surroundings, including the relationship between settlements. I find conflict with Policy RE1 and RE3 of the Local Plan, saved Policy C4 Waverley Borough Local Plan, and Policies FNP1, FNP10 and FNP11 of the Farnham Neighbourhood Plan which collectively seek to safeguard the character of the area, protect the natural features of sites, limit development in the areas outside the BUAB, and prevent coalescence between areas.
23. In reaching these conclusions I have paid regard to the neighbouring development at Green Lane Farm. Whilst it is part of the overall context, this development does not in itself justify the appeal proposal which must be decided on its own merits.

Other considerations – housing provision

24. The Council and the Appellant disagree on whether a 5 year supply of deliverable housing sites can be demonstrated at present. Recent Appeal decisions at Loxwood Road² and Hawthorns³ indicate that supply is somewhere in the region of 4.5 years and also factor in the implications of the February 2020 Housing Delivery Test results. The Council's evidence on why this should not be regarded as an up to date position is limited in nature.
25. The addition of up to 50 houses proposed by the development would make a contribution towards addressing any shortfall and also provide a windfall site as part of the expected housing provision in the Neighbourhood Plan. It is also common ground between the Council and the Appellant that there is a considerable need for affordable housing across the Borough.
26. In conclusion, the delivery of housing, including affordable housing, is a consideration that should be given weight in this appeal decision.

Conclusions

27. Whether there is a 5 year supply of deliverable housing sites is a matter in dispute between the Council and the Appellant. The consequence of inadequate supply would be to render the policies which are most important for determining the application out of date and to trigger consideration of whether the presumption in Paragraph 11 of the Framework applies.
28. I have identified adverse impacts resulting in harm to the character and appearance of the surroundings, including the relationship between settlements.
29. The main benefit of the proposal relates to the provision of up to 50 homes, including 30% affordable housing. This is a matter which attracts significant weight. The construction and subsequent occupation of the dwellings would also bring related economic and social benefits.
30. The appeal decision at Hawthorns indicates that all the requirements are met in order for paragraph 14 of the Framework to be engaged. This includes that at least 3 years supply can be shown and that the Neighbourhood Plan contains policies and allocations to meet the identified housing requirement for the area.

² APP/R3650/W/19/3237359

³ APP/R3650/W/18/3211033

31. Having reviewed the evidence, I am satisfied that this remains the position and that paragraph 14 is therefore relevant and states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.
32. Carefully considering the evidence on these matters, I conclude that the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such, even if there is not a 5 year supply of deliverable housing sites, the presumption at paragraph 11 does not apply.
33. In conclusion, the proposed development would be in conflict with the development plan and there are no material considerations which justify granting planning permission in this case. As such, and having regard to all other matters raised I conclude that the appeal should be dismissed.

D.R. McCreery

INSPECTOR