



Appeal Decision

Inquiry (Virtual) Held on 16-19, 26 & 29 March 2021

Site Visit made on 31 March 2021

by Lesley Coffey BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2021

Appeal Ref: APP/R3650/W/20/3262641

Land at Lower Weybourne Lane, Badshot Lea, FARNHAM, GU9 9LQ

- 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 Bewley Homes Plc against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1905, dated 15 November 2019, was refused by notice dated 15 May 2020.
 - The development proposed is Outline Application for residential development of up to 140 dwellings with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Closing submissions were made in writing and the Inquiry was closed by letter dated 20 April 2021.
3. The proposal is an outline application for up to 140 dwellings with all matters except the access reserved for subsequent approval. The Appellant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only. Whilst there could be alternative layouts for the site, the submitted plan nevertheless provides a useful guide when considering the proposal before me.
4. The Appellant submitted an Agreement under Section 106 of the Town and Country Planning Act 1990 which covenants to provide affordable housing, managed land and landscaping scheme, SAMM and SANG contributions, a waste and recycling contribution, highway works, a Travel Plan, and Travel vouchers. I have taken the planning obligations within this Agreement into account in reaching my decision.
5. The parties submitted a Statement of Common Ground in respect of Planning matters and topic specific Statements of Common Ground in relation to the 5 year housing land supply and Highway matters. On the basis of the Highways Statement of Common Ground the Council withdrew the second and third reasons for refusal, in relation to the impact of the proposal on the surrounding highway network and the need to maximise sustainable transport. Interested parties raised outstanding concerns in relation to highway matters and these are addressed below.
6. Following the refusal of the application the appellant submitted SK-04 Drainage Framework (preliminary drainage plan). The Local Lead Flood Authority (LLFA)

agree that this sets out how in principle surface water drainage might be provided at the detailed planning stage. Subject to appropriate planning conditions the Council no longer contests the fourth reason for refusal in relation to surface water drainage. Notwithstanding this, a number of interested parties remain concerned about the impact of flooding on the local road network and I return to this matter below.

7. The Council confirmed that the fifth reason for refusal in relation to affordable housing provision and the sixth reason for refusal in relation to the potential adverse impact on the integrity of the Thames Basin Heath SPA were addressed by the submitted s106 Agreement. Concerns in relation to the impact of the proposed development on the SPA were raised by Councillor Hyman and these are addressed below.
8. A previous planning application for 140 dwellings on the appeal site was dismissed at appeal by the Secretary of State in March 2018.¹ He concluded that the proposal would have a moderate adverse impact on local landscape character, resulting in conflict with Local Plan Policy RE1 and Neighbourhood Plan Policy FNP10.
9. The SoS found that the provision of both affordable dwellings and market provision carried substantial weight in favour of the proposal, that associated economic benefits and environmental benefits carried moderate weight. However, the conflict with Farnham Neighbourhood Plan policies carried very substantial weight against the proposal, and the impact on coalescence between Badshot Lea and Weybourne carried significant weight. He concluded that there were no material considerations which indicated that the proposal should be determined other than in accordance with the development plan.
10. The appeal scheme differs from this previous scheme in that it is an outline application, rather than a detailed scheme, and it is for up to 140 dwellings. The layout of the proposal as shown on the illustrative plans include areas of landscaping to the front of the site and adjacent to the railway line. Although the policy context is broadly similar, the revised Farnham Neighbourhood Plan makes provision for additional housing allocations to reflect the requirement of the Waverley Local Plan Part 1 and was adopted in April 2020.

Main Issues

11. I consider the main issues to be:

- The effect of the proposed development on the character and appearance of the surrounding area;
- Whether the proposal would comply with the development plan, including policies that seek to safeguard the countryside from inappropriate development, prevent coalescence and maintain the separate identity of Badshot Lea and Weybourne;
- The 5 year housing land supply position; and.
- The need for affordable housing

¹ APP/R3650/W/15/313297

Reasons

Development Plan

12. The development plan for the area includes the *Waverley Borough Local Plan Part 1 2018 – Strategic Policies and Sites* (February 2018) and the *Farnham Neighbourhood Plan 2013-2032* (April 2020).
13. Local Plan Policy SP1 sets out the presumption in favour of sustainable development within the Framework. Policy SP2 seeks to focus development at the four main settlements which include Farnham. The supporting text acknowledges that there is not enough suitable land for housing within existing settlements to meet the need for new homes in Waverley. It explains that it will be necessary to allow some expansion of settlements through the development of suitable sites on the edges of settlements, with such expansion focused on the main settlements. The parties agree that the proposal would not conflict with Policy SP2.
14. Policy ALH1 sets out that the Council will make provision for at least 11,210 additional homes in the period from 2013 to 2032, including a minimum of 2,780 homes within Farnham.
15. The parties agree that the proposal would conflict with policies RE1 and RE3, although they disagree as to the weight to be apportioned to this conflict. Policy RE1 states that within the countryside beyond the Green Belt the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.
16. Policy RE3 requires new development to respect and where appropriate, enhance the distinctive character of the landscape in which it is located. It also seeks to protect the Farnham/Aldershot Strategic Gap in which the appeal site is situated. The accompanying text states that a much more focused policy will be developed to safeguard the strategically important land separating Farnham from Aldershot.
17. The detailed designation for this Gap is set out in emerging Local Plan Part 2. Whilst the emerging Plan is at an early stage and carries limited weight the appeal site does not come within the Gap as currently proposed within the emerging Plan. I agree with the parties that there is no conflict with the underlying aim of Policy RE3.
18. The Farnham Neighbourhood Plan (FNP) was originally adopted in July 2017, prior to the SoS decision. Following the adoption of the Local Plan the FNP was revised in order to meet the housing requirement within the Local Plan and provision was made for an additional 450 dwellings within Farnham.
19. Section 4 of the FNP sets out the strategy for Farnham. It explains that the Built-Up Area Boundary for Farnham aims to enable development opportunities within the town whilst protecting its rural setting and the surrounding countryside from inappropriate development. It states that outside the revised Built-Up Area Boundary, priority will be given to protecting the countryside from inappropriate development and only limited development outside the revised boundary will be permitted.
20. The aim of Policy FNP10 of the FNP is to safeguard the countryside from inappropriate development. It states that outside the revised Built-Up Area

Boundary proposals will only be permitted where they comply with the specified criteria. Criterion a) and e) are those most relevant to the appeal proposal. Criterion a) requires proposals to be in accordance with Policies FNP16, FNP17 and FNP20 in the Neighbourhood Plan or other relevant planning policies applying to the area.

21. Consultation on the Draft Local Plan Part 2 (Regulation 19) version ended 29 January 2021. The plan is at an early stage in the adoption process and there is no certainty the policies within it will be adopted. I therefore afford the policies in it little weight.

Character and Appearance

22. The appeal site is a rectangular area of land with a relatively narrow frontage to Lower Weybourne Lane. It is located towards the north eastern edge of Farnham and together with the railway bridge and embankment it provides a separation between Badshot Lea and Weybourne.
23. The site extends southwards towards Green Lane, although it is separated from it by intervening land. To the east it is bound by the rear and flank boundaries of the residential development at Glorney Mead and Badshot Park.
24. The site is predominantly used as rough pasture but includes a number of derelict buildings and open storage uses towards the southern part of the site. The site is visually contained with the main views being from Lower Weybourne Lane, and more limited public views from Crown Lane.
25. To the north of the site, on the opposite side of Weybourne Lane, is more open in character, with the Sea Cadets site and Badshot Lea Big Pond.
26. The appeal site and surrounding area has been subject to a number of landscape character assessments. These include the Surrey Landscape Character Assessment (2015) and the Waverley Borough Council Landscape Study – Part 1 Farnham and Cranleigh (2014). In addition, the Farnham Landscape Character Assessment was published in August 2018 in order to inform the update to the Farnham Neighbourhood Plan.
27. At County Level, the Surrey Landscape Character Assessment identifies the site as coming within character area RV8 Badshot River Valley Floor which includes land on the opposite side of the railway line. The site has a number of attributes associated with this classification, in particular the relatively low-lying land, the rough pasture and the limited views associated with the site.
28. At Borough level, the Landscape Study was undertaken to consider landscape sensitivity and capacity to inform the Waverley Borough Council Local Plan Part 1. It places the appeal site within area FN11B which includes the Sea Scout site and Badshot Lea Big Lake opposite. This area is assessed as making a medium contribution to the setting of the settlement, but having few landscape qualities, limited visual prominence and intervisibility and low landscape sensitivity. It noted that the area has some visual link with the settlement of Badshot Lea and would not appear out of context with the adjacent land uses. I consider this to be a reasonable assessment of the appeal site and its immediate environs.
29. The most recent assessment is the Farnham Landscape Character Assessment. This assesses the landscape on the basis of Parish Character Areas. These

areas are defined by recognisable landscape features. The appeal site, together with open land to the north, south and west comes within PCA 17 which would appear to be largely defined by the existing highway network and the built-up area boundaries. PCA17 as a whole includes a number of sports facilities, as well as a mosaic of small fields in pasture, blocks of woodland, areas of scrub, and allotments. The Assessment acknowledges that some of the fields in pasture use are unmanaged and un-kempt and notes the role of the site as providing the Strategic Gap between Farnham and Aldershot and Badshot Lea and Weybourne.

30. It assesses both the landscape sensitivity and value of the landscape as medium. It differs from the Landscape Study in that the character areas are significantly larger and take in areas of housing and recreation as well as areas of pasture. It includes the land on the opposite site of Lower Weybourne Lane as well as land that extends as far as Weybourne Road to the east.
31. Although the findings of the Landscape Study were not taken forward by either the Local Plan or the FNP in terms of allocations, this does not imply, as suggested by the Council, that the judgements within it in terms of landscape and sensitivity are not reliable. There is no substantive evidence to suggest that it was undertaken in anything other than a professional and competent manner. The difference in conclusions as to the value and sensitivity of the landscape between the Landscape Study and the Farnham Landscape Character Assessment is largely down to the scale of the area being assessed and the purpose of both assessments. They both have value, but in my view the Landscape Study better reflects the characteristics of the appeal site.
32. Based on the illustrative plans the proposal would comprise a mixture of detached, semi-detached, and terraced properties, alongside associated garages, new access, road layout, footpaths, landscape structure and public open space. The proposed access would be from Lower Weybourne Lane with a secondary pedestrian link to Badshot Park to the east. The proposed dwellings would be predominantly 2 storey in height. The illustrative plans show a green corridor/linear park adjacent to the railway and a landscape buffer to the front of the site. It is intended that the proposed dwellings would be consistent with those at Glorney Mead and Badshot Park in terms of scale and appearance.
33. As noted by the Inspector at the time of the previous appeal, although the site comprises greenfield land and is rural in character, the appeal site has no formal designation in relation to landscape quality, contains few specific notable landscape features, and accommodates no formal public rights of way².
34. I agree with the Council that the proposal would result in a fundamental change in the character of the site from semi-rural to urban. However, as noted by the Landscape Study it is a relatively enclosed site and most views would be over a fairly short distance. Although the site would be seen in longer views from Crown Lane, such views would be filtered by existing vegetation even in winter months and would not appear incongruous. I consider that an appropriately designed landscape scheme would further diminish such views. The proposed development would be visible from other limited viewpoints in the locality, but due to the distance and intervening vegetation it would not be unduly prominent.

² CD 10.1 Para 112

35. The railway bridge and mature trees adjacent to the railway line limit the extent of views when approaching the site from the west (Weybourne). The open nature of the frontage of the site is noticeable in this direction and contributes to the visual break between the two settlements. However, provided the dwellings are set back by an appropriate distance as indicated on the illustrative plans, I see no reason why this openness cannot be maintained. Although this area would be crossed by the proposed road and footpath, I do not consider that it would significantly diminish the visual break provided by the landscaped corridor. Slightly longer views are available when travelling from the east of Glorney Mead, but these are also confined to the frontage of the site and any harm would be limited.
36. Design and appearance are Reserved Matters, and on the basis of the submitted information I am satisfied that the proposed development would not be inconsistent with the existing dwellings at Badshot Park and Glorney Mead. The proposal has the potential to deliver an attractive urban edge to Badshot Lea replacing the present disparate piecemeal boundary that currently dominates and detracts from the setting of Badshot Lea. The landscape buffer and landscape corridor have the potential to form an attractive feature in views from Lower Weybourne Lane.
37. Balanced against this, the proposal would change the rural character of the appeal site and replace it with an urbanised appearance. Although views would be localised, and the harm to the character and appearance of the wider area limited, the proposal would nonetheless fail to protect the countryside from inappropriate development as required by Policy FNP10.

Badshot Lea/Weybourne

38. Amongst other matters Policy FNP11 seeks to prevent coalescence between Badshot Lea and Weybourne. It states that proposals which either fail to demonstrate that these impacts can be satisfactorily addressed or which clearly lead to the increased coalescence of settlements within the Plan area and beyond will not be supported. The accompanying text states that residents of these areas are keen to ensure the retention of the separate identity of these areas. It notes that the appeal site breaks the built-up frontage of the two settlements and has an important role in separating these two areas. The FNP states that the target for Policy FNP11 is no new buildings outside of the Built-Up Area Boundary as defined in the Neighbourhood Plan.
39. In the context of the previous appeal the Secretary of State found that although the specific site characteristics would significantly mitigate the particular local impact, the loss of open land between the two settlements and the physical distance on the ground between built development in Badshot Lea and Weybourne would be reduced, and as such would conflict with Policy FNP11, and this matter carried significant weight against the proposal.
40. The current proposal differs from that considered by the SoS in that it illustrates how a gap could be maintained between the two settlements by providing a buffer along the western boundary and frontage of the site, and as acknowledged by the FNP, the railway line has an important role in defining the separation of the two settlements. Together these would assist with mitigating the extent of coalescence between the settlements. Notwithstanding this, the limited physical separation between the two settlements would still be reduced

and therefore the proposal would lead to increased coalescence between the settlements contrary to Policy FNP11.

41. The proposal is located outside of the Built-Up Area Boundary of the FNP and therefore falls to be assessed against criterion a) and e) of FNP10. The appellant considers that since the proposal does not conflict with SP2 which is a strategic policy criterion a) is satisfied and that the non-strategic policies of the FNP cannot take precedence over it. The Council's position is that due to the conflict with Local Plan policies RE1 and RE3 and FNP Policy FNP11 the proposal is in conflict with criterion a). Whilst I acknowledge the appellant's view with regard to the precedence of strategic policies over non-strategic policies, in this case no conflict between the strategic and non-strategic policies has been identified. Indeed, as confirmed by the Framework, the tests of soundness applied to non-strategic policies takes into account the extent to which they are consistent with relevant strategic policies for the area. Therefore, in the light of the acknowledged conflict with RE1, RE3 and FNP11, I consider that the proposal would fail to satisfy criterion a).
42. Criterion e) requires proposals to enhance the landscape value of the countryside and, where new planting is involved, use appropriate native species. Whilst it would be possible to use native species, and I am satisfied that an attractive well-designed scheme could be delivered on the site, it would not enhance the landscape value of the countryside. Therefore the proposal would fail to comply with Policy FNP10 as a whole.

Housing Land Supply

43. The parties agree that the five year housing requirement, including a 5% buffer and the shortfall equates to 4,811 dwellings (962dpa). By the close of the Inquiry the Council's position was that it had a 4.99 year supply of housing land, whilst the appellant's position was that the housing land supply was 3.78 years. This equates to a difference of 1,166 dwellings.
44. The main differences related to a number of sites where the delivery was disputed, but the parties also differed in terms of their approach to deliverability, the need for a lapse rate, and the windfall allowance.
45. In order to assess the deliverability of individual sites the Council contacted landowners and developers for information about completion rates for their sites, and also asked them to identify any issues that may affect delivery rates. This information was compared with the delivery rates set out in the Supply and Housing Trajectory Contextual Note (May 2017) (The Troy Planning Note). For the sites where the Council did not receive any evidence from the landowner or developer, the Council used the Troy Planning Note as a starting point for identifying the number of dwellings that could be completed per year.
46. The Council consider that the Troy Planning Note provides a useful framework in that it was prepared by consultants for the Local Plan examination and is locally focussed, reflects the size of sites within Waverley and takes account of a range of other research. It provides a framework of assumptions regarding the delivery rates of sites expected to contribute towards the Council's Housing Land Supply, including lead-in and delivery periods and delivery and build rates. However, the anticipated rates have not been tested against delivery and are not based on empirical evidence within Waverley. The Council

acknowledge that the Troy Planning Note could be clearer as regards the evidence on which it is based.

47. The appellants consider the figures within the Lichfield 'Start to Finish' Report to be more reliable. It is based on nationwide empirical data. In general it suggests lower maximum delivery rates than those assumed by the Troy Planning Note, although in some instances, dependant on the size of the site, rates are comparable. However, it does not take account regional or local variations and tends to focus on larger sites.
48. The housing trajectory within the Council's Five Year Housing Land Supply Position Statement has relied on the Troy Planning Note. A comparison of the trajectories within previous year AMRs and number of dwellings delivered indicated that since the adoption of the Local Plan average completions have been about 24% less than predicted. This suggests that the Council's reliance on the Troy Planning Note has significantly over-estimated housing land supply within Waverley. I therefore prefer the evidence within the Lichfield Report since it is based on empirical evidence that has been referenced within.

Lapse Rate

49. The appellant suggests that a lapse rate of 10% should be applied to all outstanding permissions for small and medium sites. The appellant states that the Council previously accepted a lapse/flexibility rate of 10% through the Local Plan Examination process.
50. The Local Plan Inspector found that there is no requirement in the Framework to apply a blanket discount and that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within 5 years.³ I share this view and given the more rigorous approach to the assessment of deliverability within the current Framework, consider that there is no substantive evidence to support a lapse rate as suggested by the appellant.

Windfalls

51. The Council's housing land supply includes 144 dwellings over the five year period. This is based on an average rate of 72 dpa over the past 17 years. The appellant contends that there is insufficient evidence to suggest that such rates are realistic going forward. However, I note that this figure is similar to the most recent two to three years' worth of data, and having regard to the potential for changes to permitted development rights which make it easier for existing buildings to be converted to residential use I consider the windfall allowance to be realistic.

Disputed sites

52. The Council assessed the housing land supply position in accordance with the definition of deliverability within the Framework.
53. The appellant disputes the delivery from 3 major sites, The Woolmead, Dunsfold Park and Land at Milford Golf Course, as well as a number of other smaller sites.

³ CD 4.5 para 46

The Woolmead

54. Planning permission was granted in October 2018 for 138 dwellings together with 3,695 sq m of commercial floorspace. Due to viability considerations, the proposal did not include any provision for affordable housing. An application was submitted in January 2020 to reduce the size of the basement and the number of parking spaces proposed. I understand that in all other respects the proposal was essentially unchanged. The purpose of the application was to reduce the build costs and promote the delivery of the scheme. Planning permission was refused by the Council, and an appeal has been lodged against the Council's decision.
55. The Council believe that the site will deliver 138 dwellings in the five year period ending March 2025, whereas the appellant considers that no dwellings are likely to be delivered within this period.
56. The site currently benefits from a detailed planning permission, but on the basis of this permission, it would not meet the test of deliverability since it is evident that there are issues with viability. However, given that the developer has submitted a revised planning application and a subsequent appeal, and that the more recent scheme differs from that permitted only in terms of the size of the basement and the car parking proposed, I consider that this shows a clear intention on the part of the developer to progress the scheme. Whilst I appreciate that the outcome of the appeal is uncertain, I nevertheless consider that there is a realistic prospect that completion will begin on site in the five year period up to 2025.
57. Given that the proposal is for a mixed-use development with flats located on the upper floors, I consider the Council's trajectory to be overly optimistic. In my view it is unlikely that any flats will be delivered on the site before 2022/2023 at the earliest. In addition, the delivery rate of 64 dpa would appear to be based on the rate within the Troy Note, which includes the delivery of affordable housing and this does not form any part of the proposal. I consider that the delivery rate of 55 dpa within the Lichfield Report to be more credible. Notwithstanding this, I consider that there is sufficient evidence to conclude that 138 dwellings could be delivered on this site in the five year period.

Dunsfold Park

58. Dunsfold Park is an allocated site within the Local Plan for 2,600 dwellings over the plan period. There is a hybrid planning permission granted at appeal for 1,800 dwellings. In addition to the dwellings the outline scheme includes care home accommodation, a local centre, business floorspace, a health centre and community centre, a two form entry primary school and open space. The full permission relates to the demolition of some of the existing buildings, as well as the retention and re-use of others.
59. The Council suggest that 445 dwellings would be delivered over the 5 year period commencing in 2022/23. In support of this position it relies on the Statement of Common Ground with the developer completed in July 2020 and a Planning Performance Agreement. Since then reserved matters in relation to the access road have been submitted, and a number of pre-commencement conditions in relation to infrastructure have been discharged.

60. The appellant's position is that delivery is unlikely to start until 2023/24 and only 130 dwellings will be delivered in the 5 year period.
61. At the present time Reserved Matters for housing have not yet been submitted. Whilst I note the housing projections within the Statement of Common Ground between the Council and the Developer, the timetable set out there has slipped by at least a year.
62. A development of this scale will clearly have triggers either within the planning conditions or the planning obligations to ensure the provision of infrastructure in a timely manner. The Council submitted a schedule showing some of these triggers. Prior to the occupation of the 400th dwelling the first form entry and first nursery room should be completed. No evidence was submitted to suggest that RM matters for the primary school have been submitted or even discussed with the Council. Once submitted the primary school would need to be approved and constructed. Therefore in the absence of RM for either the housing or the Primary School the prospect of delivering 445 dwellings on this site within the 5 year period would not appear to be realistic or achievable. In terms of other triggers for infrastructure it would seem that considerable work is necessary to enable even this level of housing to be delivered. Therefore on the basis of the submitted evidence I am doubtful that the site meets the definition of deliverable within the Framework, and I find even the appellant's much lower trajectory to be optimistic. Based on the information available to the Inquiry, I conclude that the appellant's trajectory for this site is more realistic. Consequently, the number of dwellings to be delivered in the five year period from this site should be reduced by 325 dwellings compared to the Council's trajectory.

Land Opposite Milford Golf Course

63. The site benefits from outline planning permission granted in 2019 for 177 dwellings. A reserved matters application submitted in June 2019 remains outstanding. The Council expects all 177 dwellings to be delivered by the end of the 5 year period, whilst the appellant's position is that none of the dwellings will be delivered. At the time of the Inquiry the Council anticipated revised plans would be submitted within the next few weeks.
64. Evidence submitted to the Local Plan Part 2 Allocation and Development Plan Policies Examination states that there is a restrictive covenant on the site that limits density to one dwelling per acre. Moreover, it is stated that the current owner of the site has conceded the validity of the restrictive covenant and made no application to vary or discharge it. The beneficiary of the covenant has stated that he has no intention of relinquishing it. On this basis it seems that the planning permission could not be implemented at the present time even if the reserved matters were approved. I appreciate that the situation may change in the future, however at the present time I am not persuaded that this site is deliverable, or will contribute to the housing land supply in the next 5 years. I therefore agree with the appellant that 176 dwellings should be removed from the Councils housing land supply.
65. On the basis of these three sites I conclude that the Council's housing land supply should be reduced by 501 dwellings.⁴

⁴ 325 + 176

Other sites

66. There are a number of other outstanding sites, where the differences between the parties amount to 308 dwellings across 12 sites.
67. As set out in the Framework, where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
68. In the case of some of these sites, there is no clear evidence to indicate that they will come forward in the next five years. The Council largely relies on the delivery timescales within the Troy Planning Note, this falls far short of the evidence required by the Framework. These sites include Firethorn Farm (49 dwellings), Cobgates (40 dwellings), Barons of Hindhead (38 dwellings), Wey Hill (34 dwellings), Former Care Home Cranleigh (18 dwellings) and Land at Waverley's Folly (22 dwellings). In the absence of clear evidence that these sites are likely to come forward the 201 dwellings that these sites would deliver should be removed from the five year housing land supply.
69. In other instances, the difference between the parties relates to the delivery rate. On the basis of the available evidence, I consider the housing land supply is likely to lie about mid-way between the parties respective positions at about 4.26 years.

Affordable Housing

70. The Council agree that there is a current and pressing need for affordable housing within Waverley. The West Surrey SHMA 2015 indicates a need for 314 affordable homes a year in Waverley between 2013 to 2033, and 111 in Farnham over the same period. As acknowledged by the Local Plan there would need to be a considerable uplift in housing in order to deliver the number of affordable houses required. The Local Plan Inspector concluded that it would not be realistic to expect the level of housing delivery necessary to meet this need.
71. So far over the Plan period 547 affordable dwellings have been delivered. Based on the affordable housing need within the SHMA this amounts to a shortfall of 1,753 dwellings. The Council submit that when assessed on the basis of 30% of the OAN then the Affordable Housing need would fall to 149 dpa and the shortfall in the delivery would fall to 598. The shortfall in housing delivery has impacted on the delivery of affordable housing whereby an average of 78 affordable dpa are provided. When losses due to Right to Buy are taken into account the delivery rate falls to about 64 affordable dpa. This fall well short of even the lower affordable housing figure put forward by the Council.
72. The Council are taking a number of other steps to secure affordable housing within Waverley. These include some sites delivering a greater proportion of affordable housing, land-led delivery and the Council's own building programme. The Council submitted details of four sites in the Borough where affordable housing provision exceeds the level required by the planning permission. Together these would provide 137 additional affordable dwellings

which is a considerable uplift and demonstrates the Council's commitment to securing affordable housing within Waverley.

73. Nevertheless, there remains a significant shortfall and even on the basis of the OAN figure there would need to be a significant increase in affordable housing in order to meet this need including the shortfall. Notwithstanding the efforts of the Council, it is clear that there remains a considerable and urgent need for affordable housing within Waverley. Even if the reduced figure may be a more realistic target the number of households in need of affordable housing considerably exceeds it. The appeal proposal would provide 40% affordable housing as against the policy requirement of 30%. The 56 dwellings that would be delivered would make a significant addition to the affordable housing stock and would be of benefit to those in housing need. I afford this very significant weight.

Other Matters

Flooding

74. Interested parties raised concerns regarding the perceived location of the site within Flood zone 2 (FZ2); surface water flooding beneath the railway bridge on Lower Weybourne Lane; and that the drainage (SUDS) of the proposed development would not meet the appropriate standards.
75. The Environment Agency and the Council's flood risk consultants reviewed the boundary and confirm that the site comes within FZ1.
76. It is evident that surface water flooding occurs on Lower Weybourne Lane. This arises because the carriageway level was been lowered at the railway bridge to allow high vehicles to pass under the bridge. The carriageway levels on the immediate approaches to the bridge are inherently tied to the road level beneath the bridge span. The appeal site rises southwards above and away from Lower Weybourne Lane and therefore would not be at risk of flooding from it. On the basis of the submitted information the LLFA is satisfied that the proposed development would not be at risk of flooding or give rise to flooding elsewhere.
77. Although the LLFA originally objected to the proposal, on the basis of additional information it is satisfied that the storage volume and rate of surface water runoff from the appeal site would not increase the flood risk on the site and surrounding area.

Highway Issues

78. The Transport Statement of Common Ground confirms that the proposal would provide a safe and suitable vehicular, pedestrian and cycle access to the site in the form of a simple priority junction onto Lower Weybourne Lane. Surrey County Council and Waverley Borough Council are satisfied that the agreed package of highway improvement works and contributions secured by the s106 would ensure the residual cumulative traffic impacts fall short of the threshold of severe identified by the Framework as the trigger level necessary to prevent development coming forward. On the basis of the information submitted to the Inquiry, I have no reason to take a different view.
79. The proposal would include a separate pedestrian and cycle access link to Badshot Park. This would also include an emergency vehicular access. It was

suggested by interested parties that this route would not link to other routes and that the surrounding roads are unsuitable for cycling. The route would provide a traffic free link between Badshot Park and Weybourne. There are a range of facilities within comfortable walking distance of the appeal site and the proposed link would enable access to many of these facilities without the need for residents to use their cars.

80. The Highway Authority is satisfied that the proposal would provide suitable cycle links and there is no substantive evidence to indicate that the roads in the vicinity of the appeal site would be inherently unsuitable for cycling.
81. Concerns were also raised as to how the emergency access would be used and managed. It was explained at the Inquiry that it would only be used at times when Lower Weyburn Lane was flooded to a depth that made it unsuitable for vehicular traffic. It is proposed to place bollards at the entrance to Badshot Park and these would be managed by the Highway Authority to avoid misuse.
82. It was also questioned whether the proposal would secure all of the pedestrian improvements along Lower Weybourne Lane put forward by the appellant. The proposed improvements were sought by the Highway Authority, whilst it may be necessary to make adjustments in some specific locations due to the extent of the available land and carriageway, that does not detract from the significant improvements provided by the proposal.

Thames Basin Heath SPA

83. The Appeal site lies within the 400m to 5km Zone of Influence for the Thames Basin Heath SPA. European and national legislation requires that 'any plan or project' should not give rise to any likely significant effect upon these areas. In order to avoid any likely significant effect, proposals for development are required to demonstrate that they can avoid or mitigate any such effect. The proposal in combination with other projects has the potential to affect the integrity of the TBHSPA as a result of increased recreational pressures that would arise out of the increase in the local population. Natural England raised no objection to the proposal, subject to securing the appropriate contributions via a S106 agreement.
84. In accordance with Policy NE3 of the Local Plan Part 1, FNP12 of the Farnham Neighbourhood Plan, saved policy NRM6 of the South East Regional Plan and the Thames Basin Heath SPA Strategy, a financial contribution towards the upkeep SANG and SAMM is required to mitigate the impacts on the SPA. Between them, and along with section 15 of the Framework, these policies set out that planning permission will only be granted for development where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA, whether alone or in combination with other development.
85. The submitted s106 Agreement includes contributions to the maintenance, improvement and operation of the Suitable Alternative Natural Green Space (SANG) at Farnham Park in accordance with the Council's adopted Special Protection Area Avoidance Strategy (November 2018). The Council and the appellant agree that subject to the mitigation proposed the appeal scheme would not give rise to adverse effects on the TBHSPA. They also agree that it is outside of the Zone of Influence for the Wealden Heaths SPA.

86. At the Inquiry Councillor Hyman raised a number of concerns about the potential of the proposal to impact on the TBHSPA and the Wealden Heath SPA. He disputes the distance of the sites from the SPAs, whether there was sufficient evidence to demonstrate that the proposed mitigation would be effective and the correct methodology for an Appropriate Assessment. The distances suggested by Councillor Hyman would still mean that the site is within the Zone of Influence for the TBHSPA and outside that for the Wealden Heath SPA. At the time of the application the Council undertook an Appropriate Assessment, Natural England was consulted and raised no objection, subject to the measures within the Avoidance Strategy being secured. Evidence submitted by the Council and the appellant would appear to support this conclusion.
87. Councillor Hyman considers that the SANG and SAMM are potentially self-conflicting in that the availability of the SANG could give rise to increased levels of dog ownership with a consequential increase in visits to the SPA. There appears to be little evidence to support this view, however, were I minded to allow the appeal, I would need to undertake an Appropriate Assessment and weigh the available evidence to reach a conclusion as to whether the proposal would have an adverse effect on the integrity of the SPA.
88. In the light of my conclusions on the other main issues I have not conducted a detailed appropriate assessment as required under the Habitat Regulations since the harm arising from these other issues would not be reduced by the proposed mitigation.

Planning Balance

89. It is agreed by the parties that although the proposal conflicts with Local Plan policy RE3 due to the location of the site within the Farnham/Aldershot Gap, given the intention to refine this boundary in the Local Plan Part 2 there is no conflict with the underlying aim of RE3.
90. I have found that although views of the proposed development would be localised, and the harm to the character and appearance of the wider area would be limited, the proposal would nonetheless fail to protect the countryside from inappropriate development as required by Local Plan Policy RE1 and FNP Policy FNP10. The proposal would lead to increased coalescence between Badshot Lea and Weybourne contrary to policy FNP11 and I afford this harm moderate weight.
91. It would also fail to recognise the intrinsic character and beauty of the countryside and would not accord with the strategy within the FNP which seeks to direct development to locations within the Built-Up Area Boundary and safeguard the countryside from inappropriate development. Policy FNP10 is out of date due to the absence of a five year housing land supply, however, it is consistent with paragraph 170 b) of the Framework.
92. The supporting text to Local Plan Policy SP2 states that in order to meet the housing requirement it will be necessary to allow some development of suitable sites on the edges of settlements. Whilst it is accepted that the proposal would not conflict with Policy SP2, the non-strategic policies for Farnham are set out in the FNP. The FNP was tested at examination and found to be sound. In respect of Farnham, Local Plan Policy AHL1 explains that the housing required in addition to that with in the FNP 2017 will be allocated in Local Plan Part 2,

unless Farnham Town Council decides to commence an early review of the FNP. An early review has been undertaken and the FNP has identified sufficient sites to meet the Local Plan housing requirement for Farnham.

93. As confirmed by the Framework the tests of soundness are applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area. Accordingly there is no evidence to suggest that the policies within the FNP are inconsistent with or in conflict with Policy SP2 of the Local Plan since it makes sufficient provision for the housing requirement identified by Policy AHL1.
94. I note the appellant's criticism of two of the allocated sites that could potentially remove 120 dwellings from the FNP housing land supply. However, the FNP makes provision for 3,005 dwellings over the plan period, and therefore even if these dwellings do not come forward there remains a sufficient housing land supply to meet the minimum number of dwellings required by the Local Plan within Farnham. Planning permissions and allocations together account for 2,530 dwellings out of the 2,780 required by the Local Plan.
95. The appellant also questioned the windfall allowance within the FNP. Councillor Cockburn stated that the Examiner 'grilled' the Town Council on the supply of windfall sites. Representations that the plan was overly reliant on windfall sites were rejected by the Examiner. Since March 2018 planning permission has been granted for 131 dwellings on small windfall sites. On this basis the windfall allowance within the housing land supply and the housing requirement would be achievable even if the disputed sites are removed.
96. The FNP was recently examined and found sound. I am therefore satisfied that with more than 10 years remaining until the end of the plan period that the FNP will deliver at least the number of dwellings required by the Local Plan and may exceed the requirement. In these circumstances, I attach considerable weight to the harm arising from the location of inappropriate development within the countryside and the conflict with the strategy set out in the FNP, including policy FNP10.
97. The proposal would deliver up to 140 dwellings of which 56 would be affordable. The level of affordable housing proposed exceeds the policy compliant 30%. The proposal would be consistent with the Framework in so far as it seeks to significantly boost the supply of homes. Given the significant need for Market and affordable housing within Waverley I accord considerable weight to these benefits.
98. The proposed pedestrian and cycle links are necessary to mitigate the impacts of the proposal, but they would nonetheless provide a benefit to the wider population. I afford this moderate weight. There would also be short term economic benefits during the construction period, and more long-term benefits to the local economy due to the increased spending in the area and these benefits are afforded moderate weight.
99. The site is well-located for local services and would allow residents to access them without reliance on a private car, which attracts moderate weight. The provision of new public open space also attracts moderate weight.

100. PPG is clear that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Accordingly whether a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Therefore the revenue from CIL, Council Tax and the New Homes Bonus does not add weight in favour of the proposal.
101. Overall I conclude that whilst there would be some benefits from the proposal, including the delivery of market and affordable housing, due to the conflict with Policies RE1, FNP10, FNP11 and the strategy within the FNP the proposal would not be in accordance with the Development Plan as a whole.
102. The parties agree that the appeal scheme would not offend any specific policies in the Framework that protect specific areas or assets, and consequently the policies in the Framework do not provide clear reasons to refuse the proposal. Therefore, due to the absence of a five year housing land supply paragraph 11 d) of the Framework is engaged. This provides that where the most important policies for determining the application are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
103. Paragraph 14 of the Framework is also engaged, since it is less than 2 years since the FNP was made; the FNP contains policies and allocations to meet its identified housing requirement; there is in excess of a three year supply of deliverable housing sites; and housing delivery within Waverley is at least 45% of that required over the previous three years. In these circumstances the Framework states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.
104. Paragraph 15 of the Framework sets out that planning should be genuinely plan-led, and amongst other matters should provide a platform for local people to shape their surroundings. The FNP has sought to do this. Granting planning permission for a development that would so clearly conflict with the strategy within a relatively recently made neighbourhood plan found to be in conformity with the Local Plan would undermine the neighbourhood planning process and the plan-led system as a whole, contrary to the policies within the Framework.
105. I find that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole. Therefore I conclude that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Morgan of Counsel

David Neame
Ben Wright
James Stacey
Andy Traves
Steve Jenkins

Neame Sutton Limited
Aspect Landscape (Landscape)
Tetlow King (Affordable Housing)
Aquacallidus (Drainage)
i-Transport (Highways)

FOR THE LOCAL PLANNING AUTHORITY:

Emma Dring of Counsel

Michelle Bolger CMLI, Dip LA, BA, PGCE, BA	Landscape Consultant
Ruth Dovey MRTPI, BA, MSc	Planning Officer
Katherine Dove MRTPI, MA	Planning Officer (Housing land supply)

INTERESTED PARTIES:

Cliff Watts	Badshot Lea Community Association
Councillor Jerry Hyman	Waverley Borough Council
Councillor Caroline Cockburn	Farnham Town Council
Jenny De Quervain	Farnham Town Council

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Local Planning Authority's Opening Statement
2. Appellant's Opening Statement
3. Councillor Hyman's email dated 16 March and attachments
4. Tree Constraints Plan Submitted by the Council
5. Affordable Housing Note submitted by the Council
6. Pump House, Kimbers Lane email submitted by the Council
7. Technical Note TN02 Wastewater Pumping Station submitted by the Appellant
8. Proposed access general arrangement Drawing No.6013-702 RevD submitted by Appellant
9. Technical Note 001 Rev B Relationship of Access to Retained Oak Tree submitted by the Appellant
10. Barons of Hindhead Site Note submitted by the Council
11. Updated Housing Land Supply Statement of Common Ground (25.03.21)
12. Note on Thames Basin Heaths and Wealden Heaths (Phases 1 & 2) Special Protection Areas and appendices submitted jointly
13. I-Transport Technical Note regarding relationship of site access to retained oak tree submitted by Appellant
14. Note on land at Wey Hill submitted by the Council
15. Cllr Jerry Hyman Further Note regarding SPA (26.03.21)
16. Updated Housing Land Supply Statement of Common Ground (25.03.21 v3)
17. Factual Update Note Dunsfold Park submitted by the Council
18. Email from Farnham Town Council dated 23 March 2021
19. Westbrook Mills Note submitted by the Council
20. Cllr Hyman submission dated 30 March 2021
21. Email dated 28 March regarding housing land supply and Farnham Neighbourhood Plan on behalf of Cllr Cockburn
22. Updated Housing Land Supply Statement of Common Ground (01.04.21)
23. Email clarifying monitoring fee for Travel Plan submitted by the Council
24. Final Version of Draft conditions submitted jointly
- 25.
26. Executed S106 Agreement dated 1 April 2021
27. Closing submissions on behalf of the Council
28. Closing Submissions on behalf of the Appellant