

Appeal Decision

Site visit made on 11 September 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2023

Appeal Ref: APP/R3650/W/22/3313759

Land at Hillside Stables, Hillside Road, Frensham GU10 3AJ

- 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 Mrs C McMillan against the decision of Waverley Borough Council.
 - The application Ref WA/2022/01730, dated 29 June 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as 'the erection of a single dwelling house, detached garage with ancillary accommodation above and associated access, parking and landscaping.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The applicant has provided an ecology statement¹ with the appeal, with further information relating to great crested newts. The Council have stated that this addresses one of the reasons for refusal and that they therefore do not wish to contest this reason.
3. Since the determination of the application, retained Policies D1 and D4 of the Waverley Borough Local Plan (2002), referenced in the first reason for refusal, have since been replaced by Policies DM1 and DM4 of Waverley Borough Local Plan Part 2 (2022) (LP2). These newer policies retain the protection of landscape goals of the previous policies, and the appellant has had opportunity to comment on this matter, and I have had regard to these. As such, interests of natural justice are not prejudiced in my consideration of these policies.

Main Issue

4. The remaining main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The application site is located to the south of Hillside Road, outside of any settlement boundary. As such, the site is located within the open countryside, as defined Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (LP). LP Policy RE1 sets out that the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the National Planning Policy Framework (the 'Framework').

¹ By Darwin Ecology, dated 2 June 2023

6. The site is made up of improved grassland fields used for grazing purposes with areas of broadleaved woodland, scattered scrub, hardstanding and a hedgerow with trees. A previous planning permission on the site granted permission for equestrian use². A Hillside Road facing dwelling sits immediately to the west, to the east are a stable building, and opposite the site sits a two storey dwelling named the Old Farm, which is Grade II Listed.
7. The appellant provides extracts from various landscape assessments³ for the wider area, which collectively and generally speak of an undulating and organic landform, consisting mainly of woodland areas with small-scale, mainly pastoral fields and paddocks, with a landscape that is generally intact and good condition.
8. Given the proximity of the site to the Hillside Road and Gardeners Hill Road junction, road noise is evident, and the built form along Moons Hill, including More House School, is visible in long distance views to the south. Nevertheless, there is a tranquil and verdant character to the site, and whilst, in common with the wider character area, distance views are contained by wooded areas, expansive open views available towards the rural landscape to the south and southeast. The appeal site, whilst broken up with post and pitch fencing and currently used for grazing, contributes positively and has the appearance of being part of this open, rural character.
9. The proposed dwelling would sit within a substantial curtilage and include a two storey detached garage. As such, its width and the massing of built form presented to Hillside Road would be significant, as would the large expanse of hardstanding. The urbanising effect of the development and domestication of the site would extend into the open landscape and curtail its existing rural character. I observed on my site visit that this would be experienced from Moons Hill but would be mostly apparent from Hillside Road, which has a public right of way.
10. The development would conspicuously extend residential built form into otherwise open, spacious rural fields. I acknowledge the comments of the Council's Tree and Landscape Officer, however in my opinion this visual impact would not be entirely mitigated by additional planting, especially in the early years before the planting becomes reasonably effective. Views of the development would remain from Hillside Road, in addition to from the north. Moreover, the planting would also break up and visually subdivide the existing open character of the land.
11. The dwelling to the west, No 1 Hillside Road, appears as an exception on this side of the road, and further prominent built form in this location would be visually disruptive and relate poorly to its surroundings.
12. In light of the above, I conclude that the proposal would harm the character and appearance of the area. There would therefore be conflict with LP Policy RE1 and TD1, and LP2 Policies DM1 and DM4, which collectively set out that development will not be permitted where it would result in material detriment to the environment by virtue of harm to the landscape value and the distinctiveness of the locality. There is also conflict with Policies FNP10 and

² Application reference WA/2011/0537

³ National Character Areas 120 Wealden Greensand, Surrey Landscape Character Assessment (GW4: GW4: Rowledge to Tilford Wooded Greens and Hills) and Farnham Landscape Character Assessment, 2018 (Character Area 10)

FNP11 of the Farnham Neighbourhood Plan (2016) which seek to enhance the landscape value of the countryside and specifically, avoid increasing coalescence between the settlements of Frensham and Rowledge. These policies are in broad conformity with the requirements of the Framework.

Other Matters

13. The appeal site is located opposite The Old Farm, a Grade II listed dwelling. The Old Farm is a (probable) 17th century timber framed dwelling with subsequent alterations and extensions. Its significance lies with its history as part of a small historic farmstead with adjacent outbuildings, which have since been converted to residential use, and its architectural quality. It is a good example of vernacular construction as the building reflects the materials, techniques and craftsmanship of its regional typology and how this changed over time.
14. The listed building is experienced as part of surrounding development. As such, the proposed dwelling would not alter the experience, and given the separation distance and screening, would not compete with nor detract from the asset's architectural significance. Therefore, although it would be visible, it would have a neutral impact on the setting of the asset. It is noted that the Council have raised no issue with the impact of the proposed development in this respect.
15. The proposal would not affect the appreciation of the building and accordingly I find that its significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Planning Balance and Conclusion

16. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, and sets this figure at 4.28 years. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
17. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes in a location with some accessibility to facilities and public transport. I also acknowledge that the development would make efficient and effective use of the previously developed site, in addition to minor economic benefits associated with future occupiers delivering increased spending in the area and during construction.
18. I further note the additional benefits of improved indigenous landscaping and planting that the development would provide, in addition to biodiversity net gain, however, again, given the quantum of development, this would be a modest improvement. The appellant refers to the lack of conflict with policies relating to issues such as the design of the property and highways, however, this to be expected in any development and as such is a neutral matter, not in favour of the proposal.
19. The appellant sets out that the development being required for a disabled family member. I am mindful of the Public Sector Equality Duty arising from Section 149 of the Equalities Act 2010 (the Act). The Act sets out the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to eliminate discrimination, advance

equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not. Amongst other things, for the purposes of the Act protected characteristics includes disability.

20. I therefore have given the family's personal circumstances very careful consideration. Whilst the development offers some benefits to the appellant's family there is no compelling evidence that without the development in this particular location, the family would be unable to provide a secure setting for this family member. As such, in this instance, this benefit carries little weight.
21. The appellant points to LP2 Policy DM36, which, like Planning Practice Guidance, supports self-build and custom housebuilding, however the policy sets out that this is in the context of development being appropriate to the character of the existing community. Given my findings above, the proposal does not meet this requirement, and, in addition to the limited quantum of development, this therefore attracts modest weight as a benefit. Notwithstanding this, I note the application form sets out that the proposed unit would be market housing rather than self-build or custom build.
22. The appellant draws my attention to two appeal decisions⁴, the first relates to 5 dwellings in a site elsewhere in the Borough. I note the weight given to the self-built nature of the development by the Inspector, however this was in the context of finding only modest harm to character and appearance, and the benefits of 5 units. As such I do not find the two cases directly comparable. The second appeal site is very near to the site before me, and I note that this scheme, for 3 dwellings, was dismissed on the grounds of character and appearance. My attention is also drawn to two approved schemes⁵ for larger residential development in the borough. However limited details are provided of these schemes, which limits my ability to compare. Moreover, each case is considered on its own merits.
23. I have taken full account of all the matters advanced in support of the proposal, including letters of support from interested parties. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The harm to the character and appearance of the surrounding area is a matter to which I attribute great importance, in accordance with Framework paragraph 130. The shortfall in housing land supply is not significant, and I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
24. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

⁴ Appeal reference APP/R3650/W/22/3300262 & APP/R3650/W/15/3137275

⁵ Application reference WA/2015/2223 and WA/2014/2028