



Appeal Decision

Site visit made on 21 November 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2024

Appeal Ref: APP/R3650/W/23/3321578

Far Ben, Scotland Lane, Haslemere, Surrey GU27 3AB

- 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 Paul Prigrove against the decision of Waverley Borough Council.
 - The application Ref WA/2022/02372, dated 14 September 2022, was refused by notice dated 20 January 2023.
 - The development proposed is the subdivision of the site and the erection of a detached single storey dwellinghouse, erection of boundary walls, creation of a parking area, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, the Waverley Borough Local Plan Part 2: Site Allocations and Development Management 2023 (the LLP2) was adopted and replaced with the Waverley Borough Council Local Plan 2002.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Both parties were invited to comment on whether the revised Framework has relevance to this appeal and, where comments have been received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
4. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs), including the Surrey Hills AONB, in England became known as National Landscapes.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Surrey Hills National Landscape (the SHNL) and an Area of Great Landscape Value (the AGLV);
 - whether the future occupiers of the proposed development would be likely to experience adequate living conditions, with specific reference to privacy and daylight;

- the effect of the proposed development on the living conditions of existing occupiers of Far Ben, with specific reference to external amenity space; and
- whether the location of the appeal site would be suitable for the proposed dwelling, having regard to the Framework.

Reasons

Character and appearance

6. As the appeal site is located in the SHNL, in considering the proposed development I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Further, the SHNL has the highest status of protection concerning these issues, reflecting its statutory purpose. This is reiterated by Policy RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (the LPP1) which also applies the same principles for protecting the SHNL to the AGLV, despite the latter being a local landscape designation.
7. Scotland Lane, which provides access from the A286 Midhurst Road to the site, is bounded on both sides by substantial mature trees and hedgerows. The prevailing pattern of development surrounding the site comprises large, detached dwellings located in generous plots, predominantly hidden from view by the lane-side landscape features and planting within mature gardens. Except for the ancillary buildings associated with nearby Scotland Farm, the built form is set back from the carriageway at varying distances and no clear or uniform building line is apparent. The topography slopes up from the lane on both sides, steeply in places, with glimpsing views of the existing built form, including those located close to the lane or on higher ground, limited to where gaps in the landscape features are created by driveways and road junctions.
8. One such gap is created by the access to the detached bungalow known as Far Ben and Lime Tree House, located to the rear on higher ground. The appeal site comprises a low-lying part of the existing front garden associated with Far Ben. Although the proposed dwelling would comprise a similar, detached bungalow form to the existing dwelling and positioned back from the access drive, it would be located within a significantly smaller plot than characteristic to the surrounding area. Even though the proposed plot-to-dwelling ratio differs from the previously refused planning application¹ and subsequent dismissed appeal² and despite the clearing of some trees from the site due to high winds, nevertheless it would have a cramped appearance.
9. Furthermore, despite the proposed dwelling being 'hunkered down' and partially screened by the existing hedge, in combination with Far Ben and Lime Tree House, it would create a stepped arrangement of properties. This arrangement is not commonplace nearby and would result in an increased prominence of built form in the landscape setting. As such, it would be detrimental to the landscape and scenic beauty of the SHNL and AGLV by disrupting the prevailing pattern of development in the area.
10. The relationship between the proposed built form and the lane would have similar characteristics to Scotland Farm given the retention of the boundary

¹ Council ref: WA/2007/1726 dated 20 September 2007

² Appeal ref: APP/R3650/A/07/1059050

hedge. However, the size of the proposed plot would be substantially smaller than that of the farm. Additionally, as Lime Tree House is located to the rear of Far Ben and is also situated within a large plot, it is not directly comparable with the appeal scheme.

11. I conclude that the proposed development would harm the character and appearance of the area, with particular regard to the SHNL and the AGLV. It would conflict with policies RE3 and TD1 of the LPP1 and policies DM1 and DM4 of the LPP2. In combination, these policies, amongst other provisions, require development to be of a high-quality design that responds to the distinctive local character of the area whilst protecting and enhancing the SHNL and AGLV.
12. It would also conflict with Policy H6 of the Haslemere Neighbourhood Plan 2013-2032 (the Neighbourhood Plan) which requires development to be of a high-quality design that respects the character and appearance of the surrounding area by responding to the characteristics of neighbouring plots.
13. I also find conflict with Chapters 12 and 15 of the Framework which seeks to ensure development is sympathetic to the local character of its surrounding built environment and landscape setting whilst conserving and enhancing the landscape and scenic beauty of the National Landscape and AGLV.

Living conditions – future occupiers

14. Due to the topography of the site and the proximity of the proposed dwelling to the boundary with the driveway associated with Far Ben, views into parts of the proposed garden area, as well as the proposed parking area would be possible, particularly where the driveway bends between the dwellings. Whilst some landscape features are currently located in this area, these would be removed as part of the proposed development. New planting along this boundary would provide a limited level of screening to the proposed garden area, however, such features would take time to grow.
15. Furthermore, as any new planting in this location would not be within the proposed plot, ownership and control of the height and maintenance of any such screening features would not fall to the future occupiers of the proposed dwelling. Therefore, a sufficient level of screening for the future occupiers of the proposed dwelling would not be guaranteed. Even if views from inside the existing dwelling were not possible over the roofline of the proposed dwelling, nevertheless, when in the garden area, future occupiers of the proposed dwelling would not be likely to experience acceptable levels of privacy.
16. As the proposed dwelling would be dug into the landscape, the elevation along the site boundary with Far Ben would be devoid of windows. However, two large roof lights are proposed in the roof slope on this side of the dwelling, with the opposite elevation predominantly glazed with floor-to-ceiling windows. Combined, the windows and roof lights would provide daylight to the long and narrow open-plan kitchen, dining and living space. Despite the concerns raised within the Council's Officer Report regarding daylight, I see no reason to conclude that adequate levels of daylight would not reach this space. Therefore, future occupiers would be likely to experience acceptable living conditions regarding this aspect.
17. Nevertheless, I conclude that the future occupiers of the proposed development would not be likely to experience adequate living conditions, with specific

reference to privacy, contrary to policies DM1 and DM5 of the LPP2. These policies require new development to avoid harm to the amenity of its future occupiers. It would also conflict with Chapter 12 of the Framework which seeks to ensure developments have a high standard of amenity for future users.

Living conditions – existing occupiers

18. The proposed development would reduce the amount of amenity space available for the existing occupiers of Far Ben. However, the garden space around the existing dwelling would be retained, including the level area of hardstanding to the side of the garage. The application plans indicate that a significant part of this area of hardstanding will be replaced with grass. As a result, the external amenity space associated with Far Ben would be private, useable, secure, defensible and appropriately located.
19. Therefore, I conclude that the proposed development would not harm the living conditions of existing occupiers of Far Ben, with specific reference to external amenity space. It would accord with policies DM1 and DM5 of the LPP2 which require new development to avoid harm to the amenity of its future occupiers by providing, amongst other features, adequate external space. It would also comply with Chapter 12 of the Framework which seeks to ensure developments have a high standard of amenity for existing users.

Location

20. Policy SP2 of the LLP1 sets out the hierarchical strategy for the location of development within the Borough, focusing development towards the four main settlements, including Haslemere. Policy H1 of the Neighbourhood Plan defines the settlement boundary for Haslemere, within which the appeal site is located. Although Policy H1 seeks to strictly control development outside the settlement boundary, it does not restrict proposals on land inside it, provided that it complies with other development plan policies. No other development plan policy is before me which restricts development in this location.
21. As the site comprises part of the garden associated with Far Ben, it does not meet the definition of previously developed land set out in Annex 2 of the Framework. Nonetheless, this in itself does not preclude the development of the site.
22. I conclude that the location of the appeal site would be suitable for the proposed dwelling, having regard to the Framework.

Other Matters

23. The appeal scheme would have social economic benefits from the construction of an additional dwelling, in support of the Framework's objective of boosting the supply of homes. However, this contribution would be small. Similarly, any social or economic benefits from the construction of the proposed development, including employment and the supply of materials would also be limited, even if the unit would be deliverable. Whilst the proposed dwelling would comprise two bedrooms, I have no substantive evidence before demonstrating that there is a need for smaller housing units within the area. Notwithstanding the limited evidence before me, any environmental benefits would also be limited by the scale of the proposed development and the size of the site.

24. Even if I were to conclude that the design and the amount of garden space provided would be acceptable, and the proposed development would not lead to a significant increase in traffic, these would be neutral factors in my decision.
25. At the time the Council determined the application, it was unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. However, as I have found that the proposed development would cause harm to the SHNL, an area protected by the Framework³, there is a clear reason for refusing the development and the presumption in favour of sustainable development does not apply.
26. The site is located within the buffer zones to the Wealden Heaths II Special Protection Area (SPA) and the East Hants SPA, European Designated Sites afforded protection under the Habitat Regulations⁴. If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me to consider the impact of the proposed development upon the SPAs, in accordance with the Habitat Regulations. This would be the case, irrespective of whether or not an avoidance strategy or mechanism for mitigation was in place for the SPAs. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeals.

Planning Balance and Conclusion

27. I have found that the proposed development would not harm the living conditions of existing occupiers of Far Ben, with specific reference to external amenity space, and the location of the appeal site would not be inappropriate for the proposed development. However, these are neutral factors that do not outweigh the harm I have found concerning the character and appearance of the area, including the SHNL and AGLV, and the living conditions of future occupiers, with specific reference to privacy.
28. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the harm and associated development plan conflict.
29. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR

³ Footnote 7

⁴ Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)