

Appeal Decision

Site visit made on 8 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/R3650/W/23/3330252

Brook Farm, Brook Avenue, Weybourne, Farnham GU9 9HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan and Mr Norman Bath against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/02819.
 - The development proposed is the erection of 4 detached dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the description of development was updated. I have therefore used the description as provided on the decision notice.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) whether the proposed development would be acceptable in terms of flood risk; and (iii) the effect of the proposed development on biodiversity.

Reasons

Character and Appearance

4. The appeal site is an area of scrubland that contains the remnants of various small buildings associated with its previous agricultural use. When considered in isolation, its untidy appearance contributes little to the character of the surroundings. However, the site protrudes some distance beyond Brook Avenue, and it forms part of a wider parcel of open land that provides separation between the settlements of Farnham and Aldershot, thereby helping to retain their individual identities. When considered as a whole, the site and the surrounding open areas do therefore contribute greatly to character and appearance, and as such, it is designated as a 'strategic gap' within the local plan. There is no substantive evidence before me to suggest that this designation is likely to be removed from the site.

5. Policy DM18 of the Waverley Borough Local Plan Part 2, 2023 (LPP2), states that development within the strategic gap should not cause or contribute to the coalescence of the two towns. Furthermore, Policy FNP11 of the Farnham Neighbourhood Plan (FNP) sets out that such development will not be supported.
6. In this instance, the appeal site is largely surrounded by mature trees and is therefore fairly secluded. However, the proposed development would deliver significant additional built form onto the site, even taking into account the small buildings that were previously there. It is therefore clear that the development of the site, even at a relatively low density, would partially fill an existing open gap and would contribute to the coalescence of the two towns, thereby undermining the individual identity of the settlements. Furthermore, given the way that the site extends beyond the existing urban edge, the proposed development would make the immediate area feel more urbanised and less spacious, thereby causing obvious harm to the character and appearance of the surroundings.
7. The appellant has produced a Tree Survey which was undertaken by Martin Dobson Associates in March 2022. The survey sets out that the proposed development would not require the removal of any trees, apart from two that are already dead. The survey also sets out how the remaining trees could be protected during the development phase, while the approved plans include details of hard and soft landscaping. I am satisfied that the retention of trees and any further landscaping details could be secured via appropriately worded conditions. I therefore do not find harm in this regard. However, this does not alter the wider harm to character and appearance that I have identified.
8. The appellant has suggested that the Council has approved various applications within close proximity to the site. I do not have the full details of any of those schemes before me, and in any event, each proposal must be considered on its individual merits and this issue does not justify allowing a development that I have found would result in harm.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to LPP2 Policy DM18, Policy RE1 of the Local Plan Part 1, 2018 (LPP1), as well as FNP Policies FNP10 and FNP11. Taken together, the relevant aspects of these policies seek to preserve character and appearance while also preventing the coalescence of Farnham and Aldershot. I do not find conflict with LPP2 Policy DM11, which in part, seeks to protect trees and provide high quality landscaping schemes.

Flood Risk

10. The Environment Agency (EA) has objected to the proposed development, partly on the basis that the site is located within Flood Zone 3b, but also due to the absence of a site specific Flood Risk Assessment (FRA) and information relating to groundwater.
11. The appellant has noted that an FRA was submitted to the Council prior to the application being determined. The document provides an analysis of flood risk from all sources, and suggests mitigation measures for the proposed development. The EA had not seen this document at the time that they submitted their response to the application. As a result, it is not clear to me

whether the FRA successfully addresses the EA's more detailed concerns, including on groundwater.

12. The FRA sets out that the site is within Flood Zone 3 as defined by the EA's flood map. However, it does not seek to challenge the fact that the site is within Flood Zone 3b as set out within the Council's more detailed Strategic Flood Risk Assessment. The Planning Practice Guidance clearly sets out that 'more vulnerable' forms of development such as residential dwellinghouses should not be permitted within Flood Zone 3b given that it is the functional floodplain. As such, the EA's in principle objection to the location of the appeal site has not been overcome. I can see no reason to disagree with this position.
13. I therefore conclude that the proposed development would not be acceptable in terms of flood risk. As a result, it would conflict with LPP1 Policy CC4 which seeks to reduce the risk of flooding, both within new developments and elsewhere.

Biodiversity

14. The appeal site is located adjacent to the River Blackwater. LPP1 Policy NE2 sets out that, for main rivers, an undeveloped buffer zone of 8 metres should be implemented. It is not in dispute between the main parties that the River Blackwater is a main river for the purposes of this policy.
15. The approved plans show that hardstanding would be installed very close to the river edge, within the 8 metre buffer zone. The appellant has suggested that the proposed layout could easily be amended to allow for a suitable undeveloped buffer. However, while this might be the case, I must make my decision based on the plans before me, rather than a drawing contained within the appellant's appeal statement.
16. With regards to the lack of a biodiversity net gain assessment, I am content that this issue could be dealt with via an appropriately worded condition. Nevertheless, this does not overcome the harm in relation to the lack of a suitable buffer to the river edge.
17. I therefore conclude that the proposed development would result in harm to biodiversity. It would therefore conflict with LPP1 Policies NE1 and NE2, as well as LPP2 Policy DM1. Taken together, the relevant aspects of these policies seek to preserve and enhance biodiversity and the environment, including by ensuring the provision of undeveloped buffers on the edge of main rivers.

Other Matters

18. The officer report states that the site is within 5km of the Thames Basin Heathland Special Protection Area. I note that the appellant has provided a draft planning obligation in order to mitigate any impacts of the development. However, as I am dismissing this appeal I am not required to consider this matter any further.

Conclusion

19. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. In this instance, the benefits of the proposal include the provision of four new dwellings that would assist in meeting need in the area, provide support for local facilities, and would create jobs during the construction phase. However, I only afford limited weight to these benefits overall given that they are relatively minor in nature.
21. I have concluded that there would be material harm to the character and appearance of the area, as well as additional harm in relation to flooding and biodiversity. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that preserves character and appearance, is safe from flood risk and preserved and enhances biodiversity. In this instance, the combined harm would be significant. However, for the avoidance of any doubt, I am of the view that the harm to character and appearance alone would significantly and demonstrably outweigh the benefits of the scheme.
22. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR