



Appeal Decision

Inquiry held on 17, 18 and 19 December 2024, 14 and 16 January 2025

Site visits made on 17 and 20 December 2024, 13 and 15 January 2025

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2025

Appeal Ref: APP/R3650/W/24/3350600

Farnham Park Cemetery, Land at Hale Road, Farnham GU9 9AB

- 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 The Ismaili Trust against the decision of Waverley Borough Council.
 - The application Ref is WA/2023/00087.
 - The development proposed is 'erection of funeral ceremony building with associated landscaping and parking'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of funeral ceremony building with associated landscaping and parking at Farnham Park Cemetery, Farnham, GU9 9AB in accordance with the terms of the application, Ref WA/2023/00087, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Inquiry opened on 17 December 2024 and was also held in-person on 18 and 19 December 2024 and 14 January 2025. It was agreed by participants, in view of timetabling circumstances, for discussions relating to possible conditions and closing submissions to take place virtually on 16 January 2025. I made an accompanied site visit on 17 December 2024 and further unaccompanied visits on 20 December 2024 and 13 and 15 January 2025 to viewpoints beyond the site agreed by the main parties¹ and to observe local highway and parking conditions at different times of the day. No discussion of the merits of the appeal were permitted during any site visit.
3. The description of development given by the application form has been updated by subsequent documents. In the interest of certainty, the description of development provided by the Council decision notice and the appeal form is precise and accurate with respect to the development proposed. I have adopted it accordingly, except for the specific reference to amended information provided before the Council made its decision for the reasons explained below. For certainty, I have also noted that the planning application form incorrectly referred to the proposal being for Use Class F(b) - Community Uses, whereas in my view it would be sui generis as the proposed uses of the building would seemingly extend beyond those that are solely in connection with public worship or religious instruction that otherwise fall under Use Class F1. I determine the appeal on that basis.

¹ Included in INQ2

4. The development proposed is subject of proposed amendments following the Council decision through revised plans submitted as part of the appeal. The proposed amendments are reflected in drawing numbers² 2101-00-002 P02; 2101-00-005 P02; 2101-00-006 P02, SY678-110-0001 A and SY678-110-0021 A, and supplemented by updated Biodiversity Net Gain (BNG) calculations³ and an updated Ecological Impact Assessment⁴. The proposed amendments involve: the removal of the proposed car parking for the Church of St John the Evangelist (24 car parking spaces which were not intended to serve the proposed funeral ceremony building), relocation of the substation to the south of the access road; and relocation of two car parking spaces for mourners.
5. The proposed amendments have been subject of consultation during the appeal and discussion during the Inquiry. Having considered the views expressed and taken account of the Wheatcroft principles⁵ as refined by the Holborn Studios Ltd case⁶, other case law⁷ drawn to my attention and the guidance in the Procedural Guide: Planning appeals - England⁸, I consider that the proposed amendments involve minor changes to the application that would not result in a different application. In reaching that view, I have also taken account of my subsequent findings later in this decision insofar as dedicated car parking for the Church of St John the Evangelist would not be required to make the proposed funeral ceremony building acceptable. Therefore, the delivery of the car parking area could not have been secured by condition of planning permission even if the proposed amendments were not accepted. In addition, I have also taken account of the opportunities for comments upon the proposed amendments provided as part of the consultation during the appeal⁹ and during the Inquiry. In those respects, I am satisfied that amendment of the scheme in the manner proposed would not cause procedural unfairness for any interested party. It follows that the proposed amendments are accepted, and I proceed to determine the appeal on that basis.
6. On 12 December 2024 a revised version of the National Planning Policy Framework (the Framework) was published. The participants in the Inquiry were given the opportunity to comment on any relevant policy changes. The main parties also provided a Statement of Common Ground¹⁰ specifically relating to the changes which confirmed that insofar as relevant to the proposal subject of this appeal, the changes to the Framework mainly related to the reordering of paragraphs cited in the evidence before me. References to the Framework in this decision have, therefore, been updated as appropriate.

Main Issue

7. The main issue is whether the proposal is consistent with local and national policies, including having regard to the effect of the proposed development on the character and appearance of the area, the Area of Great Landscape Value and Area of High Landscape Value and Sensitivity.

² CD3.1, CD3.2, CD3.3, CD3.4 & CD3.5

³ CD3.6

⁴ CD3.7

⁵ Derived from Wheatcroft (Bernard) Ltd v Secretary of State for the Environment and Harborough DC (1982) P&CR 233

⁶ Holborn Studios Ltd and others v Hackney Borough Council [2017] EWHC 2823 (Admin)

⁷ Bramley Solar Farms Residents Group v SoSLUHC and others [2023] EWHC 2842 (Admin)

⁸ Procedural Guide: Planning appeals – England (updated 17 September 2024)

⁹ As set out in Paragraph 5.6 of CD6.7

¹⁰ INQ10

Reasons

Appeal Site and its Surrounding Context

8. The appeal site is located to the east of Farnham Park (a Grade II registered park and garden and designated Local Nature Reserve and Site of Nature Conservation Importance), to the north of the Lower Hale settlement and to the south of Hale which adjoins Upper Hale. At the time of my visits, the site comprised of three small triangular fields; two lying within the larger northern parcel of the site and the other being paddocks towards the east that are divided by the existing shared access road and enclosed by timber post and rail fencing. The remainder of the site consists of an off-street parking area, together with the shared access road that leads to Lower Road¹¹ and Hale Road (A325) beyond to the east.
9. The two fields within the northern parcel of the site are divided by a mature hedgerow and a mature Oak Tree, with two Tree Preservation Orders (TPO)¹² in place. The northern fields are overgrown with visible features such as an old container and an area of hardstanding which appeared to be the access to and foundations of a previous building in the eastern field. Whilst the field boundaries are mostly comprised of trees and hedgerows, close boarded fencing runs along part of the southern boundary. Two pylons are located immediately to the north of the site with associated overhead power lines crossing parts of the site along its northern boundary and near to the site access, as part of an alignment that also runs across Farnham Park to the west and crosses over Hale Road to the east.
10. Further to the north are residential properties that broadly face towards the site on the opposite side of Oast House Lane. To the north and the east, are also rear elevations and rear gardens of properties facing Oast House Lane and Upper Hale Road which are located beyond neighbouring fields that are not within the appeal site. Some of those fields beyond the site are currently in the appellant's ownership, whereas others are in different land ownerships.
11. Immediately to the south of the site are further fields that are identified as within the appellant's ownership, together with a small number of private residential properties (Mulberry House, Ravenswood Lodge, Ravenswood House and The Old Stables) set within large plots and accessed from Lower Road. In contrast, Brodick Farmhouse¹³, the Daniele Sicilian hotel and restaurant, a small number of residential dwellings and Imaan Gardens cemetery and memorial ground that adjoin the boundary of the site, all share the existing site access road which leads to Hale Road and is intended to serve the proposal. Beyond the site to the north and east, there is a linear alignment of dwellings set within large plots that face Upper Hale Road, and the Church of St John the Evangelist and its associated church yard located off Hale Road, together with a number of other properties located on the opposite side of Hale Road.
12. Mulberry House to the south of the site and the Church of St John the Evangelist, Nos 3-7 Upper Hale Road, Maskoun House Nos 1-4 Hale Farm Flats and Nos. 4, 5 and 6 Radford Close and the White Cottage to the north of the site access are all Grade II listed buildings.

¹¹ As identified in CD3.1 and IQ2

¹² 18/22 T1 Oak 13807 (T27 in CD1.17) & TPO group 18/22 G1 NR Group 13807 (T26, G25 and part of H28 in CD1.17)

¹³ During my visits appeared to be partly used as a business based upon extensive parking of vehicles observed within its curtilage.

Relevant Development Plan Policies

13. The site is in part of a designated Area of Great Landscape Value (AGLV). The AGLV is a local landscape designation made by Surrey County Council. Unlike some parts of the AGLV designated in other parts of Surrey, the AGLV where the site is located is not within the Surrey Hills National Landscape. The nearest boundary of the Surrey Hills National Landscape is currently located approximately 2km to the south-east and separated from the site by the Built-Up Area of Lower Hale / Farnham as identified in the Farnham Neighbourhood Plan¹⁴ (NP), adopted April 2020, on its Map A. The site lies within the boundary of the NP but outside of the identified Built-Up Areas. The nearest boundary of a Built-Up Area as identified in the NP is the settlement edge of Hale that lies beyond the northern boundary of the site on Oast House Lane.
14. Policy RE1 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1), adopted February 2018, seeks that the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the Framework within areas, such as the appeal site, shown as countryside beyond the Green Belt on the Adopted Policies Map. This is supplemented by Policy RE3 that is relevant to the site and the proposal before me at its part ii. whereby it makes clear that the same principles for protecting the Surrey Hills Area of Outstanding Beauty (AONB)¹⁵ will apply in the AGLV. In that context, Policy RE3 also indicates that the AGLV will be retained for its own sake and as a buffer to the AONB, whilst recognising that the protection of the AGLV is commensurate with its status as a local landscape designation. For certainty, part i. of Policy RE3 relates specifically to the AONB and seeks protection and enhancement of its character and qualities, and that its setting be protected where development outside its boundaries harm public views from or into it. With respect to the other parts of Policy RE3 it is common ground between the main parties that the site lies to the west of and is not within an Area of Strategic Visual Importance¹⁶ and it also does not form part of the Farnham/Aldershot Strategic Gap. It is adjacent to Farnham Park which is an Area of Historic Landscape Value, but the site does not form part of that designation.
15. The boundary of the Surrey Hills National Landscape is currently under review by Natural England with a second consultation document¹⁷ having been published in September 2024 and a deadline for comment having expired on 10 December 2024. The second consultation document includes proposals to extend the Surrey Hills National Landscape which do not include the site. If an Order to review the National Landscape boundary based on the consultation were to be accepted by the Secretary of State and include the nearest proposed boundary changes at Wey Valley, Farnham¹⁸, the National Landscape would extend to within 1km of the site. However, even if those changes were to take place in the future, it is notable that the appeal site would still be separated from the National Landscape by the Built-Up Area of Lower Hale/Farnham.
16. Policy TD1 of the LPP1 relates to townscape and design, and insofar as relevant to the proposal requires new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located. It

¹⁴ CD7.4

¹⁵ Renamed as a National Landscape on 22 November 2023

¹⁶ CD6.7

¹⁷ CD12.4 - Surrey Hills National Landscape (AONB) Boundary Variation Project – Second Consultation Document – Proposal to extend the Surrey Hills National Landscape (AONB)

¹⁸ Denoted as Fig 13.b on page 11 of CD12.4

also indicates that account will be taken of other design policies in Development Plan Documents and Neighbourhood Plans. The related policies include Policies DM1, DM4 and DM15 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LPP2), adopted March 2023. I return to each of those relevant policies and their related requirements later in this decision.

17. Policy FNP1 of the NP also sets out design requirements of new development. In doing so, amongst other things, it requires that new development responds to the distinctive character of the individual area of Farnham in which it is located. For the purposes of the policy, the site is in the Hale and Heath End Character Area as defined on Map B(ii) of the NP. In that respect, I necessarily go on to address the related matters of the response of the proposal to the distinctive character of the area, its local context and whether it is well integrated into the landscape by existing and new landscape buffers later in this decision.
18. Policy FNP1 also includes a requirement that new development will be permitted subject to accordance with the NP. In that respect, Policy FNP10 of the NP relates to sites outside of the Built-Up Area Boundary and includes similar requirements as Policy RE3 of the LPP1 with respect to the AONB and the AGLV in its part c). However, that element of Policy FNP10 forms only part of its wider objectives for locations outside of the Built-Up Area Boundary where priority is given to protecting the countryside from inappropriate development. In that respect, Policy FNP10 specifies that a proposal for development will only be permitted where it would accord with its parts a) to e). As the specific wording of the policy includes an 'and' at the end of part d) and before part e), I consider that it reasonably follows that for a proposal to not be considered inappropriate development in the countryside each of the relevant criteria in Policy FNP10 should be met. I, therefore, necessarily go on to address each in turn.
19. In terms of Policy FNP10 part a) of the NP, the proposal is not related to the forms of development otherwise permitted under Policy FNP16 (Building Extensions Within and Outside the Built-Up Area Boundary), the site is also not one of the business locations defined on Map J of the NP and identified in Policy FNP17, and it is not for a rural building for business and tourist uses as permitted by Policy FNP20. However, Policy FNP10 part a) can otherwise be met through accordance with other relevant planning policies that apply to the area.
20. In the context of the above, it is reasonable that the development plan as comprising LPP1, LPP2 and the NP cannot account for nor be expected to include specific policies relating to every possible form of development that may come forward as part of a planning application. It follows that an absence of a specific development plan policy relating to the provision of a funeral ceremony building should not be interpreted as a shortcoming of the development plan, nor should it be taken as an indication of prohibition in principle of such forms of development.
21. Regarding the above, Policy ICS1 of the LPP1 has been drawn to my attention insofar as it relates to infrastructure and community facilities. The wording of the policy is such that compliance with it requires that only one of its constituent parts is met. In that context, the policy at its part 4 is of potential relevance to the proposal insofar as it indicates that 'The Council will support the development of new services and facilities where required'. For the purposes of the interpretation of the policy, supporting text at paragraph 8.3 of LPP1 sets out its definition of

infrastructure and, amongst other things, sets out a list of public services that include cemeteries and places of worship.

22. Having reviewed the public services listed in paragraph 8.3 of LPP1, it is evident that the following uses are identified as infrastructure: waste management and disposal; libraries; emergency services (police, fire, ambulance); prisons; places of worship; and drug treatment centres. All of those uses that are identified as infrastructure could typically involve the provision of a building or buildings despite the wording of paragraph 8.3 of LPP1 not explicitly stating so. As such, to my mind, if the intention of the LPP1 was to exclude the provision of associated buildings as part of the remaining public service listed (i.e. cemeteries) from the definition of infrastructure, then this would have otherwise been specified in paragraph 8.3. In the absence of such wording, I consider that it would not be rational if the provision of a building as part of or associated with the use of a cemetery were approached in a different manner to the other public services listed in paragraph 8.3.
23. It follows from the above that, even if the proposal were considered to relate to a cemetery rather than constitute a place of worship, I find that a funeral ceremony building as reasonably associated with a cemetery on the appeal site is capable of falling within the definition of infrastructure for the purposes of Policy ICS1 of the LPP1. Moreover, the wording of part 4 of Policy ICS1 and the supporting text in Chapter 8 does not indicate that a requirement for a new service or facility would otherwise be limited to meeting a local need nor that it be accessible to and provide a community facility specifically for the local community of Farnham or exclusively for the use of residents of Waverley Borough Council. Consequently, as I find that the proposal constitutes infrastructure and a new service or facility for the purposes of Policy ICS1, I consider that accordance with it (and thereby, compliance with Policy FNP10 part a) of the NP) would be achieved if a requirement for the funeral ceremony building is demonstrated. I, therefore, address whether there is an identified need for the proposal such as to constitute such a requirement below.

Need for the Funeral Ceremony Building

24. Based on the evidence before me¹⁹, the Ismaili Trust UK (the appellant) is a registered charity which owns Farnham Cemetery Limited that was incorporated to acquire the appeal site and the freehold land edged in blue on the location plan (drawing number: 2101-00-001 P02²⁰) in October 2020. The appeal site was acquired as part of it is included in extant planning permission (WA/2010/0166²¹) for a change of use of agricultural land to cemetery and woodland burial site, and it is relatively close to the Brookwood Cemetery in Woking²².
25. Shia Imami Ismaili Muslim (Ismaili) community burials have been taking place at the Brookwood Cemetery in Woking since 1984 for those who have chosen to make London and the surrounding areas in the South-East England as their home, with approximately 2,000 Ismailis now buried there²³. However, Brookwood Cemetery is now approaching capacity for Ismaili burials with approximately 50 plots remaining even after additional space had been identified following relocation of fencing and vegetation²⁴. During the Inquiry it was confirmed that additional land

¹⁹ CD.6.4 - Appellants Statement of Case (Need)

²⁰ CD3.1

²¹ Relevant documents include CD9.1, CD9.5, CD9.6, CD9.7, CD9.8 and CD9.9 a) - i)

²² PID1 - Proof of Evidence of Mr Naushad Jivraj

²³ Ibid.

²⁴ Cross examination of Mr Naushad Jivraj

had been offered in another part of Brookwood Cemetery comprising a further 500 plots which could provide potential additional burial capacity for between 4-6 years, but this was not pursued as the economics were not considered to be acceptable to the appellant²⁵.

26. Having regard to the above, it was confirmed during the Inquiry²⁶ that the appeal site and the adjoining land within the appellant's ownership with extant planning permission for a cemetery and woodland burial use has a potential capacity for approximately 6,000 - 8,000 Ismaili burials. It reasonably follows that it has the capability of meeting the pressing need for additional cemetery and burial capacity to serve the Ismaili community in the longer-term beyond the remaining capacity available at Brookwood Cemetery. It also fits the reasonable expectation of additional burial land intended to serve London and surrounding areas in South-East England given accessibility by road and rail arising from its proximity to the M25 and Farnham Station, which is approximately 2 miles away and could be reasonably accessed to and from the site by visitors via local bus services, taxi or bicycle. The distance of the appeal site to Brookwood Cemetery (around 10 miles away) and the regular rail services between Farnham Station, Brookwood Station and London Waterloo Station also offer potential benefits of linked trips to allow mourning families to pay their respects to loved ones more easily than more distant alternative burial sites if they were available. It is, therefore, evident that the use of the appeal site as a cemetery would be capable of addressing an emerging and imminent pressing need for additional Ismaili burial space in South-East England.
27. It is not a matter of dispute that Brookwood Cemetery does not have a dedicated funeral ceremony building for the use of the Ismaili community as part of the burial process, or a building with equivalent ghusal facilities as proposed for the preparation of a body for burial/ritual cleansing of the deceased by volunteers of the same sex within the Ismaili community²⁷. The resultant arrangements, therefore, currently involve the ghusal process taking place in third party premises which can involve travel to multiple locations in London once the death certificate has been issued, often in the middle of the night, to facilities that often vary in quality and suitability^{28 29}. Once the ghusal process is complete, volunteers then necessarily return to their homes to shower and change, before travelling to a hall for the funeral ceremony typically attached to a Jamatkahana³⁰ but given constraints of availability can be in different parts of London and the surrounding areas³¹. Following the funeral ceremony the body is transported to Brookwood Cemetery with only male members of the Ismaili community attending the burial as, under Muslim traditions, women are not able to be at the side of the grave during burial³². After the burial has taken place, the male members of the Ismaili community return to the Jamatkahana for final prayers³³ to conclude the ghusal, funeral, burial and post-burial rituals that are the sacred and spiritual process of fundamental significance to the Ismailis religion and culture³⁴.

²⁵ Ibid.

²⁶ Response of Mr Naushad Jivraj to Inspector question

²⁷ Cross examination of Mr Naushad Jivraj & INQ17

²⁸ Cross examination of Mr Naushad Jivraj

²⁹ INQ5

³⁰ Ibid.

³¹ INQ17

³² Ibid.

³³ Cross examination of Mr Naushad Jivraj

³⁴ INQ17

28. It is clear from evidence provided to the Inquiry³⁵, that holding the various processes as set out above in different locations has a detrimental impact on members of the Ismaili community by prolonging what is already an emotional and challenging experience for those who are mourning relatives and loved ones. Furthermore, it clearly puts significant stress on family members and volunteers in the Ismaili community at a difficult time by virtue of having the responsibility for arranging the logistics of the funeral across multiple venues and in accordance with Ismaili religion, culture and traditions. Moreover, the inability of women to attend and observe the burial process at Brookwood Cemetery has also evidently had a harmful impact on their ability to grieve their loved ones.
29. Having regard to the above, it is evident that the proposal at the appeal site in providing for dedicated and dignified spaces for the process of ghusal, funeral, burial and post-burial rituals in a single consolidated location would be of significant benefit to and address unmet needs of the Ismaili community located in London and the South-East of England. In doing so, it would clearly overcome many of the existing challenges and constraints associated with the process currently taking place to facilitate Ismaili burials at Brookwood Cemetery. It would provide certainty of the availability and location of the facilities required for the funeral, thereby, allowing family members to focus on the process of grieving rather than the logistics of arranging multiple activities in different locations. Furthermore, whilst it could inevitably involve significant additional travel for volunteers taking part in the ghusal process at the site and such travel on occasions could be required in the middle of the night, it would provide certainty of the location and quality of facilities available and ensure that specific arrangements for the safety and welfare of volunteers can be provided. This includes the availability of toilets, showers and changing facilities as shown on the submitted ground floor plan (drawing number: 2101-00-100 P01) which could remove the need for ghusal volunteers to return home prior to any required involvement in the funeral service.
30. There are also significant benefits of the provision of the funeral ceremony building as proposed, insofar as the main hall has been designed to include a glass screen. This would provide an opportunity for women, and those otherwise unable to attend the graveside, to observe the burial process where visible from the building and provide a greater sense of participation in the funeral and burial process. This would be achieved in a manner that would conform with Muslim traditions³⁶ and cannot currently be achieved at Brookwood Cemetery nor the site in the absence of a building such as that proposed. As a result, the proposal would clearly provide a more inclusive manner for members of the Ismaili community to grieve together and mourn their loved ones whilst still respecting the traditions of their faith.
31. The relevant policies for the purposes of this appeal do not specifically necessitate that the scale and volume of a building is the functional minimum for its intended purposes. Nonetheless, it is evident that the internal space provided within the building has been informed by a combination of physical measurements for working spaces such as the ghusal rooms, reception and waiting areas, family room, storage, shower and WCs, and cloakroom for shoe-removal, together with industry standard dimensional documents for Islamic prayer halls such as Neufert³⁷. Moreover, recognising that the intended use of the funeral ceremony building by

³⁵ INQ5

³⁶ INQ17

³⁷ Relevant extract included in INQ9

Ismailis would have space requirements for the transportation and observation of the deceased akin to those of other religions insofar as ensuring sacred, transcendental and reverential spaces, I consider that the approximately 5.7 sq.m of space per person proposed based on a building capacity intended to accommodate up to 181 funeral attendees is somewhat modest.

32. In reaching the above view, I have taken into account that such a level of space per person would be significantly less than other examples of sacred or auditorium buildings in sensitive historic and landscape settings that have been previously created by the architect's practice³⁸. Consequently, to my mind, the space that would be provided within the proposed building is entirely consistent with its intended use as a funeral ceremony building.
33. It follows from all of the above that I have found that there is a pressing need for additional Ismaili burial space in South-East England which can be addressed by provision of a cemetery within the site. In addition, I also consider that there is a clearly identified and currently unmet need for a single consolidated location for the Ismaili community in South-East England to provide dedicated and dignified combined facilities for the preparation of a body for burial (ghusal) and for a funeral service to take place. The proposal is capable of ensuring that those identified needs and demonstrated requirements are met within the appeal site. As such, I consider that the proposed development of the funeral ceremony building constitutes infrastructure that has been demonstrated to be required for the purposes of Policy ICS1 part 4 of the LPP and accords with it. The proposal, therefore, also accords with Policy FNP10 part a) of the NP.

Landscape Character

34. In the interest of certainty, I also find that the proposal is in accordance with Policy FNP10 part b) insofar as it seeks to protect the Green Belt as the site is not located within the Green Belt. I, therefore, turn to Policy FNP10 part c), whereby as previously mentioned the appeal site is part of a designated AGLV but is not one of the locations under consideration for designation as part of the Surrey Hills National Landscape (formerly AONB). In that context, the Surrey Hills AONB Planning Advisor has offered no concerns³⁹ regarding the effect of the proposal on the setting of the Surrey Hills National Landscape. Moreover, it is common ground between the main parties that any visual effects beyond 200m of the site boundary would be filtered by intervening hedgerows and woodland and by the built-up areas of Hale and Farnham to the north, east and south⁴⁰.
35. Based on my own observations, I have no reason to take a different view to the above. The appeal site is a considerable distance from the Surrey Hills National Landscape with the intervening presence of the built-up areas of Lower Hale/Farnham and mature trees to the south and east of the site and beyond which lie between. As such the intervisibility of the appeal site with the Surrey Hills National Landscape is negligible, and therefore, the proposal would conserve its setting and therefore, its landscape and scenic beauty. It follows that I find that the proposal accords with Policy FNP10 part c).

³⁸ IQ9 - Carmelite Oratory (12.3 sq.m/worshipper), Anglican Chapel in Cuddlesdon (13.1 sq.m/worshipper), Faith Museum Hall in Auckland Castle (6.1 sq.m/person), Nazrin Shah Auditorium at Worcester College, Oxford (6.5 sq.m/person)

³⁹ CD4.6

⁴⁰ CD6.7

36. Notwithstanding the above, Policy RE3 of the LPP1, amongst other things, otherwise indicates that the same principles and protections will apply in the AGLV which will be retained for its own sake and as a buffer to the AONB, until there is a review of the AONB. Even if the ongoing boundary review were now considered to override the need for an equivalent level of protection for the AGLV as that of a National Landscape, it is evident that Policy RE3 still expects protection of the AGLV in a manner commensurate with its status as a local landscape designation. In addition, Policy FNP10 part d) also seeks to retain the landscape character of, and not have a detrimental impact on areas shown on Map E of the NP as having high landscape value and sensitivity.
37. The site is identified as falling within an Area of High Landscape Value and Sensitivity (AHLVS) on Map E of the NP as HDA Landscape Character Area 6: Cemetery Fields (LCA6). This is informed by evidence in the Farnham Landscape Character Assessment⁴¹ (FLCA), published August 2018. It follows that the landscape within which the appeal site forms part, being designated as both in an AGLV and an AHLVS, is also considered to be a valued landscape for the purposes of paragraph 187 of the Framework.
38. With regard to the above, it is necessary that I undertake my own assessment of the landscape and visual effects of the proposed development on the character and appearance of the landscape and scenic beauty of the AGLV and AHLVS, insofar as whether the valued characteristics are protected and enhanced, and the intrinsic character and beauty of the countryside is recognised. In doing so I have been informed by the relevant landscape character assessments and studies⁴², the Landscape and Visual Impact Assessment (LVIA) provided with the application⁴³ and associated additional LVIA evidence provided as part of the appeal⁴⁴, the evidence of expert witnesses for both of the main parties and representations made by interested parties. I have also viewed the site and surroundings, including from the identified viewpoints agreed by the main parties⁴⁵ and from the upper floor windows of Parkland View, Oast House Lane which I consider to be a representative view of a property that faces toward the appeal site.
39. At a national level, the appeal site lies within the Thames Basin Lowlands (National Character Area profile 114)⁴⁶. This is identified in the Surrey Landscape Character Assessment: Waverley Borough (SLCA) published in April 2015⁴⁷ which identifies the key characteristics where the Surrey Hills give way to the Thames Basin as a band of rolling claylands, areas of sand heath and farmland, and river valley floor and floodplain.
40. Within the Thames Basin Lowlands, the SLCA identifies the site as within Landscape Character Area Type LF6: North Farnham Rolling Clay Farmland, along with an extensive area of land to the west including Farnham Park and some smaller parcels of land to the east of the A325. The key characteristics of the North Farnham Rolling Clay Farmland are identified as undulating clay farmland falling towards the River Wey and minor local valley features elsewhere. In addition, it identifies a mixture of medium scale arable fields, smaller pastoral fields and a few

⁴¹ CD12.7

⁴² CD12.6, CD12.7 and CD12.8

⁴³ CD1.14 – prepared by Allen Pyke Associates

⁴⁴ SLR Consulting LVIA Methodology set out in Appendices to Proof of Evidence of Catherine Ritson

⁴⁵ Included in INQ2

⁴⁶ CD12.5

⁴⁷ CD12.6

low-key paddocks, along with blocks of woodland and tree belts. Moreover, it indicates that field boundaries are mostly well vegetated with hedgerows and occasional hedge trees and some watercourses often with associated riparian woodland running along a number of the local valleys.

41. The SLCA also emphasises that tree cover limits or frames long distance views and screens the majority of nearby built-up areas, that the A325 is one of only two major roads crossing the character area (the A287 being the other) with vehicular access elsewhere limited, and that settlement is limited to occasional farmsteads. Finally, it indicates that the majority of the character area is a pleasant, relatively peaceful, rural landscape, but that urban influence from built-up areas and roads increases at the eastern end of the character area.
42. The SLCA is more up-to-date than the Waverley Borough Council Landscape Study (WBCLS) - Part 1: Farnham & Cranleigh published in August 2014⁴⁸ which identified the site as within Landscape Study Segment FN8 'Farnham Park between Farnham and Hale'. In any case, it is evident that the WBCLS was a district-wide study intended to inform the LPP1 with a specific focus on landscape sensitivity and capacity to accommodate future residential development. As such it is of little assistance when defining landscape character and assessing the effects of the specific proposal before me.
43. The FLCA is the most recent and up-to-date LCA relevant to the appeal. It was prepared to assess the land within the Farnham Town Council boundary and published in August 2018 to inform an update to the NP and as previously mentioned identifies the land within which the site is located as LCA6: Cemetery Fields. In doing so, it differentiated it from other neighbouring land identified in the SLCA as Landscape Character Area Type LF6 such as Farnham Park (LCA5) and land to the eastern side of the A325 (part of LCA17). It identifies key characteristics of the land as the south-east facing slope with long views available from high ground to the north-west and that it consists of small field in pasture bound by hedgerows of varying ages, including a thick belt of mature trees abutting the western boundary and other mature tree belts to the south and south-east of the area. It also identifies the presence of the cemetery for the Church of St John the Evangelist and that settlement is limited to the occasional large, detached dwelling, and that the settlement does not affect the perception of rurality.
44. The appeal site as previously described comprises approximately 20-25% of the extent of LCA6 and forms part of a progressive downward slope of the land from broadly north-west to south-east. The site lies immediately to the north of fields with existing ponds in the appellant's land ownership and the existing properties referred to earlier in the decision that are loosely grouped in the central section of LCA6.
45. The aforementioned properties that are located close to the site are the most closely knit grouping of existing buildings in LCA6⁴⁹ aside from a dense grouping of buildings and polytunnels that otherwise are located towards the south-western extent of LCA6. However, I observed that views of those latter properties from the appeal site are limited by differences in land levels and the filtering of views by the presence of intervening mature trees. The Hawthorns development located at the southern extent of LCA6 that is currently under construction following grant of

⁴⁸ CD12.8

⁴⁹ Properties along Oast House Lane, Upper Hale Road and the A325, including the Church of St John the Evangelist building, are located outside of LCA6

planning permission on appeal⁵⁰ since the FLCA was prepared, is also not currently a visually prominent feature from viewpoints within the site or from surrounding areas further to the north. This is for similar reasons in terms of differences in land levels, screening afforded by existing landscaping beyond the site and the intervening presence of buildings in the central section of LCA6.

46. Based on my own observations, the key characteristics of LCA6 are seen in the northern parcel of the appeal site insofar as it comprises a sloping, attractive and peaceful rural landscape close to the settlement edge of Hale with small fields that may have previously been laid to pasture. However, it is now overgrown with the notable presence of interspersed mature and semi-mature trees and unmanaged hedgerows, together with abundant trees along the western boundary with Farnham Park which increase the sense of enclosure when taken with the visible presence of buildings beyond the southern boundary. The paddocks and hedgerows beyond the site to the north and east which form the more immediate setting of Imaan Gardens and the Church of St John the Evangelist have a slightly different rural character, albeit still representative of key characteristics of LCA6, whereby those fields have a more managed appearance with the sense of enclosure primarily influenced by the presence of properties, rear gardens, the churchyard and associated boundary treatments.
47. The landscape character of the remainder of the appeal site is different insofar as it sits amongst individual buildings and associated infrastructure accessed off Hale Road and Lower Road, which include detached dwellings of up to three storeys and large outbuildings. Timber fencing and hardstanding are also more common features. I find that those settlement features together with the presence of small, enclosed paddocks to each side of the existing access road prior to the car parking area are typical of the more built-up nature of the rural landscape in the central section of the LCA6 as observed from Hale Road and when approaching from the east.
48. The existing pylons and overhead power lines crossing LCA6 include parts of the site, and although not specifically mentioned in the FLCA are visually prominent and detracting features. The visible hardstanding/foundations and disused container within the site and timber close boarding fencing along the southern boundary of the northern parcel are also conspicuous in the rural setting. Nonetheless, the presence of those visually detracting features does not undermine nor override the key characteristics or the respective contributions of the appeal site and surrounding land to the overall perception of the rural character of the landscape or its status as a valued landscape.
49. The evidence in FLCA identifies LCA6 as having a high landscape value as a peaceful and attractive rural landscape which is small scale and enclosed forming part of the distinctive rolling clay farmland, a green wedge between Farnham and Hale and having historic links to Farnham Park. Having regard to my previous reasoning and findings with respect to the local landscape designations and status of LCA6 as a valued landscape for the purposes of the Framework, I consider the finding on landscape value in the FLCA to be reasonable and representative of the landscape character of which the appeal site forms part.

⁵⁰ CD11.1 (Appeal Ref: APP/R3650/W/22/3302987 - Allowed with Conditions - 17 February 2023)

LVIA Methodology and the Landscape Baseline for Assessment

50. The evidence in the LVIA and the updated LVIA evidence provided at appeal, differ somewhat in the methodologies used including presenting different approaches to making a judgment on the direction and significance of landscape and visual effects. In that respect, the methodology used by SLR Consulting in the updated LVIA evidence takes a more analytical approach to assessing the sensitivity of landscape receptors to proposed change and provides greater clarity and explanation in terms of what it considers to be a reasonable threshold to be considered when determining the significance of any effects identified. The updated LVIA evidence produced by SLR Consulting is the most up-to-date at the time that it was prepared and is based on the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)⁵¹ including taking account of the Landscape Institute Notes and Clarifications on Aspects of GLVIA3⁵². Accordingly, I am satisfied that the updated LVIA evidence produced by SLR Consulting in principle provides a reliable basis for assessing the landscape impacts of the proposal subject of this appeal. However, I have also had regard to the most recent landscape character assessments, and the other evidence provided as part of the application and the appeal to inform my subsequent findings.
51. In reaching the above view, I have taken into account that alternatives to the approach taken by SLR Consulting when establishing the landscape baseline for LVIA have been suggested. In that regard, it is not a matter of dispute⁵³ that most of the appeal site benefits from the extant planning permission for change of use of agricultural land to a woodland burial site. Moreover, the evidence accompanying the appeal includes an implementation note⁵⁴ which demonstrates that associated physical works such as the laying of a gravel track, buffer zone and landscaping have been undertaken. However, despite the passage of time since the planning permission was granted, burials within the site have not taken place to date and the full requirements of the landscaping conditions⁵⁵ have yet to be met. In addition, based on the evidence, the appeal proposal involves an alternative layout of landscaping within the burial ground. Furthermore, the appeal site is also different as it includes additional land to the south-west, which comprises part of the proposed location of the building, additional landscaping and the hardstanding / turning head for use by a hearse and other relevant vehicles.
52. In the context of the above, although the intentions of the appellant have not been confirmed to any degree of certainty if this appeal were to fail, I consider it reasonable that the site would be unlikely to be abandoned. In reaching that view, I have taken account of the identified need for a new burial site for the Ismaili community in the South-East of England and the absence in the evidence before me of any specific alternatives to the site that would be available to meet those imminent and longer-term needs when they arise. As such, the most realistic outcome would be commencement of burials at a point of time in the future in accordance with the extant planning permission, particularly when the burial capacity for the Ismaili community at the Brookwood Cemetery in Woking is reached. It follows that, based on the evidence before me, such a fallback position is much greater than a theoretical possibility.

⁵¹ CD12.1

⁵² CD12.2 - Technical Guidance Note LITGN-2024-01 Published August 2024

⁵³ CD6.7 (pg 5)

⁵⁴ CD2.1

⁵⁵ CD9.1 (Conditions 1, 2 and 10)

53. Notwithstanding the above, I can afford that fallback position only moderate weight as a material consideration when taking into account that other options would be available to the appellant such as disposal of the site to a different landowner. In that light, it is noted that there have been alternative proposals for use of the land, including change of use to Suitable Alternative Natural Greenspace (SANG) as identified on Map G2 of the NP with a related planning permission having been granted⁵⁶ but not implemented and no longer extant. It follows that in the aforementioned circumstances, as the implementation of the fallback position is less than certain, I consider that it is reasonable that the updated LVIA evidence focusses upon the existing condition of the site when establishing the landscape baseline for assessment and therefore, I take a similar approach below.

Landscape Sensitivity, Receptors and Effects

54. The FCLA assessed LCA6 to have high landscape sensitivity which it indicates is based on an approach to landscape sensitivity derived from the definition taken from Natural England's - An Approach to Landscape Character Assessment (October 2014) as 'the extent to which a landscape can accept change of a particular type and scale without unacceptable adverse effects on its character'. In that context, amongst other things, it is notable that the FCLA refers to the north-eastern part of the site as having a strong visual connection with the wider rural landscape which I observed to be reasonable given it forms part of long views available from higher ground to the north-west towards the Surrey Hills. However, I observed that the appeal site is largely on the periphery of such views and is closer to existing characteristic features, such as woodland and established landscaping, which the FCLA suggests 'could be built upon to mitigate development' albeit with the caveat that 'new development would be likely to harm local character'.
55. With regard to the above, it is acknowledged that pressure for development in LCA6 beyond the settlement edge of Hale has previously been resisted. This includes appeals relating to a proposed development for erection of 97 dwellings and provision of a SANG at Farnham Park Hotel and Restaurant⁵⁷ which included the site and its hinterland, and to the north of the site for 9 dwellings on Land to south of Oast House Lane⁵⁸. However, based on the evidence⁵⁹, and discussions during the Inquiry, each of those proposals were materially different in terms of layout, footprint, form and/or location of development to the proposal before me which, therefore, necessarily must be considered on its own merits.
56. The GLVIA3 methodology advises that the concept of landscape sensitivity in the wider area of landscape planning is not the same as LVIA sensitivity, which is specific to the particular project or development that is being proposed and to the location in question⁶⁰. It is also clear that a LVIA may take place in situations where there are existing landscape sensitivity and capacity studies, which may deal with a general type of development proposal and may provide useful preliminary background information for the assessment. However, the existing landscape sensitivity and capacity studies cannot provide a substitute for the individual assessment of the susceptibility of the receptors in relation to the change arising from the specific development proposal. In accordance with GLVIA3 it is also

⁵⁶ CD9.3 (Planning permission ref: WA/2019/1508 dated 10 June 2020)

⁵⁷ CD11.4 (Appeal Ref: APP/R3650/W/17/3178819 - Dismissed - 27 March 2018)

⁵⁸ CD11.5 (Appeal Ref: APP/R3650/W/22/3311453 - Dismissed - 20 September 2023)

⁵⁹ Appendices to Proof of Evidence of Robert Collett

⁶⁰ CD12.1 (paragraph 5.39)

necessary that landscape and visual effects are considered separately with respect to potential receptors.

57. The identified landscape receptors in the SLR Consulting LVIA are set out in its Table B-2⁶¹, which reasonably identifies that the landscape receptors sensitive and/or susceptible to the proposed changes are those identified in the FLCA. For certainty, the features identified as most sensitive and susceptible to change include the small fields previously laid to pasture, the hedgerows dividing them, the managed paddocks and hedgerows which form the immediate setting of Imaan Gardens and the Church of St John the Evangelist and the peaceful, attractive, enclosed landscape to the north of the site. In that context, however, the evidence notes that each have some ability to accommodate the proposed change without transformational adverse effects. The evidence also notes that the mature tree belts and woodland associated with Farnham Park would be capable of accommodating the scheme proposals without transformational adverse effects which informs its susceptibility as low and sensitivity to proposed change as medium/low given the additional landscaping provided as part of the proposal. In that context and taking account of my own observations, I am satisfied that the findings on overall sensitivity and susceptibility of the LCA6 as medium, with no individual landscape receptor exceeding that value, is reasonable and reflects its designation as a valued landscape of local authority importance.
58. In terms of landscape effects, the proposal would result in the permanent change of two of the existing small, enclosed fields which would be converted into a wooded character, together with a funeral ceremony building, within the site boundaries. However, such a change to woodland within those fields would be akin to that which would arise in any case should the fallback position of an extant planning permission for a woodland burial ground within most of the site come forward, albeit with some changes to accommodate the proposed building and associated revisions to the landscaping scheme. There would be related changes involving removal of native hedgerows and hedgerow trees within the site including to a TPO group. However, the existing mature Oak tree subject of a TPO would be retained, the hedgerow removals would be localised and there would be a significant net increase in new native hedgerows and trees within the site overall. This includes along the north-eastern site boundary with associated limited benefits of increased planting beneath the overhead power lines which would reduce their prominence in the immediate landscape.
59. It is evident that the proposed funeral ceremony building and woodland landscaping forming the burial ground have been specifically designed to provide a peaceful, reflective, enclosed landscape, drawing on positive characteristics of its surroundings including the woodland and landscaping buffer which currently separates Farnham Park. Nonetheless, the proposal would inevitably result in a change to the character of part of LCA6 with an increased sense of enclosure when compared with the existing fields that despite being currently overgrown retain a perception of visual and spatial openness within their field boundaries. As such, there would be a negative impact upon LCA6 for the purposes of LVIA through the change of two small fields to woodland and addition of a funeral ceremony building. However, in that context, the LVIA identifies the magnitude of those changes in terms of landscape change and landscape effects to be only slight and moderate/minor.

⁶¹ Appendices to Proof of Evidence of Catherine Ritson

60. The negative impact identified above relates to a change to key characteristics of the landscape including the introduction of built form and additional landscaping, irrespective of whether such a change could introduce and/or enhance other key characteristics. As such I am mindful that the identified negative impact for the purposes of LVIA arises from the change to the existing landscape, irrespective of any mitigating factors in planning terms that I will necessarily go on to consider. The potential mitigating factors include the discreet location of the proposed building relative to surrounding topography and the backdrop of surrounding buildings close by, the extent of screening afforded by the new landscaping and any subsequent findings with respect to suitability of design including materials and form in the rural setting.
61. Additional parking and a substation would be introduced into the small paddock areas to the south of the Imaan Gardens cemetery and the churchyard of the Church of St John the Evangelist. New native hedgerow planting would form the boundary of the parking area and the majority of the paddocks would remain as pasture land following the proposed amendments as part of the appeal to remove 24 car parking spaces and relocate the substation. Consequently, following those beneficial amendments to the scheme, the change would be small in the context of the paddocks that would remain with the perception of the changes limited to within the site boundaries when approaching the site access. Following the proposed amendments provided during the appeal, there would be a reduced and therefore, to my mind, negligible impact on landscape character arising from the limited changes to the existing paddocks adjoining the site access.
62. When considering each of those proposed changes in the context of their wider surroundings in LCA6 including the largely open fields that would remain beyond the northern boundaries of the site, I find that the magnitude of the negative impacts identified in the LVIA as associated with landscape character changes arising from the proposal to be only slight and resulting in only minor landscape effects overall. Furthermore, as landscaping matures over time there would be potential positive/beneficial effects to the landscape character of LCA6 in terms of enhancements of key characteristics. This would be through the increase in woodland cover arising from the additional mature hedgerows and trees planted within the site with associated benefits to the transition into the landscape character of Farnham Park beyond. Consequently, based on the evidence before me and my own observations, I find that the landscape effects arising from the proposal would be largely neutral overall. In reaching that view, I have taken into account that the changes arising from the proposal would result in a woodland character of the site which would remain largely consistent with the key characteristics of the valued rural landscape insofar as it reflects the Landscape Character Area Type LF6: North Farnham Rolling Clay Farmland and is identified as an AGLV.
63. In reaching the above findings I have taken into account that there would be short-term negative impacts of a slight magnitude upon the related part of the existing LCA6 as designated in the NP as a AHLVS arising from construction of the proposal and the resultant permanent changes to two existing small fields and small sections of the existing paddocks. However, this would be offset by the enhancement to the visual qualities of the landscape over time as the additional landscaping in each of those areas matures. This includes the building being largely screened and concealed amongst a new woodland setting in a manner that would be consistent with the enclosed woodland character that already exists along

the site boundaries with Farnham Park and along other field boundaries in LCA6 to the south of the site. In that context, it is also notable that landscaping changes arising from the proposal to the two existing small fields are broadly comparable with changes already permitted as part of the fallback position of the extant planning permission for most of the appeal site. It follows, that as the proposal would be consistent with the key characteristics of LCA6 I am satisfied that the landscape character of the AHLVS and the AGLV would be retained, subject to the proposal having no unacceptable impacts in visual terms including with respect to its relationship with surroundings and the setting of heritage assets.

Visual Receptors, Sensitivity and Effects

64. The identified visual receptors in the SLR Consulting LVIA are set out in its Table C-1⁶². There are 12 visual receptors identified in accordance with GLVIA3 as those that have the potential to see the development. The visual receptors include (with the representative viewpoints in brackets): visitors to the Church of St John the Evangelist and its graveyard; motorists and walkers passing the site along Hale Road (views along the site access); visitors to the Daniele Sicilian restaurant and hotel (entrance to premises); residents at Upper Hale Road (rear garden boundaries from within the site) and residents, motorists and walkers at Oast House Lane (elevated views across to the Surrey Hills National Landscape).
65. The other visual receptors are those relating to visitors to Farnham Park (6no. representative views given the mix of elevated views towards the National Landscape and panoramic views across the Park and AGLV landscape from the Oast House Lane access, eastern boundary, near Chorley Wood, near Folly Hill, near The Avenue, and approaching Oast House Lane). In addition, a further receptor was identified in terms of walkers on North Downs Way, which was the only publicly accessible view towards the site from the Surrey Hills identified. The North Downs Way location although not within the National Landscape currently is included in the Boundary Variation Project.
66. Having taken account of the evidence and undertaken my own observations from those representative viewpoints and the surrounding area, I am satisfied that they correspond with the visual receptor groups which would be most likely to observe and/or be the most sensitive and/or susceptible to the changes arising from the proposal (i.e. at least medium in either category). In reaching that view, I have also taken into account that the clarifications to GLVIA3 in CD12.2 indicate that people living in the area of the proposed development have to be considered as receptors and that views from settlements should be considered. However, it is also clear that this should be focussed on the way that the community currently experiences views from public locations such as streets and open spaces and how those change. In contrast, views from houses and individual properties are a matter of private amenity and it is an established planning principle that there is no right to a view. However, in that regard, I also note that it can be helpful for a LVIA to comment on changes to views that will be experienced from groups of properties, or in some cases individual properties if these changes are likely to be significant. I am, therefore, satisfied that the inclusion of some views which are representative of those from residential properties and the associated observations I made are reasonable to take into account for completeness.

⁶² Appendices to Proof of Evidence of Catherine Ritson

67. The LVIA prepared by SLR Consulting at its Table C-2 includes an analysis of the magnitude of the visual change from each of the representative viewpoints and an assessment of visual effects in its Table C-3. In those respects, it identifies the magnitude of visual change to be negligible for the majority of viewpoints both after construction and after 15 years. The exceptions are representative viewpoints from the rear garden boundaries of properties at Upper Hale Road (slight); Oast House Lane (slight); Farnham Park - Oast House Lane access (slight after construction, negligible after 15 years), Farnham Park eastern boundary (slight after construction, negligible after 15 years) and Farnham Park approaching Oast House Lane (slight after construction, negligible after 15 years). I agree with the identification of those viewpoints as those most likely to be affected. In reaching that view, I also find that the proposed amendments submitted to the appeal to remove the car parking area and relocate the substation from the small paddock would reduce the magnitude of change and visual effects observed from the access from Hale Road and entrance to Daniele Sicilian restaurant to negligible and neutral respectively.
68. Having taken account of the associated viewpoints and visual representations in the evidence⁶³ and made my own observations, I have no reason to differ from the findings in Tables C-2 and C-3 of the LVIA. In reaching that view, I have taken into account that the viewpoints from the Church of St John the Evangelist churchyard, the access from Hale Road and the entrance to Daniele Sicilian restaurant would experience only negligible changes. This is noting that the new landscaping when taken together with existing intervening trees, hedgerows and differences in respective land levels would ensure that the proposed building would be adequately screened from each of those viewpoints. Whilst there would be some changes arising from the formalisation and expansion of existing car parking areas along the access road, I consider that the visual effects would be largely neutral insofar as they would be viewed in the context of the existing car parking areas and the new landscaping proposed.
69. Changes to views from elevated sections of Farnham Park in locations near to Chorley Wood, near Folly Hill and near the Avenue would experience slight or negligible magnitudes of change that range from moderate/minor visual effects initially to largely neutral effects over time. This is noting that the proposal would be barely perceptible amongst the foreground and backdrop of existing mature trees, and the small change experienced when looking towards the Surrey Hills National Landscape would be limited to new planting being introduced into skyline views in the long term as it matures with negligible effects. The site is also barely perceptible in the more distant view from North Downs Way beyond woodland containing the built-up areas of Farnham and as such any changes to the view would be barely noticeable and negligible from the Surrey Hills National Landscape with visual effects being moderate/minor but neutral given the change observed would be the additional landscaping proposed within the site.
70. Of the other respective viewpoints with a slight magnitude of change identified in the LVIA, the majority of properties at Upper Hale Road with rear garden boundaries facing towards the site have existing views obscured by hedgerows along intervening field boundaries beyond the appeal site. However, I observed that a limited number of properties have upper floor windows visible from within the appeal site above managed hedgerows and therefore, after construction would

⁶³ Appendices E and F to Proof of Evidence of Catherine Ritson, and CD1.14

have views of the new building and associated vegetation clearance until the new landscape screening matures. Thereafter, the extent of new landscaping would largely screen the building and would be the majority of the change observed. The observable change both after construction and after 15 years would be at distance in the background of a managed paddock that is visible in closer proximity and viewed against the backdrop of tall mature trees along the boundary and within Farnham Park. This corresponds with the LVIA finding of a slight magnitude of change and negative visual effects that are moderate/minor.

71. Existing hedgerows to the north and north-west of the site already largely obstruct views from ground level along Oast House Lane towards the proposed location of the new building and the burial ground. There are some elevated views from upper floor windows of the properties along Oast House Lane towards the site and those viewpoints together with others available from gaps in roadside hedgerows close to the entrance to Farnham Park would experience a small change arising from removal of the existing hedgerows within the site. However, the views into the site would be mostly filtered by the density and maturity of existing vegetation and mature trees otherwise present alongside the road and/or those to be retained or added within the site. For the occasional properties that are afforded elevated views into the site, the change in view would be at distance with the new building sitting comfortably in the landscape amongst other existing buildings close by and below the skyline. The views would also be filtered by intervening landscaping after construction and largely screened after 15 years as the landscaping matures. In each of those respects, the LVIA findings correspond with a change of slight magnitude and visual effects ranging from moderate/minor to minor that would be negative after construction but would be largely mitigated to neutral over time.
72. When identifying the visual effects of the proposal from the representative viewpoints from the vicinity of the site, it is noted that the LVIA undertaken by SLR Consulting as informed by GLVIA3 considers positive effects to be those which enhance and/or reinforce the characteristics which are valued. Neutral effects are changes which are consistent with the characteristics of the landscape or view, and negative effects are those which remove and /or undermine the characteristics which are valued. There are limited instances in the LVIA of effects on landscape character and visual effects identified as negative. However, the magnitude of the changes are no greater than slight and no visual effects above moderate/minor have been identified. In that context, it is noted that the SLR Consulting methodology as applied in the evidence when interpreting GLVIA3 and reaching its overall conclusion regards only major and major/moderate effects as important planning considerations (or significant effects in landscape and visual impact assessment terms). The overarching conclusion of no significant residual adverse landscape or visual effects arising from the proposed development in the LVIA, therefore, corresponds with that approach and remains robust.
73. With regard to the above, I am mindful that the outcome of the LVIA largely relies on matters of professional judgment. Furthermore, the identification of negative impact within the individual findings of the assessments that lead to the LVIA conclusions do not of themselves by necessity lead to a finding of harm in planning terms or conflict with policy. This is noting that the approach of a LVIA is to assess the proposed changes to the landscape, the capacity to absorb change (i.e. its sensitivity) and how people would be affected by those changes. In those respects, it is somewhat inevitable that the introduction of new built form into an existing field

has the potential to result in change to an existing landscape which in most cases could be held to some degree as having negative impact in LVIA terms. However, such a finding does not account for wider planning considerations, including the extent to which the design of a proposal would relate to its surroundings. As such it is necessary that I also go on to consider the effect of the proposal on character and appearance as experienced within the site and its relationship to surroundings before reaching my own conclusions as to whether there would be any harm in planning terms and/or conflict with the relevant development plan policies. This includes Policy RE3 and Policy FNP10 part d) as previously referred to and consideration of any degree of tolerance that the relevant policies may or may not have for landscape and visual changes arising from the proposed development.

Design and Appearance of the Proposed Development

74. The proposal of itself will increase the built form within the site through the addition of a funeral ceremony building, and a substation, together with the increased hardstanding for the parking areas and new access road into the site. Although as per the LVIA findings, the proposed building would be largely screened and concealed by the new landscaping either initially or over time as it matures depending on the particular viewpoint beyond the site, the change would be more noticeable for users of the proposed building and visitors to the burial ground. In that respect, it is notable that the extant planning permission that includes the woodland burial ground includes a condition to prevent gravestones from being erected in most of the area comprising the appeal site in order to safeguard the character and appearance of the site. The condition also includes restrictions on the cemetery on land beyond the appeal site to restrict gravestones to 1m in height for the same reason. However, the existence of such a condition does not preclude the grant of planning permission that exceeds those restrictions provided the effects on the character and appearance of the site and the rural setting are not unacceptable.
75. With regard to the above, the design of the proposal has primarily been landscaping-led as developed in collaboration with a UK award winning landscape designer. In doing so, it intends to draw upon the history of the site insofar as in the past it would likely have been more heavily populated by trees. There are designed spaces and clearings within the landscaping scheme to accommodate the burial site provision with possible space for up to 30 years. Those spaces will be interspersed and softened by informal semi-mature planting, the retention of an existing mature oak which is a landmark feature within the site and more dense planting along the site perimeter to both extend the woodland character of Farnham Park and conceal views from beyond the site boundaries. The main approach to the building from the car parking area for pedestrians is also designed to be narrow and tree-lined.
76. The proposed building within the landscaped setting would have a maximum height of 9.1m and a considerable footprint that would be more extensive than other buildings in the locality. As such, it would be a substantial form of development of itself. However, it has been designed by an internationally renowned and Stirling Prize winning architect to sit comfortably within and be a modest addition to a very large site and the formal landscaped setting proposed. The form of the proposed building draws reference from rural and agricultural buildings that would be typically associated with the historic use of the site as farmland and paddocks, with glazing features, timber lined walls and a roof incorporating an entrance canopy and

dormers as contemporary and functional features whilst maintaining the rural character and aesthetic of a thatched building.

77. The building would be positioned in a location within the site where the backdrop of existing properties to the south and associated landscaping provide a context within which it would be compatible when approaching within the site from the north. The positioning of the building also utilises the existing downward sloping topography to integrate and conceal its overall height and form within the surrounding landscaping both to be retained and proposed including on higher ground. This would ensure that it integrates into the woodland setting from other vantage points within the site and the limited public viewpoints that would be available. As such from within the site and the limited public vantage points in the surrounding area, I consider that the proposed building would be viewed as a sensitive and inconspicuous addition to the rural setting which would assimilate with and not have a detrimental impact upon the character of its proposed woodland setting in the rural landscape and how it is experienced.
78. In reaching the above findings, I have taken into account that the proposal would introduce the use of thatch and timber cladding materials into a location where such materials are not an established nor predominant feature. Nonetheless, the use of such materials are characteristic of rural and semi-rural locations both in Surrey and elsewhere in the country, with particular associations with agricultural buildings of the past. The use of a thatched roof has influenced the gradient of the pitch of the roof and, therefore, the overall scale of the building, insofar as it is based on the minimum slope required for water to drain off from the thatched roof in accordance with guidance prepared by Thatching Advisory Services⁶⁴. However, I note that the pitch of the roof also has benefits to the internal environment insofar as achieving a sacred, transcendental and reverential space, with associated benefits of the height and volume providing space for natural ventilation from low level openings through the dormer windows at high level. Moreover, in the particular circumstances afforded by the extent of screening provided by the proposed landscaping, the use of thatched and timber cladding materials would assist with assimilation into the surrounding woodland setting and thereby, would be well-concealed by it. It follows, therefore, that the scale of the building and the materials used when viewed within the site and from the very limited public vantage points available elsewhere would not appear out of place in a rural setting that is characterised by a mix of farmland, paddocks and woodland with interspersed buildings to the south-east of it.
79. The hard landscaping proposed within the northern section of the site would involve a tar and chip finish with a bound gravel appearance like that commonly used on National Trust estates⁶⁵ and characteristic of rural settings. As such, whilst the addition of the proposed path to the building would typically be an urbanising feature, the effects would be mitigated by use of those materials and its design incorporating characteristic rural features. This includes its narrow width, use of small ditches and mounds to each side and incorporation of passing places which would ensure that it has the appearance of a secluded country lane. The hard landscaping proposed, therefore, would not appear out of place in its rural context and would not harm the character and appearance of the area.

⁶⁴ Appendix A of Rebuttal Proof of Evidence of Niall McLaughlin

⁶⁵ IQ9

80. A new entrance gate with continuous deer fencing would run along the boundaries of the site where the proposed building and burial ground would be located to protect the landscaping as it establishes. Deer fencing is not an uncommon feature of rural settings and therefore, also would not have a detrimental impact on the character and appearance of the area.
81. The proposed substation, as amended by the revisions to the proposal submitted as part of the appeal, involve it being located in a 1.8m high fenced enclosure within the proposed car parking on the southern side of the access road. In that location it would be concealed by proposed new landscaping and therefore, would not have an unacceptable impact on the character and appearance of its surroundings. The proposed car parking would be viewed as a natural extension to that which currently exists assisted by the use of a permeable gravel surface that would be consistent with it, with assimilation into its surroundings supported by some additional landscape planting.
82. It follows from all of the above that, subject to the imposition of relevant conditions to secure the proposed materials for the building and implementation of the landscaping, the proposal would be of a high-quality and inclusive design and would not have a harmful impact on the character and appearance of the area as experienced within the site and with respect to its relationship to surroundings. Having regard to those findings, I now go on to address the other remaining relevant matters to the character and appearance of the area before reaching my overall findings on the main issue.

Loss of Trees and Hedgerows

83. The proposal would involve the removal of three groups of trees, two of which are to facilitate the proposed development and landscaping and would involve a group of semi-mature blackthorn and a group of mixed species being removed. The other group to be removed would be a mixed species to facilitate the expansion of the vehicle parking and installation of new fencing to the paddocks. The proposal also involves the removal of three mixed species of hedgerow, two of which are to facilitate the proposed scheme, including the new landscaping and the other to enable the provision of the internal road serving the building.
84. One of the tree groups and part of one of the hedgerows to be removed are subject of TPO, these are a blackthorn identified as G25 and a mix of field, maple, hawthorn and blackthorn identified as H28 in the Arboricultural Impact Assessment⁶⁶. However, all of the trees and hedgerows to be removed including those subject of TPO have been assessed as Category C in the context of BS5837 which reflects trees of low quality or young specimens that are suitable for removal. Based on my own observations, I have no reason to take a different view to those conclusions. Furthermore, I consider that the effects of removal of the trees would be more than offset by the addition of new landscaping planting that when established would provide enhanced collective amenity value of woodland upon completion of the proposal and particularly in the longer term as the landscaping matures. In reaching that view, I have also taken into account that conditions are capable of securing a Landscape and Ecological Management Plan (LEMP) with monitoring for 15 years post-planting, and an Arboricultural Method Statement and

⁶⁶ CD1.16

Tree Protection Plan to secure the provision of tree protection measures for the retained trees during the period of construction.

85. When having regard to all of the above, there is limited conflict with Policy FNP1 part d) insofar as it seeks to protect trees and hedgerows as the proposal involves tree loss. Nonetheless as the loss of trees and hedgerows, including those currently protected by TPO, would be appropriately replaced and compensated for by the enhanced landscaping proposed there would be no harm as a result. I, therefore, find that, subject to the imposition of relevant conditions, the proposal accords with the relevant requirements relating to trees and hedgerows in the development plan when taken as a whole, including compliance with Policy NE2 of the LPP1 and Policies DM4 and DM11 of the LPP2.

Setting of Designated Heritage Assets

86. The site forms part of the setting of Farnham Park, a Grade II registered park and garden. The significance of Farnham Park is derived from its historic interest including its original medieval boundary, creation as a deer park in the 14th century and association with the Bishops of Winchester and other figures and events of national importance including William the Conqueror and the Norman Conquest. This includes the presence of Farnham Castle, which is a designated scheduled monument and includes Grade I and Grade II listed buildings as part of its group value, together with the Grade II* listed Ranger's Lodge, which have associated historic architectural interest in terms of how the design of the buildings introduced evolved with the historic usage of the medieval deer park and the later landscape features of its late 18th century park design.
87. With regard to the above and my previous findings, it is evident that the proposal would change the character of the site adjacent to Farnham Park that forms part of its setting from existing fields to a more informal wooded landscape. However, to my mind, a change to woodland remains consistent with and complementary to the character of the existing boundaries of the site with Farnham Park where wooded areas are a well-established feature. The proposed building would be largely screened from views within the park by the landscaping setting to be added and would assimilate with its surroundings when taking account of the use of materials. As such even if it would be glimpsed through occasional tree gaps particularly during Winter months from footpaths that run alongside and relatively close to the shared boundary with the site, it would not adversely impact on the setting or significance of Farnham Park. In reaching that finding, I have taken into account that the visibility of more prominent and less well-screened buildings beyond other boundaries is relatively common. Moreover, the proposed building would be a considerable distance from Farnham Castle and the Ranger's Lodge, and would be unlikely to be visible from them given the differences in topography and intervening screening. I, therefore, find that the proposal would not harm the setting or significance of Farnham Park nor the settings or significance of the listed buildings associated with Farnham Castle and the Ranger's Lodge
88. The site also lies within the setting of Grade II listed buildings nearby: the Church of St John the Evangelist, the Outbuilding to the south of 1 Upper Hale Road, 3-7 (odd) Upper Hale Road, Maskoun House Nos. 1-4 Hale Farm Flats and Nos. 4, 5 and 6 Radford Close, the White Cottage and Mulberry House. The significance of the Church of St John the Evangelist is derived from its historic interest as part of the development of Farnham and association with a notable architect, Benjamin

Ferrey, with architectural interest arising from its rare Norman Revival style. The significance of Mulberry House is largely derived from its historic and architectural interest as a good example of a Georgian country house and its group value with other heritage assets to the north of Hale Road and Upper Hale that are indicative of the historic development of Farnham. Those heritage assets include the Outbuilding to the south of 1 Upper Hale Road, 3-7 (odd) Upper Hale Road, Maskoun House Nos. 1-4 Hale Farm Flats and Nos. 4, 5 and 6 Radford Close, and the White Cottage, that are also close to the site and derive their significance for the same reason and their historic association with Hale Farm insofar as they are indicative of different examples of Georgian rural architecture and the historic rural economic development of Farnham.

89. With regard to the above and my previous findings, it is evident that the site forms part of the wider setting of each of the heritage assets and thereby, contributes to how they are experienced in a rural setting. In that regard, as previously acknowledged the character of the site would change from fields to an informal wooded landscape that is not inconsistent with the surrounding rural context. To my mind, such a change would not harm the setting of the listed buildings when noting that the immediate context of open fields that lie beyond the site and the paddocks within the site to the south of the Church of St John the Evangelist and to the north of Mulberry House would maintain the perception of their historic association with agriculture.
90. In reaching the above findings, I have taken into account that the additional areas of hard landscaping for the expanded car park and the addition of a substation closest to the listed buildings would be largely screened from shared viewpoints by mature vegetation along shared boundaries. Moreover, the proposed building would not detract from the setting or significance of any of the heritage assets due to its locational separation with associated differences in topography, existing and proposed planting, and its assimilation with and concealment in surrounding woodland. In addition, the landscaping has also been carefully designed to include voids to allow for views from both within the site and the neighbouring Farnham Park through to the tower of the Church to be retained. I, therefore, find that the proposal would not harm the settings or significance of the Church of St John the Evangelist, the Outbuilding to the south of 1 Upper Hale Road, 3-7 (odd) Upper Hale Road, Maskoun House Nos. 1-4 Hale Farm Flats and Nos. 4, 5 and 6 Radford Close, the White Cottage and Mulberry House.
91. It follows from all of the above, that the proposal would not harm the settings and significance of nearby heritage assets and therefore, is in accordance with the relevant requirements of Policy HA1 of the LPP1, Policy DM20 of the LPP2 and Policy FNP1 of the NP in those respects.

Conclusion on Main Issue

92. The proposal involves a change to the existing landscape within the AHLVS as identified on Map E of the NP with the associated loss of two existing fields, together with trees and hedgerows that I consider to be key characteristics forming part of its landscape character. However, the key characteristics of the AHLVS that separates the settlement edges of Farnham and Hale also includes mature tree belts/woodland associated with Farnham Park, mature hedgerow trees, native hedgerows of varying ages and a peaceful, attractive and enclosed landscape. The proposal would replace the existing fields and provide landscaping with additional

trees and hedgerows, thereby enhancing those key characteristics of the rural landscape forming part of the AHLVS. In that respect, it is notable that it is a location where there is already a fallback position of an extant planning permission for most of the site for a similar change of the landscape to a woodland burial ground that could take place irrespective of the outcome of this appeal. In the particular circumstances of this case, it follows that the resultant change of the fields within the site to an informal woodland to be used as a burial ground and associated development that would be assimilated within and largely concealed from public viewpoints by enhanced landscaping, would retain the landscape character and not have a detrimental impact on the AHLVS. I, therefore, find that the proposal accords with Policy FNP10 part d).

93. Further to the above, I also find that the proposal accords with Policy FNP10 part e) of the NP insofar as it seeks that a proposal for development should enhance the landscape value of the countryside and where new planting is involved, use appropriate native species. In reaching that view, I consider that expansion of trees/woodland within the site given its association with the character of Farnham Park would enhance the landscape value of the countryside in this location. This would be achieved by the character and appearance of the informal woodland within the site complementing the enclosed nature of the landscape when viewed as part of the backdrop of open fields to be retained to the north and east and in the periphery of long views towards the Surrey Hills beyond the northern boundary of the site. In doing so, it would further moderate the presence of existing buildings in the central section of LCA6 and provide an enhanced transition and relationship with the character of Farnham Park. There would also be associated benefits from some public vantage points of the enhanced landscaping within the site softening the presence of the existing pylons and overhead power lines that are currently features that are visually detracting and conspicuous in views across the AHLVS.
94. Consequently, when taking account of the other findings earlier in this decision, the proposal accords with all of the relevant requirements of Policy FNP10 of the NP to be met for it to be permitted outside of the Built-Up Area Boundary. It reasonably follows that the proposal is not inappropriate development in the countryside as defined by Policy FNP10. As the proposal accords with Policy FNP10, it also follows that there is no conflict with Policy RE3 of the LPP1 insofar as it would respect and enhance the distinctive character of the landscape in which it is located and thereby, would not undermine the retention of the AGLV for its own sake (of which the AHLVS forms part) and would protect the character and qualities of the Surrey Hills National Landscape.
95. Moreover, based on those findings, the proposal also accords with Policy RE1 of the LPP1 insofar as it seeks that the intrinsic character and beauty of the countryside is recognised and safeguarded in accordance with the Framework as the proposal would protect and enhance the valued landscape. Given my finding of no harm to landscape value, the proposal also accords with Policy DM1 of the LPP2. Furthermore, I consider there to be no harm in terms of the objectives of Policy FNP11 of the NP insofar as it seeks to prevent increased coalescence of settlements. In reaching that view, I have taken into account that the location of the proposed building would be relatively close to existing buildings to the south-east, a considerable proportion of the site closer to the settlement edge of Hale would be given over to woodland and there would be an absence of a detrimental impact upon the visual setting and landscape features of the site and its surroundings.

96. As I have previously found the proposed building to be of a high quality and inclusive design and no harm arising from the associated changes to landscaping, the access arrangements, car parking and provision of a substation, the proposal also accords with Policy TD1 of LPP1 and Policy DM4 of LPP2. In that respect, I find that it responds appropriately to the distinctive local character in which it is located and responds effectively to its surroundings, whilst reinforcing local distinctiveness and landscape character. It is also evident that the proposal in the rural area recognises the natural beauty and undeveloped character that is intrinsic to the countryside by largely concealing and/or assimilating the elements of the proposal that otherwise would potentially have an urbanising effect through the use of enhanced landscaping and associated screening. The enhancements to landscaping ensure that the proposal would be consistent with the distinctive character and pattern of development in this area of urban-rural transition and would provide a more efficient use of the land. Moreover, the extant planning permission for the woodland burial ground within part of the appeal site has already been implemented and involved a change of use from agriculture. The proposal, therefore, accords with the relevant requirements of Policy DM15 of the LLP2.
97. Having regard to all of the above, subject to the imposition of relevant conditions, I conclude that the location of the appeal proposal is consistent with local and national policies, and that there is no harm arising from the proposed development on the character and appearance of the area, including the Area of Great Landscape Value and Area of High Landscape Value and Sensitivity. The proposal, therefore, does not conflict with Policies RE1, RE3 and TD1 of the LPP1, Policies DM1, DM4 and DM15 of the LPP2 and Policies FNP10 and FNP11 of the NP.
98. In reaching the above findings, I have found limited conflict with Policy FNP1 of the NP insofar as it seeks to protect trees and hedgerows given that the proposal would involve the loss of trees and hedgerows including some protected by TPO. However, as the proposal would include an enhanced landscaping scheme that would more than compensate for the loss of existing trees and hedgerows, there is no harm in that respect. Moreover, the compensatory approach is in accordance with Policy DM11 of the LPP2 which relates specifically to and provides a more detailed approach and development requirements in terms of trees, woodland, hedgerows and landscaping. I, therefore, consider that the proposal accords with the development plan when taken as a whole with respect to those matters.

Other Matters

Access, Car Parking and Highway Safety

99. The site is an accessible location by modes of travel other than the private car, with regular bus services available in walking distance including to Farnham town centre and Farnham railway station from bus stops close by from Upper Hale Road (A3016) to the north and from Hale Road (B3007) further to the south. There are also good pedestrian and cycle links in the local area. Appropriate cycle parking can also be secured by condition to promote the use of sustainable forms of travel.
100. Vehicular access to the site as previously mentioned is provided from Lower Road off Hale Road (A325). It serves an existing access to 42 shared informal car parking spaces and a turning area currently within the site, of which 6 spaces are currently allocated to the Daniele Sicilian restaurant and hotel and 19 spaces to the adjacent Imaan Gardens cemetery. The proposal would result in the extension of

the car parking area (unmarked to retain the perception of a country lane) with capacity to accommodate 75 car parking spaces in total - 42 cars along the access road including new parking areas to the north and south and an additional 33 spaces on the gravel surfaced area. The car parking spaces would be shared between the proposal, the restaurant and hotel, and the adjacent Imaan Gardens cemetery. The submitted plans do not identify the provision of disabled parking bays, but I am satisfied that appropriate arrangements could be secured by condition and would be capable of being provided in the gravel surfaced area and supplemented by associated arrangements in a car parking management plan.

101. The car parking provision has been supported by an assessment of the current and future parking needs of the site in the Transport Addendum⁶⁷ to the Transport Statement⁶⁸. The parking surveys undertaken between 09:00 and 15:00 on representative days (Saturday 15 July 2023, Tuesday 18 July 2023 and Thursday 20 July 2023) identified a peak car parking demand on each day ranging between 26-28 vehicles. Whilst the evidence does not extend to the extra hour on Tuesdays and Thursdays up to 16:00 when funerals would be capable of taking place, I have no reason to consider that parking demand during that period would be higher than the peak identified which appears to correspond with the lunch hours during which the Daniele Sicilian restaurant is open.
102. In reaching that view, I have taken into account that during my visit on Tuesday 17 December 2024 I observed significantly higher levels of car parking demand than recorded in the survey on arrival at 13:45 that resulted in some overspill on-street parking along Lower Road. However, parking levels within the site had significantly reduced by 15:45. Whilst such observations reflect only a snapshot in time, having made further visits to the car park on Friday 20 December 2024, Monday 13 January 2025 and Wednesday 15 January 2025 between 10:00 and 16:00, the peak levels of car parking demand experienced in those mornings and afternoons was significantly lower and more akin to the levels for Tuesdays, Thursdays and Saturdays recorded in the Transport Addendum.
103. In any case, the proposal involves the provision of additional car parking to that which currently exists. The evidence in the Transport Addendum provides associated car parking demand forecasts based on scenarios involving a typical funeral based on the average of two per week occurring at Brookwood Cemetery (40 attendees / 20 cars) and the building at capacity (maximum of 181 attendees / 45 vehicles), with the latter including reasonable adjustments for the intended use of minibuses which can be controlled by condition through the submission of a Travel Plan. In those respects, it is evident that the proposed car park with 75 spaces would generally have around 33% spare capacity for a typical funeral but would be close to capacity in the event of a large funeral.
104. With regard to the above, I am mindful that there is the possibility for concurrent events at the restaurant, the Imaan Gardens cemetery and Church of St John the Evangelist Churchyard, which if occurring at the same time as a large funeral within the proposed building could have the potential for the capacity of the proposed car park to be exceeded. Nonetheless, I consider that the potential for such instances could be suitably mitigated through a condition to secure a car parking management plan setting out the pre-planned measures for such situations. This

⁶⁷ CD2.12

⁶⁸ CD1.22

could include the engagement/co-ordination of arrangements with surrounding uses when large funerals are expected and mitigation measures such as the deployment of car parking marshals and minibuses to transport mourners to and from the site. It follows that I am satisfied that the imposition of such a condition would be capable of ensuring no unacceptable impacts on highway safety or residual cumulative impacts on the road network arising from the car parking arrangements serving the proposed development and any associated demand for it.

105. The planning application prior to the proposed amendments submitted to the appeal included a separate car parking area for the Church of St John the Evangelist with a total of 24 car parking spaces. The provision of those car parking spaces would be of benefit to the local community and visitors to the church and its churchyard which is not currently served by dedicated off-street parking. Nonetheless, the provision of such a car park of itself would not be necessary for the acceptability of the car parking arrangements serving the proposed funeral ceremony building and therefore, could not be secured by condition.
106. In terms of the traffic effects of the proposal, as set out in the Transport Addendum the methodology for assessment was agreed with the Highway Authority (Surrey County Council) with respect to the approach of assessing the impact of development traffic. Initial surveys informing the Transport Statement were undertaken between Saturday 21 May 2022 and Friday 3 June 2022. Follow up evidence and junction modelling was then undertaken on the Six Bells Roundabout and the A325 Hale Road/site access junction, including a seven-day Automatic Traffic Count between Monday 30 October 2023 and Sunday 5 November 2023. As the latter data is more up-to-date and shows slightly higher two-way traffic flows, I am satisfied that it is a robust basis for assessment in the Transport Addendum.
107. Furthermore, I consider that the approach of focussing upon the effects on those two junctions is appropriate given that the quickest and therefore, most used routes to and from most other parts of South-East England when approaching and leaving the site access would be via either the A31/A331 or the A31/A3 (which provide links to the M3 and M25) whilst using the Six Bells Roundabout on the A325. This includes for Ismailis who may be travelling to and from London and its hinterland, or those making linked trips with Brookwood Cemetery.
108. Based on Figure 2-2 of the Transport Addendum, during the intended periods of funeral ceremonies to be carried out between the hours of 10:00 and 16:00 on Tuesdays, Thursdays and Saturdays⁶⁹ it identifies the peak two-way traffic movement as between 13:00 and 14:00 on a Saturday. It also identifies traffic movements throughout the relevant time periods on Tuesdays and Thursdays as significantly lower than that peak period and the peak weekday morning (0800-09:00) and afternoon (16:00-18:00) traffic flows. It is also notable that the Saturday peak period is also higher than the periods covering 09:00-10:00 and 16:00-17:00 on Tuesdays and Thursdays which are periods when funeral attendees may be accessing and leaving the site respectively. In that context, it is reasonable that the evidence necessarily focussed upon the worst-case scenario of the highest traffic flows during the intended periods of funerals taking place on Saturdays between 10:00 and 14:00 as the basis to assess the impact of the proposal. In doing so, the peak-hour assessment was supplemented by Manual Classified turning counts and

⁶⁹ As identified in the suggested conditions as INQ18.

queue length surveys at the site access junction and the Six Bells Roundabout, with the development traffic generation then added to assess the impacts.

109. The development traffic generation in terms of trip rate assumptions in the Transport Statement is supported by evidence in the Transport Addendum based on funeral data collated at Brookwood Cemetery for the period of 1 September 2022 to 31 August 2023 and is, therefore, robust. It includes the aforementioned scenarios: a typical funeral of around 40 people and the intended capacity of the building of up to 181 attendees. As the latter significantly exceeds the maximum funeral attendee sizes of 107 attendees and 103 attendees identified during the 12-month period at Brookwood Cemetery, I am satisfied that it reflects a reasonable worst-case scenario for sensitivity testing. In reaching that view, I consider it incorporates sufficient flexibility for the possibility of additional funeral attendees at the site due to the provision of the funeral ceremony building and inclusion of facilities for observation of burials by women and the infirm. The approach also reflects a realistic scenario insofar as all of the development traffic is considered to be new to the site above the 2023 baseline, as opposed to adjusting for the possibility that burials could currently take place at the site via the fallback position of the extant permission. The achievements of the assumptions in terms of modes of travel by means other than a private car is capable of being supported by a Travel Plan which can be secured by condition if the appeal is allowed.
110. With regard to the above, the junction assessment indicates that the typical change in passenger car units would be 20 two-way movements for a typical funeral with 40 mourners and 63 two-way movements for the worst-case scenario of 181 mourners. In that context, the junction modelling indicates that based on the ratio of flow to capacity (RFC) with the traffic generation, both the site access junction (0.4) and the A325 at the Six Bells Roundabout (0.72) would remain significantly below the recommended RFC of 0.85 on all approaches. As such, there would be no capacity constraints during the busiest Saturday peak hour of traffic for the time periods of funerals sought and based on the worst-case scenario tested of 181 mourners. It follows that I am satisfied that the development would not have an unacceptable impact on the transport network in terms of capacity or congestion.
111. The above results do not seemingly include future scenario testing and cumulative effects of developments that may take place elsewhere in Hale, Farnham or other locations in Surrey, Hampshire or Berkshire in the Blackwater Valley Conurbation. However, I am satisfied that the significant headroom below the recommended RFC of 0.85 in the worst-case scenario for the proposed development and for traffic generation during the periods of time when funerals will be carried out is sufficient to conclude that the residual cumulative impacts on the road network would not be severe for all reasonable future scenarios.
112. In terms of highway safety, the site access arrangements include an access road within the site that leads initially onto Lower Road. There is no through-traffic passing the site on Lower Road and due to the nature of the turning manoeuvres required and the rising gradient into the site, I observed that vehicle speeds are relatively low when entering and exiting the site. The access is existing and well-established, and the evidence before me does not include any recorded accidents arising from its use. In that context, I am satisfied that the increase in comings and goings to the site as associated with the proposal before me would not have an unacceptable impact on highway safety.

113. In reaching the above finding, I have taken into account that the pedestrian footpath serving the northern section of Hale Road crosses the site access and the existing visibility splays are partly overgrown by hedges on each side. A condition had been suggested in that respect to require the provision of pedestrian visibility splays. This is not possible as based on the evidence before me, some of the land falls outside of the site, is under the control of the Highway Authority and a planning obligation between the parties has not been provided. Nonetheless, I am mindful that the Highways Authority have the ability under other legislation to remove vegetation should they consider it to be necessary on safety grounds and therefore, it is not reason to withhold planning permission.
114. The site access from Lower Road onto Hale Road has good visibility in both directions due to the straight alignment to each side before respective curves on the rising land to the north toward the junction with Upper Hale Road and Monkton Lane, and also to the south towards the Six Bells Roundabout. The access is located just before the speed limit changes from 50mph to 30mph to the north. Based on the evidence and my own observations, it is a relatively busy route particularly during peak times with queues from the traffic lights at the junction to the north on occasion passing the site access along the section of the single carriageway.
115. Notwithstanding the above, I observed sufficient gaps in traffic to ensure that there would not be significant queuing along Lower Road when exiting onto Hale Road. In that respect, a right turn on occasion may involve pulling onto the northbound carriageway in the gap between queuing traffic, but I observed that this could be achieved safely due to this part of Hale Road being sufficiently wide due to the presence of broken double white-line dividers along the centreline. This allows a stationary vehicle to not cause an obstruction on the northbound carriageway while waiting for the frequent gaps in traffic to join the southbound two-lane carriageway. I also note the evidence of the only recorded accident nearby being closer to the Six Bells Roundabout and unrelated to the use of the access. I am, therefore, satisfied that the access arrangements serving the proposal and local highway conditions would not have an unacceptable impact on highway safety.
116. Access for fire tenders has been confirmed as acceptable to Sussex Fire and Rescue Service⁷⁰. Based on the evidence and my own observations, I am satisfied that a fire tender would be able to drive right up to the proposed building and would be able to turn around allowing them to enter and exit the site in a forward gear.
117. Having regard to all of the above, subject to the imposition of relevant conditions, the proposal would be acceptable with respect to access arrangements, car parking and highway safety and would accord with the relevant requirements of Policy ST1 of the LPP1, Policies DM4 and DM9 of the LPP2 and Policies FNP11 and FNP30 of the NP in the above respects.

Living Conditions - Occupiers of Neighbouring Properties

118. The proposed development would be around 150m from the nearest residential properties, with intervening screening between. It follows that there is adequate separation distance to all neighbouring properties to ensure no unacceptable impact in terms of privacy, sunlight, daylight and outlook for their occupiers.

⁷⁰ CD2.9

119. Notwithstanding the above, it is noted that the construction phase of the proposed development and the carrying out of funerals within the proposed building once completed, would be likely to increase the activity experienced for properties near to the site. This includes dwellings and businesses that share the access. An increase in vehicle movements and visitors at the levels suggested in the evidence when compared with the existing situation would have the potential to result in increased noise and associated disturbance.
120. However, any unacceptable impacts in the above respects could be avoided through the imposition of conditions to manage the construction phase through a Construction Environmental Management Plan (CEMP) and limiting the use of the pavilion building and funerals being carried out (except for the use of the building by volunteers in preparation for a funeral) to only between the hours of 10:00 and 16:00 on Tuesdays, Thursdays and Saturdays. Equivalent restrictions to the extant planning permission for the burial ground could also be imposed to restrict timings of digging of graves and visitors to the burial ground. The conditions when taken together would be capable of ensuring that any increases in activity within the site would not occur during times of the day/week when a quieter living environment would reasonably be expected by occupiers of nearby properties.
121. In addition, conditions could also be imposed to ensure that the level of noise from other sources such as the proposed substation, together with plant and air source heat pumps associated with the proposed building are suitably controlled to avoid unacceptable impacts upon occupiers of neighbouring properties.
122. Having regard to all of the above, subject to the imposition of conditions, the proposal would not have an unacceptable impact on the living conditions of occupiers of neighbouring properties and would accord with the relevant requirements of Policy TD1 of the LPP1, Policies DM1 and DM5 of the LPP2 and Policies FNP1 and FNP11 of the NP.

Drainage and Flooding

123. A Sustainable Drainage Strategy and Flood Risk Assessment⁷¹ has been submitted with the application. The site is in Flood Zone 1 and is at low risk of flooding from all sources except surface water during intense or prolonged rainfall events on an occasion that there was insufficient capacity within the existing drainage infrastructure or the ground becomes saturated. In such circumstances, the proposed building would be in a potential overland flow path. In response, the proposal includes associated flood mitigation measures in its design together with sustainable drainage systems (SuDs). This includes lined permeable surfacing where possible and suitable, together with re-use of the existing pond and swales for conveyance and storage that are considered to be feasible as mitigation. Conditions can be imposed to secure full details of the SuDs and their implementation. Consequently, subject to the imposition of necessary conditions, the proposal would be appropriately flood resistant and resilient and would not increase flood risk elsewhere and thereby, accords with the relevant requirements of Policy CC4 of the LPP1 and Policy FNP1 of the NP.

⁷¹ CD1.24

Biodiversity

124. The site is within the Thames Basin Heath Special Protection Area (SPA) 5km Buffer Zone. When taking account of the nature of the proposal and the distance of the site to the Thames Basin Heath Special Protection Area, the proposed development would not have a direct or indirect effect on the qualifying features of interest of the SPA both during its construction and operational phase. Moreover, whilst the Farnham Park Local Nature Reserve and Site of Nature Conservation Importance is adjacent to the site, there will be no direct or indirect impacts upon it as the nature of the proposal would not result in a significant increase in the level of recreational pressure than that which Farnham Park is already subject to.
125. With respect to the effect of the proposal on the existing site, a biodiversity checklist⁷², together with biodiversity net gain calculations⁷³ and ecological impact assessment⁷⁴ (as updated for the proposed amendments submitted as part of the appeal) have been provided. The evidence identifies that there is broad-leaved woodland, ponds, old and veteran trees and mature hedgerows within or close to the site. In those respects, the proposal would involve the loss of existing hedgerow habitats and disturbance to existing ground habitats within the site, during the construction phase. The proposal does include evidence of a biodiversity net gain in terms of habitats and hedgerows which I will go on to consider. Nonetheless, the loss and disturbance to existing habitats could have the potential to affect the habitats of protected species such as bats, dormice, nesting and breeding birds, badgers, reptiles and amphibians such as great crested newts.
126. With regard to the above, it is evident that whilst the site offers commuting and foraging habitats for bats, all trees with roosting potential would be retained and would be unaffected by the proposal and a sensitive lighting management plan could be secured by condition to ensure no adverse impacts from external lighting. Moreover, whilst the removal of relatively isolated hedgerows has the potential to impact on dormice that are likely to be present, the CEMP is capable of including appropriate precautions during the removal. Such a condition could also secure restrictions on the timing of vegetation or site clearance to avoid the bird nesting season of early March to August inclusive and thereby, prevent unacceptable impact on breeding birds. The CEMP as secured by condition would also be capable of including necessary precautions for the possibility that badgers may be using the site for foraging to avoid unacceptable impacts upon them. Furthermore, whilst the only reptiles identified in surveys were grass snakes and the small population of great-crested newts were identified outside of the site in a nearby pond, it is necessary and appropriate that mitigation strategies be secured by condition with respect to reptiles and great crested newts to ensure no unacceptable impacts upon them.
127. During my visits, I observed deer activity within the site and the surrounding area including Farnham Park. The proposal would involve the installation of fencing to prevent deer from damaging younger trees as part of the landscaping proposed. I am satisfied that those measures are necessary in the interests of the character and appearance of the site, including the setting of nearby heritage assets and the wider landscape to ensure that the proposed landscaping matures as anticipated. Furthermore, when taking into account that the construction of the proposed

⁷² CD1.19

⁷³ CD3.6

⁷⁴ CD3.7

building and the use of the appeal site thereafter would involve some vehicular activity and potentially the use of machinery on the woodland burial ground for digging graves, it is appropriate to limit interaction with deer that might endanger them. In reaching that view, I am also satisfied that the provision of deer fencing would not prevent their movement beyond the site in the fields to the north, whereby they can also access Farnham Park that has abundant space for deer to roam and graze.

128. The application was submitted before the requirements of the Environmental Act 2021 for mandatory net gain for major development on 12 February 2024. Nonetheless, Policy NE1 of the LPP1 requires new development to make a positive contribution to biodiversity. The most up-to-date Biodiversity Net Gain Metric Calculator provided as part of the appeal to reflect the proposed amendments shows the total on-site net percentage change for habitats is 21.63% and for hedgerows is 25.20%. The trading rules are satisfied and therefore, biodiversity offsetting is not required. A condition can be imposed to secure the biodiversity net gain through the submission and agreement of a LEMP covering a period of 15 years.

129. Consequently, subject to the imposition of necessary conditions, the proposal would enhance biodiversity and thereby, accord with the relevant requirements of Policies NE1 and NE2 of the LPP1, Policy DM11 of the LPP2 and Policy FNP11 of the NP in the above respects. There is limited conflict with Policy FNP13 part a) of the NP insofar as it seeks that species-rich hedgerows are protected, as the proposal involves removal of such hedgerows. However, as the proposal would be capable of mitigating any adverse impacts on protected species through protective measures and enhanced biodiversity secured by condition, including a net gain in hedgerows, I find no harm arising from the proposal and that it accords with the development plan when taken as a whole in those respects.

Climate Change, Energy Efficiency and Waste Management

130. The proposal would contribute to the mitigation of and adaptation to the impacts of climate change and ensure energy efficiency through the use of sustainable design measures and carbon offsetting including the planting of over 300 trees. The proposal, therefore, would contribute to the Council's aim of becoming carbon neutral by 2030. A waste management plan would also be capable of being secured by condition to appropriately manage the waste generated during excavation, construction and the operation of the proposed development (this would reasonably include appropriate measures for disposal of any clinical waste). It follows that, subject to the imposition of necessary conditions, the proposal would have high sustainability credentials and would be in accordance with the relevant requirements of Policies CC1 and CC2 of the LPP1 and Policy DM2 of the LPP2.

Archaeology

131. The site by virtue of the extant planning permission has previously been subject of an extensive programme of archaeological field evaluation that demonstrated that the site had no archaeological potential. It follows that no further archaeological investigation is required and the proposal accords with the relevant requirements of Policy HA1 of the LPP1 and Policy DM25 of the LPP2.

Building Regulations

132. The requirements of Part T of the Building Regulations have been drawn to my attention. However, whether or not potential amendments to the internal layout of the proposed building would be required as a result are not a matter for this appeal which is determined on the basis of the proposal before me and, therefore, are not reason to withhold planning permission.

Conditions

133. I have had regard to the agreed suggested planning conditions submitted by the Council and the appellant after the Inquiry⁷⁵ in response to discussions during it and associated comments on suggested conditions by statutory consultees and interested parties that have not been taken forward⁷⁶. I have considered these in light of the Framework and the Government's Planning Practice Guidance on use of conditions and where necessary I have made minor amendments to the wording to remove repetition and re-ordered the conditions capable of being imposed.

134. Conditions 1 and 2 relate to the standard time limit and plans compliance conditions which are necessary in the interest of certainty of the permission granted. Condition 3 is a pre-commencement condition that is required to secure the submission and agreement of a Waste Management Plan to ensure that satisfactory facilities for the storage of refuse and recycling are in place, including during the construction phase. Condition 4 is a pre-commencement condition that is necessary to secure the submission and agreement of an Arboricultural Method Statement and Tree Protection Plan to ensure that tree protection measures for the retained trees are in place during the entire period of construction. Condition 5 is a pre-commencement condition that is required to secure a CEMP, the details of which are necessary to be submitted and agreed in advance of the construction stage to ensure highway and pedestrian safety, whilst preserving the living conditions of occupiers of neighbouring properties in terms of noise and disturbance and preventing adverse impacts upon biodiversity within the site.

135. Condition 6 is required to secure the submission and agreement of details of surface water drainage prior to commencement (except works to trees) and is necessary to secure appropriate details in accordance with the principles of the Sustainable Drainage Strategy and Flood Risk Assessment already submitted before ground works take place within the site. Condition 7 is necessary to make sure that notification is provided of the expected commencement to ensure that the protection of rooting areas for retained trees is satisfactory. It includes a period of four weeks for both advance notification prior to expected commencement and agreement following receipt of notification by the Local Planning Authority. I consider that this would make sure that there is sufficient time for site inspections to be arranged and take place, whilst also ensuring that commencement of development would not be unduly delayed by the process.

136. Condition 8 is required to ensure submission and agreement of full details of the materials to be used for the external surfaces of the development in accordance with the submitted plans before it reaches slab level, with implementation thereafter. This is required in the interest of the character and appearance of the site, including the setting of nearby heritage assets and the wider landscape.

⁷⁵ INQ18 & INQ19

⁷⁶ INQ20 & INQ21

Condition 9 is necessary to secure agreement of full details of the landscaping scheme including the approach to and timing of planting, together with suitable provision for necessary tree replacement in the first five years, for the same reasons as condition 8 and to ensure that the biodiversity benefits arising from the submitted plans are provided. Condition 10 is required to ensure that the full details of all proposed boundary treatments, including the position, height, design, materials and type, are submitted, agreed and implemented before first use of the building, for the same reasons as condition 8. Condition 11 is necessary to ensure that a verification report to demonstrate that the surface water drainage has been constructed as per the agreed scheme secured under condition 6 before first use of the building to ensure that the drainage system installed is acceptable having regard to national non-statutory technical standards for SuDs.

137. Condition 12 is required to ensure adequate parking provision and highway safety prior to the first use of the building by ensuring that the car parking spaces and areas for vehicles to turn within the site and leave in forward gear as set out in the approved plans (or otherwise amended by Condition 15) have been laid out, with provisions to ensure that they are retained and maintained for those purposes at all times thereafter. Condition 13 is necessary to ensure satisfactory facilities for the parking of cycles prior to the first use of the building to thereby, encourage travel by means other than private motor vehicles to reduce the demand for off-street parking. Condition 14 is required for similar reasons in terms of promoting the use of safe, active and sustainable forms of travel and reducing demand for off-street parking by ensuring the submission, agreement and implementation of a Travel Plan before first use of the building.
138. Condition 15 is necessary to ensure that a car parking layout is provided which includes details of two disabled spaces available for visitors to the site, and an associated car parking management strategy are submitted, agreed and implemented before first use of the building. The condition is required to ensure that the car parking serving the development and nearby uses provides for the needs for disabled visitors. It is also necessary to ensure that a car parking management strategy is in place to manage the arrival of visitors when larger funerals are taking place and/or high levels of demand from surrounding uses are expected, in the interest of ensuring adequate off-street car parking provision and highway safety. For certainty, I am satisfied that a car parking management strategy would be capable of securing appropriate arrangements for disabled visitors to access the funeral ceremony building from the car parking area on the submitted plans. Therefore, it is not necessary to specify the location of the disabled spaces or the distance from the building within the condition.
139. Condition 16 is required to prevent adverse impacts on protected species that are sensitive to light pollution by ensuring that a lighting design strategy for biodiversity is submitted and agreed before the first use of the building and implemented and maintained thereafter in accordance with the approved details. In that respect, it is not necessary nor reasonable to specifically impose restrictions upon internal lighting given the design of the funeral ceremony building whereby there are limited external windows serving the preparation spaces and the associated facilities that are most likely to be in occasional use during periods of darkness. Moreover, other buildings close by are not seemingly subject of controls on internal lighting.
140. Condition 17 is required to secure submission, approval and implementation of a LEMP covering a period of 15 years. The condition is necessary to ensure that the

biodiversity net gain to be achieved is in general accordance with the Biodiversity Net Gain Assessment in the Ecological Impact Assessment dated 12 August 2024.

141. Condition 18 is necessary in the interest of preserving the living conditions of occupiers of neighbouring properties to secure the submission and agreement of an acoustic report to assess the impact on nearby receptors and address any issues of noise (including low frequencies) and vibration before the first use of the electricity substation. For the same reason, condition 19 is also required to ensure that the noise associated with plant, machinery and air source heat pumps incorporated within the development are controlled for the lifetime of the development. It necessarily includes that the Rating Level measured or calculated 1 metre from the façade of the nearest existing noise sensitive premises does not exceed the existing LA90 background noise level determined in accordance with guidance provided in BS 4142:2014 (or as subsequently amended) and in that context, seeks that no significant low frequency tones are present.
142. Condition 20 is required to impose restrictions on the use of the pavilion building (excluding use of the building by volunteers in preparation for the funeral) and funerals being carried out only between the hours of 10:00 and 16:00 on Tuesdays, Thursdays and Saturdays and at no other times unless otherwise agreed in advance by the Local Planning Authority. This is necessary to ensure the number of funerals taking place each week is suitably controlled to a limited number of occasions in the interests of avoiding unacceptable impacts on the living conditions of occupiers of neighbouring properties. It is also required to avoid adding significant traffic movements to and from the site during the AM and PM peak hours on weekdays to ensure no significant impacts from the development on the transport network.
143. In addition to the above conditions, I have also taken into account that the landscaping scheme of the proposal and the appeal site are materially different to the extant consent granted under planning permission ref: WA/2010/0166 for the woodland burial ground. For certainty, it is therefore necessary that intended restrictions in associated conditions or the details of previously discharged conditions specific to the woodland burial use within the site are to be re-imposed insofar as they are relevant to the proposal and necessary to make the development acceptable.
144. In the above respect, condition 21 is required in the interests of the character and appearance of the site, including the setting of nearby heritage assets and the wider landscape, to ensure that no gravestones or monuments are erected within the site. The wording of the condition is additionally refined for clarity and precision insofar as alternative grave markers such as the use of plaques and pavers which extend to no more than 0.15m above ground level are permitted, as I am satisfied that those forms of grave markers would appear sufficiently discreet in the landscaped setting to not conflict with the purpose of the condition.
145. Condition 22 is required to provide certainty that burials taking place between 1m and 6.5m below ground level (as defined as any ground adjoining grave) have previously been permitted by discharge of a related condition of the extant permission and therefore, are acceptable in principle subject to variations as may be agreed in writing by the Local Planning Authority. In considering the wording of the condition, I have had regard to concerns expressed by interested parties requesting a lesser depth of burials on the basis of the type of machinery that may

potentially be required to excavate to a depth of up to 6.5m and to take account of ground water location. However, in view of the fallback position provided by the extant planning permission for the woodland burial ground, the imposition of a different range of burial depth as part of this scheme would not be reasonable nor enforceable.

146. Condition 23 is necessary to re-impose the existing restriction which applies to the woodland burial ground in terms of no digging of graves for burials outside the hours of 8.00am - 6.00pm Monday - Friday and 8.00am - 1.00pm Saturday, with no digging for burials taking place on any Sunday or Bank Holiday unless in an emergency or with the prior written approval of the Local Planning Authority. The condition is required in the interest of avoiding unacceptable impacts on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance, during periods of weekdays, weekends and holiday periods when a quieter living environment would reasonably be expected. Condition 24 is required for the same reasons as condition 23 to ensure that the burial area shall not be open for visitors outside the hours of daylight. In considering the wording of that condition, I have taken into account that, at certain times of year, periods of darkness may occur within the late afternoon during the time periods otherwise permitted for funerals by condition 20. However, I am satisfied that appropriate arrangements can be made on those limited occasions that those circumstances may occur to ensure compliance with condition 24.
147. A number of other conditions suggested by consultees and interested parties cannot be imposed as they would not accord with paragraph 57 of the Framework. For certainty, these include a suggested requirement for a footpath which is not necessary to make the development acceptable. In that respect, notwithstanding that public access across the site is an aspiration of the Highways Authority, local residents and the NP in the context of the now expired planning permission for a SANG and the potential benefits thereto, the land subject of the appeal is in private ownership. A further condition recommended in terms of the provision of visibility splays at the access onto Lower Road is also not necessary to make the development acceptable in terms of highway and pedestrian safety, nor enforceable, for the reasons set out earlier in this decision.
148. The prohibition of sound reproduction and amplification equipment requested is also not necessary to make development acceptable and would be difficult to enforce given that there is no such restriction on the extant planning permission relating to the burial ground within the site and the neighbouring cemetery use. Moreover, I am satisfied that the restrictions on hours of use of the building for funerals, together with the restrictions on timings of digging of graves and visitors to the burial ground would be sufficient to ensure no unacceptable impacts on the living conditions of occupiers of neighbouring properties when a quieter living environment would reasonably be expected.
149. It also is not reasonable, nor necessary to make the development acceptable, to impose other restrictions of planning permission ref: WA/2010/0166 in terms of provision of details and implementation of fencing and buffer zones to residential properties and existing field drains in locations that lie outside of the boundary of the appeal site.
150. A condition restricting the planning permission to only the appellant and/or uses associated with Ismaili burials within the site is also not necessary to make the

development acceptable. The identified need for the building for Ismaili use as demonstrated in evidence is a significant benefit of the proposal. However, in the particular circumstances of this case and the absence of harm arising from the proposal, it is not the determinative factor on the outcome of the appeal.

Conclusion

151. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Framework has the potential to be such a material consideration. The Framework, however, does not change the statutory status of the development plan as the starting point for decision making and the policies which are most important for determining the application are up-to-date for the purposes of decision-taking in this particular case.
152. Overall, whilst I have identified limited conflict with Policy FNP1 part d) and Policy FNP13 part a) of the NP in terms of loss of trees and hedgerows including some protected by TPO, I have found no specific harm arising from the proposal in those respects when taking account of the mitigation secured by conditions and the compensation provided in the form of enhanced landscaping and biodiversity. Having regard to all of the relevant policies, subject to the conditions set out in the attached schedule, the proposal would be in accordance with the development plan as a whole. Furthermore, there would be no unacceptable impacts or harm and no conflict with the Framework. It follows that the material considerations in this case do not indicate that this appeal should be determined otherwise than in accordance with the development plan.
153. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted subject to the conditions in the attached Schedule.

Gareth Wildgoose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lord Charles Banner KC

Instructed by Savills (UK) Limited on behalf of the Appellant

He called

Naushad Jivraj

Trustee of Ismaili Trust,
Director of Farnham Cemetery Limited
and President of the Ismaili Council UK

Níall McLaughlin
RA MBE B.Arch RIBA FRIAI

Founder and Practice Principal,
Níall McLaughlin Architects

Catherine Ritson
BL(Hons) CMLI

Technical Director, SLR Consulting
Limited

Melanie de Wet
BTRP BSc MCIHT APM

Associate Director and Head of
Transport, Elliot Wood Partnership

Robert Steele
BA(Hons) PG Dip MRTPI

Director, Savills (UK) Limited

(for potential conditions discussion only):

James Callaway
BA (Hons) MSc MRTPI

Senior Planner, Savills (UK) Limited

FOR THE LOCAL PLANNING AUTHORITY:

Robin Green, Counsel

Instructed by Waverley Borough Council

He called

Robert Collett
BA(Hons) MTP MRTPI PIEMA

Associate Director,
Luken Beck mdp Limited

(for potential conditions discussion only):

Russell Brown

Case Officer, Waverley Borough Council

INTERESTED PARTIES:

Councillor Carole Cockburn BEM

Farnham Bourne Ward,
Waverley Borough Council

Councillor Catherine Powell

Farnham North Division,
Surrey County Council

Jenny de Quervain

Planning and Civic Officer,
Farnham Town Council

Steve Tilbury BA(Hons) MSc AssocRTPI	Planning Advisor, Farnham Town Council
Dave Walter	Vice Chair, Badshot Lea and Hale Parochial Church Council
Imran Bhatia	Interested Party
Farhana Dhala	Interested Party
Madeleine Gibb	Interested Party
Janet Harrison	Interested Party
Nafisa Herji	Interested Party
Jeffrey Hogg	Interested Party
David Howell	Interested Party
Naguib Kheraj CBE	Interested Party
Shahaz Nanji	Interested Party
Mariam Verjee	Interested Party

INQUIRY DOCUMENTS

- INQ1 Addendums to proof of evidence of Níall McLaughlin
- INQ2 Indicative plans of site visit route and roof heights/pitches of neighbouring buildings
- INQ3 Opening statement for the Appellant
- INQ4 Opening statement for the Council
- INQ5 Statements from interested parties in support of the appeal (Imran Bhatia, Farhana Dhala, Nafisa Herji, Naguib Kheraj, Shahaz Nanji & Mariam Verjee)
- INQ6 Statement from Dave Walter
- INQ7 RTPI Code of Professional Conduct (effective from 1 February 2023)
- INQ8 Statement read in evidence in chief by Naushad Jivraj
- INQ9 Statement read in evidence in chief by Níall McLaughlin (together with related Neufert extract)
- INQ10 Statement of Common Ground - NPPF Changes December 2024
- INQ11 Revisions and comments responding to Inspector feedback on potential conditions in advance of Inquiry round-table discussion
- INQ12 Revisions and updates to INQ11 - received 16 January 2025

- INQ13 Extant planning permission note and related potential conditions - received 16 January 2025
- INQ14 Council closing submissions
- INQ15 Regina (Samuel Smith Old Brewery (Tadcaster) and another) v North Yorkshire County Council [2020] UKSC 3
- INQ16 Baker and others v Secretary of State for Communities and Local Government (Equality and Human Rights Commission intervening) [2008] EWCACiv 141
- INQ17 Appellant closing submissions

DOCUMENTS SUBMITTED WITH INSPECTOR AGREEMENT AFTER THE INQUIRY

- INQ18 Revisions and comments from Council and appellant on potential conditions following Inquiry round-table discussions (update to INQ12) - received 24 January 2025
- INQ19 Revisions and comments from Council and appellant on extant planning permission and related potential conditions following Inquiry round-table discussions (update to INQ13) - received 24 January 2025
- INQ20 Comments from Council and appellant relating to potential conditions recommended by consultees and not proposed by the Council - received 24 January 2025
- INQ21 Comments from Council and appellant relating to potential conditions suggested by interested parties - received 24 January 2025

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/R3650/W/24/3350600:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 2101-00-002 Rev P02
 - 2101-00-005 Rev P02
 - 2101-00-006 Rev P02
 - 2101-00-100 Rev P01
 - 2101-00-105 Rev P01
 - 2101-00-201 Rev P01
 - 2101-00-301 Rev P01
 - 2101-00-302 Rev P01
 - SY678-110-0001 Rev A
 - SY678-110-0021 Rev A
- 3) The development hereby permitted shall not commence until a Waste Management Plan (WMP) for the excavation, construction and operation activities has been submitted to and approved in writing by the Local Planning Authority to demonstrate:
 - a) Any waste generated is limited to the minimum quantity necessary;
 - b) Opportunities for the re-use and recycling of excavation and construction from the site are maximised; and
 - c) Sufficient on-site facilities of an appropriate type and scale are provided to manage waste arising during the operation of the development.

The WMP shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 4) The development hereby approved shall not be commenced until an Arboriculture Method Statement (AMS) and a Tree Protection Plan (TPP) have been submitted and approved in writing by the Local Planning Authority. They shall include the following:
 - a) The TPP shall identify artificial surfaces and other demolition material for removal and the location of associated construction access routes, soil piles, material storage, cement mixing, portacabins / portaloos and parking areas. Unless otherwise agreed in writing by the Local Planning Authority these and other construction activities shall occur outside of the Root Protection Areas (RPAs).
 - b) Where it is demonstrated that the RPA encroachment of both on and off-site trees by the introduction of new permanent hard surface structures cannot be avoided, a method detailing future maintenance of services beneath these surfaces shall be submitted.

- c) Details of pruning providing reasons in accordance with BS3998 to include physical non-invasive restraints for the protection of main stem, bark, root and branches from construction and access activities.
- d) A buffer shall be maintained from the tree protection fencing when placed on grass / soil to reduce liquification entering the RPA especially during wet conditions. This buffer area shall remain clear of spoil and materials. A minimum clearance distance of 1m from the tree protection shall apply unless otherwise agreed in writing by the Local Planning Authority.
- e) Details of materials and chemical treatments to be applied as part of construction.
- f) Details of temporary ground protection within the RPAs, which shall be specific for the expected period of use and repeated maximum weight bearing capacity. The ground protection shall consist of a static, interlocked design with hard panels, upon an inert 'cushioning' layer placed above a porous base layer or other approved method. There shall be no equipment, liquids, powders, materials, or phytotoxic substances placed or stored upon these hard surfaced areas.
- g) Details of cables for utility runs associated with this development shall be included with this submission.
- h) The protection fence and stabilisation feet (if applied) shall remain clear of spoil and materials. A minimum clear gap of 1m shall therefore be maintained during construction activities.
- i) Notices shall be fixed at regular intervals at head height to tree protection fence panels alerting construction workers of the sacrosanct tree protection area which shall not be entered.
- j) Considering the rural location and likelihood of unaccustomed wildlife, particularly nocturnal birds and bats in flight, to the sudden erection of tree protection fencing, brightly coloured ribbons, bird scare tags or other approved methods to prevent collision shall be attached to the mesh of each protection fence panel at shoulder height (1.5m).

The tree protection measures shall be carried out in strict accordance with the approved details and should be retained during the entire period of construction until first use of the building.

- 5) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
- a) The forecasted programme of works for the development hereby permitted.
 - b) A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
 - c) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.

- d) Details of hours of construction including all associated vehicular movements.
- e) Details of the construction compound, and storage areas.
- f) Details of traffic routes and the timings, type and the number of vehicles forecast to use these.
- g) Details of measures to protect highway assets, including boundary hoarding behind any visibility zones, and to mitigate impacts on public transport and emergency services, and provide for their continued operation during the works.
- h) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- i) Details of any temporary traffic management and signage.
- j) Details of site personnel, operatives and visitor parking.
- k) Details of any floodlighting, including location, height, type, direction of light sources and intensity of illumination.
- l) A survey of the development site boundary and a 30m buffer for badger setts, and if any activity is detected, a suitable course of action shall be proposed.
- m) A Great Crested Newt method statement to support a mitigation licence to include mitigation, compensation and enhancement actions.
- n) A reptile precautionary method of working.
- o) Precautions should be taken during hedgerow removal to consider the possible presence of hazel dormouse.
- p) Vegetation and site clearance should take place outside of breeding bird season or following nesting bird checks.

The construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be first used until the approved highway works have been carried out in accordance with the agreed details.

- 6) The development hereby permitted shall not be commenced (other than works to trees) until details of the design of a surface water drainage scheme in line with the Sustainable Drainage Strategy and Flood Risk Assessment Revision P2 dated 14 December 2022, have been submitted to and approved in writing by the Local Planning Authority. The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any

flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc).

- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- f) The hard surfaces hereby approved shall be made of porous and / or permeable materials and retained thereafter, or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

The surface water drainage scheme shall be provided in accordance with the approved details prior to the first use of the development and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

- 7) The Local Planning Authority shall be notified in writing at least four weeks prior to the expected commencement of construction activities. The notification shall include photographic evidence of tree and ground protection, including temporary cover within Root Protected Areas, buffer area and tree protection fencing, and distance in metres between visible retained tree main stems identified by their tree number on the schedule and the nearest protection fence panel.

All protection measures shall strictly accord with the Arboriculture Method Statement and Tree Protection Plan required by Condition 4. The Local Planning Authority shall determine the details within the notice in writing within four weeks of its receipt. The development shall only commence following approval of the details having been provided in writing by the Local Planning Authority, or in the event that a four-week period has expired (from the date of notification) without a determination having been provided in writing by the Local Planning Authority.

The notification procedure in this condition does not remove the requirement for continued monitoring by the appointed person to ensure effective tree protection continues throughout the life of the construction in strict accordance with the approved Arboriculture Method Statement and Tree Protection Plan.

- 8) No development above slab level shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These should be in accordance with drawing nos. 2101-00-301 Rev P01 and 2101-00-302 Rev P01 unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and should be retained thereafter for the lifetime of the development.

- 9) Prior to the first use of the building hereby permitted, a scheme for landscaping, including the phasing and timescale for planting shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details and timescales.

The scheme shall include the following:

- a) Details of all hard and soft surfacing to include type, position, design, dimensions and materials; and
- b) A schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, unless otherwise permitted by prior approval in writing from the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless a variation to the timescale and / or size and species of the replacement planting is otherwise agreed in writing by the Local Planning Authority.

- 10) Notwithstanding the approved plans, prior to the first use of the building hereby permitted, drawings detailing the positions, height, design, materials and type of all proposed boundary treatments (other than landscaping) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first use of the building and shall thereafter be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.
- 11) Prior to the first use of the building, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 12) The building hereby approved shall not be first used unless and until space has been laid out within the site in accordance with the approved plans, or as amended in accordance with Condition 15, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The vehicle parking and turning areas shown on the approved plans shall thereafter be retained and maintained to ensure their availability for their designated purposes at all times.
- 13) The building hereby permitted shall not be first used until details of secure cycle parking facilities for visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall

be fully implemented and made available for use prior to the first use of the development and shall thereafter be retained for use at all times.

- 14) Prior to first use of the building a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. It shall include a commitment that community coaches or minibuses are used to collect and drop-off mourners, when necessary, in addition to details of how car sharing, walking routes, cycling routes and local bus services would be promoted. The Travel Plan shall thereafter be fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 15) Notwithstanding the plans hereby approved, the building shall not be first used until a car park layout including details of two disabled car parking spaces (each measuring 3.6m by 5m) available for visitors to the site and a car park management strategy have been submitted to and approved in writing by the Local Planning Authority. The parking layout and strategy shall be fully implemented in accordance with the approved details and made available for use prior to the first use of the building and shall thereafter be maintained for use at all times.
- 16) Prior to first use of the building hereby approved, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed only in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with it.

- 17) Prior to the first use of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) covering a period of 15 years should be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP should include the following:
 - a) Aims and objectives of management; including biodiversity net gain to be achieved by reference to the targets for the achievement of a biodiversity net gain in general accordance with the Biodiversity Net Gain Assessment in the Ecological Impact Assessment dated 12 August 2024;
 - b) Description, evaluation and scaled plan of features to be managed (habitats, species, planting plans, taking advice from the applicant’s ecologist);
 - c) Ecological trends and constraints on site that might influence management;
 - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - e) Details of the body or organisation responsible for implementation, monitoring and maintenance of the plan;
 - f) On-going monitoring and remedial measures, including details for the provision for replacement of diseased, damaged or dead trees and plants.

The LEMP shall be implemented in full accordance with the approved details.

- 18) Prior to the first use of the electricity substation hereby approved, an acoustic report to assess its impact on nearby receptors shall be submitted to and approved in writing by the Local Planning Authority. The report shall address issues of noise (including low frequencies) and vibration from the substation. Following the construction of the substation, no new substation shall be used without the prior written approval of the Local Planning Authority.
- 19) Noise associated with plant, machinery and air source heat pumps incorporated within the development shall be controlled (for the lifetime of the development) such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or as subsequently amended). In addition, there should be no significant low frequency tones present.
- 20) Both the use of the pavilion building hereby permitted and funerals shall only be carried out between the hours of 10:00 and 16:00 on Tuesdays, Thursdays and Saturdays and at no other times, unless otherwise agreed in writing in advance by the Local Planning Authority. This excludes the use of the building by volunteers in preparation for the funeral.
- 21) No gravestones or monuments shall be erected on the site (for the avoidance of doubt, plaques and pavers which extend to no more than 0.15 metres above existing ground level are permitted).
- 22) Burials will take place between 1 metre and 6.5 metres below ground level (ground level is defined as any ground adjoining the grave) unless otherwise agreed in writing by the Local Planning Authority.
- 23) No digging of graves for burials shall take place outside the hours of 8.00am - 6.00pm Monday - Friday and 8.00am - 1.00pm Saturday. No digging for burials shall take place on any Sunday or Bank Holiday, unless in association with an emergency or with the prior written approval of the Local Planning Authority.
- 24) The burial area shall not be open for visitors outside the hours of daylight.

END OF SCHEDULE