



Appeal Decision

Site visit made on 8 April 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2025

Appeal Ref: APP/R3650/W/24/3353733

Knowle Farm, 19 Old Park Lane, Farnham, Surrey GU9 0AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Ms J Ricketts against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00450.
 - The development proposed is erection of a new dwelling and garage with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and garage with associated works at Knowle Farm, 19 Old Park Lane, Farnham, Surrey GU9 0AN, in accordance with the terms of the application, Ref WA/2024/00450, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate and concise than that used in the application form. I am satisfied that no party would be prejudiced as a result.
3. Since the decision of the Council to refuse planning permission, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this, and I have determined the appeal based on the current planning policy position.
4. During the course of the application, a Unilateral Undertaking (UU) planning obligation has been submitted by the appellants, dated 6 May 2025. This makes provision for the effects of the proposal on the Thames Basin Heaths Special Protection Area (SPA). The Council has commented on the UU, and I will consider this matter further below.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and Appearance

6. The site lies in countryside between the town of Farnham and the settlement of Hale. It consists of garden land serving the existing dwelling at the site. Adjacent are dwellings at Old Knowle Square, set at a lower level than the appeal site. The proposal seeks to erect a new two-storey dwelling, accessed from Old Park Lane.

7. The Farnham Landscape Character Assessment (FLCA), 2018, identifies the site as being outside of the nearby Area of High Landscape Value and Sensitivity (AHLVS), and beyond the adjacent Area of Great Landscape Value. Even so, the Farnham Neighbourhood Plan (NP), made 3 April 2020, includes the site within Character Area 3. Much of this area, including the appeal site, is shown to be within an AHLVS on NP Map E, and with a similar designation on NP Map F. On this basis, NP policy FNP10(d) requires proposals to retain and have no detrimental impact on the landscape character of these areas. NP policy FNP10(e) requires the landscape value of the countryside to be enhanced.
8. The FLCA describes Character Area 3 as forming part of the separation between Farnham and Hale, making a high contribution to the rurality of the surrounding landscape. It advises that new development would be likely to harm local character, despite any screening features. The proposal would result in additional appreciable built form on the site, which would intrude into the countryside hereabouts. This would conflict with the rural surroundings of the site, as well as diminishing the degree of separation between the two settlements. Consequently, it would have a negative effect on landscape character.
9. The appellants' Landscape and Visual Assessment (LVA) identifies that the proposal would be visible from nearby properties, such as from 19 Old Park Lane itself (No. 19) and those within Old Knowle Square. It would also be visible from roads and public rights of way such as along Old Park Lane. The LVA grades these adverse effects as being between slight and moderate and, in respect of No. 19, high. These effects would be greater during the construction period. I have little reason to disagree with these assessments. As such, the proposal would have a detrimental effect on the areas shown within NP Maps E and F. It would therefore conflict with NP policy FNP10.
10. However, these adverse effects would be tempered by the existence of other dwellings close to or within the site, the fact that the land is already in use as domestic garden, and the close proximity of electricity infrastructure. Moreover, the site is well contained by trees and woodland, for example adjacent to the bridleway, as well as in the wider landscape. No significant tree or vegetation removal is proposed, and the proposal allows for appropriate new planting.
11. The Council and others have alleged conflict with what is now Framework paragraph 84, which seeks to avoid the development of isolated homes in the countryside other than in specified circumstances. That said, as the proposal would have existing dwellings close by, it would not be 'isolated' and so this paragraph does not apply. On this basis, there is no requirement for the design of the dwelling, which the Council describes as of good quality, to be exceptional.
12. For the reasons given above, the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with NP Policy FNP10, as well as the similar requirements of policies RE1 and RE3 of the Waverley Local Plan Part 1, adopted February 2018. However, in light of my findings above, I give this conflict only moderate negative weight. NP Policy FNP14 identifies Site Allocations for housing. As the proposal is not within one of these allocations, this policy is not directly relevant in this case, and so I find no conflict with it.

Other Considerations

Special Protection Area

13. The site is within an area where development may affect the SPA. Its qualifying features are species of nightjar, woodlark and Dartford warbler and its conservation objectives include maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and species. The SPA and its species are under significant pressure from an increase in the level of human population, including recreational disturbance from walkers, dog walking and cat predation. The proposal would result in a further dwelling and therefore additional population and pressure on the SPA.
14. The SPA is protected pursuant to the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). For the reasons given above, alone and in combination with other development, a likely significant effect on the SPA resulting from the proposal cannot be ruled out. Consequently, in accordance with the Habitats Regulations and as competent authority for this appeal, I must undertake an Appropriate Assessment (AA).
15. Mitigation has been developed in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). These seek to meet the conservation objectives by reducing recreational pressure on the SPA and are funded through proportionate developer contributions.
16. In this case, the UU secures adequate financial contributions towards the SANG and the SAMM. Natural England have raised no objection subject to provision of the contributions. In undertaking the AA, the information before me indicates that the mitigation would reduce the impact of the proposal on the integrity of the SPA to a de minimis level. As such, it would accord with the Habitats Regulations.

Housing Land Supply

17. Following publication of the new Framework, the Council accepts that it cannot demonstrate a five-year housing land supply, with only 1.28 years' worth of supply. It follows that it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in the provision of an additional dwelling, to assist the Council in addressing its undersupply. This is as set out in Framework paragraph 11.
18. Framework paragraph 14 states that in these circumstances, the adverse impact of allowing development that conflicts with the NP is likely to significantly and demonstrably outweigh the benefits. However, this is on the proviso that, amongst other things, the NP became part of the Development Plan five years or less before the date on which the decision is made. As the NP was made over five years ago, Framework paragraph 14 is not engaged.
19. I have found conflict with NP Policy FNP10, as well as policies RE1 and RE3, but that this conflict carries only moderate negative weight. Against that, the proposal would make a small but useful contribution to the supply of housing in the area, by the addition of a further dwelling. I give this benefit significant positive weight in the planning balance.

Other Matters

20. Access to and from the site would involve using roads and paths that are in places unmade, unlit and of poor quality. The proposal could result in their further deterioration, and the junction between Old Park Lane and Castle Hill may well have insufficient highway visibility. However, the additional movements from a single dwelling would be relatively small, and a planning condition could be used to secure improvements to the surface of the lane. I therefore see little reason to take a different view to the Highway Authority, who did not object to the proposal subject to conditions. Legal rights of access are a private matter between the relevant parties.
21. The site is located where occupiers of the proposal would be largely reliant on private cars to reach services and facilities, particularly those of limited mobility. That said, both Farnham town centre and Hale are a relatively short distance away and include onward public transport links. Accordingly, walking or cycling may provide an alternative mode of transport for some. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In the context of its rural location, the proposal would be reasonably sustainable.
22. The proposal would be located at a higher ground level than properties at Old Knowle Square and includes a first-floor balcony and windows that would face in their direction. Nevertheless, the reasonable distances to the neighbouring gardens and dwellings would be sufficient to ensure that it would not result in undue loss of privacy, or its perception. Additional light and noise would be generated by the proposal, but I have no reason to believe that they would be excessive or unusual.
23. Planning conditions can be used to avoid risks associated with contaminated land here, given the proximity of a former brickworks and historic landfill. The current drainage system is said by third parties to be at its maximum capacity. However, a planning condition can require alternative arrangements. For these reasons, the proposal would maintain the living conditions of the occupiers of nearby properties. I have considered the scheme as shown on the plans, and any subsequent increase in size of the dwelling is not a matter before me.
24. The site is not far from the Farnham Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council and the appellants agree that no adverse effect on the CA would result from the proposal. In the circumstances, I concur with that view. Accordingly, the character and appearance of the CA would be preserved.

Conditions

25. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. A condition requiring adherence to the approved plans is needed for certainty. It is necessary to require details of external materials, to ensure that they are sympathetic to the character and appearance of the area.

26. To ensure adequate living conditions for nearby properties, and highway safety, a condition is required securing details of construction management. In the interests of the character and appearance of the area, further arboricultural details are required. Details of contamination investigation and, if necessary, remediation and its verification should be provided in the interests of public health. These conditions must require information at pre-commencement stage, because they may affect how works would take place at an early stage.
27. Details of climate change and sustainability measures are necessary in the interests of carbon reduction. Provision and retention of parking spaces and of visibility splays, and improvements to Old Park Lane, are required for highway safety reasons. Installation of cycle spaces, and their ongoing availability, would encourage the use of sustainable modes of transport.
28. The provision of foul and surface water drainage is needed in the interests of the living conditions of occupiers and highway safety. I am satisfied that this is required prior to occupation of the dwelling. Wildlife habitat and biodiversity measures should be provided in the interests of ecology. Landscaping details and protection of retained trees are necessary in the interests of the character and appearance of the area. However, given the evidence before me, I see no requirement for details of the age of the hedge. Controls over the carrying out of works are required in the interests of the living conditions of nearby occupiers.

Planning Balance and Conclusion

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
30. The proposal benefits from the presumption of sustainable development as outlined in Framework paragraph 11. I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, despite the conflict with the Development Plan, material considerations indicate that planning permission should be granted.
31. For the above reasons, having regard to the Development Plan as a whole, the approach in the Framework, and all other material considerations, the appeal should be allowed.

O Marigold

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1729/P-01, 1729/P-02, 1729/P-03, 1729/P-04.
- 3) No external materials in respect of the development hereby approved shall be installed until their details have first been submitted to and approved, in writing, by the Local Planning Authority.
- 4) No development shall commence until a Construction Transport Management Plan (CTMP), has been submitted to and approved in writing by the Local Planning Authority. This shall include details of construction-related parking, deliveries, loading, turning, storage, traffic management and security measures. It shall also include measures to prevent the deposit of materials on the highway, before-and-after construction condition surveys of the highway, and a commitment to fund the repair of any damage caused. The CTMP shall be implemented in full during the construction phase of the development.
- 5) No development shall take place until further arboricultural details have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out only in accordance with the approved details. This shall include details of retained trees and hedges, an updated Arboricultural Method Statement, in line with BS5837:2012, including details of hard surfaces, walls, fences, access features, and ground levels as well as the measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials and machinery, storage of plant and materials (including demolition arisings) and cement mixing, and a Tree Protection Plan. Ten working days prior to the commencement of works on site, and after the installation of the tree protection measures, the Local Planning Authority shall be informed by the developer, to allow inspection and/or verification of the protection measures.
- 6) Prior to commencement of the development, other than that required to be carried out as part of demolition or as part of an approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the Framework.
 - (b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include (i) All works to be undertaken, (ii) proposed remediation objectives and remediation criteria, (iii) a timetable of works and (iv) Site management procedures.

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

- 7) Upon completion of the approved remediation works (if required), a verification report demonstrating the effectiveness of the approved remediation works carried out and completed in accordance with Condition 6 and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.
- 8) Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 6, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:
 - (a) An investigation and risk assessment, undertaken in the manner set out in Condition 6 of this permission.
 - (b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 6.
 - (c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 7.
- 9) No above-ground development shall commence (other than site clearance in accordance with other conditions in this decision) until a scheme of climate change and sustainability measures has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development, and thereafter retained.
- 10) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved layout, providing for vehicle parking, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 11) The development hereby approved shall not be occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained and maintained.
- 12) The development hereby approved shall not be occupied until the existing vehicular access to Old Park Lane hereby approved has been provided with the maximum achievable visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be permanently provided.

- 13) The development hereby approved shall not be occupied until surfacing improvements to Old Park Lane have been undertaken in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 14) The development hereby approved shall not be occupied until foul and surface water site drainage has been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be maintained and retained in accordance with the approved details for the lifetime of the development.
- 15) The development hereby approved shall not be occupied until a detailed scheme of wildlife habitat and biodiversity measures has been submitted to and approved in writing by the Local Planning Authority. The approved wildlife habitat and biodiversity measures shall be implemented prior to first occupation or in accordance with a timetable to be agreed. The approved scheme shall be retained thereafter.
- 16) Prior to first occupation of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after completion of the development. The landscaping shall be maintained for a period of five years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become seriously damaged or defective. Such replacements shall be of same species and size as those originally planted.
- 17) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the occupation of the dwelling, other than in accordance with the approved plans and details. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. If any retained tree is cut down, uprooted or destroyed, or dies, another tree shall be planted at the same place. That tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority. Tree protection shall be maintained in-situ and not moved or removed until all construction has finished, and equipment, materials, and machinery are removed from site. Approved arboricultural protection measures shall be implemented and adhered to at all times during the construction process.
- 18) No machinery or plant shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site except between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday and not at any time on Sundays, Bank or Public Holidays.

End of Conditions