



Appeal Decision

Site visit made on 13 April 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/R3650/W/25/3376815

1 Hill Road, Farnham, Surrey GU9 0QJ

- 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 Daniel Lake against the decision of Waverley Borough Council.
 - The application Ref is WA/2025/00931.
 - The development proposed is erection of a two storey dwelling and associated works including demolition of single storey element to 1 Hill Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced a statutory biodiversity net gain (BNG) framework. The proposal is advanced on the basis that, as it seeks the provision of a self-build dwelling, it is exempt from that framework's mandatory BNG requirement to deliver at least a 10% increase in biodiversity value, relative to the site's pre-development biodiversity value (the mandatory BNG).
3. Although the Council refused the planning application partially in relation to matters of whether the proposal would meet the definition of self-build, and therefore the requirements of the BNG exemption, through its statement, the Council has confirmed that it has since introduced a pro-forma as well as a condition, which it contends would ensure the proposal would qualify as self-build.
4. I have sought the views of both of the main parties surrounding the implications of such a condition and have had regard to the responses I have received. Given BNG is a matter subject to a statutory framework, the proposal's degree of compliance with it is an important planning consideration and remains a substantive matter in the appeal.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal meets the definition of a self-build dwelling and therefore the requirements of the BNG exemption; and,
 - the effect of the proposal on the living conditions of neighbouring occupiers, in particular 1 and 4 Hill Road, having regard to natural light, outlook and privacy.

Reasons

Character and appearance

6. Hill Road forms a cluster of dwellings accessed via Alma Way in a predominantly residential setting in Farnham. Although the existing dwellings are primarily experienced within the cul-de-sac itself, given the wide gap between built form at the point of the shared driveway, the dwellings within Hill Road are still visually experienced in the wider street environment. The side roof slope of the host dwelling, 1 Hill Road (No 1), is easily viewed from Alma Way even noting the boundary treatments of the adjacent corner plot.
7. The existing dwellings within the cul-de-sac form a mixture of chalet bungalows and two storey properties. The positioning of the dwellings is relatively ad-hoc without a defining building line. There is some disagreement between the main parties as to whether one of the dwellings within the cul-de-sac represents a previous infill development. I have not been presented with any specific planning history relating to this. Nevertheless, even if one of the dwellings was a later addition, this is not readily perceivable through the plot positionings.
8. Whilst some of the dwellings within the cul-de-sac occupy almost the entirety of the width of their plots with built form, this is through a combination of single storey and two storey development. The ad hoc nature of the cul-de-sac has created typically wide gaps between the elements of two storey built form. This, and the overall openness of the site frontages, creates a general spaciousness to the layout of the cul-de-sac.
9. The appeal proposal would introduce an additional detached, two storey dwelling to the side of No 1, following the same building line. The plot would be comparatively narrower than other plots within the cul-de-sac, with two-storey built form occupying most of its width.
10. The proposed dwelling would be taller than it would be wide. Whilst the overall height would be broadly comparable to other two storey dwellings within the cul-de-sac, the width of overall built form would be conspicuously narrower, particularly when interpreted against No 1 which has a wide, sprawling gable end addressing the street scene. Consequently, the dwelling would appear cramped within its plot, significantly at odds with the informal and spacious layout of built form elsewhere within the cul-de-sac.
11. As I have acknowledged above, the zone of influence of the site in respect to character is broader than Hill Road alone. Nevertheless, Hill Road forms the immediately surrounding character of the appeal site and therefore I find it reasonable to expect that this should be the primary influence in which the appeal proposal should assimilate with. Even where the appeal proposal would be experienced in a wider context, from Alma Road, given its positioning so close to the side of No 1, the proposal would have a negative effect on the overall spaciousness experienced.
12. Based on the above, I find that the proposal would have a harmful effect on the character and appearance of the area. It would therefore be contrary to Policy TD1 of the Waverley Borough Local Plan Part 1 (2018) (LPP1) and Policies DM1 and DM4 of the Waverley Borough Local Plan Part 2 (2023) (LPP2) which collectively seek for proposals to not cause harm to townscape value and respond effectively

to its surroundings and distinctive local character of the area in which it is located. Policy DM4 of the LPP2 in particular, is explicit that the response to local context should take account of building plot sizes and widths, as well as established street patterns and streetscape rhythm, including the spaces between buildings.

Biodiversity Net Gain

13. The statutory framework for BNG sets out a number of exemptions including self-build dwellings as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015. This makes it clear that the new dwelling must be occupied by the person or persons responsible for carrying out or commissioning the building.
14. I have no reason to doubt that the appellant is on the self-build register, intends to occupy the proposed dwelling and was involved in the design of the proposal. However, intentions can change, as can the ownership of the site. Whilst the appellant has shown a willingness for the decision maker to amend the description of development to refer to the proposal being for a self-build dwelling, the description alone would not exert sufficient control, restriction or limitation over the form of dwelling delivered.
15. Planning Practice Guidance¹ (PPG) states that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. It goes on to state that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission, including the example of residential accommodation for an agricultural or forestry worker.
16. However, unlike a condition for an agricultural dwelling or a holiday let which would control a functional use, the intended purpose of a condition to secure a self-build dwelling would relate to occupation. In the event that the condition were to be breached, it is unlikely in my view to attract the attention which would lead to a report to the Council to begin investigation. Even if a breach were to occur and subsequently be reported, it would be difficult for the Council to then negotiate and secure BNG provisions through a breach of condition process, in the context of the wording of the suggested condition.
17. I understand that the Council has previously imposed such a condition, as suggested by the officer reports within Appendices 1 and 2 of the appellant's statement. I have also been provided with a copy of an appeal decision from Hertfordshire² in which an Inspector imposed a condition requiring custom/self-build partly based on a BNG exemption. Notwithstanding that I do not have the full details of these cases, for the reasons set out above, it remains my view that this would not be a suitable approach. I find that the wording of the condition suggested by the Council fails to satisfy the tests set out in the National Planning Policy Framework (the Framework) given the practicalities of enforcement.
18. Without means of ensuring that the dwelling in question would be occupied initially by the appellant, or another person fulfilling the same criteria, the occupation of that dwelling as a self-build dwelling would not be sufficiently certain.

¹ PPG Paragraph 015 Reference ID: 21a-015-20140306

² APP/J1915/W/25/3375791 decision dated 24 February 2026

19. An appropriate mechanism to secure that the proposed development would deliver a self-build dwelling would be a planning obligation made under Section 106 of the Town and Country Planning Act 1990. However, no planning obligation in relation to this matter is before me. PPG³ states that it may be appropriate, in exceptional circumstances, for a negatively worded condition to be used which requires a planning obligation to be entered into before development can commence. Nevertheless, it has not been demonstrated that such exceptional circumstances exist in this case.
20. Despite the intentions of the appellant as outlined in the application form, I therefore cannot be satisfied that the proposal would be secured as a self-build dwelling. Consequently, I do not find that the proposal constitutes a valid exemption from the mandatory BNG.
21. Developments subject to the mandatory BNG are required to meet the minimum information requirements set out in Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes information demonstrating the pre-development biodiversity value of the site and the completed metric calculation tool. This information, and the minimum information requirements as a whole, are not before me.
22. As a result, I cannot determine the pre-development biodiversity value of the site. The successful discharge of the biodiversity gain condition, which would be imposed in the event that planning permission was granted, would be predicated upon a 10% increase in the site's biodiversity value, relative to its pre-development value being achieved. Given the deficient information before me, I fail to see how the mandatory BNG would be met.
23. Taking all of the above into account, I cannot be satisfied that the proposal meets the definition of a self-build dwelling which would qualify as an exemption from the mandatory BNG, and I fail to see how the mandatory BNG would be met.
24. The proposal is therefore contrary to Policies NE1 and CC2 of the LPP1 as well as Policy DM1 of the LPP2, which all in part seek to conserve and enhance biodiversity. I also find that the proposal would be in conflict with the Framework which advocates that developments provide for biodiversity net gains, seeking their integration as a part of their design.

Living conditions

25. Policy DM5 of the LPP2 states amongst other matters, that development should avoid harm to the amenity of existing occupants of nearby residences, including by way of loss of daylight or sunlight, or overbearing appearance.
26. The proposed dwelling would be close to the shared boundary with the host dwelling at No 1. As existing the ground floor of No 1 features three windows on the side elevation. However, as is outlined through the submitted proposed plans, it is intended that the largest of these windows, serving the kitchen area, would be removed. This could be secured by a suitably worded condition if the appeal were to be otherwise allowed.

³ PPG Paragraph: 010 Reference ID: 21a-010-20190723

27. The windows remaining in the ground floor side elevation would include a small window to a downstairs toilet and a secondary, high-level window serving an office space at the front of the dwelling.
28. Whilst the proposal, including the intended boundary fence, would likely block some natural light from reaching the high-level window and negatively impose on the outlook, the modestly sized room is also served by a larger window on the front elevation. This window would ensure that the room is adequately served by natural light and alternative outlook. Based on this, I do not find that the proposal would lead to a materially harmful effect on the living conditions of the occupiers of No 1.
29. 4 Hill Road (No 4) is positioned on the opposite side of the access road to the appeal site. The proposal would introduce an additional dwelling broadly opposite No 4. However, the relationship would not be entirely dissimilar to the established relationship with the front of No 1. Although outlook from the proposed dwelling would be across a more direct line of sight than the oblique nature from No 1, the distance afforded by the access road, and open frontages would significantly reduce the opportunity for either direct overlooking, or a materially harmful perception of being overlooked.
30. I therefore find that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, in particular 1 and 4 Hill Road, having regard to natural light, outlook and privacy. In this respect I have identified no direct conflict with Policy DM5 of the LPP2 arising from the proposal.

Other Matters

31. The application was partly refused on the basis that the appellant failed to provide sufficient information to satisfy the Council that the development could satisfactorily mitigate against recreational disturbance to the Thames Basin Heath Special Protection Area.
32. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I have found that the scheme would be unacceptable for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an Appropriate Assessment.

Planning Balance

33. The Council is unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework. The Council has confirmed that the present supply is 1.28 years which is a notable shortfall, demonstrating that the need for housing is pressing.
34. Paragraph 11(d)ii of the Framework requires me to consider whether the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the Frameworks policies as a whole. This paragraph does not suggest that the adverse impacts should be moderated across the plan area.
35. Even small developments present the opportunity to make a meaningful, immediate difference to housing land supply. The proposal would also have other benefits including economic benefits through its construction and increase in local spend. In this respect I have given the associated housing delivery on a windfall

site, in an established sub-urban area suitable for additional development in principle, moderate weight in the overall balance.

36. As above, I have identified that the proposal would cause harm to the character and appearance of the area. Even noting the scale of the development, the level of harm arising from the proposal to the character and appearance of the immediate area would be significant.
37. In addition, in my second main issue, I have concluded that the proposal does not validly qualify as an exemption from the mandatory BNG, and I set out that I fail to see how the mandatory BNG would be met. In this respect, I have identified conflict with the Framework as a result. The proposal's position in respect to the statutory BNG framework is a factor which weighs heavily against the appeal proposal, and to which I have assigned significant weight.
38. Given the heavy weighting I have applied to the proposal's situation with respect to biodiversity, when this is taken together with the harm to the character and appearance of the area, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits which would principally stem from the proposal's minor contribution to housing supply. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

39. Whilst I have found that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, it would be harmful to the character and appearance of the surrounding area and biodiversity. The proposal is therefore contrary to the development plan, when read as a whole. There are no material considerations, including the provisions of the Framework, which indicate a decision should be made other than in accordance with the development plan and therefore the appeal is dismissed.

L Gardner

INSPECTOR