



Ministry of Housing,
Communities &
Local Government

Our ref: APP/R3650/W/15/3139911

GL Hearn
FAO Mr Asher Ross
Planning Director
280 High Holborn
London
WC1V 7EE

29 March 2018

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY WATES DEVELOPMENTS LIMITED
LAND AT WAVERLEY LANE, FARNHAM
APPLICATION REF: No WA/2015/0771**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David MH Rose BA (Hons) MRTPI, who held a public inquiry on 16-19 and 23 August, and 17-19 October 2016 into your client's appeal against the decision of Waverley Borough Council to refuse planning permission for your client's application for planning permission for the erection of 157 dwellings (including affordable housing), the provision of onsite Suitable Alternative Natural Greenspace (SANG) and other associated works, in accordance with application ref: No WA/2015/0771, dated 23 March 2015.
2. On 12 August 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and that planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having taken account of the Inspector's comments at IR1.8, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. Since the inquiry, the Waverley Borough Local Plan Part 1 and the Farnham Neighbourhood Plan have both become part of the development plan. The Secretary of State has considered the appeal in the light of current development plan policies.
7. On the 17 March 2017 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the implications, if any, of the Inspector's Report on Farnham Neighbourhood Development Plan 2013-2031, which was published on 24 February 2017.
8. On 27 March 2017 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the implications, if any, of the Inspector's Report on the following appeal decision: Former Weyburn Works, Shackleford Road, Elstead, Godalming, Surrey GU8 6LB (APP/R3650/W/16/3150558), issued 20 March 2017.
9. On 18 May 2017, the Secretary of State wrote further to the main parties to afford them an opportunity to make representations on the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk Coastal DC v SSCLG, which was handed down on Wednesday 10 May 2017.
10. On 12 September 2017, the Secretary of State wrote to the main parties to afford them an opportunity to make representations on the implications, if any, of:
 - the Waverley Borough Local Plan Part I Main Modifications document that was published on 22 August 2017
 - the Inspector's Report on the following appeal decision: Frensham Vale, Lower Bourne, Farnham., GU10 3HS (APP/R3650/W/16/3163124), issued 17 July 2017
 - the Inspector's Report on the following appeal decision: Longdene House, Hedgehog Lane, Haslemere, GL27 2PH (APP/R3650/W/16/3165974), issued 4 September 2017
 - further information received from parties
11. On 8 November 2017, the Secretary of State wrote to parties to notify them that the decision would be delayed because a judicial review challenge concerning the Neighbourhood Planning Written Ministerial Statement (WMS) of 12 December 2016 was heard in the High Court on 7 and 8 November 2017, and the judgment may be relevant to this case.
12. On 16 January 2018, the Secretary of State wrote to parties to notify them that the decision would be further delayed because the Report on the Examination of the

Waverley Borough Local Plan Part 1 was likely to be published shortly and may be relevant to this case.

13. On 13 February 2018 the Secretary of State wrote to parties to afford them the opportunity to make comments on the Local Plan Inspector's Final Report and the associated Final Schedule of Main Modifications.
14. A list of post-inquiry representations and representations received in response to these letters is set out at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
15. An application for a full or, in the alternative, a partial award of costs was made by Wates Developments Limited against Waverley Borough Council (IR1.3). This application is the subject of a separate decision letter.

Policy and statutory considerations

16. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
17. In this case the development plan consists of saved policy NRM6 of the South East Plan 2009, saved policies of the Waverley Borough Local Plan (LP) 2002, the Waverley Borough Local Plan Part 1 (LP), adopted on 20 February 2018 and the Farnham Neighbourhood Plan (FNP), made on 28 July 2017. The Secretary of State considers that relevant saved policies include NRM6, D1 and D4, relevant Local Plan policies include RE1, SP1, SP2, ALH1 and AHN1, and relevant Neighbourhood Plan policies include FNP1, FNP10, FNP11 and FNP14. He notes that Policy FNP11 is not referred to in the IR. However, parties have referred to it in their representations, and as it deals with impact on the visual setting and landscape features of the site as well as coalescence, the Secretary of State considers that it is relevant to this case. He further notes that Policy FNP14 is not referred to in the IR. However, parties have referred to it in their representations, and as it deals with housing site allocations, the Secretary of State considers it is relevant to this case.
18. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Farnham Town Council Design Statement 2010.

Main issues

Five-year housing land supply

19. The Inspector's assessment of housing land supply is set out at IR6.2–6.32. However, this has been superseded by the publication of the Inspector's Final Report, and the adoption of the Waverley Borough Local Plan Part 1. The Secretary of State has considered the appellant's contention in their representation of 27 February 2018 that the Council do not have a 5-year housing land supply. However, for the reasons given at paragraphs 18-56 of the Final Report and paragraphs 6.2-6.12 of the Local Plan, the Secretary of State agrees with the Local Plan Inspector and the Council that there is a 5-year housing land supply. He considers that the tilted planning balance in paragraph 14 of the Framework does not apply.

Housing allocations

20. The Secretary of State has taken into account that the site is not allocated for housing in the Neighbourhood Plan. He has further taken into account that in the light of the increase in housing need identified in the Local Plan, the Neighbourhood Plan does not meet full local need, and that further sites will in due course have to be identified. However, the Local Plan states at paragraph 6.24 that 'The additional housing required in Farnham... will be allocated in Local Plan Part 2, unless Farnham Town Council decides to commence an early review of the Neighbourhood Plan'. The Secretary of State considers this is an appropriate approach and therefore considers that in the circumstances of this case, the fact that the Neighbourhood Plan does not currently meet the full local need is a neutral matter.
21. Having regard to the fact that paragraph 6.24 of the Local Plan expressly makes provision for an early review of the Neighbourhood Plan, and noting that Farnham Town Council (in its representation of 15 February 2018) confirms that it has commenced an early review of the Farnham Neighbourhood Plan, he disagrees with the appellant's assertion that paragraph 14 of the Framework is engaged. He considers that the publication of the Local Plan does not undermine the Neighbourhood Plan in relation to housing requirement and supply.

Character and appearance

22. For the reasons given at IR6.35-6.90, the Secretary of State agrees with the Inspector that there would be a limited impact on the character and appearance of the area (IR6.86), and a minor degree of harm to the intrinsic visual worth of the area (IR6.82). He considers that this adverse impact carries limited weight. In terms of policy conflict the Secretary of State considers that the proposal would fail to enhance the landscape value of the countryside, in conflict with FNP10. He considers that it fails to demonstrate that the impact upon the visual setting and landscape features of the site and its surroundings can be satisfactorily addressed, in conflict with FNP11. He further considers that it fails to safeguard the intrinsic character and beauty of the landscape, in conflict with LP Policy RE1.

Building in the countryside

23. The appeal site is outside the Neighbourhood Plan's Built Up Area Boundary, and in Local Plan terms is in Countryside Beyond the Green Belt. Its countryside location has recently been confirmed in both these elements of the development plan. The Secretary of State considers that the conflict with the relevant policies, particularly the policies of the Neighbourhood Plan, carries substantial weight against the proposal. In reaching this conclusion, he has taken into account paragraph 198 of the Framework, which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted.

Ecology and nature conservation

24. For the reasons given at IR6.91-6.92, the Secretary of State agrees with the Inspector that the proposals are not likely to have a significant effect on the Thames Basin Heaths and the Wealden Heaths Special Protection Areas, either alone or in combination with

other plans and projects, and that consequently an Appropriate Assessment is not necessary (IR6.92).

25. He further agrees that there would be no marked loss of biodiversity or ecological interest (IR6.97). The Secretary of State has considered the points raised at IR6.93-6.99. He considers that the on-going management regime for the area carries moderate weight in favour of the proposal (IR6.96 and IR6.97).

Other matters

26. The Secretary of State has taken into account the Inspector's analysis at IR6.130-6.133, the fact there is now a 5-year housing land supply, and the Government's aim to boost significantly the supply of housing. He considers that the provision of market and affordable new homes (including provision of 40% affordable housing) carries substantial weight in favour of the appeal, while the economic benefits of the proposal carry moderate weight.
27. The Secretary of State agrees with the Inspector's analysis of highways issues at IR6.106-6.110. He agrees with the Inspector at IR6.133 that the residual cumulative impacts on the wider highway network would not be severe, and considers that the highways benefits referred to at IR6.107 and IR6.133 carry moderate weight. For the reasons given at IR6.100-6.105, he agrees that the proposal would fully reflect the objective of locating new development where it has good accessibility to a range of services and facilities which are capable of being accessed by walking, cycling and public transport (IR6.105). For the reasons given at IR6.111-6.114, he considers that there is no evidence relating to air quality or the effect on local services which indicate that planning permission should not be granted.

Planning conditions

28. The Secretary of State has given consideration to the Inspector's analysis at IR6.122-6.127, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

29. Having had regard to the Inspector's analysis at IR5.2-5.12 and IR6.128, the planning obligation dated 25 October 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR6.122-6.128 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

30. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Local Plan Policy RE1 or Neighbourhood Plan Policies FNP10 and FNP11, and is not in accordance with the development plan overall. He has gone on

to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

31. The Secretary of State considers that the housing benefits of the proposal carry substantial weight, while the economic and highways benefits carry moderate weight. He considers that the on-going management regime for the area carries moderate weight.
32. The Secretary of State notes the appeal site's location outside the Neighbourhood Plan's Built Up Area Boundary, and in Countryside Beyond the Green Belt. He considers that the conflict with the relevant policies, particularly the policies of the Neighbourhood Plan, carries substantial weight against the proposal. In reaching this conclusion, he has taken into account paragraph 198 of the Framework, which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. He considers that the adverse impact on the character and appearance of the countryside, and its intrinsic visual worth, carries limited weight.
33. The Secretary of State considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
34. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission be refused.

Formal decision

35. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the erection of 157 no. dwellings, (including affordable housing), the provision of onsite Suitable Alternative Natural Greenspace (SANG) and other associated works, in accordance with application ref: WA/2015/0771, dated 23 March 2015.

Right to challenge the decision

36. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
37. A copy of this letter has been sent to Waverley Borough Council and all other interested parties who asked to be informed of the decision.

Yours faithfully,

Maria Stasiak

Maria Stasiak
Authorised by Secretary of State to sign in that behalf

Annex A Schedule of representations

Representations received in response to the Secretary of State's reference back letter of 17 March 2017

Party	Date
Waverley Borough Council	5 April 2017
GL Hearn – agent appellant	8 and 19 April 2017
South Farnham Residents Association (SOFRA)	3 April 2017
Surrey County Council	12 April 2017
Farnham Town Council	6 April 2017
The Farnham Society	31 March 2017

Representations received in response to the Secretary of State's reference back letter of 27 March 2017

Party	Date
Waverley Borough Council	5 April 2017
GL Hearn – agent appellant	8 and 19 April 2017
South Farnham Residents Association (SOFRA)	3 April 2017
Farnham Town Council	6 April 2017
The Farnham Society	31 March 2017

Representations received in response to the Secretary of State's reference back letter of 18 May 2017

Party	Date
Waverley Borough Council	1 June 2017
GL Hearn – agent appellant	30 May, 15 June and 4 July 2017
South Farnham Residents Association (SOFRA)	26 May, 12 June and 3 July 2017
Farnham Town Council	30 May 2017
The Farnham Society	29 May, 16 June and 7

	July 2017
GL Hearn – agent appellant	24 July 2017
South Farnham Residents Association (SOFRA)	18, 27(x 2) July, 1, 9 and 23 August 2017
Farnham Town Council	25 July 2017
The Farnham Society	9 and 29 August 2017

Representations received in response to the Secretary of State's reference back letter of 12 September 2017

Party	Date
Waverley Borough Council	26 September 2017
GL Hearn – agent appellant	26 September and 4 October 2017
South Farnham Residents Association (SOFRA)	19 and 25 September, 9 October 2017
Farnham Town Council	22 September 2017
The Farnham Society	9 October 2017

Representations received in response to the Secretary of State's reference back letter of 16 January 2018

Party	Date
South Farnham Residents Association (SOFRA)	23 January 2018
Farnham Town Council	24 January 2018
The Farnham Society	23 January 2018

Representations received in response to the Secretary of State's reference back letter of 13 February 2018

Party	Date
Waverley Borough Council	5 March 2018
GL Hearn – agent appellant	27 February and 13 March 2018
South Farnham Residents Association (SOFRA)	21 February and 13 March 2018
Farnham Town Council	15 February 2018

The Farnham Society	27 February and 13 March 2018

General representations

Jeremy Hunt MP	20 March 2017
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Report to the Secretary of State for Communities and Local Government

by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 24 January 2017

Town and Country Planning Act 1990

Appeal by Wates Developments Limited

Waverley Borough Council

Inquiry opened on 16 August 2016 and closed on 19 October 2016

Land at Waverley Lane, Farnham, Surrey

File Reference: APP/R3650/W/15/3139911

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Appeal Reference: APP/R3650/W/15/3139911

Land at Waverley Lane, Farnham, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters, other than access, reserved for later approval.
- The appeal is made by Wates Developments Limited against the decision of Waverley Borough Council.
- The application, reference WA/2015/0771, dated 23 March 2015, was refused by notice dated 30 July 2015.
- The development proposed is the construction of up to 157 dwellings (including affordable housing), the provision of on-site Suitable Alternative Natural Greenspace (SANG) and other associated works.

Summary of Recommendation: The appeal be allowed subject to the conditions recommended in the Schedule at Annex C of this report.

1. Introduction

Procedural matters

- 1.1 The Inquiry sat on 16, 17, 18, 19 and 23 August and on 17, 18 and 19 October 2016. I made an accompanied visit to the site and its surroundings on 17 August 2016 and I returned, unaccompanied, to the site and visited other locations identified by the parties on 19 and 20 October 2016.¹
- 1.2 Proofs of evidence as originally submitted are included as Inquiry documents; but their content may have been affected by oral evidence, concessions and corrections. Closing submissions are also included which, save for minor typographical corrections and limited oral additions, are as delivered to the Inquiry.
- 1.3 An application for costs was made by Wates Developments Limited against Waverley Borough Council. This is the subject of a separate report.

Recovery for determination

- 1.4 By letter dated 12 August 2016 the Secretary of State, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, directed that he shall determine this appeal. The reason for this direction is that *'the appeal involves a proposal for residential development of over 25 units in areas where a qualifying body has submitted a neighbourhood plan proposal to the local authority but the relevant plan has not yet been made'*.

Description of the proposed development

- 1.5 The description in the header above is consistent with the terms of the application for planning permission. Irrespective of the revised wording in the Council's notice of decision, it was agreed that the appeal should be considered and determined on the basis of the original description.

¹ INQ/66

Reasons for refusal

- 1.6 The Council's decision, dated 30 July 2015, lists four reasons for refusal: -
- 1) The proposal by virtue of its location, number of dwellings, density, scale, urbanising impact and impact on landscape character, would cause material and detrimental harm to the intrinsic character, beauty and openness of the countryside and character and appearance of the area. The proposal would be contrary to Policies D1, D4, and C2 of the Waverley Borough Local Plan 2002, the Farnham Design Statement 2010 and Paragraph 17 of the National Planning Policy Framework 2012.
 - 2) The applicant has failed to enter into an appropriate legal agreement to secure the provision of Suitable Alternative Natural Green Space (SANG) and therefore the Local Planning Authority considers that the proposal (in combination with other projects) would have a likely adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and Wealden Heaths Special Protection Area (SPA). Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations) applies in this case, it must refuse permission in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. The proposal conflicts with Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework 2012.
 - 3) The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education, highway improvements and environmental improvements which are necessary to make the development acceptable and therefore the proposal would be contrary to Policies D13 and D14 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.
 - 4) Notwithstanding the objection to the proposal under Reason 1 and taking into consideration the absence of a signed legal agreement, the proposal would fail to provide affordable housing within the meaning of the National Planning Policy Framework 2012, appropriate to meet Waverley Borough Council's housing need. The proposal is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012 as the development does not provide a mix of housing need based on current and future demographic trends, market trends and the needs of different groups in the community.

The Council's position at the Inquiry

- 1.7 It was confirmed, in light of the agreement pursuant to section 106 of the Town and Country Planning Act 1990,² that reasons for refusal 2, 3 and 4 had been met. Consequently, the Council's case was restricted to the first reason for refusal.

Environmental Statement

- 1.8 The planning application was accompanied by an Environmental Statement comprising 3 volumes (March 2015). It was partnered by a full Transport Assessment, as an annex to the Environmental Statement, which considers the impacts of a development of 180 dwellings. The Environmental Information has been taken into account in the preparation of this report.

² INQ/3

The site and its surroundings³

- 1.9 The appeal site is located some 1.75 kilometres (at its closest point) south-east of Farnham town centre and immediately beyond the existing built-up area of the town. It has an area of 12.22 hectares (30.1 acres),⁴ in two parcels of land to the north-east and south-west of Waverley Lane (B3001).
- 1.10 The northern parcel is a single field (the northern field), covering approximately 4.4 hectares (11.0 acres), which is used for grazing horses. It undulates and slopes downward generally to the east and it has hedgerow and tree cover on its eastern, southern, western and northern (in part) boundaries. It has a more open boundary with Elm Cottage, a single dwelling in a large plot, which is served from Old Compton Lane.
- 1.11 The southern parcel has an area of around 7.75 hectares (19.1 acres) and consists of two fields (the central field and the southern field). The former is about 3.04 hectares (7.5 acres) and the latter runs to some 4.71 hectares (11.6 acres). Both are undulating with the southern field having a particularly marked fall towards the Bourne Stream along its southern and eastern boundaries.
- 1.12 The central field, currently used for grazing cattle, is bordered to the west by residential properties in generally large, well-vegetated, plots; a strong hedgerow with Ancient Woodland beyond defines the southern boundary; the eastern boundary, coinciding with Public Right of Way 73 (PROW73), is lined by trees and woodland (Woodland Tree Preservation Order 04/16);⁵ and the roadside boundary consists of trees and hedgerow.
- 1.13 The southern field is characterised by rough pasture with patches of scrub vegetation, groups of trees and areas of rushes and scrub within the vicinity of the stream. The lower parts of the field lie within Flood Zones 2 and 3. Its boundaries are well-wooded and benefit from protection afforded by the above Tree Preservation Order.
- 1.14 The northern and eastern boundaries of the northern field abut an Area of Great Landscape Value; and a narrow strip of land within the site, leading on to Old Compton Lane, is also within the locally designated area. The northern boundary of the central field (its eastern half) and the southern field are also contiguous with the Area of Great Landscape Value; and the Surrey Hills Area of Outstanding Natural Beauty lies a short distance to the east of the southern field.⁶
- 1.15 The appeal site is within the 5 kilometre zone of influence of the Thames Basin Heaths Special Protection Area and also the Thursley, Hankley and Frensham Commons (Wealden Heaths) Special Protection Area (hereafter referred to in combination as the Thames Basin Heaths and Wealden Heaths Special Protection Areas).⁷

³ A fuller description is contained in the Statement of Common Ground (INQ/1); Environmental Statement Volume 3 includes a site location plan and an aerial location plan (Figures 2.1 – 2.2)

⁴ Excluding approximately 0.32 hectares of highway land (Waverley Lane)

⁵ INQ/22

⁶ INQ/25

⁷ APP/4 Appendix B Map 1

Statements of Common Ground

The appellant and Waverley Borough Council

- 1.16 The Statement of Common Ground includes, amongst other things, agreement that: -⁸
- (a) Farnham is the largest settlement in Waverley Borough which provides a comprehensive range of employment, retail, educational, leisure and other community facilities; it has a mainline railway station (1.25 kilometres to the west of the appeal site with services between Alton and London Waterloo); and an existing public bus network;
 - (b) the proposal provides sustainable access to a good range of facilities required for promoting healthy communities including good access to local public footpaths in the vicinity of the site;
 - (c) the appeal site is located in the 'Countryside beyond the Green Belt';
 - (d) the proposed development is not so significant that it would prejudice the likely scale of development in the emerging Local Plan; and it is not premature in the context of either the emerging Local Plan or the emerging Farnham Neighbourhood Plan;
 - (e) significant weight should be afforded to the offer of 40% affordable housing on the basis that, as of 5 April 2016, there were 1,499 households with applications on the Council's Housing Needs Register and an identified need of 897 affordable homes required within the Borough per annum;
 - (f) the proposed market housing mix is acceptable and would provide a good mix of homes;
 - (g) all of the proposed dwellings and vehicular access/road networks would be sited within Flood Zone 1 and the proposal is considered to be acceptable in respect of flooding and drainage issues;
 - (h) the effect of increased traffic on the local road network would fall well-below the severe threshold identified in paragraph 32 of the National Planning Policy Framework (the Framework); the impact on the junction of Station Hill/South Street/A31 (Hickley's Corner) could be mitigated by a proportionate financial contribution towards improvements; and improvements proposed by the appellant to the Tilford Road/Waverley Lane/Station Hill junction would aid capacity and improve pedestrian facilities;
 - (i) the proposal would not cause harm to the setting of the Area of Outstanding Natural Beauty or to the setting of the Area of Great Landscape Value;
 - (j) a small part of the northern field is located within the Area of Great Landscape Value; its use to provide a footpath link to Old Compton Lane would be consistent with the aim of conserving and enhancing landscape character;
 - (k) the appeal scheme is able to mitigate impacts on the Special Protection Areas by providing on-site SANG; the proposed circular walk (2 kilometres) within the greenspace is acceptable to Natural England as the area to be provided would have excess capacity; and its location adjacent to the Area of Outstanding Natural Beauty would not cause harm to the setting of the designated area;

⁸ INQ/1

- (l) the mitigation proposed, with a contribution to the Strategic Access Management and Monitoring programme,⁹ would not result in a significant effect on the Special Protection Areas, either alone or in combination with other plans and projects (agreed by Natural England);
- (m) the proposal would not draw on the limited residual SANG capacity at Farnham Park;
- (n) the proposal would not cause any loss of Ancient Woodland and an associated 15 metres buffer would be observed;
- (o) approximately 27 metres of hedgerow would need to be removed (with about 59 metres cut back) to create access into the northern field; and about 35 metres would be removed (with about 30 metres cut back) to create access into the central field;¹⁰
- (p) subject to the implementation of the on-site mitigation/compensation measures set out in the Ecological Impact Assessment, the appeal scheme would ensure that the ecological value of the appeal site was maintained and where possible enhanced;
- (q) there is no allegation of harm to existing residential amenity;
- (r) there is no allegation of harm to heritage assets or their settings;
- (s) the proposal would provide sufficient amenity and play space to meet the needs of the proposed development; and
- (t) there is no issue in relation to air quality.

The appellant and Waverley Borough Council (on housing land supply matters)¹¹

1.17 The following matters are agreed: -

- (a) the annual housing requirement is set out in the Waverley Borough Pre-submission Local Plan (based on the 2015 Strategic Housing Market Assessment) amounting to 519 new homes per annum;
- (b) the historic shortfall from 1 April 2013 (830 units at 1 April 2016 and 874 units at 1 July 2016)¹² is to be added and spread over the next five years amounting to a requirement of 728 dwellings per annum (with a 5% buffer) or 833 dwellings per annum (with a 20% buffer);
- (c) in the first three years (1 April 2013 – to 31 March 2016) 727 dwellings had been completed (242 per annum); and 86 dwellings were delivered in the first quarter of 2016/17; and
- (d) if the Secretary of State comes to a view that a 20% buffer should be applied, the Council cannot demonstrate a five year supply of deliverable sites.

⁹ APP/4 Appendix B paragraph 1.4

¹⁰ See also INQ/34 for subsequent detailed drawing

¹¹ INQ/51

¹² It is the appellant's view that the correct position is 1 April – however, the 1 July position has been adopted for the purpose of the appeal

1.18 The following matters are not agreed: -

- (a) whether there has been persistent under-delivery and whether a 5% or 20% buffer should be included in the housing need;
- (b) whether a lapse rate (10%) should be applied to large sites with planning permission;
- (c) the amount of housing to be delivered within five years: - the Council's position is 3,854 units; and the appellant's assessment is 2,370 units (with a lapse rate) and 2,571 units (without a lapse rate); amounting to a difference of 1,283 or 1,484 units respectively; and
- (d) overall, the Council's position is a 5.3 years supply of housing land (5% buffer, no lapse rate and full delivery) compared to the appellant's position of a range between 2.8 years (20% buffer, lapse rate and less than full delivery) and 4.6 years (20% buffer, no lapse rate and full delivery).

1.19 The various scenarios are shown in the tables below: -

Table A: Housing Need

	1 April 2016 +5%	1 April 2016 + 20%	1 July 2016 + 5%	1 July 2016 + 20%
Housing requirement (5 x 519)	2,595	2,595	2,595	2,595
Requirement from 1/4/13	1,557	1,557	1,687	1,687
Completions from 1/4/13	727	727	813	813
Shortfall	830	830	874	874
Revised requirement	3,425	3,425	3,469	3,469
Revised requirement + buffer	3,596	4,110	3,642	4,163
Requirement per annum	719	822	728	833

Table B – Large sites with planning permission (disputed sites)¹³

Site Address (ref)	Council housing numbers	Appellant housing numbers	Commentary [Agreed; LPA; Appellant]
Land south of High Street, Cranleigh (WA/2014/0912)	425	154	<p>Permission granted 31/03/16 (on appeal) - up to 425 dwellings (outline).¹⁴ Condition 6 requires submission of reserved matters for phase 1 (124 units) no later than 31/03/17 (appellant's confirmation at Inquiry of speedy delivery).¹⁵ Site total included in the five-year supply.</p> <p><i>Application pending to vary 3 conditions (2 require approval of flooding/surface water drainage details before the submission of reserved matters).¹⁶ A decision is anticipated on 04/11/16; allowances should be made for submission and approval of reserved matters (6 months); design/ tender/installation of infrastructure works (6 months); and lead in (6 months) to the first house completion (i.e. May 2018). Developer preparing reserved matters for 55 units; single developer with likely output of 50 units per annum.¹⁷</i></p>
Land at East Street, Farnham (WA/2012/0912)	235	0	<p>Permission for 235 units; development commenced; recent amendment to change tenure of affordable housing subject of a Judicial Review.</p> <p><i>Judicial Review accepted by the High Court; full Judicial Review hearing to take place; Court has not set a date; process will delay delivery.¹⁸</i></p>
Land at Sturt Road, Haslemere (WA2014/1054)	135	0	<p>Site has permission for 135 dwellings; recent revised application - site access; recommendation of approval likely.</p> <p><i>Need for alternative access unclear other than assume a 'ransom' situation (ownership); no developer interest; existing permission subject to 17 pre-commencement conditions; reserved matters would need to be submitted - cannot be said that site is 'available'.¹⁹</i></p>
Difference			641

¹³ INQ/6 Appendix 2b

¹⁴ NAT/8

¹⁵ NAT/8 paragraph 79

¹⁶ NAT/8 Conditions 18, 21 and 22

¹⁷ INQ/28 Appendix 2; INQ/49 paragraph 7.4

¹⁸ INQ/49 paragraph 7.3

¹⁹ INQ/46

Table C: Potential sites to be identified in the Waverley Land Availability Assessment²⁰

Site Address (ref)	Council housing numbers	Appellant housing numbers	Commentary [Agreed; LPA; Appellant]
Weyburn Works (16)	70	61	application for 61 units pending
49-53 Horsham Road (13)	20	0	Principle of residential development acceptable. <i>Appeal dismissed for 25 retirement apartments.</i>
The Bush Hotel, The Borough (285)	5	0	Promoted – call for sites 2014. <i>No application – site constrained</i>
Stephens Engineering, Wrecclesham Hill (380)	13	0	12 dwellings pending determination. <i>Duplicated with sites permission</i>
Part of Farnham College (619)	10	0	14 dwellings refused – principle of residential development considered acceptable.
Charterhouse School (66)	10	0	Promoted – call for sites 2014. <i>No application</i>
Keys Cottage & Wedgewood, Holloway Hill (209)	10	0	Principle of residential development acceptable. <i>Permission for one replacement dwelling - 3 larger schemes refused.</i>
Rear 46-48 Peperharow Road (706)	5	0	Promoted – call for sites 2014. <i>No application.</i>
Foxdene and Southwall, Charterhouse Road (828)	5	0	9 dwellings refused – principle of residential development considered acceptable. <i>Recent application withdrawn.</i>
Central Hindhead, London Road (144)	30	0	Owner indicated site to be available for development in 2013. <i>Car dealership, not pursued – potential constraints.</i>
Land at Oakdale, Portsmouth Road, Hindhead (145)	50	0	Owner indicated site to be available for development in 2013. <i>Thriving garden centre, not pursued – potential constraints.</i> ²¹
Clement Windows & Motorcycle shop, 5–21 Weyhill (245)	39	0	Application for 55 units pending. <i>Refused permission 2 September 2016.</i>
Land at Weyhill, Haslemere (697)	31	0	Owner indicated site to be available for development in 2015. <i>Site owned by Borough Council – no decision made to develop.</i>
Rear 38-58, Church Road, Milford (94)	15	0	Promoted – call for sites 2014. <i>Land in several ownerships – no progress.</i>

²⁰ INQ/6 Appendix 3; INQ/49 Table 1 (amalgamated)

²¹ INQ/46

Garden Style, Wrecclesham Hill (713)	65	65	Approved
Victoria House (246)	8	0	Promoted – call for sites 2013 (confirmed 2014). <i>No update.</i>
Land at Little Meadow, Alfold Road (853)	75	75	Approved
Total	461	201	
Difference			260

Table D: Strategic sites allocated in the emerging Waverley Local Plan²²

Site Address (ref)	Council housing numbers	Appellant housing numbers	Commentary [Agreed; LPA; Appellant]
Coxbridge Farm, Farnham (SS1)	180	126	14/06/16 developer indicated 180 units would be delivered by 30/06/21. <i>Application awaited; likely timetable for first completions early 2019; developer's estimated delivery rates applied.²³</i>
Green Lane, Badshot Lea (SS2)	100	105	Application for 105 dwellings – pending – site allocated in Farnham Neighbourhood Plan
The Woolmead, Farnham (SS3)	55	51	45 dwellings approved 03/11/15; 96 dwellings approved 05/07/16; balance = 51
Dunsfold Aerodrome (SS7)	130	0	Proposed mixed-use with approx. 1,800 dwellings; previously developed land; objections by Environment Agency and Natural England to be withdrawn; Highway Authority requested additional information to resolve its objection. Anticipated recommendation of approval (subject to a legal agreement); considerable local opposition but site allocation supported by members. LPA's assessment of delivery rates. ²⁴ <i>LPA's assessment is optimistic. Re-consultation underway following amendments/further information; at 21/08/16 there were 1,891 objections; highway authority has questioned transport modelling/mitigation (including firm commitment to public transport in perpetuity) and remained unconvinced that there would not be severe impacts.²⁵</i>

²² INQ/6 Appendix 4

²³ INQ/28 paragraphs 4.22 - 4.25

²⁴ INQ/38

²⁵ INQ/46

Land at Horsham Road, Cranleigh (SS4)	101	0	Development in 2 parts; 149 dwellings approved; 101 units likely on remainder of site and built-out in 5 years. <i>Phase 1 reserved matters due to be considered 24/08/16; no application for phase 2.</i>
Woodsite Park, Godalming (SS8)	100	100	Application pending.
Total	666	382	
Difference			284

Table E: Housing Supply

Source of supply	LPA position	Appellant's position with lapse rate	Appellant's position (without lapse rate)	Difference/ supply disputed
Small sites with planning permission	423	381	423	42 (0)
Large sites with planning permission	2,234	1,434	1,593	800 (641)
Land Availability Assessment sites	461	201	201	260
Strategic sites	666	284	284	382
Windfalls	70	70	70	0
Total	3,854	2,370	2,571	1,484 (1,283)

Table F: Housing Land Supply Position

		1 July 2016 + 5%	1 July 2016 + 20%
LPA	Requirement	3,642	4,163
	Supply	3,854	3,854
	Position	5.3 years	4.6 years
Appellant with lapse rate	Requirement	3,642	4,163
	Supply	2,370	2,370
	Position	3.25 years	2.8 years
Appellant (without lapse rate)	Requirement	3,642	4,163
	Supply	2,571	2,571
	Position	3.5 years	3.1 years

1.20 The following table shows historic housing completions in the Borough with the annual housing requirement and planning permissions granted for completeness: -

Table G: Housing Completions

Year	Annual Housing Requirement	Planning Permissions	Total Completions
2001-02	187	245	173
2002-03	187	340	211
2003-04	187	371	216
2004-05	187	549	262
2005-06	187	436	262
2006-07	250	239	458
2007-08	250	225	255
2008-09	250	238	286
2009-10	250	378	186
2010-11	250	239	141
2011-12	250	199	120
2012-13	250	468	230
2013-14	519	404	143
2014-15	519	697	242
2015-16	519	983	343
2016-17	519	No information	85 (1 st quarter)
Total (2001 – 2016)	4,242	6,011	3,528

*The appellant and Surrey County Council (on transport matters)*²⁶

1.21 The agreed statement confirms, amongst other matters, that: -

- (a) the proposed access arrangements offer appropriate geometry to accommodate the requirements of the development, provide sufficient visibility in line with the design speed of Waverley Lane, and offer suitable access to the site for all expected forms of travel;
- (b) the highway authority has undertaken a Stage 1 Road Safety Audit of the proposed access arrangements and all matters raised have been adequately addressed in the submitted drawings;
- (c) the proposed access arrangements would operate comfortably within capacity;
- (d) the access arrangements would deliver safe and suitable access to the appeal site and in that respect the proposal would comply with relevant policy, including paragraph 32 of the Framework;
- (e) the provision of a footway adjacent to the southern side of Waverley Lane would deliver a safe walking route to connect the appeal site to the wider local walking network which commences at Abbot's Ride and that the required land is wholly within the publicly adopted highway;
- (f) the proposals include a new footpath link along the northern boundary of the central field to connect Waverley Lane to PROW73; an informal crossing point on Waverley Lane to link and integrate the various components of the development; a footpath link from the northern field to connect to Waverley Lane in the vicinity of the Abbot's Ride bus stop; and a footpath link from the northern field on to Old Compton Lane and to PROW76 with connection to numerous leisure walks available in north Farnham;
- (g) the access arrangements would also offer a wider public benefit by addressing existing speeding issues on Waverley Lane;
- (h) the appeal site is in an accessible location with a large range of everyday facilities located within a reasonable walking and cycling distance;
- (i) the site is well-located for public transport facilities with an adjacent bus stop and reasonable proximity to the railway station; and
- (j) improvements to the highway network, as set out in the planning agreement, are appropriate, necessary and adequate to ensure that opportunities for sustainable travel are taken up and would provide a wider public benefit by improving the existing transport network for all users.

The development plan

1.22 The development plan consists of the saved policies in the Waverley Borough Local Plan 2002²⁷ and Saved Policy NRM6 of the South East Plan 2009 which relates to the Thames Basin Heaths Special Protection Area.²⁸ The housing policies in the local plan cover the period from 1991 to 2006.²⁹

²⁶ INQ/2

²⁷ LPA/1

²⁸ RP/1

²⁹ LPA/1 paragraph 1.7

- 1.23 The Statement of Common Ground sets out the saved policies of the Local Plan which are relevant to the determination of the appeal. Those referred to in reason for refusal 1 are:-

Policy C2 – Countryside Beyond the Green Belt:-

'In the Countryside beyond the Green Belt the countryside will be protected for its own sake. Building in the countryside away from existing settlements will be strictly controlled'.

Policy D1 – Environmental Implications of Development:-

'The Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of:-

- (a) loss or damage to important environmental assets, such as and areas of conservation, ecological or landscape value;*
- (b) harm to the visual character and distinctiveness of a locality, particularly in respect of the design and scale of the development and its relationship to its surroundings;*
- (c) loss of general amenity;*
- (d) levels of traffic which are incompatible with the local highway network; and*
- (e) potential pollution of air, land or water'.*

Policy D4 – Design and Layout:-

'The Council will seek to ensure that development is of a high quality design which integrates well with the site and complements its surroundings. In particular development should:-

- (a) be appropriate to the site in terms of its scale, height, form and appearance;*
- (b) be of a design and materials which respect the local distinctiveness of the area or which will otherwise make a positive contribution to the appearance of the area;*
- (c) not significantly harm the amenities of occupiers of neighbouring properties;*
- (d) pay regard to existing features of the site;*
- (e) protect or enhance the appearance of the street scene and of attractive features;*
- (f) incorporate landscape design suitable to the site and character of the area, of a high standard and with adequate space and safeguards for long term management;*
- (g) provide adequate amenity space around the proposed development; and*
- (h) provide safe access for pedestrians and road users'.*

- 1.24 In addition, Saved Policy NRM6 of the South East Plan confirms:-

'New residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England'.³⁰

³⁰ RP/1

Emerging plans

- 1.25 The Borough Council's Pre-submission Local Plan Part 1: Strategic Policies and Sites (Regulation 19) was published for consultation on 19 August 2016 with a closing date of 3 October 2016 for representations.
- 1.26 Consultation on the final submission version (Regulation 16) of the Farnham Neighbourhood Plan ran for the same period. Two policies are identified as relevant to the appeal proposal having particular regard to the appeal site being shown to be outside the built-up area of Farnham (Map A) and identified as having high landscape value and sensitivity (Map E): -³¹

Policy FNP10 - Protect and Enhance the Countryside:-

'Outside the Built Up Area Boundary, as defined on Map A, priority will be given to protecting the countryside from inappropriate development. A proposal for development will only be permitted where it would: a) be in accordance with Policies FNP16, FNP17 and FNP20, d) retain the landscape character of, and not have a detrimental impact on, areas shown on Map E as having high landscape value and sensitivity

Policy FNP1 – Design of New Development and Conservation:-

'New development in accordance with the Neighbourhood Plan will be permitted where it: a) is designed to a high quality which responds to the heritage and distinctive character of the individual area of Farnham in which it is located

Main Considerations

- 1.27 The preliminary main considerations identified at the opening of the Inquiry were: -³²
- (a) *the current land supply position in the Borough and the resultant application of relevant development plan policies, emerging plans and the National Planning Policy Framework;*
 - (b) *the effect of the proposed development on the character and appearance of the area;*
 - (c) *the adequacy or otherwise of ecological and nature conservation mitigation measures;*
 - (d) *whether the location of the site offers reasonable opportunities for sustainable travel;*
 - (e) *the suitability of the proposed access arrangements and the impact of the development on the wider highway network;*
 - (f) *any other material considerations (e.g. air quality); and*
 - (g) *the determination of the overall planning balance.*
- 1.28 Considerations (a), (b) and (g) relate to the principal matters referred to by the Council in reason for refusal 1, with considerations (c) – (f) reflecting representations made by interested organisations and individuals.

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³¹ FTC/2 pages 19, 23, 35 & 37

³² X5

2. The Case for Waverley Borough Council

Introduction

The site and its surroundings

- 2.1 The appeal site enjoys a clear countryside character which was recognised in an appeal decision at 54 Waverley Lane where the Inspector recorded a gradual change in character between the open countryside and the commencement of the built-up area beyond the junction with Stoneyfields.³³ The appeal site forms part of that rural approach before the 'transition zone' and the more urban characteristics beyond.
- 2.2 The site has enjoyed policy protection in the Waverley Borough Local Plan and in the Farnham Design Statement 2010. The built-up area within the vicinity of the appeal site has seen very little development in the last 40 years; and the area as a whole is typified by large houses on substantial plots. The value of the area to the community is reflected in the level of opposition, including the 1,192 letters of objection at application stage.

The plan policy context

- 2.3 The appeal site lies outside the settlement boundary in both the Waverley Borough Local Plan and the emerging Local Plan (part 1); and it is not allocated for development in either of these documents or in the emerging Farnham Neighbourhood Plan.
- 2.4 The appellant accepts that the proposal would be in conflict with Policy C2, but contests the apportionment of weight; and maintains, contrary to the Council's position, that neither Policies D1 nor D4 would be breached. Each of these policies should be given full weight in light of their general consistency with the Framework and the position adopted by an Inspector at Cranleigh.³⁴
- 2.5 Substantial weight should be given to Policy C2 as there is nothing to preclude the definition of settlement boundaries; and the Framework itself, aided by Planning Practice Guidance, affords protection to the countryside. In turn, the proposal would be in conflict with Policy D1 (a) and (b) as a result of harm to landscape value and to the visual character and distinctiveness of the locality; and with Policy D4 as the proposal would not integrate well with the site or complement its surroundings.
- 2.6 The Farnham Design Statement³⁵ was the subject of extensive consultation and was formally adopted by the Council. It provides clear guidance relevant to the site and its locality with the overall aim of seeking to ensure that new development '*should respect the spacious character of the area and current low-density character should be preserved*'. Waverley Lane, and its surroundings, is noted for its very pleasant environment and the manner in which it enhances the town.

³³ APP/2 Appendix 3 paragraph 9

³⁴ NAT/8 paragraph 10

³⁵ FTC/10; APP/1 Appendices tab 3a (Urban Design) – section 3 & section 4 paragraph 4.2

The first main consideration: housing land supply

Introduction

- 2.7 The Council has, on the basis of up-to-date evidence, established that it has a five-year housing land supply (5.3 years). However, housing delivery does not deal in certainties and the Framework does not require it to.³⁶
- 2.8 The Council's decision to up-date its housing figures on 1 July 2016 reflects the material change in circumstances with the publication of the emerging Local Plan (Part 1) which brought allocated sites into the equation of housing land supply. It would be of no surprise for those sites to be the subject of planning applications in the near future; and the application already made at Dunsfold Aerodrome is due for early consideration.
- 2.9 In terms of timing, the likelihood of adoption in mid-2017 would not be unrealistic. Given that the emerging plan reflects the Council's aspirations for the location of new development, including greenfield sites, it may be given significant (i.e. less than substantial) weight.

Housing requirement – 5% or 20% buffer?

- 2.10 The trend for housing completions between 2001-02 to 2006-07 was generally upwards and between 2002-03 and 2008-09 annual completions were in excess of the requirement. Thereafter, numbers declined as the recession took hold and a two-year embargo on permissions within the Special Protection Area was applied. From 2012-13 the trend has been generally upward against a significant uplift to the requirement following the publication of the Strategic Housing Market Assessment.³⁷ It is also relevant to note that planning permissions granted have often been well above the requirement and particular reference is made to 2014-16 with permissions far in excess of a materially increased requirement.
- 2.11 On this basis, it would be harsh to say that there has been persistent under-delivery. At worst, recent appeal decisions have indicated that *'it appears that this is at least a borderline case of a 20% buffer being warranted'*.³⁸ That is not to say that a 20% buffer should be applied at this point in time having particular regard to the relatively imminent submission of the emerging Local Plan (Part 1) and the allocations within it.

Forecasting housing completions

- 2.12 Although the appellant has questioned the reliability of the Council's historic forecasting of five-year completions, the emerging local plan will create greater certainty moving forward. The consequence of an out-of-date local plan has resulted in an ad hoc rather than a plan-led approach. The new local plan sets out allocations to meet the known requirement which, in turn, is likely to lead to an acceleration of permissions granted.

³⁶ INQ/72A paragraph 51; INQ/72B paragraph 34

³⁷ INQ/6 page 6

³⁸ NAT/7 paragraph 10 (18 April 2016); INQ/7 paragraph 43 (10 August 2016)

Lapse rate

- 2.13 The application of a lapse rate, for the non-implementation of planning permissions, is no longer common practice. Footnote 11 of the Framework indicates that *'sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years'*

Conclusion

- 2.14 Overall, it is considered that the Council is better placed than the appellant to determine the likely delivery of houses in light of the information sought from landowners/developers and the reticence of competing developers to share information with each other. The appellant's inference that developers might not always be open and straightforward, if made out, would work either way and it cannot be assumed that the appellant's information is any more robust than the Council's.
- 2.15 The Secretary of State is invited to endorse the Council's position on housing land supply; but, if that is not accepted, the weight to be accorded to paragraph 49 of the Framework should reflect the factors set out above; and the weight to be placed on both paragraphs 49 and 14 is capable of being influenced by the extent of any deficit below five years.

The second main consideration: character and appearance

The appeal site and its surroundings

- 2.16 The appeal site comprises three undulating parcels of grazing land bounding Waverley Lane which retains the character of a narrow rural lane. The northern field broadly slopes from west to east; it contains a minor valley across its centre running from south to north; and the broad slope is itself undulating.
- 2.17 The central field slopes in a similar direction, dropping down steeply to the south-east corner where it is bordered by PROW73. The southern field is more steeply sloping than its counterparts. Overall, the varied topography contributes greatly to the area's attractive appearance.³⁹
- 2.18 The most important landscape features, in terms of vegetation, are the wooded and treed hedgerows which lie along the boundaries of all three fields, creating a rich enclosed landscape. The wider surroundings contain woodland which contributes to an enclosed, quality, rural character.⁴⁰
- 2.19 Low-density, post-war, development (of one and two-storeys) adjoins the western boundary of the central field and three very well-spaced dwellings, in large gardens, lie beyond the northern boundary of the northern field. PROW73, along a sunken lane bounded by some majestic mature oak trees, runs between the central and southern fields.⁴¹

³⁹ LPA/23 paragraphs 3.0 – 3.1; Appendix 1 photos 1 – 4; Appendix 2

⁴⁰ LPA/23 paragraph 3.2; Appendix 1 photos 18 - 24

⁴¹ LPA/23 paragraphs 3.3 - 3.4; Appendix 1 photos 25 - 32

- 2.20 The appeal site is located within the countryside beyond the Green Belt; it lies adjacent to an Area of Great Landscape Value with the northern field containing a strip of designated land which runs through on to Old Compton Lane. The Green Belt and The Surrey Hills Area of Outstanding Natural Beauty run generally to the east of the southern field.⁴²
- 2.21 The woodland to the south-west of the central field is Ancient Semi Natural Woodland; it is covered, along with the trees bordering PROW73 and the triangular area of woodland on the northern boundary of the southern field, by a Tree Preservation Order.⁴³

Landscape Character

- 2.22 The appeal site lies within National Character Area 120: Wealden Greensand (NCA 120). It shares the characteristics of an intimate and historic landscape; and it is representative of the attractive rural landscape of the character area. The site does not have any characteristics of urban fringe, with the transition from countryside to suburban housing taking place to the west of the central field and coincidental with the western boundary of the northern field.⁴⁴
- 2.23 In terms of the Surrey Landscape Character Assessment,⁴⁵ the appeal site is within the Wooded Greensand Hills Landscape Type and specifically within Local Character Area GW4: Rowledge to Tilford Wooded Greensand Hills. Interesting undulating topography, a wealth of trees, hedgerows and woodlands are characteristic. The appeal site does not suffer from any of the trappings of horse related usage; the nearby residential properties have minimal presence; and the landscape of the appeal site is cohesive, attractive and distinctly rural.⁴⁶
- 2.24 At a Borough level the Council has commissioned a Landscape Study in relation to potential housing sites (the AMEC Study)⁴⁷ as part of the evidence base for the emerging Local Plan (Part 1). The appeal site lies within Character Area FN1b which is assessed as an *'area with its high quality character, sensitivity, and proximity to the AONB with direct visual connection means that any capacity for development is likely to be limited'*. Its landscape qualities are recorded to be *'many'*; and its landscape sensitivity and landscape value are both assessed as *'high'*.⁴⁸
- 2.25 The appeal site as a whole consists of high quality landscape which is distinctly rural in character. The narrow, vegetated character of Waverley Lane in the vicinity of the appeal site is fundamental to the perceived character of the area allowing glimpses through its hedgelines into the fields themselves. Old Compton Lane is even narrower and more enclosed and has its own distinct character.⁴⁹

⁴² LPA/23 paragraph 3.5

⁴³ LPA/23 paragraph 3.5; INQ/22

⁴⁴ LPA/23 paragraph 3.6.1: Appendix 1 photos 33 - 35

⁴⁵ SCC/4

⁴⁶ LPA/23 paragraph 3.6.2

⁴⁷ LPA/8; LPA/23 Appendix 3

⁴⁸ LPA/23 paragraphs 3.6.2.1 – 3.6.2.3

⁴⁹ LPA/23 Appendix 1 photos 5 – 16, 22 - 24

- 2.26 Although the appellant's Landscape and Visual Impact Assessment seeks to draw distinction between the qualities of the southern field with those of the central and northern fields, no part of the site feels close to the residential area of Farnham and the nearest dwellings are seen to be part of the rural landscape.⁵⁰ The complete loss of the current openness of the northern and central fields is, however, acknowledged to be a significant adverse impact on the landscape.
- 2.27 Whilst the appellant sought to relate the site to the western part of Character Area GW4, which is acknowledged to have a more intensive pattern of settlement, the appeal site itself is well to the north of the centre. The appellant's mistaken baseline subdivision of GW4, and the characterisation of the locality of the appeal site as 'settled', and the omission of any transparent application of the National Character Area characteristics, undermine the overall conclusions reached.⁵¹

Visual analysis

- 2.28 Waverley Lane, used mainly by motorists and cyclists, passing at speed, affords views into the northern and central fields through gappy and deciduous roadside hedges and through the existing access points. Hedgerow removal, for site accesses and visibility splays, would open views further into the site.⁵²
- 2.29 Old Compton Lane, used more passively and sedately, affords views into the site as the lower section of the hedgerow has been stripped by horses grazing. In addition, the provision of the new footpath link on to Old Compton Lane would open views into the site as a result of vegetation clearance.⁵³
- 2.30 Moreover, from PROW73, intermittent glimpses of the new houses, and increased usage of the route, would transform what is currently a delightful quiet rural walk through the countryside.⁵⁴
- 2.31 Notwithstanding the above, the difference between the parties on visual effects is relatively minor.

Overall assessment

- 2.32 Whilst visual impact is not specifically mentioned in the reasons for refusal, it is clear that there would be impact on public views of the proposed development from Old Compton Lane and also to a lesser extent from Waverley Lane and from PROW73. The effect would be to change the perception of the character of the area with a resultant loss of scenic quality. Whilst planting within the site boundaries could afford a level of mitigation, the erection of buildings up to three-storeys in height would appear as a development of densely packed houses, roofs, windows and lights and, in total, an urban view.⁵⁵

⁵⁰ LPA/23 paragraphs 3.6.4 – 3.6.5

⁵¹ APP/3 Tables A11, A13 – A14

⁵² LPA/23 paragraph 4.2.1

⁵³ LPA/23 paragraph 4.2.2 – 4.2.3

⁵⁴ LPA/23 paragraph 4.2.4

⁵⁵ LPA/23 paragraph 4.1

- 2.33 The character of the adjacent built-up area is intrinsically low-density (Abbot's Ride 6.5 dwellings per hectare and Old Compton village 5.4 dwellings per hectare). Travelling out of Farnham, the built-up area ends at Uplands Road on the northern side of Waverley Lane and at Abbot's Ride on the opposite side of the road. The frontage between Abbot's Ride and the central field lacks footways and it is bounded by semi-natural hedgerow.⁵⁶
- 2.34 Moreover, in terms of the urban grain for South Farnham (Waverley), the area runs from the edge of the town centre into the open countryside and includes very marked changes in density. The density in those areas adjacent to the appeal site is markedly low. However, the appellant has sought to justify the proposal on the basis of higher density, small, infill type development at Bramblings Close (at the eastern end of Lynch Road);⁵⁷ and two apartment buildings (both replacing single dwellings) at 54 and 58 Waverley Lane.⁵⁸ Their scale and context belies comparison with up to 157 dwellings in the open countryside and the extent to which the appellant relies on these isolated examples undermines its case.
- 2.35 In any event, Bramblings Close has a hard edged character which is at odds with the verdant, larger, plots of Lynch Road; and in the appeal decisions at 54 and 58 Waverley Lane, the Inspectors remarked on plot sizes and their contribution to the character of the area.⁵⁹ The appellant's attempt to draw analogy and justification only serves to confirm how inappropriate the appeal scheme would be.⁶⁰
- 2.36 The Framework confirms that *'the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes'*. Although there is no formal definition of the term *'valued landscape'* the matter was considered in a challenge to an Inspector's decision with particular reference to a requirement for a site to show *'some demonstrable physical attribute rather than just popularity'*.⁶¹
- 2.37 In this regard, the appeal site constitutes a valued landscape in that it has scenic qualities which accord with the key characteristics of published character assessments; the AMEC study identifies it to be highly sensitive and of high landscape value; it is perceptually important and of value to the community; and the characteristics of the undulating landform, enclosing elements, openness and rural character provide physical attributes of value.
- 2.38 It is to be noted that the Guidelines for Landscape and Visual Impact Assessment indicate that *'areas of landscape whose character is judged to be intact and in good condition, and where scenic quality, wildness or tranquillity, and natural or cultural heritage features make a particular contribution to the landscape are likely to be highly valued'*.⁶²

⁵⁶ LPA/23 paragraph 5.3

⁵⁷ APP/2 Figure 26

⁵⁸ APP/2 Figure 18

⁵⁹ APP/2 Appendix 3 paragraphs 8 and 9; Appendix 2 paragraph 8

⁶⁰ APP/2 Figures 35 - 36

⁶¹ LPA/23 paragraph 5.6 and Appendix 5 – *Stroud District Council v Secretary of State for Communities and Local Government (Gladman Developments Limited as an interested party) CO/4082/2014*

⁶² LPA/23 paragraphs 5.5 – 5.6; NAT/11 paragraph 5.29; LPA/23 Appendix 5

- 2.39 Whilst it is accepted that the illustrative layout has sought to minimise the loss of hedgerows, new planting would take many years to provide a screen and the need for visibility spays at the site entrances would inevitably result in a visual widening of Waverley Lane and a loss of enclosed rural character. The rural aspect of Old Compton Lane would also be lost.⁶³
- 2.40 It is clear that the appellant's approach to the scheme relies on substantial boundary screening so as to effectively make the development 'invisible' (after time). Indeed, the anticipated screening effect and the claimed small-scale nature of the direct changes to be anticipated on both Waverley Lane and PROW73 is crucial to the appellant's overall conclusion.
- 2.41 The nature of the planting would in itself be inconsistent with the character and appearance of the area and remove existing glimpsed views into the fields. The need for such landscaping is indicative of the inappropriateness of the proposal which would be more consistent with a site closer to the town centre rather than one in a rural location. Moreover, it serves to reinforce the planning officer's assessment that the proposal would create *'a pocket of housing that would appear out of keeping with its surroundings, which are largely rural in character'*.⁶⁴
- 2.42 In addition, the appellant's Urban Design Statement of Case acknowledges that *'closely related to building density, vegetation has an important influence in defining the character of Waverley Lane and adjacent roads, and almost universally the effect is green and leafy with houses, for the most part, screened to some degree from unrestricted view'*.⁶⁵ Comprehensive screening essential to secure invisibility, would not reflect that character.
- 2.43 Further, the use of PROW73 and Compton Recreation Ground (on the eastern side of Old Compton Lane and north of Waverley Lane) would become more intense, resulting in loss of tranquillity and pressure to re-surface paths. The enjoyment of the public footpath would also be diminished by the proximity of rear gardens, with related paraphernalia and activity, and the recreation area along the eastern side of the central field. The SANG, with its surfaced footpath and the provision of red dog waste-bins, would be more akin to an urban park; and pressure could arise for a crossing point between the SANG and Old Compton Lane.⁶⁶
- 2.44 The character and appearance of the area would also be impaired by the proposed highway measures including a gateway feature, which would include wooden fences and an appropriate 'Welcome to Farnham' sign, at the start of the 30 mph zone (to the west of Monk's Walk); 'dragon's teeth' carriageway markings on the approach to the 30 mph sign; two areas of buff road surfacing with 30 mph markings; the replenishment of roundel signs; and the construction of the site entrances.⁶⁷ It is telling that photomontages have not been produced showing the highway measures or the impression of walking into the development.

⁶³ LPA/23 paragraphs 5.7 – 5.8

⁶⁴ LPA/3

⁶⁵ APP/1 Appendix 3A paragraph 3.7

⁶⁶ LPA/23 paragraphs 5.9 – 5.13

⁶⁷ INQ/2 paragraph 7.1.2

Summary

- 2.45 The site is open countryside, totally rural in character and a valued landscape. The harm arising from the proposed development would be contrary to Saved Policy D1 of the Waverley Borough Local Plan. The form, density and scale of the project would appear as incongruous urbanisation of a countryside location. This would be in conflict with Saved Policy C2 and also at odds with the characteristics described in the Farnham Design Statement. Moreover, the failure to pay regard to existing features, such as landform and hedges, would run counter to Saved Policy D4.⁶⁸

The seventh main consideration: planning balance

- 2.46 The proposed development would, arising from the combination of density, number of dwellings and lack of integration with its surroundings⁶⁹ result in a significant urbanising effect contrary to Saved Policies C2, D1 and D4 and at odds with the guidance in the Farnham Design Statement. Moreover, the site is not shown to be allocated for housing development in either the emerging Local Plan (Part 1) or in the emerging Farnham Neighbourhood Plan.
- 2.47 The factors which are said to weigh in favour of the proposal are, by and large, those which would typically be generated by housing development. In addition, the contribution of new housing on the site (allowing for the time lapse of a decision on this appeal, the submission of reserved matters and the discharge of pre-commencement conditions) may be modest and would occur against the backdrop of the potential adoption of the emerging Local Plan. With housing development being actively facilitated elsewhere, the weight to be applied to the claimed benefits diminishes.
- 2.48 To the extent that the weighted balance in paragraph 14 of the Framework applies, the local planning authority maintains that the conflict with the development plan does clearly and demonstrably outweigh the benefits of the scheme.

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⁶⁸ LPA/23 paragraphs 6.1 – 6.6

⁶⁹ LPA/3 page 76

3. The Case for Wates Developments Limited

Introduction

- 3.1 This appeal has proved to be a case study in why the planning system is failing to deliver enough housing: - with persistent under-delivery of housing; and an out-of-date Local Plan with the emerging Local Plan some way from likely adoption. The authority has accepted, for some time, that it could not identify a five-year supply of housing land, but that position changed five days before the opening of the Inquiry (on the basis of a first quarter monitoring report). Inexplicably, the consultation version of the Local Plan (Part 1), published on day three of the Inquiry, did not mirror the Council's up-dated position.
- 3.2 The proposed site could not be more suited for housing: - it is available and secured by a development company with a national reputation; it has no designations or infrastructure constraints; it is probably the largest undeveloped site which is not protected and within two kilometres of the town centre of the largest settlement in the Borough; and it is highly contained in visibility terms. It is agreed that Farnham is a highly sustainable settlement (the most sustainable settlement in the borough); and both extant and emerging planning policy confirm that Farnham is a suitable location to accommodate significant residential growth.
- 3.3 The Council's case relied on two principal allegations, relating to density and landscape character, both of which were relatively small in scope and weak in substance;⁷⁰ and the extensive representations made locally were found to be misplaced or unfounded.

The first main consideration: housing land supply

Introduction

- 3.4 The Council is required by statute and policy to provide enough housing particularly in the five years ahead. It has a track-record of failing to provide sufficient housing; and its approach reflects a denial of the realities of planning policy and the heavily constrained nature of the Borough (i.e. significant areas within the Area of Outstanding Natural Beauty and the Green Belt; and large areas covered by local landscape designations and flood risk zones).
- 3.5 Over the past seven years (with the prospects of the current year looking similarly bleak) an average of only 200 homes per year has been delivered. Yet the current future requirement is at least 728 units per annum (if one accepts the Council's position). With a 20% buffer the authority would need to provide 833 units per annum. One cannot exaggerate the scale of that requirement and the necessity to take action now, particularly on sites such as this, where the alleged impacts would not outweigh the benefits of provision. The Council has already sanctioned the release of virgin sites and greenfield land will continue to be a significant element of future supply.

⁷⁰ With a focus on the appellant's statement of case rather than on the specific evidence presented by the witnesses

Five-year land supply

- 3.6 Paragraph 47 of the Framework requires local planning authorities to identify a five-year supply of housing; in this case, the Council cannot. It is telling that, having accepted this over a period of years, its position changed, immediately before the Inquiry, on the sole basis of the publication of its up-dated Five Year Housing Supply: 1 July 2016.⁷¹
- 3.7 The authority has a poor track-record in forecasting the likely delivery of housing and has a history in being over-optimistic on delivery rates as the following table shows: -⁷²

Monitoring Period	Annual Monitoring Report						
	2006	2007	2008	2009	2010	2011	2012
2006-07	374						
2007-08	374	223					
2008-09	300	223	149				
2009-10	300	223	146	195			
2010-11	300	223	146	234	167		
2011-12	1,648	223	284	180	167	257	
2012-13	<u>1,326</u>	1,115	325	281	167	257	295
2013-14	-322	<u>988</u>	1,050	380	255	257	295
2014-15		-127	<u>963</u>	1,270	255	257	295
2015-16			-87	<u>820</u>	1,011	257	361
2016-17				-450	<u>876</u>	1,285	1,246
2017-18					-135	<u>1,077</u>	<u>957</u>
2018-19						-208	-289

xxxx Council's prediction

xxxx Actual completions

-xxxx Difference

- 3.8 On this basis, no credence should be given to the Council's recent assertion that it can meet the requirements of the Framework as year after year has been characterized by failure. Moreover, since 2001, delivery has been deficient with at best, and unrepresentative, 458 units in 2006-07 when the market was at its strongest. In the nine years following, the best year has been no more than 343 dwellings and as recently as 2011-2012 it was a meagre 120 units. The effect of seven years failure to deliver amounts to a shortfall in excess of 800 units.
- 3.9 The Five Year Housing Supply report shows a massive requirement of 728 units per annum based on the Strategic Housing Market Assessment.⁷³ With only 86 new homes completed in the first quarter of 2016-17, there is no prospect of the outstanding balance of 640 dwellings being built. Even so, the Council maintains that the Local Plan (Part 1) will bring certainty, but it awaits examination and it will be some months before adoption.

⁷¹ INQ/6

⁷² INQ/28 page 4

⁷³ INQ/6 page 2 Table 1 (5% buffer)

- 3.10 It has to be acknowledged that the authority faces an enormous task in providing the number of dwellings even it considers to be appropriate (irrespective of the more onerous position if a 20% buffer were to be applied) having regard to constraints affecting some 80% of the Borough.
- 3.11 It is evident that the only way that the local planning authority can show a five-year supply is by relying on strategic sites which might be allocated in the emerging local plan. However, none of these sites have been scrutinized and there can be no confidence that they would provide a realistic prospect of delivery having regard to the level of objection and formal examination yet to be undertaken.
- 3.12 Moreover, the authority unrealistically assumes that the entire sum of 3,854 units, which comprises their total housing supply figure, would actually be built during the relevant period; and it relies on a trajectory which is hugely optimistic and highly unlikely to be achieved (with the land south of High Street, Cranleigh being the epitome of this point).

Housing requirement – 5% or 20% buffer?

- 3.13 Assessing past delivery over a period of sixteen years is not representative and is far too long a period. More pertinently, the authority has failed to deliver for the last seven consecutive years which must lead to a judgment of a 20% buffer. In two recent appeal decisions Inspectors concluded that the circumstances indicated *'at least a borderline case of a 20% buffer being warranted'*.⁷⁴ It is therefore contended strongly that the local planning authority cannot comply with paragraph 47 of the Framework and this should weigh heavily in favour of the grant of planning permission.

The second main consideration: character and appearance

Introduction

- 3.14 The proposal is an outline planning application where reserved matters include appearance, landscaping layout and scale; and the drawings are indicative. The scheme would provide up to 157 homes; public open space including a SANG; and buildings would be mostly two or 2.5-storeys with a small area of three-storeys in the central field.⁷⁵
- 3.15 The formation of vehicular accesses and visibility splays would require the removal of approximately 27 metres of hedgerow from the northern side of Waverley Lane (less than 10% of the road frontage); some 35 metres would be removed from the opposite side of the road (approximately 18% of the road frontage); and a new hedgerow would be planted along the back of the splays. A total of five individual trees would be removed (out of a total of 280); none are protected and all are category C;⁷⁶ and the ancient woodland would be safeguarded by a minimum buffer of 15 metres.⁷⁷

⁷⁴ NAT/7 paragraph 10; INQ/7 paragraph 43

⁷⁵ APP/3 paragraphs 60-62; Appendices: - Drawing WLF1

⁷⁶ Trees of low quality

⁷⁷ APP/3 paragraph 63

- 3.16 A new footway would be provided along the southern edge of Waverley Lane from Abbot's Ride to the central field site entrance; and, thereafter, the footway would run within the site. The northern field would have a footway entrance at its south-western corner, with very limited removal of vegetation, and the entirety of the 'frontage' footway would be within the site.⁷⁸ A footpath link from the northern field to Old Compton Lane would entail nothing more than clearance of overgrown vegetation.
- 3.17 The proposal includes extensive landscaping with management and reinforcement of the hedgerows to Waverley Lane and Old Compton Lane; new woodland and woodland edge planting in a landscape buffer (17 metres wide) to the south of Elm Cottage; and a buffer, 10 metres wide, on the western edge of the central field and to the west and east of PROW73.⁷⁹

Landscape and Visual Impact Assessment

- 3.18 The application was supported by a landscape and visual impact assessment which followed the guidance in the Guidelines for Landscape and Visual Impact Assessment (Third Edition).⁸⁰ It concluded that significant landscape effects would be limited to the northern and central fields; and there would be a negligible effect on landscape character as residential development contained by woodland and thick hedgerows is a characteristic of the locality. The significant visual effects would be limited to the construction phase and the early occupation of the site with impacts on a small number of adjacent residential properties; but these effects would reduce to less than significant as mitigation planting became fully established.⁸¹
- 3.19 The evidence prepared for the Inquiry shows that the appeal site is particularly well-contained with theoretical visibility of the proposed buildings (without mitigation planting) limited to the south-eastern segment of the central field.⁸²
- 3.20 In terms of its value, landscape quality (condition) derives from well-defined hedgerows but the fields themselves are generally of low biodiversity value; scenic quality is attractive but not distinctive; its settlement edge character is common in the locality; the site is typical of the County Character Area; it has little ecological or archaeological value; there is no public access to the fields (other than PROW73 between the central and southern fields); the openness of the fields is valued by those on the settlement edge/public footpath; and Waverley Lane has historical associations but these do not extend to the site itself. Overall, the appeal site is of Community/Local Authority Value.⁸³
- 3.21 It cannot be said that the site is a 'valued landscape' for the purposes of paragraph 109 of the Framework; and it is telling that this point was raised, for the first time, in the Council's evidence with no prior recognition in the officer's report or in the Council's Statement of Case.

⁷⁸ APP/3 paragraph 64

⁷⁹ APP/3 paragraph 65

⁸⁰ Environmental Statement Volume 2: Chapter 8; NAT/11

⁸¹ APP/3 paragraphs 66 - 72

⁸² APP/3 paragraph 73; Appendices: - Drawing WLF2

⁸³ APP/3 paragraph 74; Appendices: - Table A11; NAT/11 Box 5.1 (page 84)

- 3.22 The Guidelines for Landscape and Visual Impact Assessment set out a range of factors that can help in the identification of valued landscapes, notably: - landscape quality; scenic quality; rarity; representativeness; conservation interests; recreational value; perceptual aspects; and associations.⁸⁴
- 3.23 However, the Council's judgment relies on the landscape having scenic qualities which accord with key characteristics of published character assessments (representativeness); high sensitivity and high landscape value based on the discredited AMEC study; perceptual value arising from prominence in the Farnham Design Statement and the level of public opposition; and its physical attributes (undulating landform, quality of its boundaries, its openness and its rural character).⁸⁵ This bears no resemblance to the approach set out in the guidelines; and none of the factors identified amount to '*demonstrable physical attributes*'.⁸⁶
- 3.24 As to the effects of the development on landscape character, there are already glimpsed views of existing houses, particularly to the west of the central field; significant changes to Waverley Lane, a busy road with grass-verges/mature hedgerow boundaries, would not arise; PROW73 would remain on its current route; and there would be no effect on local or national landscape designations. The development, designed to conserve and enhance hedgerows and trees, would reflect the enclosed characteristic of the landscape; and would be consistent with the overall character of the locality in its composition of housing set within pastoral fields bounded by thick hedgerows and woodland.⁸⁷
- 3.25 The potential visual effects are generally common with those identified in the original assessment and would be restricted to a few adjacent residential properties. Effects on users of Waverley Lane would include glimpses through the boundary vegetation (until the proposed planting has become established) and a view into the development coincidental with the site entrances. However, such views would be transitory in nature and experienced, for the most part, by people in moving vehicles. Glimpsed views from Old Compton Lane and PROW73 would, similarly, become screened by the planting proposed.⁸⁸
- 3.26 The Council accepts that housing need requires greenfield sites to be developed; and it is telling that sites have either recently been approved or allocated which would result in far greater impacts than the appeal proposal.⁸⁹ In this regard, the appeal site is rare in the context of Waverley insofar as it has no national or local designation and has never done so. Moreover, the local planning authority concedes that there would be no basis to refuse the application on the grounds of visual amenity but maintains that the extent of harm to landscape character is an impact which justifies refusal.

⁸⁴ NAT/11 Box 5.1 (page 84)

⁸⁵ LPA/23 paragraph 5.5

⁸⁶ LPA/23 Appendix 5 paragraph 9 – *Stroud District Council v Secretary of State for Communities and Local Government CO/4082/2014*

⁸⁷ APP/3 paragraph 75; Appendices: - Table A12

⁸⁸ APP/3 paragraphs 76 - 81; Appendices: - Tables 15 - 17; Drawings (photomontages) WLF5 - WLF16

⁸⁹ APP/3 paragraphs 86 - 103

- 3.27 However, the site (save for a sliver of land in the northern field) does not lie within a designated landscape.⁹⁰ Moreover, it is notable that in the designation of the Area of Outstanding Natural Beauty, and consideration of an amendment to its boundary, and in the determination of the Area of Great Landscape Value, objective assessment precluded the appeal site.⁹¹
- 3.28 Further, the landscape of the site does not have a high value. Although the AMEC study apportions 'many' landscape qualities to segment FN1b, of which only the northern portion is covered by the Area of Great Landscape Value, segment FN1c, entirely within the Area of Outstanding Natural Beauty and the Area of Great Landscape Value, is evaluated as having 'some' landscape qualities.⁹² The Council accepted this to be a perverse finding. Overall, the boundaries of the specific segments follow no logical or comprehensible pattern in terms of designations, character areas or any other discernible boundaries.
- 3.29 It is also notable that the visual prominence and inter-visibility of FN1b are low, yet the area was assessed as having limited capacity for development. Its characteristics, logically, suggest some capacity rather than no capacity. Inexplicably, the landscape sensitivity and landscape value of FN1b were both found to be high but only moderate and medium for FN1c. On this basis, this part of the study lacks credibility and it cannot be relied on as a robust basis for assessing the appeal proposal.
- 3.30 In this regard, the proposed development would be completely in character with the surroundings of the site; existing houses lie close to both the central and northern fields; and this part of the town has seen considerable residential expansion in the last 60 years, yet its character remains; and the proposal would provide housing compatible with that character.
- 3.31 Further, the actual harm alleged would be low for a development on the scale proposed, and on a greenfield site, with the nub of concern relating to the immediacy of Old Compton Lane. However, given the degree to which the site is contained, the proposal would not cause harm to the character and appearance of the wider area. In any event, substantial buffer planting would diminish any residual harm over time.
- 3.32 In summary, although there would unquestionably be a small impact in the immediate vicinity of both the northern and the central fields, the harm would be very localized, barely perceptible and capable of mitigation as the proposed additional landscaping matures.

Urban design - context

- 3.33 The challenge of achieving well-designed sustainable development, in accordance with the Framework, the development plan and in the context of a low density suburban/rural fringe area, is to provide for a range of accommodation, achieve an integrated community, while optimizing the use of greenfield land. The principal issue in this case is that of density.⁹³

⁹⁰ APP/3 paragraph 48; Appendices:- Drawing WLF3

⁹¹ APP/3 paragraphs 38

⁹² APP/3 paragraph 49; LPA/8 pages 27 - 29

⁹³ APP/2 paragraphs 2.12 - 2.13

- 3.34 The general pattern of development along Waverley Lane has taken the form of a succession of suburban housing estates which passed over the ridge to the south of the town, and to the west of the appeal site, with the development of Abbot's Ride. The pattern of growth has been contained by field boundaries rather than topography.⁹⁴
- 3.35 The appeal site lies within the South Farnham (Waverley) Character Area as set out in the Farnham Design Statement. The character area comprises: - detached family homes in substantial plots, largely individually designed; a wealth of wide green verges and street trees; the area is primarily green in character; there are long-established hedgerows and wide roadside verges and areas of large mature trees; and open green fields on the rural fringe.⁹⁵
- 3.36 The site lies at the edge of the built-up area. To the east, Waverley Lane is heavily wooded on both sides but to the immediate west there is evident built development with related urbanizing elements (footpath, bus stop and mown verges). Progressing towards the town, Waverley Lane becomes suburban in character west of Stoneyfields and more so beyond Menin Way. Most houses along Waverley Lane are coincidental with the laying out of the various estates; and dwellings vary in style with few distinctive features.⁹⁶
- 3.37 Within the built-up area more intensive forms of development have been permitted in recent years with apartment development at both 54 and 58 Waverley Lane and a cul-de-sac development of 8 dwellings at Bramblings Close (Lynch Road). These projects have been integrated into their lower density surroundings as a result of design, layout and appearance.⁹⁷
- 3.38 Old Compton Lane is a narrow rural lane, framed by woodland, which skirts the eastern perimeter of the northern field; houses vary in age and style; and most development is concealed by well-established vegetation.⁹⁸

Scheme design

- 3.39 The proposed density would reflect government policy which seeks to optimize the use of land; and mere numerical density is not a measure of the quality of a scheme or whether it harms its, lower density, surroundings. The overall density would be in the order of 12.2 dwellings per hectare (22.2 dph for the northern field and 19.4 dph for the central field).⁹⁹
- 3.40 Although denser than the majority of its neighbours, the proposal would not be out of character with its surroundings insofar as comparative density would be difficult to perceive from outside the site. Particular care has been taken to locate low density detached houses at the edges of the site; denser areas of development (characterised by individual apartment blocks proportioned to read as a single large house, and terraces) would be positioned in central locations; significant areas of green space and buffers¹⁰⁰ would be provided; and car parking areas would be discrete.

⁹⁴ APP/2 paragraphs 4.2 - 4.3

⁹⁵ APP/2 paragraphs 4.4 - 4.5; Figures 11 - 12

⁹⁶ APP/2 paragraphs 4.6, 4.14 - 4.16

⁹⁷ APP/2 paragraphs 4.17 - 4.28; Figures 18 & 26

⁹⁸ APP/2 paragraphs 4.29 - 4.30; Figures 27 & 28

⁹⁹ APP/2 paragraphs 5.2 - 5.4

¹⁰⁰ APP/2 paragraphs 5.5 - 5.7

- 3.41 The majority of the site would be developed with two-storey buildings with a limited number of 2.5-storey dwellings at the centre of the northern and central fields and three-story dwellings at the centre of the central field.¹⁰¹
- 3.42 The proposed vehicular access points, while breaking almost continuous hedgerows on both sides of Waverley Lane, have been designed to minimize the urbanising effects of the development; and the extent of visible footway would be limited to a small section between Abbot's Ride and the entrance to the central field (much of which is already mown verge). Moreover, given the absence of built development close to the Waverley Lane frontages, the proposal would retain the prevalent rural fringe character that contributes to the transition to the suburban development to the west of Stoneyfields.¹⁰²
- 3.43 The entrance, from Waverley Lane, into the northern field would be characterized by small groups of detached houses, beyond a wide landscape corridor, and thereafter transition into different areas of development. Street alignment would visually connect to the adjacent woodland spaces, landscape buffers and play areas. From Old Compton Lane, glimpses of the south-eastern edge of the development would be limited to detached houses beyond boundary planting. Within the site, peripheral landscaped and play spaces would border single-sided lanes fronted by mainly detached dwellings.¹⁰³
- 3.44 The entrance into the central field would be through a wide landscape corridor, initially flanked by single-sided development, giving way to a mix of building form on both sides of a tree-lined road with aspect to the woodland along the south-eastern boundary of the field. Dwellings on the northern and eastern edges of the development would, again, be arranged on one side of an access road with buffer planting/open space on the other.¹⁰⁴
- 3.45 Although character and appearance is a matter to be addressed at reserved matters stage, the Design and Access Statement illustrates character areas within which traditionally styled buildings, with a varied palette of materials and detailing, would be arranged. The perception of change arising from the proposed development would be very limited; and there would be no outward sense of its density given the ability of the landscape to accommodate higher density development.¹⁰⁵
- 3.46 Finally, the Council's reliance on the Farnham Design Statement sought to elevate a document without statutory standing, with its weight limited by its incompatibility with the aspirations of the Framework. In addition, the publication places neither embargo on development nor any specific density requirements.

¹⁰¹ APP/2 paragraphs 5.8 – 5.9; Design and Access Statement: Figure 4.2 and heights parameter plan

¹⁰² APP/2 paragraphs 5.10 – 5.11

¹⁰³ APP/2 paragraphs 5.20 – 5.27; Figures 34 - 38

¹⁰⁴ APP/2 paragraphs 5.28 – 5.32; Figures 39 - 41

¹⁰⁵ APP/2 paragraphs 5.33 – 5.36

The third main consideration: ecology and nature conservation

- 3.47 Ecological survey work and assessment has taken place over a period of three years and has included: -
- (a) an extended Phase 1 Habitat Survey and Bat Habitat Suitability Assessment (March 2014);
 - (b) a Great Crested Newt Habitat Suitability Assessment and Aerial Bat Survey (June 2014);
 - (c) a reptile presence/absence survey (July/August 2014);
 - (d) a botanical survey focussing on the grasslands of the southern field (July 2015);
 - (e) a dusk fixed point and transect bat activity survey (September 2015);
 - (f) a reptile presence/likely absence refugia survey (September/October 2015); and
 - (g) a badger survey (September 2015).¹⁰⁶
- 3.48 A SANG Management Plan was prepared in March 2015 with measures to secure the avoidance of potentially negative impacts on the Thames Basin and Wealden Heaths Special Protection Areas. It was updated in December 2015 in light of the further surveys. Natural England raised no objection, in principle, but sought a few recommended improvements.
- 3.49 Discussions resulted in a further revised SANG Management Plan (February 2016); this was the subject of additional minor improvements in light of on-going discussions with Natural England; further design amendments were proposed; and following a meeting with Natural England in June 2016 the final version of the SANG Management Plan (July 2016) was agreed.¹⁰⁷
- 3.50 A number of ecological issues have had a material bearing on the design of the scheme.¹⁰⁸ These include, firstly, the proximity to the Thames Basin Heaths and Wealden Heaths Special Protection Areas. In this regard, a bespoke SANG is proposed to prevent any net contribution towards increases in recreational pressure on the Special Protection Areas.
- 3.51 The SANG has been designed to meet Natural England's SANG Creation Guidelines¹⁰⁹ (albeit with an accepted shortening of the circular walk from 2.3 kilometres to 2.0 kilometres on the basis of an overprovision of SANG area); and a management plan would be secured by a binding obligation. In addition, a full contribution would be made to the strategic access management and monitoring measures in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.¹¹⁰
- 3.52 It is highly relevant that Natural England does not object to the proposals and its view should be afforded great weight. On this basis, it can be confidently concluded that the proposals are not likely to have a significant effect on either of the Special Protection Areas, either alone or in combination with other plans and projects, and consequently an Appropriate Assessment is not necessary and the proposals can be approved.¹¹¹

¹⁰⁶ APP/4 paragraphs 3.3 – 3.7

¹⁰⁷ APP/4 paragraphs 3.8 – 3.14; Appendices C - D

¹⁰⁸ APP/4 paragraph 3.17

¹⁰⁹ NAT/12

¹¹⁰ LPA/12

¹¹¹ APP/4 paragraphs 3.50 – 3.92, 4.29 – 4.47, 4.52 – 4.60

- 3.53 Secondly, in terms of the grassland habitat types of elevated conservation interest in the southern field, the patches of more valuable species have been almost entirely retained in the proposed SANG, with only a small loss to provide protection for a badger sett. Moreover, the management regime for the SANG offers the opportunity to restore the majority of the area to more species-rich sward types.¹¹²
- 3.54 Turning, thirdly, to boundary habitats (including ancient and species rich hedgerows, veteran oaks and areas of woodland), boundary hedgerows, with the exception of site access points, would be retained and supplemented. The proposed buffer zones could be managed as scrub and/or wildflower margins and would offer improved habitats. Significantly, the proposed landscaped areas would not be bounded by rear gardens, thus avoiding domestic encroachment. In addition, retained hedgerows would be positively managed to secure regeneration and growth; and Natural England's standing advice on protecting ancient woodlands and veteran trees from development would be met by the provision of 15 metres wide buffer zones.¹¹³
- 3.55 Fourthly, with regard to the protection of bat habitats, the careful arrangement of development within green buffer zones and a commitment to a sensitive lighting strategy (to be agreed at reserved matters stage) would minimise effects on the use of site boundaries for commuting and foraging. Moreover, the SANG, with new ponds, would provide increased invertebrate prey abundance for foraging bats.¹¹⁴
- 3.56 Fifthly, in terms of badgers, with particular reference to the southern field, an area of scrub planting would be introduced around the entrance to a known sett to help protect it from disturbance from SANG visitors. Badgers are known to be highly adaptable and to co-exist in publically accessible areas and there is no reason to suppose that they would not continue to occupy the site.¹¹⁵
- 3.57 Moving on to the sixth consideration, it is known that a small population of reptiles (slow worm) occupies an area along the north-western boundary of the northern field. This area would be wholly retained within a hedgerow buffer zone and mitigation measures (if their habitat were to be affected) are tried and tested.¹¹⁶
- 3.58 The seventh factor relates to the use of the SANG by dogs which could result in some incompatibility with ecological interests. However, litter and dog waste could be controlled through the management regime within the Management Plan (which would itself be capable of responding to any known issues) and any remaining negative effects would be far outweighed by the ecological benefits the proposal would provide.

¹¹² APP/4 paragraphs 3.18 – 3.34, 4.8 – 4.25; Appendices B - F

¹¹³ APP/4 paragraphs 3.35 – 3.42, 4.61 – 4.98

¹¹⁴ APP/4 paragraphs 3.43 – 3.45, 4.26 – 4.28

¹¹⁵ APP/4 paragraphs 3.46 – 3.48, 4.26 – 4.28

¹¹⁶ APP/4 paragraphs 3.49, 4.26 – 4.28

- 3.59 Finally, the interests of Thames Water, in relation to the neighbouring pumping station and inspection chambers, would be the subject of consultation and the existing site access arrangements would not change.
- 3.60 The above factors clearly counter the representations of the South Farnham Residents Association on the adequacies of the SANG. The totality of the ecological information is comprehensive and robust and it has been endorsed by the local planning authority and its ecological professionals. Overall, locally expressed views do not come close to providing any cogent explanation as to why the proposals should not be approved.
- 3.61 In terms of a further matter raised in local representations, it is acknowledged that the hedgerows fronting Waverley Lane are likely to be 'important' under the Hedgerow Regulations 1997. However, the purpose of the regulations is to prevent the ad-hoc removal of hedgerows outside the remit of the planning system and the point at issue is whether those sections of hedgerow proposed for removal are sufficiently important to require protection.¹¹⁷
- 3.62 In this regard, the lengths of removal would be short; the loss of woody species would be very minimal; and overall, there would be very limited negative impact on these hedgerows which would be outweighed by the benefits that could be brought to the retained hedgerows through improved management, cessation of agricultural activity and habitat creation (including new native hedgerows).¹¹⁸

The fourth main consideration: sustainable location

- 3.63 Farnham is the largest town in Waverley; it offers the greatest range of facilities and services in the Borough; and the Council's approach has consistently been to focus new housing development in and around the town with selected releases of greenfield land having regard to more constrained locations of Haslemere and Godalming. In terms of travel to work, south Farnham achieves the lowest car driver mode-share as well as the greatest proportion of public transport use.¹¹⁹
- 3.64 Whilst settlement edge locations inevitably mean that new residents would need to travel through the (sub)urban area to reach the settlement centre, such locations are the most sustainable in transport terms. This has been acknowledged in recent appeal decisions at Gardener's Hill Road, Farnham (43 dwellings) and 35 Frensham Vale, Farnham (46 homes); and a local authority approval at Wrecclesham Hill, Farnham (65 units). The appeal scheme would be better located than any of these projects for the centre of Farnham and its railway station.¹²⁰

¹¹⁷ APP/4 paragraphs 4.61 - 4.65

¹¹⁸ APP/4 paragraphs 4.66 – 4.98

¹¹⁹ APP/5 paragraphs 4.3.1 – 4.3.10

¹²⁰ APP/5 paragraphs 4.4.1 – 4.4.8 including Figure 4.1 & table 4.3

- 3.65 It is commonly recognised that a distance of up to two kilometres offers the greatest potential to replace short car trips. However, the National Travel Survey (2014) indicates that some 76% of trips are undertaken on foot for journeys up to one mile (1.6 kilometres); with 31% for journeys on foot for distances between one and two miles (1.6 – 3.2 kilometres). The appeal site would therefore fall within the category of providing the greatest opportunity for trips to be made by walking and cycling.¹²¹
- 3.66 Within a 1.6 kilometres walking distance of the site there are six schools; health facilities; local shops a choice of pubs, takeaways, a recreation ground and two churches; more comprehensive facilities are found within two kilometres; and further education opportunities, significant additional shopping, employment and leisure facilities are within 3.2 kilometres walking distance.¹²²
- 3.67 The walking route from the site to local facilities would be by means of continuous footways with connections into the proposed development. Footway provision is generally good, with no marked impediment to use as far as the junction of Waverley Lane and Tilford Road where improvements to highway capacity and pedestrian facilities would be provided.¹²³
- 3.68 Thereafter, Station Road is a much busier road with good width footways on both sides connecting with pedestrian crossing facilities at the signalised Hickley's Corner junction. The footways cross the level-crossing and there is a stepped footbridge which can be used when the barriers are down. The route from Hickley's Corner to the town centre is via South Street which is a relatively busy street with good width footways on both sides.¹²⁴
- 3.69 Overall, the walk to the town centre is attractive; it can be achieved in less than 20 minutes; and whilst the return journey would be uphill, the gradient is not particularly challenging.¹²⁵
- 3.70 In terms of cycling, all of the facilities in Farnham, referred to above, would be within comfortable cycling distance. Waverley Lane, from Old Compton Lane to Tilford Road, forms part of the Sustrans on-road cycle route which links into National Route 22 at the Tilford Road/Waverley Lane junction; and the Hickley's Corner/A31 junction incorporates dedicated cycle facilities.¹²⁶
- 3.71 Moving on to public transport, bus stops are located at the junction of Abbot's Ride with Waverley Lane with an hourly (day-time/weekdays) service to Farnham railway station, (with connections to five other bus services), Farnham town centre and other nearby centres. The railway station, within a 15-minute walk, is on the Alton-London Waterloo branch line (two trains/hour each direction).¹²⁷

¹²¹ APP/5 paragraphs 4.5.1 – 4.5.8

¹²² APP/5 paragraphs 4.6.1 – 4.6.2

¹²³ APP/5 paragraph 4.63 (i - iv); paragraph 4.9.1; Appendix I

¹²⁴ APP/paragraph 4.63 (v - vi)

¹²⁵ APP/5 paragraphs 4.6.4 – 4.6.7

¹²⁶ APP/5 paragraphs 4.7.1 – 4.7.6

¹²⁷ APP/5 paragraphs 4.8.1 – 4.8.8; Figure 4.2

- 3.72 To ensure that the opportunities for travel by sustainable modes come to fruition, the scheme would deliver the following: -
- (a) the provision of footways at each site access and a two-metre wide footway along the southern side of Waverley Lane between the access to the central field and Abbot's Ride;
 - (b) a footpath link from the northern field on to Old Compton Lane and connection to the public right of way network; and a new footpath link between PROW73 and Waverley Lane within the central field (along its northern boundary);
 - (c) improved crossing facilities on Waverley Lane (at its side roads) and surfacing improvements in the vicinity of St Polycarp's School;
 - (d) improvements at the Waverley Lane/Tilford Road junction;
 - (e) contribution towards the improvement of Hickley's Corner junction/A31;
 - (f) creation of a network of permeable streets in each development parcel to encourage slow speeds and to promote walking and cycling;
 - (g) a pedestrian connection from the northern field to Waverley Lane and improved crossing of Waverley Lane in the vicinity of the bus stops;
 - (h) improvement of the eastbound and westbound bus stops including bus cage road markings and improved waiting facilities; and
 - (i) various 'soft' measures within a Framework Travel Plan.¹²⁸
- 3.73 Both the Statement of Common Ground on Transport Matters and the officer's report on the application confirm acceptability of the scheme on transport sustainability.¹²⁹ The ringing endorsement of the highway authority, which follows many months of discussion and objective consideration, merits significantly more weight than the observations of local residents.

The fifth main consideration: highways and transportation

- 3.74 The proposed access works have been designed to provide safe access to the development for all users, to promote slower speeds on the approach to Farnham and to minimise the impact on existing vegetation along Waverley Lane. The speed management measures would include signage, lining and the delivery of a gateway feature on Waverley Lane. The proposed arrangements have been subject to a Stage 1 Road Safety Audit undertaken and confirmed by the highway authority.¹³⁰
- 3.75 Although Waverley Lane within the vicinity of the appeal site is subject to a 30 mph speed restriction, 85th percentile speeds are recorded as around 41 mph eastbound and 42 mph westbound. Local Transport Note 1/07: Traffic Calming confirms that gateway features can achieve speed reductions in the order of 6 – 7 mph and when used in conjunction with other measures (e.g. carriageway surface markings) the initial reduction can be maintained along the route. Moreover, the deployment of vehicle activated signs has been shown to reduce initial speeds by up to 9 mph.

¹²⁸ APP/5 paragraph 4.9.1; Appendices G – J; Figure 4.3

¹²⁹ APP/5 paragraphs 4.10.1 – 4.10.3; INQ/2; LPA/3

¹³⁰ APP/5 paragraphs 5.1.1 – 5.2.7; INQ/2 Section 4

- 3.76 With the achievement of these reduced average speeds, the implementation of 2.4 x 58 metres visibility splays for the site access entrances would be in accordance with the guidance in Manual for Streets.¹³¹ Such an arrangement would not be unusual; it would be perfectly acceptable and safe; and it is known that 'over-designed' roads encourage excessive speed.
- 3.77 Notwithstanding the agreement with the highway authority, in response to local representations about visibility at the crossing point between the two bus stops in the vicinity of Abbot's Ride, an alternative arrangement, which would reduce the amount of vegetation to be cut back, has been agreed with the highway authority. This could be secured through the detailed design process (works within the highway).¹³²
- 3.78 Representations have been made about the extent/ownership of the highway verge to the east of Abbot's Ride and, thus, the deliverability of the proposed footway on the southern side of Waverley Lane. The highway authority is fully satisfied that the works would be contained within the adopted public highway; however, in the alternative such matters of dispute fall to be resolved by other means.¹³³
- 3.79 A traffic impact assessment, with an agreed scope and timing, was undertaken based on a maximum of 180 dwellings. The assessment covered the area of the Farnham town model and took account of all major junctions and the locality of the railway crossing. It was found that the proposed site accesses would operate comfortably within capacity; the nearest side road junctions would operate within capacity; and the development would have only a small impact on the operation of the wider local highway network.¹³⁴
- 3.80 It is acknowledged that the traffic impacts of the proposed scheme would, cumulatively with other local development and growth, increase pressure on the transport network. Proportionate mitigation is proposed at the junctions of Tilford Road/Waverley Lane and Hickley's Corner/A31 and through a Framework Travel Plan. These measures would result in a net benefit in traffic impact terms. The highway authority has confirmed, subject to the above mitigation package, the development would not result in a severe residual cumulative transport impact (paragraph 32 of the Framework).¹³⁵

The sixth main consideration: other material considerations

- 3.81 In response to the representations made on air quality, potential impacts were fully assessed in the Environmental Statement; and the Council's Environmental Health Officer raised no objections.¹³⁶

¹³¹ NAT/3 Table 7.1 (page 91); NAT 4 Chapter 10

¹³² APP/5 paragraphs 5.2.3 – 5.2.4

¹³³ APP/5 paragraphs 5.2.8 – 5.4.3; Appendices L - M

¹³⁴ APP/5 paragraphs 6.1.1 – 6.2.8

¹³⁵ APP/5 paragraphs 6.3.1 – 6.5.3; INQ/2 Section 6

¹³⁶ Environmental Statement Chapter 10; LPA/3 pages 28 - 31

The seventh main consideration: the planning balance

- 3.82 The provision of market housing has, in various local appeal decisions and in determinations by the Council, been acknowledged to be a social benefit and a factor of significant weight.¹³⁷
- 3.83 In addition, there is a massive need for affordable housing in Waverley amounting to some 499 new affordable homes per annum; an estimated supply of 185 dwellings per annum; and a net annual need (shortfall) of 314 units amounting to 6,280 units over the plan period. There is also a backlog need of 727 homes alongside 1,499 households on the Council's waiting list. Each of the appeal decisions referred to above recognized the pressing need and attributed significant weight to the provision of affordable housing. In this case 63 units would be delivered.¹³⁸
- 3.84 This would be against a policy vacuum in that the Waverley Borough Local Plan does not provide any affordable housing requirements for developments outside settlement boundaries. The inclusion of 40% of the dwellings as affordable units, reflecting the requirement of Policy AHN1 of the emerging Local Plan (Part 1), would represent a very significant benefit.¹³⁹
- 3.85 The proposal would also deliver housing in a highly sustainable location. The Local Plan (Part 1) proposes the allocation of more housing for Farnham than any other settlement in the Borough (at least 2,300 units); and the emerging Neighborhood Plan makes provision for the same level of development. The town offers a vast range of facilities and services; and the highway authority is satisfied that residents of the proposed development would be able to reach these by a range of means of transport. It is relevant to note that the appeal site is closer to the town centre than other greenfield sites where development has been approved.¹⁴⁰
- 3.86 In terms of economic benefits, the project would provide employment during construction over some years; and increased economic spending arising from the new residents of the development. The provision of new dwellings in a range of tenure and sizes, including 63 affordable units, would provide a social benefit. The incorporation of the SANG would provide, in perpetuity, a material environmental benefit which would enable many to enjoy a significant ecological resource. Moreover, the development of this site would protect much more valuable and designated areas with a resultant environmental benefit.
- 3.87 Overall, the benefits identified merit very significant weight in favour of the grant of planning permission whether the weighted balance or the normal balance of paragraph 14 of the Framework is applied. Accordingly, it would require manifest weight and substance to be found in relation to the alleged impacts for planning permission to be withheld.

¹³⁷ NAT/8 paragraph 79; NAT/6 paragraph 46; INQ/7 paragraph 48; APP/6 Appendix 7 page 79

¹³⁸ INQ/7 paragraph 46; APP/6 paragraphs 9.54 – 9.65; NAT/8 paragraph 79; NAT/6 paragraph 25; LPA/6

¹³⁹ APP/6 paragraphs 9.66 – 9.76

¹⁴⁰ APP/5 Table 3 page 19

The policy framework

- 3.88 It is common ground that three principal policies of the Waverley Borough Local Plan are relevant namely Saved Policies C2, D1 and D4.
- 3.89 The former sets out settlement boundaries which are dependent and parasitic on the now superseded and redundant housing requirement from 2002; none of the housing policies were saved; there is no housing requirement; and the housing policies were only intended to last until 2006. It follows that little weight can be placed on such boundaries and this would be consistent with a recent appeal decision at Low Lane, Badshot Lea.¹⁴¹
- 3.90 The Council's contention of full weight is wholly inconsistent with its approach to granting planning permission on a number of greenfield sites outside settlement boundaries; where numerous sites in the Local Plan (Part 1) rely on land outside settlement boundaries; and, in turn, those sites are prayed in aid to bolster the claimed five-year housing land supply. In effect, the Council is completely ignoring the policy.
- 3.91 Even if the proposal were found to be in breach of Saved Policy C2, that would not necessarily lead to a conclusion that the proposal was contrary to the development plan.
- 3.92 Moving on to Saved Policy D1, this turns on harm to visual character and is thus a matter of planning judgment. Whilst it is accepted that there would be a degree of harm it would be very minor in nature. Saved Policy D4 relates to design and compliance or otherwise would be determined at reserved matters stage. Any breach of these policies should be given limited weight. At the same time significant weight should be given to the support for the proposal through some nineteen development management policies. Overall, the proposal would be in accordance with the development plan when read as a whole. However, the weight to be given to that conclusion in the balancing exercise should also be limited because of the vintage of the plan.

The emerging development plan

- 3.93 The emerging development plan consists of the Local Plan (Part 1) and the Farnham Neighbourhood Plan.
- 3.94 The pre-submission version of the local plan was published in August 2016 and consultation ended on 3 October 2016. It has been the subject of many and varied objections; the authority will need to consider the objections (which could lead to the plan being amended); and it would then be submitted for examination.
- 3.95 There are likely to be significant points of principle including the veracity of the objectively assessed need; duty to co-operate; the contentious allocation at Dunsfold Aerodrome; and many site specific objections. Moreover, given that the decision not to allocate the appeal site relies on the AMEC report, the anomalies identified for Segment FN1 point to a highly suspect conclusion.

¹⁴¹ INQ/7 paragraph 8

- 3.96 Additionally, the site was given an indicative 'amber' RAG score¹⁴² in the Strategic Housing Land Availability Assessment relating to the potential constraints of SANG provision and flood risk.¹⁴³ These matters have been resolved.
- 3.97 It is also of great concern that the Local Plan (Part 1) is out-of-date in relation to housing and that the Council has not complied in law with the requirements of development plan consultation. In this regard, on 9 August 2016 the local planning authority determined that the publication of the Five Year Housing Supply: 1 July 2016 was the most up-to-date and relevant statement on housing numbers; but, on 19 August 2016, the pre-publication version of the local plan was issued for consultation on the basis of earlier housing figures and, on 10 August, the Council was determining planning applications based on 1 April 2016 figures.
- 3.98 Moreover, the housing chapter in the plan anticipates that a five-year housing land supply would be achieved in 2017 which is at odds with the position in relation to the current appeal.
- 3.99 It is of note that the local planning authority has not sought to identify any breach with the emerging local plan or any matter of prematurity or prejudice to the development plan process.
- 3.100 Overall, only limited weight could be given to the Local Plan (Part 1).
- 3.101 Moving on to the Farnham Neighborhood Plan, the timetable being followed limits the scope of the plan to seeking conformity with the extant dated and out-of-date local plan which must, inevitably restrict its weight. Consultation on the plan has generated very significant and substantial representations which go to the heart of the plan and it must be extremely debatable as to whether it could lawfully be made.
- 3.102 In terms of compliance with the emerging local plan, it is being assumed that the housing numbers relating to Farnham will be confirmed as currently set out despite the degree of contention. Moreover, the exclusion of the site is wholly parasitic on the disputed findings of the AMEC study.
- 3.103 The plan will also face a substantial examination; Farnham is a town of some 40,000 residents and the plan must be one of the most complex and populated areas to be covered by a neighbourhood plan. Given the complexity of the document, the issues raised, the number of representations and the issues of law that will need to be addressed, the Town Council's timetable appears to be optimistic and unrealistic. Also, if the plan were to be made, there would be a serious risk of legal challenge, from the appellant, having regard to the reliance being placed on a seemingly flawed evidence base.

¹⁴² red/amber/green

¹⁴³ LPA/10

- 3.104 Even if the Neighbourhood Plan merits some weight, the extent of breach would be limited to two policies, FNP1 and FNP10. The former relies on judgments about the design of the scheme; and the latter is utterly parasitic on the AMEC study and should be given no weight. Moreover, the local planning authority has not sought to assert that any breach of the Neighbourhood Plan policies would justify refusal or that any grant of planning permission would be premature or prejudicial to the statutory plan process.
- 3.105 Overall, the Farnham Neighbourhood Plan merits no more than limited weight which would be insufficient to outweigh a conclusion that the development plan indicates that planning permission should be granted.

The Framework

- 3.106 The requirements of paragraph 47 are critical in that the local planning authority is required to provide for five-years supply of housing. If it cannot, then the relevant policies for the supply of housing are to be considered out-of-date as set out in paragraph 49. If the policies are out-of-date, the presumption in favour of sustainable development is engaged and it is incumbent on the authority to show that the impacts of the proposal would significantly and demonstrably outweigh the benefits. It is strongly contended that the weighted balancing exercise should be applied.
- 3.107 The assessment of whether a proposal could be considered to be sustainable development requires reference to paragraph 7 and consideration of the economic, social and environmental factors in the round to embrace all three strands of sustainability. The local planning authority accepts that the proposal would meet the requirements of social and economic factors.
- 3.108 In terms of the environmental considerations, the proposal would comply with every element of those criteria in paragraph 7 (some fifteen criteria), save an allegation of harm to the natural environment. It would not be credible for this one small element to be sufficient to outweigh all the other factors the government deem relevant in making such a judgment. It follows that the proposal would be sustainable development for the purposes of the Framework.

Summary and balance

- 3.109 The appeal site lies adjacent to the largest settlement in the Borough and about one kilometre from the centre of Farnham. It is undesignated with nothing to preclude its development save for lying outside a settlement boundary devised in an entirely different era and housing requirement. The benefits that would arise are highly significant in terms of both market and affordable housing and other social and economic benefits.
- 3.110 The only impact would be to landscape character of a relatively minor nature having regard to the lack of visual prominence that exists, the level of mitigation that could be provided and the need to use greenfield sites in the Borough to provide housing.

- 3.111 The other impacts raised are largely contended by local residents which have been comprehensively rejected by the local planning authority as forming credible or reasonable grounds of objection.
- 3.112 The planning system demands actual steps to be taken to address the critical need for new housing which means, in reality, the grant of planning permissions for sustainable development as demonstrated here.
- 3.113 Overall, the balancing exercise in this case is compellingly in favour of the appeal being allowed.
- 3.114 At the close of the Inquiry a schedule of draft conditions had been agreed.¹⁴⁴ Bilateral obligations with both the Borough Council and the County Council meet in full the Community Infrastructure Levy compliant requests for contributions.¹⁴⁵ There are no outstanding matters. The significance and the substance of the agreed obligations should be given due weight.

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¹⁴⁴ INQ/65

¹⁴⁵ INQ/61 – INQ/64

4. The Cases for Interested Organisations and Individuals

Representations made at the Inquiry

Farnham Town Council

- 4.1 It is common ground that the Farnham Neighbourhood Plan is a material consideration and that paragraph 216 of the Framework is relevant. The Regulation 15 plan was approved by the Town Council on 21 July 2016 and submitted to the Borough Council the following day. Consultation is programmed for 19 – 30 September; it is anticipated that examination will occur in October and a referendum will be held in November. It is likely that the plan will be 'made' in December 2016.¹⁴⁶
- 4.2 The Neighbourhood Plan has received extensive support; and it reflects the desire to secure high quality design and to protect the countryside from inappropriate development through Policies FNP1 and FNP10. These policies are consistent with the Framework.¹⁴⁷
- 4.3 The value and sensitivity of the landscape around Farnham is based on the most up-to-date assessment of the landscape;¹⁴⁸ with the land to the south of the town (including the appeal site) and the historic landscape of Old Park being the only areas with a landscape designation within the Neighbourhood Plan. The plan seeks to retain the landscape character of these 'Areas of High Landscape Value and Sensitivity' and to avoid allocating sites for development within them.¹⁴⁹
- 4.4 Although the Neighbourhood Plan has been brought forward before the Local Plan (Part 1) is in place, the former has had regard to the Borough Council's Strategic Housing Market Assessment; the above landscape study; the strategic role that Farnham will have to play in the provision of housing; and housing provision is generally aligned. The Neighbourhood Plan should be given considerable weight.¹⁵⁰
- 4.5 Turning to the scheme itself, the appeal site is adjacent to the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an AONB candidate area; new housing would project significantly into the open countryside with little physical or visual relationship with the urban form. In this regard, the land to the north of Waverley Lane abuts loose-knit, very low density, development and it is dominated by the woodland character of Old Compton Lane. Moreover, the use of the land on the southern side of Waverley Lane would extend development further into the countryside.¹⁵¹
- 4.6 The development, as a result of its scale, density, built form and related elements, including traffic movements, would create an urban environment when viewed from Waverley Lane, Old Compton Lane and to a lesser extent from PROW73.

¹⁴⁶ INQ/23 pages 2 - 3

¹⁴⁷ INQ/23 pages 3 - 7

¹⁴⁸ LPA/8

¹⁴⁹ INQ/23 page 8

¹⁵⁰ INQ/23 pages 9 - 10

¹⁵¹ INQ/23 pages 10 - 15

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- 4.7 In addition, it would be at odds with the predominantly spacious low density form of one and two-storey properties in large gardens with a density in excess of 32 dwellings per hectare (compared to neighbouring densities of 6.5 and 5.4 dwellings per hectare).¹⁵²
- 4.8 The scheme would not be green in character (as asserted), insofar as the focus would be on the retention and reinforcement of peripheral boundaries (except for the removal of hedgerow to accommodate the access points) with no scope within the layout for robust landscaping. The design approach merely seeks to attempt to screen inappropriate development at its edges without consideration for its wider context.¹⁵³
- 4.9 One of the key objectives of the Neighbourhood Plan is to ensure that development is well designed and reflects the heritage and distinctive character of Farnham. In turn, the Farnham Design Statement identifies the South Farnham (Waverley) Character Area as: -¹⁵⁴
- 'The area is a pleasant residential community of detached family homes in substantial plots [it] has a distinctive, low density, older and well-established character. The houses sit in large gardens with fine mature trees and hedges. The houses are well-spaced and there is a wealth of wide green verges and street trees*
- The southern entrance to south Farnham, along Waverley Lane, should be protected from inappropriate development the green corridor into the town should be retained.*
 - Designs should respect the immediate architectural surroundings in terms of pattern scale and distinctiveness. Development should not be allowed if it causes harm to the character of the area.*
 - Trees, hedges and wide verges are an essential feature of the area The verdant aspect of the area should be protected.'*
- 4.10 In summary, the Neighbourhood Plan promotes housing development in sustainable locations. By contrast the proposal would extend built development into the countryside and result in loss of landscape character. The 'in principle' harm would be compounded by the scale of development and the design principles set out by the appellant. The proposal would be contrary to the Neighbourhood Plan and the Farnham Design Statement. The environmental harm would not represent sustainable development and such harm would not be outweighed by other factors.¹⁵⁵
- 4.11 As a post-script,¹⁵⁶ it is confirmed that the Regulation 16 stage of the Neighbourhood Plan commenced as planned on 19 August 2016; an examiner has been appointed who has confirmed availability for an examination in October 2016.

¹⁵² INQ/23 page 15

¹⁵³ INQ/23 page 16

¹⁵⁴ FTC/3; INQ/23 pages 17 - 18

¹⁵⁵ INQ/23 pages 19 - 20

¹⁵⁶ INQ/58

Councillor Patricia Frost¹⁵⁷

- 4.12 The Farnham Neighbourhood Plan has received the support of the Town Council and submission consultation was due to commence on 19 August. The appeal site forms part of an important entrance to the town; the proposal would cause harm to the character and appearance of the area; and run counter to the Local Plan, the Neighbourhood Plan, the Farnham Design Statement and the Framework. The development would result in the loss of an area of high landscape value; it would not integrate well with its residential surroundings or the countryside edge of the town; and the traffic measures along Waverley Lane would add to urbanisation. Other issues include: - the problems associated with increased traffic; and the lack of sustainability due to the paucity of the bus service and the long walk into the town centre.

Councillor Andy Macleod¹⁵⁸

- 4.13 It is acknowledged that the Borough Council is experiencing a sea-change in housing delivery with a need to more than double the previous house building rate. However, sites have been identified to meet the new requirement; planning applications for housing have increased; and more planning permissions have been granted.
- 4.14 The failure of developers to deliver housing, outside the control of the Council, bizarrely rewards developers as it triggers a need for the authority to increase its housing requirement over the next five years and it has been suggested that the appropriate buffer for previous under-delivery should be 20%. However, developers will continue to build at a rate they choose and, even with a new Local Plan in place, under-performance will rapidly result in an unachievable annual requirement; the allocation of less suitable sites and loss of confidence in the planning system.
- 4.15 Moreover, Farnham lies on the western edge of the Borough; 20,000 homes have been approved in neighbouring Guildford Borough; the proposed houses are not needed; and the application is opposed by the community.
- 4.16 In response to the Statement of Common Ground on housing land supply,¹⁵⁹ housing completions have shown an increasing trend from 2013/14 with 143, 242 and 342 completions. Planning permissions granted in the period 2001 – 2013 showed a total of 3,927 units against a requirement of 2,685 dwellings with total completions amounting to 2,800 units. In the last four years of that period 1,284 dwellings were approved against a requirement of 1,000 units and only 677 new dwellings were built.
- 4.17 The appellant's claim that the Council has over a period of at least seven years consistently failed to meet its housing requirement ignores the recession of 2007 - 2009 and its ongoing effects. The drop in house-building was experienced nationwide with housing completions in the period 2009 – 2015 significantly below the figure for 2007 - 2008.

¹⁵⁷ INQ/40

¹⁵⁸ INQ/21

¹⁵⁹ INQ/57

- 4.18 The emerging Local Plan, in 2013 – 2014, set out an annual requirement of 519 dwellings; the three year total to 2016 amounts to 1,557 dwellings; permissions granted provide for 2,084 units; yet there has been no more than 727 completions. The Council's response to increasing housing numbers has not been matched by the industry which itself lost capacity in its supply chain.
- 4.19 The outcome is that fewer houses are being built overall; too many housing developments are being allowed in the wrong place; Council resources and public funds are being wasted; officers and Councillors experience frustration; and members of the public express anger about the planning system. The revocation of the South East Plan, in 2013, was intended to remove top-down targets and to provide choice for local authorities in responding to the needs of their local communities; yet the impression gained is the opposite.
- 4.20 In terms of applying a 10% discount for a lapse rate, there is no universal allowance; and the Council is best placed, and impartial, in judging housing supply over the next five years. Even with a lapse rate of 5%, the Council would have a five-year supply; and the imposition of a 10% penalty would point to a supply only marginally below the threshold. The Council is correct in maintaining that it has an appropriate supply.
- 4.21 Turning to other matters, the proposal would add to Farnham's enormous traffic problems (with four 'A' roads cutting through the town); and the site would not be well-located for those who need housing (particularly residents without cars) given its distance from the town centre and the paucity of bus services.
- 4.22 Attention is drawn to an appeal decision for a new access and driveway at 30 Springfield, Farnham which was dismissed (with particular reference to paragraph 26) for its urbanising impact on the character of the area.¹⁶⁰

Councillor Carole Cockburn¹⁶¹

- 4.23 It became apparent, during work on the Farnham Design Statement, that residents of the town treasure the individual characteristics of the area in which they live and seek unselfishly to preserve all of the character areas across the town. The area of the appeal site is semi-rural; unsuited to harsh signage or road markings; and important to wildlife.
- 4.24 Both the Farnham Design Statement and the Neighbourhood Plan were written by the residents of Farnham and consultation was extensive. The need for some new development is accepted; but the area of the appeal site is unsuitable for many young people, the elderly and the needy due to its location.

¹⁶⁰ INQ/53

¹⁶¹ INQ/20

South Farnham Residents Association (SOFRA)
Pamela Woodward (Committee Member)¹⁶²

- 4.25 Waverley Lane is of historic importance as it was the route taken by the Monks from Waverley Abbey¹⁶³ to Farnham Castle. The lane is still narrow and winding with high banks and veteran trees at its south-eastern end. The appeal site slopes quite steeply towards the Bourne Stream and Monks Walk. The proposed development would be visible and its high density, and some buildings three-stories high, would be even more so.
- 4.26 Much of the tree cover around the site is deciduous and for a significant part of the year views of the development would be neither contained nor filtered; and the loss of hedgerow to accommodate the access points would significantly alter the appearance of the area. Extensive mitigation measures (sign clutter) would be necessary to reduce the speed of traffic on Waverley Lane;¹⁶⁴ and the route would lose its country lane character.
- 4.27 The application photo-montages contain a number of inaccuracies which should be noted when undertaking site visits; and the impact of light pollution and noise has not been taken into account.
- 4.28 Local opinion is very much that this would be the wrong development in the wrong location; the fields are worthy of protection from development; and the site was deliberately not included in the list of sustainable sites in the Neighbourhood Plan.

Pamela Pownall (Secretary)¹⁶⁵

- 4.29 A continuing concern of Natural England has been the long term funding and management of the SANG in perpetuity. The SANG would be a vital part of the proposed development and it is not surprising that Natural England has not given its formal approval.
- 4.30 The Council's adopted Avoidance Strategy confirms: - '*..... Where developers bring forward bespoke SANG on privately owned land, this will be required to be transferred into enduring ownership*'. However, it is not known who is to own the land; who would manage it; the company name; whether it would be in perpetuity; and where the overall responsibility would lie. Without certainty, the SANG is not valid.
- 4.31 Further, the SANG fails to take account of the interests of Thames Water, and its need to maintain inspection chambers in the southern field, as new planting would obstruct access.
- 4.32 Appendix 2 of the Avoidance Strategy confirms that there are 14 necessary features for a SANG, reflecting the requirements of Natural England; but only five would be met.

¹⁶² INQ/11

¹⁶³ English Heritage (0.5 kilometres to the east of the appeal site)

¹⁶⁴ Including gateway feature; speed roundels and associated road markings; vehicle speed actuated sign; and new road markings at the new and existing bus stops

¹⁶⁵ INQ/12

- 4.33 Particular criticism is made of the circular walk within the SANG which would be restricted to 2 kilometres and much of it would need to be hard surfaced; an 8 metres buffer zone required to the Bourne Stream (by the Environment Agency) would further reduce the length of the path; and its route through the woodland abutting Waverley Lane would entail major clearance of trees and saplings covered by a Tree Preservation Order.¹⁶⁶ The consequential removal of the woodland walk from the SANG would result in a circular walk of well under 2 kilometres.
- 4.34 An exchange of correspondence with the Environment Agency¹⁶⁷ has sought clarification on the appellant's intended works, as part of the laying out of the SANG, within the vicinity of the Bourne Stream. It has been established that 'formal landscaping' relates to such items as fencing, planting beds, non-natural planting layout and formal paths; and that the Agency would not be opposed to the use of bound gravel for pathways within the 8 metres buffer zone of the watercourse.
- 4.35 The appellant's ecology survey confirms that the southern field qualifies as a Section 41 Priority Habitat under the Natural Environment and Rural Communities Act 2006. The expressed purpose of conserving and enhancing the natural environment would be compromised by its use by dogs.
- 4.36 One of the purposes of the SANG would be to divert dogs away from the Special Protection Areas. However, walking the circular route would take approximately 25 minutes which (according to the Kennel Club) is appropriate for a puppy. On this basis, Frensham Pond and Hankley Common would continue to be used by dog owners confirming that the SANG would not be fit for purpose.
- 4.37 In terms of highway safety, the appellant's 85th percentile speed measurements along this 30 mph stretch of road identified speeds of 40.9 mph (eastbound) and 42.1 mph (westbound). There is no proof that the appellant's proposed speed reduction measures would be effective; and the necessary visibility of 90 metres for the vehicular access points has been down-graded to 58 metres on the incorrect application of Manual for Streets. Even with the reduced splays, there would be major removal of hedgerows and changes to the verges.
- 4.38 The inclusion of a new footpath link from the northern field onto Waverley Lane, in the vicinity of the east and west-bound bus stops, is an attempt to demonstrate sustainability. However, vegetation obscures inter-visibility between drivers and pedestrians intending to cross the road; and land ownership might be an issue.
- 4.39 Overall, safe access roads and paths could not be provided in this location without turning a blind eye to highway guidelines and without removing high quality and high sensitivity landscape features.

¹⁶⁶ INQ/22

¹⁶⁷ INQ/52

Zofia Lovell (Chairman)¹⁶⁸

- 4.40 The unprecedented 1,192 written objections to the planning application demonstrates the strength of feeling in the broader community; and such concerns were supported by the professional officers of the Council and local councillors. Moreover, the residents of Farnham have made their views known about shaping the town through the Neighbourhood Plan.
- 4.41 In addition, local people are concerned about pressure on already hard pressed local schools: - South Farnham School has been oversubscribed for many years and there would be insufficient choice of school places available to meet the needs of existing and new communities. Traffic and air pollution are further matters as the fields at Waverley Lane currently act as a green lung for the area.¹⁶⁹
- 4.42 Although the application is made in outline, it is clear that the proposal would not achieve high-quality design and it would not integrate with, and add to, the overall quality of the area.
- 4.43 It is also important to note that one of the requirements of the highway authority, for the construction of a footpath from Abbot's Ride along the southern side of Waverley Lane to the access into the central field, and its associated visibility splays, cannot be achieved as the land is in private ownership and there is ongoing litigation.¹⁷⁰

The Bourne Conservation Group

Noel Moss (Chairman)¹⁷¹

- 4.44 The Bourne Conservation Group, a voluntary group, was formed in 2002, with the express purpose of assisting local councils to maintain public footpaths and to carry out management of woodland on public sites. From 2005 it has undertaken work on its own projects, with one of the first being the removal of Himalayan Balsam from the Bourne Valley.
- 4.45 The work extended into the appeal site adjoining the Bourne Stream and included the removal of Japanese Knotweed; the collection and disposal of accumulated rubbish; and urgent tree surgery and some clearance of undergrowth. The knowledge gained of the southern field, in particular, was supplemented by a survey of the hedgerows along Waverley Lane.
- 4.46 In 2011 the Group started to look at the green infrastructure of Farnham as a whole with particular reference to wildlife corridors and connectivity. This was supplemented by the involvement of the Surrey Wildlife Trust culminating in a report in early 2016 which identified seven main corridors through the town, one of which is the Bourne Valley. Work is ongoing, with the Trust, with the aim of reinforcing these corridors by measures such as improved management or new planting. The Neighbourhood Plan recognises the unique geographical position and landscape character of the town; and environmental factors underpin its policies.

¹⁶⁸ INQ/13

¹⁶⁹ INQ/54

¹⁷⁰ INQ/14; INQ/24

¹⁷¹ INQ/15

- 4.47 Overall, the building of houses and the use of the southern field as SANG would have an adverse effect on the landscape and its biodiversity; the increased local population would place greater stress on the woodland area of Compton Copse;¹⁷² and the development would disrupt connectivity between other Biodiversity Opportunity Areas which are an essential feature of the wider Living Landscapes project.
- 4.48 As a follow up, the Group draws attention to the report 'The State of Nature 2016' which indicates that the UK has lost significantly more nature in the period 1970 – 2013 than the global average; the loss of UK nature continues; and 15% of the 8,000 species assessed using modern Red List criteria are threatened with extinction in Great Britain. Whilst the main pressures are considered to be climate change and modern agricultural management, urbanisation is also considered a negative factor as a result of loss of green space and habitats.¹⁷³
- 4.49 It is considered that the proposed development would contribute to a further decline in local biodiversity through loss of grassland and hedgerows, interruption of the established wildlife corridor and disturbance arising through the laying out and constant human usage of the SANG.

Peter Bridgeman¹⁷⁴

- 4.50 A survey of the trees and hedgerows fronting Waverley Lane was undertaken in February 2012. It was considered that the hedgerows were important enough to qualify for protection under the Hedgerow Regulations 1997 being 'ancient' and having more than five native woody species per 30 metres length of hedgerow (including oak, ash, field maple, hawthorn, wild rose, bramble, elm, ivy, privet and goat willow). The hedgerows contain some quality larger trees which continue to lie outside the recently made Tree Preservation Order.¹⁷⁵
- 4.51 The loss of hedgerows and trees (and/or threats to them) would cause severe harm to the landscape quality of the area; and undermine the importance of this green route into Farnham (as set out in the Farnham Design Statement).

Martin Angel¹⁷⁶

- 4.52 The appellant's ecological surveys were undertaken in March and July and neither would have detected species of concern which inhabit the site. They also fail to recognise the rich diversity of the southern field, in particular; and the importance of the site as a green corridor.
- 4.53 The proposed SANG management plan fails to recognise the role of ragwort in supporting numerous species of insects and moths; and the field could only be used for hay if the ragwort were to be sprayed. The southern field

¹⁷² east of Old Compton Lane and north of Waverley Lane

¹⁷³ INQ/55

¹⁷⁴ Letter of representation dated 12 February 2016 (subsequently numbered as INQ/73)

¹⁷⁵ INQ/22

¹⁷⁶ INQ/18

is unimproved grassland and it would be capable of qualifying as a Site of Nature Conservation Interest (designation has not been sought as it would require landowner support).

- 4.54 The SANG fails to meet the necessary Natural England criteria; it is not clear how the proposed ponds would be fed or maintained in dry spells; the pumping station adjoining the site detracts from the natural feel of the area as too would new signs; planting proposals and new levels of human and canine activity would be contrary to safeguarding and promoting biodiversity; and insufficient regard has been given to the importance of bramble patches for nesting birds.

Lynne and Jason Griffiths (local residents)¹⁷⁷

- 4.55 The proposal would fundamentally change the rural setting and character of the area, compounded by its high density; it would add to existing traffic, congestion, pollution problems and place strain on infrastructure; run counter to the plan drawn up by the community; and result in the loss of green fields when brownfield sites are available.

Roy Sharpe (local resident)

- 4.56 The greenfield site is remote from the town centre and housing would ruin the landscape and the character of the area. Visibility splays and site accesses would leave little of the verges and hedgerows.
- 4.57 Traffic would be a major problem with significant hold-ups at the railway crossing; and improvements at the junction of A31 and Station Hill could be counter-productive as it would increase speeds and compound the problems at the railway crossing; three lanes merging into two, would be dangerous; and the informal pedestrian crossing points at Tilford Road and Waverley Lane would not be technically acceptable and greatest use would occur with the rising of the level crossing barriers causing maximum conflict. The removal of the vehicle lay-by near the station, to accommodate widening of the footpath, would be unnecessary.
- 4.58 The site does not have surface water sewers and the area proposed for balancing would be insufficient.

Mr and Mrs E Burgess (local residents)¹⁷⁸

- 4.59 As immediate neighbours, in retirement, the thought of two large housing developments has proved very stressful. Waverley Lane should be left as it was intended – a leafy lane on the outskirts of a lovely town.

¹⁷⁷ INQ/31; INQ/39

¹⁷⁸ INQ/17 – The statement was read to the Inquiry by Zofia Lovell

Representations made in writing

Representations at appeal stage¹⁷⁹

4.60 The representations made in writing include: -

- (a) impact on landscape sensitivity (including loss of ancient hedgerows and woodlands) - contrary to Waverley Borough Council's commissioned landscape study; Farnham Design Statement; and Neighbourhood Plan;
- (b) inappropriate density and over-development – out of character with locality and published documents;
- (c) the site is not in a sustainable location; excessive walking distance to facilities; poor bus service which relies on heavy subsidy; inadequate parking at railway station; it is not known whether existing trains could absorb the additional commuting trips; peak hour vehicular trips appear to be underestimated and assignment of traffic generation would not be representative of what would happen leading to longer queues than predicted at the railway crossing; improvements at Hickley's Corner would not provide sufficient mitigation; the Travel Plan lacks any positive measures to reduce car use; Waverley Lane is already congested and dangerous; Abbot's Ride would be used as a 'rat-run'; impact on Old Compton Lane; and air quality pollution (already above legal levels) would be exacerbated;
- (d) loss of habitats;
- (e) local schools and GP practices are over-subscribed and the sewerage system is at bursting point;
- (f) the proposed SANG would not fulfil its identified purpose;
- (g) flood risk;
- (h) disruption to local residents;
- (i) close to important heritage site of Waverley Abbey; the northern field may have remains of the Roman-era pottery industry and a programme of further archaeological fieldwork should be secured by planning condition;¹⁸⁰
- (j) development at the former Dunsfold Aerodrome and other brownfield sites would provide a better opportunity for sustainable development; and
- (k) disputed title of land adjoining Waverley Lane and use as sewage leaching field for septic tank of adjoining property.

4.61 **The Farnham Society**, in particular, with detailed representations on air pollution, points to the absence of any concern by Surrey County Council about nitrogen dioxide emissions. The society is engaged in producing accurate statistics of pollution levels at 'hot spots' (where measurements exceed EU levels) and other areas of concern.

¹⁷⁹ Interested Persons Folder (approximately 80 letters of objection including Bourne Residents Association, CPRE, & RSPB)

¹⁸⁰ INQ/60

- 4.62 Information obtained has shown that DEFRA has identified inconsistencies in the reporting of measurements in Waverley but no action has been taken; and having obtained the location of measurement diffusers it was discovered, by way of example, that one was inappropriately sited away from the build-up of traffic and queues at the railway crossing. The study is on-going and its publication, in due course, will 'name and shame' where applicable and also suggest positive local remedies.
- 4.63 The Society, responding to the Statement of Common Ground on housing land supply,¹⁸¹ aligns with the views expressed by Councillor Macleod and re-affirms that the Council is not responsible for delivering houses and the blame for any shortfall lies with developers whose purpose is served by drip-feeding the market.
- 4.64 **The Royal Society for the Protection of Birds**, writing before the updated SANG and the s106, confirmed its on-going objection in relation to the 'poor quality' of the SANG and the absence of a mechanism to secure it in perpetuity. As a result the recreational disturbance impacts of the application on the Thames Basin Heaths Special Protection Area would not be fully mitigated and, with a significant effect on the special protection area,¹⁸² an Appropriate Assessment should be undertaken and the application only granted if that assessment ascertains that the proposal would not adversely affect the integrity of the designated site.¹⁸³
- 4.65 The appeal site is 3.36 kilometres from the Thursley, Hankley and Frensham Commons (Wealden Heaths) Special Protection Area, which is also designated for the same heathland species as the Thames Basin Heaths (nightjar, woodlark and Dartford warbler). Although there is currently no strategic approach to mitigating recreational disturbance to the Wealden Heaths, a well-designed and fully functioning SANG to serve the appeal site would benefit both designated areas and give new residents a credible alternative for walking and dog walking.
- 4.66 Specific criticism includes: -
- (a) the SANG would be too small to accommodate a walk of 2.3 – 2.5 kilometres;
 - (b) the route would be highly convoluted;
 - (c) the 'over provision' of the SANG (based on the minimum of 8 hectares per 1,000 occupants) would not compensate for other deficiencies;
 - (d) the current level of use of PROW73 is not assessed and it is assumed that no discount needs to be applied;¹⁸⁴ and
 - (e) the funding of the management company needs to be in place on commencement and needs to be sufficient to provide management in perpetuity (i.e. for ever as opposed to 125 years).

¹⁸¹ INQ/56

¹⁸² Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations)

¹⁸³ Unless the tests in Regulation 62 - 66 of the Habitat Regulations are met

¹⁸⁴ As set out in the EPR note on SANG Capacity Assessment at Appendix 6A of the Environmental Statement

- 4.67 **Surrey Wildlife Trust**,¹⁸⁵ central to its core mission, is currently promoting a landscape scale approach to wildlife conservation across the County to address ongoing biodiversity losses.¹⁸⁶ Farnham Town Council, in the preparation of its Neighbourhood Plan, sought the advice of the Trust which undertook a Green Infrastructure analysis and identification of potential wildlife corridors. The Bourne Stream to the North Wey was one such corridor which was recommended for recognition and strong protection from any development that could cause severance and loss of ecological connectivity.

Representations at application stage

- 4.68 The points raised in the 1,192 letters of objection have much in common with those made in relation to the appeal. The main topic headings include: - traffic, access and highways; SANG; infrastructure; air quality; landscape and visual; heritage; flooding; ecology; and a range of other matters.¹⁸⁷
- 4.69 Five letters supporting the application noted: - the need for more housing (market and affordable) to provide diversity and vitality; the site would be well-related to the settlement, its facilities and it would be within walking distance of amenities; the site does not have any landscape designation, it is well contained and new landscaping would mitigate impact on landscape character; there are no insurmountable highway or other infrastructure issues; and the SANG would reduce recreational pressure on sensitive areas.¹⁸⁸

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¹⁸⁵ Paper submitted under cover of letter (20 April 2016) from The Bourne Conservation Group (and CPRE and others)

¹⁸⁶ Lawton Report: - *Making Space for Nature (2010)*; Natural Environment White Paper: - *The Natural Choice: securing the value of nature (2011)*

¹⁸⁷ LPA/3

¹⁸⁸ LPA/3

5. Planning conditions and obligations

Planning conditions

- 5.1 A draft schedule of conditions, with reasons, has been agreed by the Council and the appellant.¹⁸⁹

Planning obligation

- 5.2 A planning obligation under section 106 of the Town and Country Planning Act 1990 (dated 25 October 2016) has been entered into and completed between all parties with an interest in the site with Waverley Borough Council and Surrey County Council.¹⁹⁰
- 5.3 The need for the component obligations, relevant policy support and compliance with the Community Infrastructure Levy Regulations 2010 is also agreed and summarised below.
- 5.4 The obligation provides for :-
- (a) the provision of affordable housing units, defined by number and mix, in accordance with an agreed scheme;
 - (b) the submission of a management plan for the play areas and other open space and amenity areas (excluding the SANG), including maintenance and financial provisions, supported by a management company;
 - (c) the provision of a SANG supported by a SANG Management Plan, a SANG Management Company and the sum of £472,133.20 to guarantee the maintenance costs of the SANG for a period of 125 years;
 - (d) a contribution towards strategic access management and monitoring measures in accordance with the Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy;¹⁹¹
 - (e) payment of an environmental improvements contribution in the sum of £39,600 (specifically the replacement of pedestrian guardrails within the Farnham Conservation Area); and a refuse and recycling contribution amounting to £4,710 for waste and recycling containers;
 - (f) a sum of £105,669 for new early years accommodation at Ridgeway School;
 - (g) a primary education payment of £538,824 as a contribution to providing a new block of eight classrooms at St Peter's Church of England School, Wrecclesham;
 - (h) a secondary education contribution of £584,558 as a contribution to landscaping and ground works at Farnham Heath End School in order to increase pupil capacity;
 - (i) a transport improvements payment of £290,000 as a contribution towards an improvement scheme at the A31/South Street/Station Hill junction (Hickley's Corner);
 - (j) a Travel Plan contribution of £6,150 for the purposes of auditing and monitoring the Travel Plan; and

¹⁸⁹ INQ/65

¹⁹⁰ INQ/3

¹⁹¹ LPA/12

- (k) entering into a Highways Agreement to undertake and complete agreed highway works.
- 5.5 The provision of affordable housing would be proportionate to the overall size of the development having regard to the addendum to the Strategic Housing Market Assessment and Policy AHN1 of the emerging Local Plan (Part 1). It would also be consistent with paragraphs 17 and 50 of the Framework.
- 5.6 The laying out of public open space, and its subsequent management and maintenance, is supported by Policy D4 (f) and (g) of the Waverley Local Plan (2002).
- 5.7 The environmental improvements contribution flows from the Farnham Conservation Area Management Plan which outlines a framework for future action in accordance with Saved Policy D14(d) of the Local Plan: - *'The Council will seek to secure high quality development which, in appropriate cases, delivers environmental and/or community benefits The type of benefits which this Policy may seek will include (d) the implementation of schemes aimed towards the enhancement of the rural or urban environments'*. The need to repair/upgrade guardrails within the town centre is a specific aspiration of the management plan.¹⁹²
- 5.8 The provision, management, maintenance and funding of the SANG, as part of the development project, reflects the need to provide an effective alternative recreational resource, for both new and existing residents, to the Thames Basin Heaths Special Protection Area, the Thursley, Hankley and Frensham Commons Special Protection Area and Thursley, Ash, Pirbright and Chobham Special Area of Conservation.¹⁹³
- 5.9 The Strategic Access Management and Monitoring contribution would be in accordance with the adopted avoidance strategy (July 2016). It would be a tariff style contribution related to access management and monitoring as a means of precluding likely significant effects on the Thames Basin Heaths Special Protection Area.
- 5.10 The education contributions are based on housing trajectories and the anticipated number of new places needed to meet the anticipated demand from new housing developments in accordance with the likely pupil yield arising from the housing mix and the application of a cost multiplier based on estimates from the Department for Education. One other developer contribution has been sought for the nominated primary and secondary projects. No other funds have been sought for the early years project.¹⁹⁴
- 5.11 In terms of highway contributions, the Hickley's Corner junction suffers from peak period congestion and delays; and the highway authority has identified a need for safety and capacity improvements. The proposed development would increase travel demand at this junction; the contribution would be a

¹⁹² INQ/64; LPA/1

¹⁹³ APP/4 paragraphs 1.5 – 1.10

¹⁹⁴ INQ/62

proportionate response; and the third developer contribution sought towards these works.¹⁹⁵

- 5.12 The purpose of the Travel Plan is related to promoting sustainable travel patterns; and the identified highway works in the vicinity of the site are necessary for safe access and pedestrian movement; improved facilities for buses and bus passengers; and overall highway safety in the locality.

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¹⁹⁵ INQ/62

6. Inspector's Conclusions and Recommendation

- 6.1 The references in brackets [*x*] are to the principal paragraphs in my report of the cases from where my conclusions are drawn.

The first main consideration: housing land supply

5% or 10% buffer?

- 6.2 It is common ground that the five-year housing requirement is 2,595 units for the period 1 July 2016 – 1 July 2021; and, having regard to the inclusion of the requirement from 1 April 2013 and completions from the same date, that the revised requirement is 3,469 dwellings (519 per annum) before the application of a buffer. [1.19 Table A, 1.16(a)]
- 6.3 Paragraph 47 of the Framework requires: - *'To boost significantly the supply of housing, local planning authorities should: identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'*
- 6.4 Planning Practice Guidance, Housing and economic land availability assessment, indicates: - *'The approach to identifying a record of persistent under delivery of housing involves questions of judgement for the decision maker in order to determine whether or not a particular under delivery of housing triggers the requirement to bring forward an additional supply of housing. The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues'*
- 6.5 Figures on housing completions are available from 2001-02 to 2015-16 plus the first quarter of 2016-17. Planning Practice Guidance advises that *'the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle'*. [1.16(c), 1.20 Table G]
- 6.6 With the exception of 2001-02, when total housing completions were marginally below the annual housing requirement, the first eight years of the period, year by year, showed completions in excess of the requirement. It is clear that the initial effects of the recession took hold in 2009-10 when completions plummeted, and fell below the requirement, and continued to drop further with a low of 120 units in 2011-12. An embargo on new housing development, related to potential impacts on the Special Protection Area, was also a factor [1.20 Table G, 2.10, 3.8]
- 6.7 Delivery in the following year picked up, with a marginal shortfall, but in 2013-14 there was a significant fall in completions and a very marked shortage against the increased requirement of 519 dwellings per annum. The trend has been upward from 2014-15, but still materially below the requirement, and completions during the first quarter of the current year, whilst too short a period for any confidence, do not suggest any prospect of marked improvement. [1.20 Table G, 2.10, 3.8]

- 6.8 Whilst the Council urges the longer term view, the performance at the beginning of the period offers little solace for failure to achieve delivery during the most recent seven years even with the acceptance that the recession was deeply felt and that the effects on the house-building industry, in general, were slow to dissipate; and the constraints imposed by the Special Protection Area embargo. Moreover, it is notable, taking the period in its entirety, that the sum of completions did not satisfy the total overall requirement. [1.20 Table G]
- 6.9 It is acknowledged that the number of dwellings approved since 2012-13 has been generally higher than those approved in earlier years, albeit against a significantly increased requirement, and that 2015-16 showed an unprecedented number of approvals. However, this upward movement has not been translated into a parallel improvement in delivery. Whilst it is clear that the Council has sought to boost significantly the supply of housing, which has not, as yet, been matched by the industry, the fact remains one of overall under-delivery. [1.16(b), 1.19 Table A, 1.20 Table G, 3.5, 4.18]
- 6.10 The two appeal decisions, indicating *'at least a borderline case of a 20% buffer being warranted'*, predate the figures before me. Whilst I have considered this case on the totality of the evidence presented, the addition of a further 'failed' year now points to a very clear conclusion of persistent under-delivery. It follows that a 20% buffer should be applied, making the requirement 4,163 units (833 per annum). With the Council's anticipated supply of 3,854 dwellings, the overall supply would amount to 4.6 years. [1.17(d), 1.19 Table F, 2.7, 2.111, 3.13]

Lapse rate

- 6.11 Looking next at whether a percentage lapse rate should be applied to permissions already granted on small and large sites, there is no specific evidence which would justify a notional discount. The Framework confirms that *'sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years'*. [1.18(b), 2.13, 4.20]

Delivery of large sites

- 6.12 The disputed large sites merit individual scrutiny. In relation to land south of High Street, Cranleigh, the appellant's expressed intentions during the consideration of that appeal appear to have undergone some considerable change and the speedy delivery in the manner promoted seems unlikely to come to fruition. Whilst information exchanged between competing developers might, from time to time, merit some scepticism, the local planning authority has not countered the claim as to the manner in which it is said that the site would be developed. On this basis, a single house-builder development would be more likely to deliver the number of units assessed by the appellant within the next five years. This would amount to a net reduction of 271 dwellings. [1.19 Table B, 3.12]

- 6.13 Looking next at East Street, Farnham, Planning Practice Guidance advises that *'where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome'*. The extent to which the pending Judicial Review proceedings may simply delay or thwart the development is unknown; but the very process has rendered the site as not currently available. **[1.19 Table B]**
- 6.14 In my view, this seriously undermines the Council's confidence in the delivery of 235 units within the next five years. Whilst the appellant's position might appear unduly pessimistic, in that if the matter is resolved within a reasonable period of time the site would be capable of delivering a significant number of the scheduled dwellings, it would be prudent, in light of the known legal problems, to discount this site with a loss of 235 units.
- 6.15 Moving on to Sturt Road, Haslemere, the grant of an outline planning permission for 135 dwellings is a material factor indicating an intention to make the site available for development. However, the absence of a reserved matters submission pursuant to that permission, and pursuit of an alternative access arrangement in particular, is indicative of some fundamental constraint. **[1.19 Table B]**
- 6.16 The acceptability or otherwise of the revision is unknown, and the process of satisfying the number and range of pre-commencement conditions attached to the extant permission is likely to lead to delay in securing implementation. At the very least, the timing of any development appears uncertain and, at worst, it might not occur. Without clear evidence to provide the necessary confidence that this site could be delivered in the manner predicted by the Council, it should be discounted with the removal of 135 dwellings.
- 6.17 The loss of these sites would have the effect of deleting 641 dwellings from the anticipated supply. Based on my conclusions on the need to incorporate a 20% buffer, as set out above, a pool of 3,213 dwellings would need to be set against a requirement of 4,163 units which would amount to a supply of 3.9 years (4.4 years had I applied a 5% buffer). Even if the judicial matter relating to East Street, Farnham were to be resolved at an early date, leading to the reinstatement of this site as deliverable, the resultant supply would be 4.1 years (4.7 years had I applied a 5% buffer).

Waverley Land Availability Assessment

- 6.18 A number of the sites included in the assessment flow from an earlier call for sites without subsequent progress, or any up-date, on their likely prospects. Land at London Road and Portsmouth Road, Hindhead appear to have active business uses with no expressed intention to pursue residential redevelopment. Accordingly, 80 units should be removed. **[1.19 Table C]**
- 6.19 In addition, there is no clear intention in relation to the land at Weyhill, Haslemere, which is said to be owned by the Borough Council, and without evidence of intent it would be prudent to delete the anticipation of 31 units. Five other sites, The Bush Hotel, Charterhouse School, Peperharow Road, Church Road, Milford and Victoria House have seen no progress over a period of two years and again, without an update, these 43 units must be in doubt. **[1.19 Table C]**

- 6.20 In relation to the sites where planning permission has been sought, there is prospect of 61 dwellings at Weyburn Works; 65 dwellings at Wrecclesham Hill; and 75 homes at Alfold Road. *[1.19 Table C]*
- 6.21 Several sites have actively been pursued where the principle of residential development has been confirmed to be acceptable, but permission has been refused for projects in excess of the potential envisaged by the Council. On this basis, it would be reasonable to continue to include Horsham Road, part of Farnham College, Charterhouse Road and Clement Windows and Motorcycle Shop at the level predicted (74 dwellings). *[1.19 Table C]*
- 6.22 It would appear that Stephens Engineering amounts to double counting with the loss of 13 units; Holloway Hill has very dubious prospects in light of its history and 10 units appear unlikely. *[1.19 Table C]*
- 6.23 In summary, potential delivery from these sites would be in the order of 275 dwellings which would remove some 186 units from the anticipated supply and a running total of 3,027 units (3,213 – 186). This would, for the purposes of this appeal, provide a supply of 3.6 years with a 20% buffer (4.2 years with a 5% buffer). *[1.19 Table C]*

Strategic sites allocated in the emerging Waverley Local Plan

- 6.24 There is little between the parties in relation to Green Lane, Badshot Lea; The Woolmead, Farnham; and Woodsite Park, Godalming with a total provision of 256 dwellings. *[1.19 Table D]*
- 6.25 In relation to Coxbridge Farm, Farnham, projected timescales may be subject to modification for a variety of reasons where an application is yet to be submitted. Whilst both parties have up-to-date, conflicting, information from the developer, the more detailed timeline provided by the appellant appears entirely credible and is to be preferred with an expectation of 126 units. *[1.19 Table C]*
- 6.26 As to land at Horsham Road, Cranleigh, there is a paucity of information. If I were to assume that building could commence in the second quarter of 2017, with a typical build rate of 50 dwellings per annum, phase 1 (149 units) could be completed by the end of the second quarter 2020; and, assuming phase 2 were to be timed to bring continuity, 50 dwellings from that phase of 101 homes might be delivered by the end of the five-year period. *[1.19 Table C, 3.12]*
- 6.27 Dunsfold Aerodrome is a hugely controversial proposal but its allocation in the Local Plan (Part 1) is supported by members and it would appear that some of the initial impediments might be capable of resolution. Planning Practice Guidance advises that *'assessing the suitability of sites or broad locations for development should be guided by: the development plan, emerging policy and national policy'*. Whilst the emerging plan is at a very early stage, the principle of a mixed use project on previously developed land would be consistent with government policy and it would not be unreasonable to accept the Council's estimate of 130 units. *[1.19 Table D, 2.8]*

- 6.28 Overall, potential output from these sites would be approximately 562 dwellings which would remove a further 104 units from the Council's assessment of supply and a running total of 2,923 units (3,027 – 104). This would provide a robust supply of 3.5 years with a 20% buffer (4.0% with a 5% buffer). [1.19 Table D]

Conclusion

- 6.29 Identifying a future supply of land which is suitable, available and achievable for housing is a vital component in providing land to meet identified housing needs and to boost significantly the supply of housing land.
- 6.30 It is clear that the actual completions over a period of years fell consistently below predictions but that by itself does not provide sound reason to doubt the Council's current predictions following the preparation of a Strategic Housing Market Assessment, and an updated Land Availability Assessment as part of the extensive work associated with the preparation of the Local Plan (Part 1). Although it is acknowledged that the actual delivery of new homes lies outside the control of the Council, the authority's role is, nonetheless, to proactively drive and support sustainable economic development and to make every effort to identify and then meet the housing needs of the area. That includes allocating sufficient housing sites to enable the market to respond. [2.12, 3.7, 4.14, 4.18, 4.19, 4.63]
- 6.31 Nonetheless, on the facts before me, I consider that the Council's stance of 5.3 years supply is not well founded. In this regard, a 20% buffer should be applied for persistent under delivery; some of the sites are not genuinely available; and others are unlikely to be capable of delivering the anticipated number of homes in the assessment period. On this basis, I conclude that the Council has a robust land supply in the order of 3.5 years. [1.18(d), 2.14]
- 6.32 Whilst this is inevitably a matter of judgement, based on a number of variables, the foundation of the Council's higher end of optimism rests on the precarious position of the application of both a 5% buffer and general acceptance of its assessment of housing land supply and deliverability. Even if my conclusions on these components of the assessment were subsequently found to be unduly pessimistic, there is an insufficient basis to suppose that the authority would come close to achieving a five-year supply of specific deliverable sites. [3.12]
- 6.33 Paragraph 49 of the Framework indicates: - *'housing development should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
- 6.34 In turn, paragraph 14 confirms: - *'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development for decision taking this means (unless material considerations indicate otherwise) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

The second main consideration: character and appearance

Landscape character

- 6.35 National and local studies of the landscape provide the starting point with an overriding characterisation of an intimate, historic, rural landscape typified by undulating topography, woodland, trees and hedgerows. The appeal site as a whole and its immediate surrounds exhibit all of these traits. [2.22, 2.23]
- 6.36 The northern field, generally enclosed by hedgerows, and used for horse grazing, shows limited human influence and the dwelling immediately to the north (Elm Cottage) is not untypical of an isolated dwelling within the open countryside. Views into the field from Old Compton Lane and Waverley Lane provide reference to the wider rural context. [1.10, 2.16, 4.5]
- 6.37 The central field, again enclosed, has overwhelming rural attributes with glimpsed, and generally truncated views, into the site from PROW73. Although the existing cluster of dwellings to the east of Abbot's Ride can be made out from the more northerly part of the footpath, their background presence is enveloped by flanking and backdrop trees and foreground hedges with no apparent impression of the suburban area of the town to the west. Glimpses into the site, of an undeveloped field, afford rural continuity. [1.11, 1.12, 2.17, 4.5]
- 6.38 The southern field is swathed by woodland of varying depth and intensity with the western boundary, coinciding with PROW73, more ephemeral and open to inward views. This part of the appeal site is overwhelmingly rural in character. [1.13, 2.17]
- 6.39 The route into Farnham along Waverley Lane is vital to the comprehension of landscape character and how the site relates to the wider countryside and the built-up area of the town. The route from the vicinity of Monks Walk takes the form of a predominantly sunken lane with banks and/or woodland on both sides. [2.1, 2.18, 3.36, 4.12, 4.25]
- 6.40 On the approach to Old Compton Lane, the landscape starts to become more open with containment maintained by roadside hedgerows which allow glimpses into both the northern and central fields. Nonetheless, Waverley Lane, at this point, is evidently wholly rural in character. [3.36]
- 6.41 Thereafter, towards the western end of the central field, the southern verge is seen to widen and contain roadside signs; a macadam access is visible (later seen to provide access to a suburban style bungalow); native hedgerow gives way to coniferous planting; and the entrance to Abbot's Ride immediately beyond is apparent. Suburban character is readily distinct with greater proximity to the splayed entrance to Abbot's Ride and the advent of suburban houses. [2.33, 3.24, 3.36]
- 6.42 Whilst the hedgerow along the roadside edge of the northern field retains its natural qualities to this point, the character of the area as a whole has, nonetheless, lost its intrinsic rural character. The influence of the suburban area becomes progressively more distinct with a footway running out of Abbot's Ride and the arrival of a grassed verge on the opposite side of Waverley Lane. [3.24, 3.36]

- 6.43 Returning to the eastern end of the route, deviation into Old Compton Lane reveals a narrow lane of intimate woodland canopy character. The erosion of the lower parts of the boundary hedgerow of the northern field provides continuous or successive views into the field itself as a component of rural character. The dwellings served by Old Compton Lane are, for the most-part, masked by the well-wooded nature of the area. Unlike Waverley Lane, this part of Old Compton Lane does not provide any real impression of approaching a built-up area. [3.38]
- 6.44 Overall, the appeal site is rural in character and its green and leafy attributes contribute to the setting of this part of Farnham. However, the character of Waverley Lane changes quite abruptly at Old Compton Lane and progression westwards, towards Abbot's Ride, moves markedly into the suburban edge. Nonetheless, Old Compton Lane retains wholly rural characteristics. [2.25, 3.24, 3.35, 3.36, 4.6]

Landscape value

- 6.45 Moving on to consider the value of the landscape, the appeal site does not carry any national or local designation, save for the sliver of land striking north from the northern field towards Old Compton Lane where the footpath link would be provided. However, the fact that a landscape is not designated does not mean that it does not have value. [1.14, 1.16(i), 2.36 – 2.38]
- 6.46 The Guidelines for Landscape and Visual Impact Assessment provides a range of factors that can help in the identification of valued landscapes. Taking these in turn, landscape quality (condition) owes largely to the well-established hedgerows and the intactness of the landscape; but, beyond that, the fields themselves are not of high biodiversity or other value. [2.36 - 2.38, 3.20, 3.22]
- 6.47 The scenic quality of the area is highly influenced by the wider wooded surroundings with the landscape within the northern and central fields, in particular, pleasantly rural but nothing more. The fields are typical of the character areas with no semblance of rarity and no claim to being particularly important examples as a facet of representativeness. [2.36 – 2.38, 3.20, 3.23]
- 6.48 In terms of conservation interests, neither of the fields proposed for built development has any distinct wildlife/ecological value. Historical association relates to the wider area; and any below ground archaeological interest in the northern field could be safeguarded by a condition of any grant of planning permission. [2.36 – 2.38, 3.20]
- 6.49 Recreation value is limited to PROW73 between the central and southern fields; there is no evidence of anything beyond local use; and no suggestion that the experience of the landscape (other than it providing a pleasant walk through the countryside) is sufficiently important to provide recreation value. [2.36 – 2.38, 3.20]
- 6.50 Perceptually, the southern part of PROW73, within the vicinity of the site, provides a sense of tranquillity but this diminishes with the nearer presence of traffic on Waverley Lane. The landscape does not enjoy any particular associations, for example with particular people or events in history that contribute to perceptions of natural beauty. [2.36 – 2.38, 3.20]

- 6.51 Looking next at the AMEC Landscape Study, its defined purpose was to provide a landscape sensitivity and capacity study in order to inform the Local Plan (Part 1). The identification of landscape 'segments' was undertaken on the basis of *'in each case approximately a 0.5 km area has been taken from the edge of the settlement for consideration. Existing landscape elements (primarily roads, linear development and/or vegetation) were identified to enable further sub-division of the segments for analysis. Sub-division was also informed by consideration of the general character of each area, for example enclosure, whether the land felt enclosed or open'*. [2.24, 3.23, 4.3, 4.60(a)]
- 6.52 For my part, and having regard to the local planning authority and the appellant being of similar mind in relation to some of the conclusions reached in the document, the relevant segment (FN1b), containing the appeal site, is disparate in that it includes a significant area of designated landscape (Area of Great Landscape Value) which, by its wooded nature and well-concealed dwellings, is materially different to the significantly more open characteristics of the appeal site and the land to the south-west. On this basis, little weight should attach to the study's assessment of FN1b insofar as it relates to the consideration of this appeal. [3.28, 3.29]
- 6.53 Moving on to the Farnham Design Statement, South Farnham (Waverley) is identified as an homogenous area extending through the residential area to the south of the railway station and into the open countryside. The document urges the protection of the rural green fields and for new development to respect the spacious character of the area and to preserve its low density character. Whilst it provides a vision for the town, and an expression of value, the statement does not provide a sufficient basis to confirm the appeal site as a valued landscape. [4.12, 4.23, 4.24, 4.60(a)]
- 6.54 In summary, there is no doubt that the landscape of the appeal site is of value to the local community particularly in relation to its contribution towards countryside character. However, taking account of its general lack of formal designation and the absence of any significant attributes which would elevate it to something more than open countryside, it could not be said, even with substantial public opposition to the proposed development, that the site is a valued landscape for the purposes of paragraph 109 of the Framework. [2.36, 2.37, 3.21]

Impact on landscape character

- 6.55 The appellant acknowledges that the loss of the current openness of the northern and central fields would be a significant adverse impact on the landscape, in the same way that any housing development on a greenfield site would be expected to result in harmful change. Nonetheless, given the well-established boundaries to the site, the influence and perception of the development would be limited to its immediate surrounds and the public vantage points of Old Compton Lane, Waverley Lane and PROW73. There would be no wider effects on views or landscape designations and their settings. [1.16(i) – 1.16 (k), 2.26, 3.18, 3.19]

- 6.56 The principle of building on the northern and central fields would result in two, related, pockets of development within a well-established, robust, landscape framework. In this regard, it would reflect the manner in which Farnham has expanded south-eastward with field boundaries and/or woodland demarcating bands of housing. Such change would not be inherently harmful to the character of the landscape. *[3.34]*
- 6.57 With the formation of an access point to each field and their associated visibility splays, and the provision of a pedestrian access into the northern field (opposite Abbot's Ride), some removal of frontage hedgerows would be inevitable. However, this would be limited in extent and new planting would take place behind the splays to minimise the loss of enclosure along Waverley Lane. *[1.16(o), 2.28, 3.15, 4.57]*
- 6.58 At the same time the existing hedgerows would be managed and supplemented to enhance their depth and density with the intention of screening the new housing from outward public view other than from within the immediate vicinity of each site entrance, the retained pedestrian access point into the northern field (existing field gate access) and the new pedestrian access opposite Abbot's Ride. The resultant glimpses, experienced generally by passing motorists, would not appear to be unduly striking or uncharacteristic of the area to the west. *[2.28, 3.25]*
- 6.59 With regard to PROW73, the eastern side of the central field would be provided with a landscaped buffer and reinforcement of the boundary hedgerow and new dwellings would have considerable set back from the footpath. Although there would be limited, fleeting, views of some of the nearer dwellings in the short to medium term, the landscape mitigation would be capable of providing a very strong foil within a reasonable time period. *[2.30, 2.32, 3.25]*
- 6.60 In terms of tranquillity, the illustrative scheme is founded on a layout which would avoid rear gardens facing towards the footpath and the increased use of the route, in association with activity within the SANG, would not be uncharacteristic of the settlement edge with particular reference to Compton Recreation Ground.
- 6.61 In light of the above, the principle of residential development in this location would not have anything more than a very limited effect on the character of the landscape.

Townscape

- 6.62 The characteristic elements of South Farnham (Waverley) derive principally from its particularly low density and its related attributes of a green and spacious environment. The Framework requires new developments, amongst other things, to add to the overall quality of an area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history; and to be visually attractive as a result of good architecture and appropriate landscaping. *[2.33, 3.39]*

- 6.63 The proposed density of the scheme would be notably higher than most of the character area and significantly more so than the adjacent development to the west. Whilst much reliance was placed on three examples of comparatively intensive forms of development in the wider locality, these are small in scale and somewhat opportunistic examples which are untypical of the area as a whole. Although they might serve to illustrate that some higher density development has been successfully absorbed, the appeal proposal differs in terms of its settlement edge and countryside location and its unparalleled relative scale. *[2.34, 2.35, 3.37]*
- 6.64 Nonetheless, a simple application of numerical density does not provide a credible basis for determining whether a project would achieve the objectives of the Framework whilst having regard to the guidelines within the Farnham Design Statement. *[3.39, 4.7]*
- 6.65 In this regard, the illustrative scheme design proposes, for the most part, the erection of two-storey detached dwellings behind the roadside boundaries of Waverley Lane and Old Compton Lane in response to the area's prevalence of detached family houses in substantial plots. However, the curtilages themselves would be clearly smaller than those found nearby, notably in relation to the length of rear gardens, and the degree of house-type individuality would be likely to be less marked. *[3.40]*
- 6.66 Elsewhere, semi-detached homes, short terraces and apartment buildings would be intermingled (with further detached two-storey dwellings) rising to 2.5 storeys with a three-storey element in the central field. These would follow the design principles established at Bramblings Close and 54 and 58 Waverley Lane with buildings proportioned to read as a single large house and with upper floor accommodation partially in the roof space. *[2.34, 3.41]*
- 6.67 The development would have a very substantial green infrastructure based on reinforcing the existing site boundaries and providing adjoining landscaped buffers and open space encircling both areas of development. In many instances these would be read with adjoining garden planting or woodland, thereby enhancing its strong landscaped framework. The inclusion of existing hedgerows within the public realm, as opposed to concealment in rear gardens, would be a very positive attribute contributing to a perception of spaciousness. *[3.17, 4.8]*
- 6.68 Entrance into each part of the development, by car and on foot, would be through the landscaped buffer with houses set back from the Waverley Lane frontage. The illustrative layout also makes provision for the planting of street trees and the alignment of short access roads is intended to provide focus towards the peripheral landscaped areas. The arrangement of many of the dwellings as part of a single-sided frontage, with aspect over the public realm would also add to a sense of spaciousness. *[3.42 – 3.44]*
- 6.69 It cannot be denied that the illustrative details supporting the appeal proposal would result in a development notably different in form to its immediate surroundings. Nonetheless, the proposal would clearly reflect the green and spacious character of the wider area, particularly when viewed from Waverley Lane, Old Compton Lane and PROW73. *[2.40 – 2.43, 3.31, 3.45, 4.9, 4.42, 4.60(b)]*

- 6.70 Moreover, the proposal has been carefully conceived to minimise external impacts and to respond to local character and it would result in a scheme with a distinct and admirable sense of place which would add to the overall quality of the area. The supporting illustrative details give confidence that the proposal would be visually attractive as a result of high quality design, enlightened architecture and appropriate landscaping. [2.40 – 2.43, 3.31, 3.45, 4.9, 4.42, 4.60(b)]
- 6.71 Whilst the Council is critical of the appellant's approach in seeking to screen the development, with resultant loss of glimpsed views into the site, the final details of landscaping would be a matter for consideration by the local planning authority on the submission of reserved matters. [2.40 – 2.43, 3.31]

Visual impact

- 6.72 It is common ground that the northern and central fields are generally perceived by motorists passing along Waverley Lane at speed and that gaps in the hedgerows allow glimpses into the site. Reinforced hedgerow planting would reduce these gaps and glimpsed views but the formation of the vehicular access points would facilitate focused views into the site and the presence of new houses. However, the new gaps would be of restricted width and landscaped and the proposed dwellings would be set back into the site. As such, the impact would be fleeting and, given the approaching suburban edge of Farnham, the degree of visual harm would be slight. [2.39]
- 6.73 Old Compton Lane has a distinct enduring quality and it is enjoyed for recreational purposes. The lower part of the boundary hedgerow is depleted but the removal of horses from the field, management and supplementary planting would be capable of securing a robust screen with any residual views, in the short to medium term, being of limited consequence.
- 6.74 As to the footpath links into the northern field from Old Compton Lane and Waverley Lane, agreement on their precise alignment, the extent of necessary vegetation clearance and details of new planting would offer considerable scope to ensure that the routes maintain the relative seclusion of the proposed development. [2.29]
- 6.75 Looking next at the visual effects from PROW73, much of the extended built-up area would remain heavily concealed. However, the route, with adjacency to the SANG and greater usage, would not enjoy the same degree of countryside aspect and tranquillity but it would, nonetheless, remain a pleasant route in attractive green surroundings with new planting and ponds adding to its overall interest. [2.43, 2.30]
- 6.76 Part of the circular walk within the SANG would involve the formation of a new footpath through the wooded area adjacent to Waverley Lane. Whilst the area enjoys Tree Preservation Order protection, it would be possible to create a meandering route of limited width and informal surfacing without any adverse impact on the character and appearance of this area. Indeed, immediate and on-going management of the area would be consistent with good woodland husbandry, beneficial to the more important trees and, with accessibility, of added value to the community. [4.33]

- 6.77 Moving on to the highway works proposed for Waverley Lane, the proposed new gateway feature, dragons teeth road markings, coloured surfacing with speed limit roundels immediately to the west of Monks Walk would give added emphasis to the approach into Farnham. [2.44, 3.74, 4.12, 4.23, 4.26]
- 6.78 However, all these elements would be grouped together with a very limited and transient visual impact and the rural qualities of this wooded part of Waverley Lane would remain. Moreover, carriageway markings in the manner proposed are not wholly synonymous with urban areas insofar as they are increasingly prevalent in a variety of rural situations. [2.44, 3.74, 4.12, 4.23, 4.26]
- 6.79 A second strip of coloured surfacing, with speed limit roundels, would be introduced immediately before the junction with Old Compton Lane. Again, its visual impact would be very slight and not inconsistent with a side road intersection. The introduction of a third surface strip between the access points into the northern and central fields would be at a location where Waverley Lane has, at the present time, already become more suburban in character. [2.44, 3.74, 4.12, 4.23, 4.26]
- 6.80 In addition, the provision of a surfaced footway on the southern side of Waverley Lane, running from the entrance to the central field to Abbot's Ride would merely replace a verge along an already domestic frontage; and the improved bus facilities would appear entirely rationale in proximity to the dwellings at the entrance to Abbot's Ride and those along the southern frontage of Waverley Lane. [2.44, 3.74, 4.12, 4.23, 4.26]
- 6.81 Overall, even with the potential addition of a vehicle speed actuated sign in the vicinity of Old Compton Lane and new 30 mph repeater signs, the totality of the works proposed would not have a material adverse visual impact on the acknowledged qualities of Waverley Lane. [4.12, 4.23, 4.26]
- 6.82 In summary, taking account of the overall scale of the project and the number of dwellings anticipated, the proposed development would, at the very worst, result in a minor degree of harm to the intrinsic visual worth of the area.

Residential amenity

- 6.83 Dwellings with adjacency to the site are few and for the most part they are well-secluded with the exception of Elm Cottage which enjoys open aspect over the northern field. However, it lies below the level of the appeal site and intended planting along the boundary and within the field would be capable of offering early filtered views and longer term screening and, like many of its neighbouring dwellings, the house would take on a more secluded prospect.
- 6.84 In addition, green space (containing a pumping station and some parking spaces) would provide generous separation from the nearest proposed houses. Overall, whilst the proposal would result in a marked, and no doubt unwelcome, change to the living environment enjoyed by the current occupants of Elm Cottage, the project would not have a material adverse effect on residential amenity in general. [1.16(q)]

Conclusion

- 6.85 The area of South Farnham (Waverley) has a distinct character with a low density, sylvan, residential area giving way to open countryside. However, the appeal site (save for the sliver of land leading from the northern field to Old Compton Lane) is not a designated landscape and, although the local community cherishes its absence from development, it is not a valued landscape in the terminology of the Framework. [4.9, 4.10, 4.12]
- 6.86 New development would bring substantial physical change through the loss of open fields and some perceptual change with the loss of glimpsed views and rural continuity. Nonetheless, the area to be developed would be contained by robust boundaries and set within a framework of open space; and the illustrative layout and design, albeit at an unmatched greater density, could be successfully accommodated with nothing more than a limited impact on the character and appearance of the area. Consequential effects relating to the enjoyment of PROW73, the character of Waverley Lane and residential amenity would also be very minor. [4.9, 4.10, 4.12]
- 6.87 In terms of the development plan, the appeal site is defined as countryside beyond the Green Belt, and the proposal would, as a matter of principle, be contrary to Saved Policy C2 of the Waverley Borough Local Plan (2002). However, based on the illustrative details, the project would not harm the visual character and distinctiveness of the locality and it would accord with Saved Policies D1 and D4 which would also fall to be addressed with the submission of further details at reserved matters stage. [1.20, 2.4, 2.45]
- 6.88 Moving on to the Farnham Neighbourhood Plan, the proposal would, as land outside the built-up area boundary, be in conflict with Policy FNP10. Policy FNP1, requiring good design, is parasitic on FNP10 as it is premised by 'new development in accordance with the Neighbourhood Plan will be permitted'. [1.26, 3.104, 3.105, 4.9, 4.10, 4.12, 4.60(a)]
- 6.89 The alleged conflict with the Farnham Design Statement, to the limited extent that it might arise, is a matter of very little weight as, notwithstanding its extensive consultation, the document falls out-with the development plan. In any event, it is evident that the proposed scheme has been influenced by the published material. [2.6, 2.45, 3.46, 4.9, 4.23, 4.24, 4.60(a)]
- 6.90 Overall, the proposal would, in particular, use land of comparatively lesser environmental value in that it does not benefit from any local or national designation; and the illustrative scheme exhibits high quality design and appropriate landscaping which would provide a good standard of amenity for new occupants and existing neighbours. The Framework confirms that the Government attaches great importance to the design of the built environment in that good design is a key aspect of sustainable development.

The third main consideration: ecology and nature conservation

- 6.91 The provision of an appropriate SANG is a fundamental prerequisite to the development of the appeal site and, after several iterations following extensive survey work and consultation, Natural England has endorsed the proposals as providing appropriate mitigation. [1.16(k) – 1.16(m), 3.47 – 3.52, 3.60, 4.29, 4.54, 4.60(f), 4.65]

- 6.92 On this basis, and having regard to the measures set out in the planning obligation, it can be concluded that the proposals are not likely to have a significant effect on the Thames Basin Heaths and the Wealden Heaths Special Protection Areas, either alone or in combination with other plans and projects, and consequently an Appropriate Assessment is not necessary and the proposals can be approved. *[4.36, 5.4(c), 5.4(d)]*
- 6.93 In terms of the points raised by local residents and others, full particulars of the future management and maintenance of the SANG would be secured through the details required to be submitted by the planning obligation; and the planting arrangements would require approval as part of the reserved matters to be submitted. *[4.29, 4.30, 4.60(f), 4.64, 4.66, 5.4(c), 5.4(d)]*
- 6.94 The length of the circular walk within the SANG has been the subject of much criticism; but its marginally less than optimal length has been acknowledged and sanctioned by Natural England having regard to the overall area of the SANG related to the immediate population which it would serve. Suggestions that the route would be contrived with little interest might be true of flat barren landscape but here, given the undulating topography, new landscaping and features of interest and the manner in which parts of the path would turn on themselves, the walk would offer sufficient attraction to encourage worthwhile use. It could also be combined with a longer walk using public rights of way and/or the Compton Recreation Ground. *[4.33, 4.66]*
- 6.95 It has been confirmed that part of the footpath would need to be surfaced but the manner proposed would not be untypical of informal, rural, recreation land and of no impediment to the Environment Agency's interest. Moreover, the route through the wooded area bordering Waverley Lane could be sensitively laid out, meandering around the trees, without any marked loss of important vegetation or loss of character. *[4.33, 4.34]*
- 6.96 It is acknowledged that the use of the SANG by dogs might have some negative effects on habitats within the southern field. However, this is more a matter of management as opposed to a fundamental impediment and it has to be considered in the context of the very substantial benefits that the overall design proposals and management regime for the area as a whole would bring. *[3.58, 4.35]*
- 6.97 With specific reference to the Bourne Conservation Group and its valuable work along the Bourne Valley, the starting point of the southern field is one of very low biodiversity in its existing form. The scheme, whilst bringing increased usage would also add positive intervention and an ongoing management regime. The balance of the evidence does not point to any marked loss of biodiversity or ecological interest or any loss of connectivity. *[1.16(p), 3.53, 4.44 – 4.49, 4.53, 4.60(d), 4.67]*
- 6.98 Responding to the criticism made about the timing and nature of the survey work, there is nothing to suggest that the appellant's understanding of the value of the site has been materially deficient. Indeed, the proposals offer every opportunity for the grassland within the SANG to become more species rich with biodiversity gains. The remaining comments, relating to matters of detail, would be capable of resolution in the consideration of the reserved matters to be submitted. *[4.31, 4.49, 4.52]*

- 6.99 Turning to the consideration of trees and hedgerows, the scheme embraces their value; provides protection where necessary; offers improvement through management; and the short lengths of hedgerow to be removed would not be of sufficient importance to require protection and their loss would be more than compensated for by extensive new planting. As such, there would be no material loss of landscape quality or adverse effect on important hedgerows, veteran trees or trees otherwise protected. [1.16(n), 3.54, 3.61, 3.62, 4.50, 4.51]

The fourth main consideration: sustainable location

- 6.100 The appeal site lies on the existing built-up edge of Farnham. The town provides an extensive range of services and facilities; it enjoys railway connection to London Waterloo; and it is acknowledged to be a sustainable location for development. [1.16(b), 1.21(h), 1.21(i), 3.63, 3.64]
- 6.101 One of the core planning principles in the Framework is to '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*'. Neither the local planning authority nor the highway authority alleges that the proposal would fail to achieve this core principle.
- 6.102 In this regard, despite local opinion to the contrary, the walking route from the site to the town centre is not unattractive or particularly difficult. Whilst busy junctions have to be negotiated, this is not uncommon of walking routes into town centres; and improved pedestrian facilities at the junction of Waverley Lane/Tilford Road are proposed. The return 'uphill' journey would not be unduly onerous for most people. There would also be realistic opportunities for cycling. [3.65, 3.67 – 3.70, 4.12, 4.21, 4.24, 4.56, 4.60(c)]
- 6.103 The bus service along Waverley Lane, whilst not particularly frequent, would offer the opportunity for some return journeys into town, and elsewhere. Further bus services, within walking distance, are available at the railway station which functions as a transport interchange. [3.71, 4.12]
- 6.104 The scheme itself has been carefully designed to promote travel by sustainable modes including: - new footpath links to the bus stops on both sides of Waverley Lane and to the footway into town; connections to the local public right of way network; creative and inclusive layout/street design; and other off-site highway works to include crossing facilities, improved surfacing and enhanced bus passenger waiting facilities. [3.72, 5.4(i), 5.4(k)]
- 6.105 In conclusion, the proposal would fully reflect the objective of locating new development where it has good accessibility to a range of services and facilities which are capable of being accessed by walking, cycling and public transport. [3.73]

The fifth main consideration: highways and transportation

- 6.106 Waverley Lane within the vicinity of the appeal site is subject to a 30 mph speed restriction; but measured vehicular speeds are considerably higher. Although the likely effectiveness of the proposed speed reduction measures is doubted by local residents, additional signage and road markings have often been shown to be effective and, in this case, endorsed by the highway authority as realistic. [3.75, 4.37]

- 6.107 On this basis, it is not unreasonably anticipated that the 85th percentile speed would fall sufficiently to warrant the provision of 2.4 metres x 58 metres visibility splays for the priority site access junctions to reflect the guidance in Manual for Streets. Seeking to address the existing issue of speeding along this section of Waverley Lane is agreed to represent a wider public benefit. *[1.21(a), 1.21(g), 3.75, 3.76, 4.37]*
- 6.108 In terms of the pedestrian access to be provided from the northern field on to Waverley Lane, in the vicinity of the bus stop, existing vegetation impedes visibility. However, the highway authority has raised no objections to a pedestrian link in this location. In addition, the appellant has offered an alternative solution; and, in any event, the works would have to be the subject of detailed design and approval. On this basis, there is no reason to doubt that the safety of pedestrians would be compromised or that sensitive landscape features would be lost. *[3.74, 3.77, 4.38, 4.39]*
- 6.109 As to the comments about land ownership and the ability to implement some of the intended 'off-site' works, such matters do not go to the planning and highway merits of the proposal. *[1.21(e), 3.78, 4.38, 4.43, 4.60(k)]*
- 6.110 Moving on to the potential effects on the wider highway network, a full assessment, which was endorsed by the highway authority, has been undertaken. The modelling and analysis took full account of the known problems at Farnham station level crossing; the contribution to improvements at Hickley's Corner/A31 reflects the aspirations of the highway authority to secure increased capacity; and the improvements at Waverley Lane/Tilford Road are unequivocally supported. Residents' concerns, on these and other related highway matters, are not supported by technical foundation and greater weight attaches to the confirmed view of the relevant authority. *[1.169h), 1.21(b) – 1.21(d), 3.79, 3.80, 4.41, 4.55, 4.61, 4.62, 5.4(i), 5.4(k)]*

The sixth main consideration: other material considerations

- 6.111 Looking first at the concerns relating to air quality, it is the responsibility of each local authority to identify any area where the national air quality objectives are not likely to be achieved by the relevant deadline, to declare an Air Quality Management Area and to prepare a Local Air Quality Action Plan. *[4.41, 4.55, 4.60(c), 4.61, 4.62]*
- 6.112 The points raised generally relate to matters of recording and reporting with no technical evidence specific to the implications of developing the appeal site. Moreover, there is no suggestion that any embargo should be placed on new development in and around Farnham which might affect air quality; and, in the event of such an occurrence, it would be a matter for the authority to devise an effective management plan. *[1.16(t)]*
- 6.113 Whilst it is said that the proposal would exacerbate some already stretched local facilities, the development would contribute to new school places and there is no evidence that health services, in particular, could not meet the future needs of new residents. *[4.41, 4.55, 4.60(e), 5.4(f) - 5.4(h)]*
- 6.114 None of the other matters raised in local representations provide grounds to refuse planning permission. *[3.59, 4.40, 4.58, 4.60(g), 4.60(h), 4.60(j)]*

The seventh main consideration: the planning balance

The policy framework

- 6.115 The development plan includes Saved Policy NRM6 of the South East Plan with reference to the Thames Basin Heaths Special Protection Area. The proposal would be in accordance with that policy. *[1.24]*
- 6.116 It is common ground that the three principal saved policies in the Waverley Local Plan (2002) are Saved Policies D1, D4 and C2. *[3.88]*
- 6.117 Saved Policies D1 and D4 aim to protect the environment and to secure good design. They are not inconsistent with similar aspirations of the Framework and, although dated, it cannot be said that they are out-of-date. The proposal, based on the supporting illustrative material, would not be in conflict with these policies. *[3.92]*
- 6.118 Although the proposal would accord with a significant number of policies in the Waverley Borough Local Plan (and also with NRM6 above), these are essentially detailed, secondary, considerations which are largely consequential to the more strategic policies, including Saved Policy C2, which guide and constrain the location of new housing development. Thus, mere numerical advantage does not mean that the proposal would accord with the development plan when read as a whole. To my mind, there would be a fundamental and overriding conflict with Saved Policy C2. *[1.24, 2.4, 3.108]*
- 6.119 However, the local plan is time-expired and it no longer meets the housing needs of the area. It is also telling that a number of greenfield sites, to which Saved Policy C2 applied, have necessarily been approved for housing development. In addition, the Local Plan (Part 1) recognises the need to allocate some greenfield sites. In this regard, although the proposal would be in conflict with Saved Policy C2, the policy is out-of-date and it merits very little weight. *[2.5, 3.89 – 3.91]*
- 6.120 The Local Plan (Part 1) is at a very early stage with examination yet to take place. However, the local planning authority has not taken any point in relation to conflict with the plan or prejudice or prematurity to the process. The simple point remains that the site has not been allocated for development. The criticisms made about the process, and considerations leading to the omission of the site from the list of allocations, is a matter for subsequent examination procedure. It is sufficient to conclude that very little weight attaches to the emerging plan. *[3.93 – 3.100]*
- 6.121 Similarly, the Farnham Neighbourhood Plan, at the close of the Inquiry, was awaiting examination. Again, it would be a matter for the examiner to be satisfied as to the evidence base having particular regard to the AMEC landscape study. For my part, with specific reference to the current appeal, little weight attaches to the findings relevant to segment FN1b in light of my detailed and site specific analysis. The claims about potential delays and legal challenge remained speculative and do not influence my view that, at the close of the Inquiry, the Farnham Neighbourhood Plan warranted very little weight. *[3.101 – 3.105, 4.1, 4.2, 4.4, 4.11]*

Conditions and obligations

- 6.122 In the event of the appeal being allowed agreed conditions, with minor drafting amendments, are set out in Annex C. [3.114]
- 6.123 The grant of an outline planning permission would require the submission of reserved matters, which should generally reflect the illustrative details already provided as the basis on which the scheme has been assessed. A condition is also necessary to secure the submission of reserved matters and the commencement of development within specified periods; and a programme of phasing would ensure orderly and logical implementation. [Conditions 1 - 5]
- 6.124 A project on the scale proposed requires careful management of site operations, in order to protect local amenity and in the interests of highway safety. This can be secured through an agreed Construction Environmental Management Plan. [Condition 6]
- 6.125 The development, as it progresses, should provide appropriate parking spaces and related turning facilities, as necessary, for the convenience and safety of new occupants; with suitable facilities for secure cycle storage and safe walking. Promoting travel by sustainable modes is also a required objective which can be secured through a Travel Plan and by ensuring the availability of electric vehicle charging points. [Conditions 7 – 10]
- 6.126 The disposal of foul drainage and surface water, in accordance with an agreed scheme, is important in order to avoid adverse environmental effects; and given the known potential for archaeological remains, a programme of archaeological work prior to development is necessary to safeguard any heritage interest. [Conditions 11 – 13] [4.58, 4.60(i)]
- 6.127 The landscaping of the site, and its future maintenance, and the safeguarding of ecological interests are important for amenity and environmental reasons. [Conditions 14 – 19] [3.55 – 3.57]
- 6.128 The planning obligation is intended to deliver the benefits of affordable housing and specific small-scale environmental improvements in the centre of Farnham. It also secures open space within the development; mitigation in terms of SANG provision and management; Strategic Access Management and Monitoring measures; education provision; proportionate highway works; and a Travel Plan contribution. Overall, it meets the legal tests set out in the Community Infrastructure Levy Regulations and/or the policy tests in paragraph 204 of the Framework and it may be considered as a reason for granting planning permission. [1.21(j), 3.114, 4.57, 5.2 – 5.12]

The planning balance

- 6.129 The Borough does not have a five-year supply of deliverable housing sites and there has been persistent under delivery in the provision of new housing. Paragraphs 49 and 14 of the Framework are engaged and planning permission should be granted for the proposed development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole. [2.15, 3.106, 3.107]

- 6.130 As the Framework says, there are three dimensions to sustainable development: - economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent. The proposed development would be consistent with the economic and social roles by facilitating growth and providing homes and supporting infrastructure and facilities. In this regard, very substantial weight applies, in particular, to the provision of market and affordable new homes; and also to the employment associated with the construction and future maintenance of the development. *[1.16(e), 2.47, 3.82 – 3.87]*
- 6.131 In terms of the environmental role, the proposal would be located outside the settlement boundary for Farnham and in the open countryside. However, the development would have a very limited adverse effect on the character of the landscape; it would have due regard to its adjacent suburban context; it would result in nothing more than minor harm in visual terms; and it would not result in a material adverse effect on the amenity of adjacent and nearby dwellings. The combined harm, having particular regard to the scale of the project as a whole, would be very low. *[2.3, 2.46]*
- 6.132 In addition, the provision of an on-site SANG would provide adequate mitigation for potential adverse effects on the Thames Basin Heaths and the Wealden Heaths Special Protection Areas; there would be no marked loss of biodiversity or ecological interest; and no material loss of landscape value. *[1.24]*
- 6.133 With regard to location and highways and transportation, the proposed site would have good accessibility to a range of services and facilities within Farnham by means other than the private car; an appropriate means of access; and the residual cumulative impacts on the wider highway network would not be severe. Indeed, the proposal would offer wider highway benefits. *[1.16(a) – 1.16(c), 1.21(g), 1.21(j), 3.80, 3.85, 3.109]*
- 6.134 There are no other factors which would count against the development. *[3.111, 3.113]*
- 6.135 All of the above considerations combine to demonstrate that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would represent sustainable development as defined in the Framework and that finding would warrant a decision being made other than in accordance with the development plan, such that planning permission should be granted. *[2.48]*

David MH Rose

Inspector

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Wayne Beglan (of Counsel)	Instructed by: - Head of Legal Services Waverley Borough Council
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He called

Sue Sutherland BSc, BPhil, CMLI	Sue Sutherland Landscape Architects Limited
Brian Woods BA (TP), MRTPI	Managing Director WS Planning and Architecture

FOR THE APPELLANT:

Sasha White QC	Instructed by Boyer Planning
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He called

James Bevis MEng, CMILT, MCIHT	Partner i-Transport LLP
Benjamin J Kite BSc (Hons), MSc, CEcol, MCIEEM, AIEEMA	Principal Ecological Consultant and Director Ecological Planning and Research Limited
Colin Pullan BA (Hons), Dip UD	Urban Design Director Nathaniel Lichfield and Partners
Jeremy Smith CMLI	Director SLR Consulting Limited
Asher Ross BSc (TP), MPhil, MRTPI	Planning Director G L Hearn
Mark Hewett ¹⁹⁶	Partner Intelligent Land
John Kelly ¹⁹⁷ MRICS	Senior Land and Planning Manager Wates Developments

¹⁹⁶ Participated in the Housing round-table discussion (professional qualifications not stated)

¹⁹⁷ Participated in the Housing round-table discussion

INTERESTED ORGANISATIONS AND INDIVIDUALS:

Tony Fullwood BA (Hons), Dip UD, DMS, MRTPI	Tony Fullwood Associates Representing Farnham Town Council
Councillor Patricia Frost	Surrey County Councillor, Waverley Borough Councillor & Farnham Town Councillor
Councillor Andy Macleod	Waverley Borough Councillor & Farnham Town Councillor
Councillor Carole Cockburn	Waverley Borough Councillor & Farnham Town Councillor
Mrs P Woodward	South Farnham Residents Association
Mrs P Pownall	South Farnham Residents Association
Mrs Z Lovell	South Farnham Residents Association
Noel Moss	The Bourne Conservation Group
Peter Bridgeman ¹⁹⁸	The Bourne Conservation Group
Dr Martin Angel MA PhD FLS	The Bourne Conservation Group
Lynne Griffiths	Local resident
Jason Griffiths	Local resident
Roy Sharpe	Local resident

¹⁹⁸ Qualifications and Experience set out letter of representation dated 12 February 2016 (subsequently numbered INQ/73)

ANNEX B: DOCUMENTS

NATIONAL POLICY, GUIDANCE, APPEALS AND CASE LAW

- NAT/1 – NPPF (2012)
- NAT/2 – NPPG (2014)
- NAT/3 – Manual for Streets (2007)
- NAT/4 – Manual for Streets 2 (2010)
- NAT/5 – Suffolk Coastal DC & Hopkins Homes & SSCLG / Richborough Estates Partnership LLP & Cheshire East BC & SSCLG [2016] EWCA Civ 168
- NAT/6 – Appeal Decision Gardeners Hill Road, Farnham APP/R3650/W/15/3023031
- NAT/7 – Appeal Decision 35 Frensham Vale, Farnham APP/R3650/W/15/3008821
- NAT/8 – Appeal Decision Land south of High Street, Cranleigh APP/R3650/W/15/3129019
- NAT/9 – TRL Scheme Appeal Decision APP/R0335/A/08/2076543
- NAT/10 – Countryside Agency, "Landscape Character Assessment", (2002)
- NAT/11 – Landscape Institute and IEMA, "Guidelines on Landscape and Visual Impact Assessment" Third Edition, (2013)
- NAT/12 – Natural England's SANG Creation Guidelines (2008)
- NAT/13 – Government Circular 06/05 "Biodiversity and Geological Conservation: Statutory Obligations and Their Impact in the Planning System"

REGIONAL POLICY AND GUIDANCE

- RP/1 – Saved Policy NRM6 of the South East Plan – Thames Basin Heaths Special Protection Area
- RP/2 – The Joint Strategic Partnership Board's Thames Basin Heaths SPA Delivery Framework (2009)

WBC DOCUMENTS

- LPA/1 – Waverley Local Plan (2002)
- LPA/2 – Waverley Pre-submission Local Plan Part 1: Strategic Policies and Sites
- LPA/3 – Officers delegated report WA/2015/0771
- LPA/4 – Decision Notice WA/2015/0771
- LPA/5 – Final West Surrey Strategic Housing Market Assessment (September 2015)
- LPA/6 – West Surrey Strategic Housing Market Assessment – Waverley Sub Area Addendum (November 2015)
- LPA/7 – Waverley Borough Council Five Year Housing Land Supply Statement (1 April 2016)
- LPA/8 – WBC Landscape Study Part 1 – Farnham & Cranleigh (2014)
- LPA/9 – WBC Green Belt Review (2014)
- LPA/10 – WBC SHLAA (April 2014)
- LPA/11 – WBC Planning Infrastructure Contributions SPD (2008)
- LPA/12 – WBC TBHSPA Avoidance Strategy 2009 (adopted 2016)
- LPA/13 – WBC's Statement of Case
- LPA/14 – Mott MacDonald Transport Assessment Stages 1-4 (2016)
- LPA/15 – WBC Draft Settlement Hierarchy (2010)
- LPA/16 – WBC Draft Settlement Hierarchy Factual Update (2012)
- LPA/17 – WBC Density and Size of Dwellings SPG (2003)
- LPA/18 – WBC Parking Guidelines (2013)
- LPA/19 – WBC LDS (2016)
- LPA/20 – WBC Screening Opinion
- LPA/21 – WBC Scoping Response
- LPA/22 – Proof of Evidence of Brian Woods
- LPA/23 – Proof of Evidence of Sue Sutherland

SCC DOCUMENTS

- SCC/1 – Surrey Design Guide (2000)
- SCC/2 – SCC Surrey Hills AONB Areas of Search (2013)
- SCC/3 – Draft Strategic Highway Assessment Report (June 2016)
- SCC/4 – Landscape Character Assessment (2015)
- SCC/5 – Surrey County Council Review of the Environmental Statement, Land at Waverley Lane, Farnham (June 2015)

FTC DOCUMENTS

- FTC/1 – Draft Farnham Neighbourhood Plan (Regulation 14) (October 2014)
- FTC/2 – Draft Farnham Neighbourhood Plan (Regulation 16) (July 2016)
- FTC/3 – Farnham Design Statement (2010)

APPELLANT DOCUMENTS

- APP/1 – Appellant's Statement of Case
- APP/2 – Proof of evidence of Colin Pullan
- APP/3 – Proof of Evidence of Jeremy Smith
- APP/4 – Proof of Evidence of Ben Kite
- APP/5 – Proof of Evidence of James Bevis
- APP/6 – Proof of Evidence of Asher Ross

INQUIRY DOCUMENTS

- INQ/1 – Statement of Common Ground between Appellant and Waverley Borough Council
- INQ/2 – Statement of Common Ground between Appellant and Surrey County Council
- INQ/3 – S106 dated 25 October 2016
- INQ/4 – Opening Statement of LPA
- INQ/5 – Opening Statement of Appellant
- INQ/6 – WBC Five Year Housing Land Supply Statement 1 July 2016
- INQ/7 – Appeal Decision Low Lane, Farnham APP/R3650/W/15/3136799
- INQ/8 – Appeal Decision Land north of Birchen Lane APP/D3830/W/15/3137838
- INQ/9 – A3 Bundle of application plans
- INQ/10 – Inspector's Main Issues
- INQ/11 – Statement of Pamela Woodward
- INQ/12 – Statement of Pamela Pownall
- INQ/13 – Statement of Zofia Lovell
- INQ/14 – Letter from Abbots Ride Land Ltd
- INQ/15 – Statement by Noel Moss
- INQ/16 – Tables by Mr Macleod
- INQ/17 – Statement by Mr and Mrs Burgess
- INQ/18 – Presentation by Martin Angel
- INQ/19 – Cuckfield Landscape Character Assessment
- INQ/20 – Statement by Cllr Cockburn
- INQ/21 – Statement by Cllr McLeod
- INQ/22 – TPO NO.04/16
- INQ/23 – Statement of Tony Fullwood
- INQ/24 – Title register and plan SY826986
- INQ/25 – Plan designations with capacity study boundary overlay (Segment FN1)
- INQ/26 – Agenda for housing land supply round table
- INQ/27 – Updating Statement on behalf of Waverley Borough Council regarding the housing position
- INQ/28 – Further Statement of Mark Hewett
- INQ/29 – Further Statement of Asher Ross
- INQ/30 – Waverley Rationale on updated HLSA
- INQ/31 – Statement of Mr Griffiths
- INQ/32 – Extract of Topic paper 6
- INQ/33 – Surrey LCA with Capacity Study Boundary Overlay (Segment FN1)
- INQ/34 – Plan showing hedgerow to be retained and removed
- INQ/35 – Waverley's chronology of key dates
- INQ/36 – Appendix 2 of the May 2016 Farnham Land Availability Assessment
- INQ/37 – Addendum – Waverley rationale on updated HLSA
- INQ/38 – Waverley's further updating note for Inspector following housing round table discussion
- INQ/39 – Statement of Lynne Griffiths
- INQ/40 – Statement of Cllr Frost
- INQ/41 – Officer report Land at Eldon Farm, Elmbridge Road, Cranleigh 10 August 2016
- INQ/42 – Officer report Shortfield House, Hamflash Lane, Frensham
- INQ/43 – Waverley Land Availability Assessment August 2016
- INQ/44 – WBC Land Availability Assessment 2016 Appendix 1
- INQ/45 – Appendix C of Waverley Pre-submission Local Plan Part 1: Strategic Policies and Sites (July 2016) Housing Trajectory 2013-2022
- INQ/46 – Appellant's further update on HLS
- INQ/47 – Topic Paper 6
- INQ/48 – WBC's Position Statement on housing land supply for Waverley Lane appeal hearing dated 9 September 2016
- INQ/49 – Appellant's review of the Council's Position Statement on housing land supply dated 16 September 2016
- INQ/50 – Appellant's landscape update 16 September 2016
- INQ/51 – Statement of Common Ground on HLS matters dated 23 September 2016
- INQ/52 – string of emails between Pamela Pownall and EA
- INQ/53 – Email from Cllr MacLeod and Appeal decision APP/R3650/W/16/3146750
- INQ/54 – Appeal decision APP/B1605/W/14/3001717
- INQ/55 – Letter from Noel Moss (BGC) dated 22 September 2016
- INQ/56 – Letter from Farnham Society dated 5 October 2016

INQ/57 – Comments by Andy MacLeod on HLS SoCG including Civitas Article and Live Table 244
INQ/58 – Letter from Farnham Town Council re: appointment of Examiner dated 31 September 2016
INQ/59 – Letter from SOFRA dated 19 September 2016
INQ/60 – Submission of Robin Broadway dated 19 October 2016
INQ/61 – Highway Infrastructure Contributions justification dated 23 August 2016
INQ/62 – SCC CIL Education Infrastructure Justification Statement dated 8 July 2016
INQ/63 – Environmental Improvements Contributions Justification
INQ/64 – Farnham Town Centre Conservation Area Management Plan
INQ/65 – Draft planning conditions dated 19 October 2016
INQ/66 – Additional sites for Inspector to visit
INQ/67 – Closing statement of LPA
INQ/68 – Closing Statement of Appellant
INQ/69 – Additional points of Appellant in response to LPA closing
INQ/70 – Costs submission of Appellant
INQ/71 – Costs response by LPA
INQ/72 – Footnote 11 of the NPPF – Agreed relevant legal references
INQ72A – St Modwen Developments Ltd v SSCLG & E Riding of Yorkshire Council
INQ72B – Wainhomes (South West) Holdings Ltd v SSCLG & Wiltshire Council
INQ/73 – Letter of representation: Peter Bridgeman – dated 12 February 2016 (numbered as an Inquiry document for ease of reference in report)

ANNEX C: Schedule of recommended planning conditions [Condition 1 – 19]

Approval of details

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. The reserved matters submitted in accordance with condition 1 and details submitted in accordance with any other condition of this planning permission shall be in general accordance with the principles outlined in the following documents and drawings: -
 - a) Site Location Plan (Drawing No CB_10_0001_PL00)
 - b) Land Use Parameter Plan (Drawing No CB_10_0001_PL005 Rev K)
 - c) Building Height Parameter Plan (Drawing No CB_10_0001_PL06 Rev F)
 - d) Landscape & Public Open Space Parameter Plan (Drawing No CB_10_0001_PL07 Rev H)
 - e) Access & Movement Parameter Plan (Drawing No CB_10_0001_PL08 Rev D)
 - f) Density Parameter Plan (Drawing No CB_10_0001_PL09 Rev E)
 - g) Landscape Layout Plan (Drawing No 2518-LA-01 Rev D) by Allen Pyke Associates
 - h) Arboricultural Implications Report SJA air 14149-02 and Tree Protection Plans SJA TPP 14149-03 (within the report)
3. The development hereby permitted shall be carried out in accordance with the approved Site Access Plan (Drawing No ITB9198-GA-015 Rev B by i-Transport). The works associated with this Plan shall be carried out prior to any other works.

Timings

4. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this planning permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Phasing

5. Prior to the commencement of any part of the development hereby permitted, details of a Programme of Phased Implementation shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed Phasing Programme. The Phasing Programme shall indicate the timing of construction of the scheme phases, including the provision of associated external works, commensurate with the phases and associated areas/uses being brought into use.

Construction

6. No development shall take place until a Construction Environmental Management Plan, to control the environmental effects of the construction work, has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall include:
 - a) An indicative programme for carrying out the works (including measures for traffic management)
 - b) The arrangement for public consultation and liaison during construction works
 - c) Measures to minimize the noise (including vibration) generated by the construction process to include days and hours of work, proposed method of piling for foundations, the selection of plant and machinery and use of noise mitigation barrier(s)
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e) On-site parking for vehicles of site personnel, operatives and visitors
 - f) On-site loading, unloading and storage of plant and materials
 - g) HGV delivery arrangements, routing and hours of operation, including measures to minimize interaction within school hours
 - h) Measures to prevent the deposit of materials on the highway
 - i) On-site turning for construction vehicles
 - j) Measures to control the emission of dust and dirt during construction
 - k) A scheme for recycling/disposing of waste resulting from construction works
 - l) Before and after construction condition surveys of the highways and a commitment to fund the repair of any damage caused
 - m) Precautionary Method of Working for vegetation clearance
 - n) No burning of materials on site during the construction of the development

Parking and Travel

7. Any housing unit hereby approved shall not be first occupied until its respective car parking space/s, and any required turning facilities, have been laid out in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Thereafter, the parking/turning areas shall be retained for their designated purpose.
8. Any housing unit hereby approved shall not be first occupied unless and until the following facilities in respect of that housing unit have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority:
 - a) The secure parking of bicycles within the development site; and
 - b) The provision of a safe route for pedestrians/cyclists to travel within the development site.

9. Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the local planning authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's 'Travel Plans Good Practice Guide', and in general accordance with i-Transport's Framework Travel Plan document dated June 2015. The approved Travel Plan shall then be implemented prior to the first occupation of the development, and for each and every subsequent occupation of the development, and thereafter shall be maintained for as long as the development remains in existence.

Sustainability Measures

10. Prior to the commencement of development, full details including timing of a scheme for the provision of Electric Vehicle Charging Points and their number within the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained for as long as the development remains in existence.

Foul Drainage

11. Development shall not commence until a drainage strategy detailing any on-site and/or off-site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from a housing unit shall be accepted into the public system until the drainage works in respect of such housing unit referred to in the strategy has been completed.

Surface Water Drainage / Flooding

12. Development shall not begin until a surface water drainage scheme for the site, based on the agreed Flood Risk Assessment - Land at Waverley Lane, Farnham, dated 11 March 2015, (reference number C82945 WAV RE002 - prepared by JNP Group) and the Proposed Drainage Strategy, dated 12 March 2015, (prepared by JNP Group) has been submitted to and approved in writing by the local planning authority. The scheme shall include the following: -
- a) More vulnerable development will only be located within flood zone 1
 - b) There will be no land raising within flood zone 3
 - c) A timetable for implementation and

The scheme shall subsequently be implemented in accordance with the approved details and in accordance with the approved timetable before the development is completed.

Archaeology

13. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.

Landscaping

14. No development shall take place until a detailed landscaping scheme, based on the Landscape Layout Drawing WLF1 prepared by SLR, has been 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 commencement of the development or as otherwise agreed in writing with the local planning authority and maintained for a period of five years after planting. Such maintenance shall include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the local planning authority, seriously damaged or defective. Such replacements shall be of the same species and size as those originally planted.
15. A landscape management plan, including long term design objectives and maintenance schedules for all landscape areas in each phase of the development, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or the phase of the development to which the submitted plan relates. The landscape management plan shall be carried out as approved.
16. No development shall take place until a scheme for the protection of existing trees and hedges which are to be retained within the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Ecology

17. Prior to the commencement of the development, a further badger survey shall be carried out to check for any new setts and the findings shall be submitted in writing to the local planning authority. In the event of any new setts, a scheme of mitigation and/or compensation works, and their timing, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
18. Prior to the commencement of the development, a Reptile Mitigation Strategy including a potential translocation strategy for the northern field shall be submitted to and approved by the local planning authority. The Strategy shall be carried out in accordance with the approved details.
19. Prior to the occupation of any of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority for a scheme of proposed lighting to the public spaces. For the avoidance of doubt, the scheme of lighting shall include all public open spaces as well as roads and paths within the development, but shall not relate to any lighting associated with private dwellings or land within their curtilage.

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Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.