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## Appeal Decision

Hearing Held on 12 October 2023

Site visit made on 12 October 2023

**by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 November 2023**

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**Appeal Ref: APP/R3650/W/23/3324112**

**Land rear of Monkton House (formerly Bindon House), Monkton Lane, Farnham GU9 9ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Cove Construction Ltd against the decision of Waverley Borough Council.
  - The application Ref WA/2021/02902, dated 10 August 2021, was refused by notice dated 16 December 2022.
  - The development proposed is "outline application with all matters reserved except access for the erection of 56 dwellings (of which 40% are affordable – 23 dwellings)."
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### Decision

1. The appeal is allowed and planning permission is granted for "Outline application with all matters reserved except access for the erection of 56 dwellings (of which 40% are affordable – 23 dwellings)" at land rear of Monkton House (formerly Bindon House), Monkton Lane, Farnham GU9 9ND in accordance with the terms of the application, Ref WA/2021/02902, dated 10 August 2021, subject to the following conditions attached in Schedule A of this decision.

### Procedural Matters

2. The application was for outline planning permission with access to be determined at this stage, and all other matters reserved for future consideration. A visibility splay plan shows various accesses onto Monkton Lane and highway works. Potential pedestrian accesses in relation to neighbouring Hale Road and a track with adjacent allotments is shown. Submitted site layout framework, master, general arrangement and landscape plans illustrate possible housing layout and landscaping. During the Council's determination of the application, the number and tenure of dwellings was changed and the above description of the proposal reflects the amendment made.
3. A section 106 agreement dated 27 September 2023 relates to the provision of affordable housing, cycle and public transport financial assistance to the new residents, public open space provision and management, and Sustainable Drainage Systems (SuDS). It also relates to Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation measures for the Thames Basin Heaths Special Protection Area (TBHSPA).

## **Main Issues**

4. The main issues are (a) whether the site is an acceptable location for housing, having regard to the effect of the proposal on the character and appearance of the area and whether it would lead to increased coalescence of settlements; (b) the provision of affordable housing; and (c) the integrity of the TBHSPA, the Wealden Heaths SPA (WHSPA) and Wealden Heaths Special Area of Conservation (WHSAC).

## **Reasons**

### *Planning Policy*

5. The development plan comprises the Waverley Borough Local Plan Part 1 Strategic Policies and Sites (LPP1), adopted 2018, Waverley Borough Local Plan Part 2 Site Allocations and Development Management Policies (LPP2), adopted 2023 and the Farnham Neighbourhood Plan (FNP), made in 2020.
6. LPP1 Policy ALH1 sets out the provision for at least 11,210 dwellings up to 2032 (590 dwellings per annum). LPP1 Policy SP2 seeks to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner. This is to be achieved by, amongst other matters, avoiding major development on land of the highest amenity and landscape value, focussing development at the main settlements and allocating strategic and additional sites, including through an adopted LPP2 and NPs. Housing allocations are made under LPP2 and the FNP to meet the housing requirements of LPP1 Policy ALH1.
7. Explanatory text at paragraph 5.16 of the LPP1 recognises that there are limits to which the main settlements can accommodate the Borough's housing needs and that some expansion of settlements through the development of suitable sites on the edges will be necessary. Main parties have agreed that the proposal does not conflict with LPP1 Policy SP2.
8. However, the proposed housing would be outside the Built Up Area Boundary (BUAB) under FNP Policy FNP10 where development is only permitted in accordance with certain specific policies, which are not applicable here, Therefore, the proposal conflicts with this policy. FNP Policy FNP14 is a permissive policy relating to housing allocations within the FNP and thus, it is not relevant.
9. LPP1 Policy RE1 recognises the intrinsic character and beauty of the countryside, and the safeguarding of this. LPP1 Policy RE3 requires development to respect and, where appropriate enhance the distinctive character of the landscape in which it is located. The appeal site is located within an Area of Strategic Visual Importance (ASVI) and for ASVIs, this policy states their appearance will be maintained and enhanced. Explanatory text indicates ASVIs need protection because of the crucial role they play in preventing the coalescence of settlements and penetrate into urban areas like a green lung. They are strategic because of the part they play in retaining the character of settlements.
10. LPP2 Policy DM15 indicates development should recognise natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements.

11. On matters of character and visual impact, FNP Policy FNP10 states priority will be given to protecting the countryside from inappropriate development. It also indicates development will only be permitted if development enhances the landscape value of the countryside, and where new planting is involved, use appropriate species. Amongst other matters, FNP Policy FNP1 requires high quality design, to safeguard the distinctive character of Farnham and follow the guidance of the Farnham Design Statement. This policy would be addressed as part of reserved matters given its overly detailed design nature.
12. FNP Policy FNP11 seeks to prevent coalescence between certain settlements but also indicates proposals outside of the BUAB will be assessed in terms of their impact upon visual setting and landscape features.

### *Character and appearance*

13. The appeal site comprises an area of grassland which is located between Monkton Lane and a long track with allotments beyond, along Weybourne Road (B3007) and the Six Bells Roundabout. It flanks onto Hale Road (A325) to the west and a further part of Weybourne Road to the east. Monkton Lane stops short of Hale Road and at this road end, contains housing, including Hale Farmhouse, that mostly back onto the site. There is a strong landscape framework of mature trees and hedgerows around the boundaries of the site along Monkton Lane, neighbouring allotments, Hale Road and Weybourne Road. Electricity pylons and lines are located around the bottom part of the site where it is adjacent to the track and allotments.
14. In the surrounding area, there is an 'all weather' sports pitch, playing fields and pitches, with flood lighting, and a children's day nursery on the other side of Monkton Lane. Beyond Weybourne Road, lies Monkton Farm, a health club, a town football club and sewerage works. To the north of the site, there is the built-up area of Farnham.
15. Under the Surrey Landscape Character Assessment: Waverley Borough 2015, the appeal site lies within Landscape Type (LT) LF Rolling Clay Farmland and then at a smaller scale, LF6 North Farnham Rolling Clay Farmland Landscape Character Area (LCA). The appeal site and surroundings share characteristics with these landscape categorisations, but they are broad limiting their value and relevance. At a finer scale, the Farnham Landscape Character Assessment (FLCA) 2018 subdivides the LCA LF6 designation into several parcels, with the site being located within 17, the East Farnham Mosaic area. It details sports pitches and playing fields, and other areas, include sewage works, a substation, small fields in pasture and urban edge land uses, which reflects the appeal site and surroundings.
16. In terms of visual receptors, there are Public Right of Ways (PRoWs) and footways along roads and the neighbouring roundabout, residential properties and St John's churchyard. In terms of importance, these would be high for recreational walkers using the PRoWs and less for pedestrians and residents.
17. The outline proposal would be for 56 dwellings with a main access off Monkton Lane. The illustrative plans shows a significant area of the site to be for open space, play space and SuDS, including attenuation pond, alongside the track and allotments, Hale Road and some of the properties on Monkton Lane/Hale Road. There would also be additional landscaping to complement and enhance the landscape character and appearance of the area. Around the main access,

some trees would be replaced behind necessary highway visibility splays. The plans show development could be set back from the site's boundaries to the west (Hale Road) and south, and contained within a strong enhanced landscape framework.

18. In the immediate surroundings, the character of the site and surroundings would change due to the loss of countryside, but the landscape quality of the site and surrounding area is heavily influenced by the urbanising effects of the nearby built-up area, urban fringe developments, as identified in the FLCA Mosaic area, including roads. There would be significant development, but the adverse effects would be small given this context, the siting of the housing away from the site's boundaries, especially to the south and west, and the landscaped nature of the site and surroundings, which would be enhanced.
19. Hale has attractive traditional buildings, including the church, and the appeal site appears undeveloped and attractively landscaped along Hale Road towards Lower Hale. Nevertheless, the landscaped nature of the site would be retained and enhanced along its roadside boundary, including the small gap in the hedgerow, and the housing development could be set back from the boundary of the site. Thus, the developed site would still be attractively landscaped and there would be no detrimental change in character. The effects on the wider landscape character would be minimal due to well-established landscaping and the gently undulating topography of the area.
20. Both the FLCA and the Council's Statement on Landscape and Visual Effects (SLVE)<sup>1</sup> indicates a medium landscape value and sensitivity for the character of the Mosaic area. However, the strong urban influences, the BUAB, developments such as sports and playing pitches, with flood lighting, nursery, roads and the lack of distinctive landscape features result in a mixed urban fringe character of a low quality. The site also has a strong sense of physical containment and lack of prominence. These qualities and features indicate that the site has capacity to absorb development and that the susceptibility, value and sensitivity of the landscape to change would be low as indicated by the appellant's Landscape and Visual Assessment (LVIA)<sup>2</sup>.
21. The effects of the development would be significantly reduced by reason of the landscaped context of the site and plans illustrating that housing development could be stepped back from boundaries. With a medium magnitude of change, the appellant's LVIA conclusions on the effect of the proposal as Moderate/Minor Adverse in Year 1 and Minor Adverse in Year 10 are realistic and accurate for these reasons. In comparison, the Council's SLVE results of Substantial Adverse Effect and Moderate Adverse Effect in years 1 and 10 would be too high. These conclusions are supported by those of an Inspector and the Secretary of State on a previous 'called-in appeal decision'<sup>3</sup> for a similar scheme where development impact was considered 'slight adverse'.
22. Visually, the landscaping even in winter, provides an effective screening of views from walkers, pedestrians and residents. Walkers would have high sensitivity, but the PRow's are located to the south of the roundabout and

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<sup>1</sup> Statement on Landscape and Visual Effects (SLVE), Land rear of Monkton House (formerly Bindon House), Petrow Harley, July 2023

<sup>2</sup> Landscape & Visual Impact Assessment (LVIA), Proposed residential Development, Monkton Lane, Farnham, Aspect, April 2021.

<sup>3</sup> Appeal Reference: APP/R3650/W/16/3152620 Land to the rear of Bindon House, Monkton Lane, Farnham, Surrey GU9 9AA, dated 29 March 2019.

distant from the site. Views of the development on Hale Road would be filtered by vegetation which would be enhanced. Along Monkton Lane, there would be a greater impact, but the lane already has built residential development along it and the intervening boundary vegetation would be retained and enhanced. From the churchyard on Hale Road, views towards the proposed development would be significantly filtered by the presence of intervening built form and vegetation. There would be views of the development from neighbouring properties, but new dwellings would be set back from common boundaries, often with intervening vegetation, and in any case, such views would be private. For all these reasons, the visual impacts would be no greater than moderate supporting those detailed in the appellant's LVIA.

23. As identified by third parties, the appeal site lies between Farnham and Hale, with Hale Road being a major route between the two settlement areas. However, as found by the Secretary of State and Inspector on previous appeal scheme, there would be not any significant coalescence between these two settlement areas. The illustrative plans show development could be set back from the site's boundaries and contained within a strong enhanced landscape framework. Such factors would ensure the physical and visual separation between settlement areas and no harm to the ASVI in respect of coalescence.
24. Notwithstanding this, there would be adverse effects on the character and appearance of the area, including the ASVI, and although this would be localised and small, this would result in conflict with Policies RE1 and RE3 of the LPP1, Policy DM15 of the LPP2, Policies FNP10 and FNP11 of the NP. In the planning balance, such harm will be assessed in relation to other material considerations.

#### *Affordable Housing provision*

25. An obligation would provide 40% affordable housing provision on the site which is above the 30% requirement detailed in LPP1 Policy AHN1. In consultation with the Council's Housing Officer, the obligation secures an acceptable housing mix and tenure, including for First Homes.
26. Although third parties indicate significant affordable housing in neighbouring Council areas, the appellant's Affordable Housing Statement<sup>4</sup> details a large shortfall in affordable home provision in the Borough. A total of 445 affordable homes were completed between 2013 to 2020 but over this period, there was a shortfall of 1,753 homes, based on a need for 314 homes per annum set out in the West Surrey Strategic Housing Market Assessment 2015. As of March 2022, there are 1,058 households on the Council's Housing Register.
27. For the Farnham Sub-Area, there were 183 affordable homes provided and a shortfall of 594 affordable homes during this period, based on a need of 111 affordable homes per annum. Furthermore, affordability indicators for property show a worsening situation for those at the entry level of the market. For all these reasons, the affordable housing part of the proposal would represent a significant benefit and the proposal would comply with Policy AHN1 of the LPP1.

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<sup>4</sup> Affordable Housing Statement, Land rear of Bindon House, Monkton Lane, Farnham, Waverley, Tetlow King, July 2021.



*Special Protection Areas and Special Area of Conservation*

28. The TBHSPA consists of fragments of lowland heathland, predominantly dry and wet heath, deciduous woodland, gorse scrub, acid woodland, mire, and conifer plantations and is designated for its population of breeding Nightjar, Woodlark and Dartford Warbler. The Wealden Heaths SPA (WHSPA) comprising Thursley, Hankley and Frensham Commons has the same qualifying bird species. The Wealden Heaths Special Area of Conservation (WHSAC) comprising Thursley, Ash, Pirbright and Chobham Commons is designated for Northern Atlantic Heaths, European Dry Heaths and depressions on peat substrates of the Rhynchosporion.
29. National Site Network objectives require the integrity of the sites to be maintained or restored as appropriate, and ensure that they contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution of the habitats of the qualifying features, the structure and function of the habitats of the qualifying features, the supporting processes on which the qualifying features rely, the population of each of the qualifying features, and the distribution of the qualifying features within the site.
30. Natural England (NE)<sup>5</sup>, a statutory consultee on ecological matters, comments that as long as the applicant is complying with Waverley's Avoidance Strategy<sup>6</sup> for the TBHSPA (through a legal agreement securing contributions for both SANG and SAMM), NE has no objection to this application.
31. For the TBHSPA, the site lies within 1.5km of the closest parcel of the SPA and the proposal would result in increased recreation pressure on this SPA. The adverse effects of recreation, such as dog walking, and urbanisation on the nesting of the identified birds is scientifically well-documented. Therefore, the proposal would have a significant effect, either alone, or in combination with other plans or projects on the internationally important features of this SPA. There would be conflict with the conservation objectives, and it cannot be ascertained that the integrity of the SPA would not be adversely affected.
32. This SPA lies close to A287 and with traffic derived pollutants, notably atmospheric and deposited nitrogen, and in combination with other developments, the proposed housing has the potential to affect habitats supporting the bird species. However, the Habitats Regulation Assessment of the LPP2 concluded no exceedance of the critical levels of atmospheric pollutants as a result of the plan and that local traffic makes negligible contribution to nitrogen deposition in the area. Furthermore, it is not a pathway identified by the avoidance strategy or NE's response. In respect of this pathway effect, it can be concluded that the proposed development would not have a likely significant effect. Nevertheless, the screening in respect of recreational disturbance and urbanising effects still necessitates the carrying out of further Appropriate Assessment for the TBHSPA.
33. Through the s106, contributions would be secured for the ongoing maintenance and enhancement of amenity provision at Farnham Park SANG, a substantial area of grassland, woodland and scrub, and SAMM provision in accordance with the avoidance strategy. Such SANG provision would draw visitors away from

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<sup>5</sup> Natural England response to appeal dated 13 July 2023.

<sup>6</sup> Thames Basin Heaths Special Protection Area Avoidance Strategy Review 2016 (last updated 2023), Waverley Borough Council.

- the SPA by providing an alternative recreational destination in close proximity to the development. In accordance with the strategy, the SAMM contribution would be for the promotion of SANG for recreation, education, the provision of wardens, bird and visitor monitoring. Contributions would be index-linked and paid at or prior to the commencement of development.
34. The appellant's Information to inform Habitats Regulations Assessment<sup>7</sup> details population monitoring from 2004 to 2021 which show populations stable (Woodlark), increasing (Nightjar) and increasing (Dartford Warbler) overall during this time period. A 2018 visitor survey showed a statistically significant drop in visitor numbers compared to 2005 to the SPA, despite an approximate 13% increase in housing numbers within 5km of it. Doubt has been expressed about the validity of such findings but in the absence of detailed contrary evidence, this empirical based survey is far more persuasive and compelling. The survey also found that residents of new housing made up a very small proportion of visitors which indicates that SPA users are largely made up of long-standing residents, who have become habituated to visiting the SPA over time.
35. The Thames Basin Heaths Joint Strategic Partnership Board comprises local authorities, NE as a delivery body, and the County Council as administrative body. It has endorsed a strategic delivery framework for the avoidance and mitigation measures within the Strategy and developed it in consultation with NE. Taking into account precautionary principles of the habitats regulations, the evidence indicates that the SPA strategy is successful. For all these reasons, the integrity of the TBHSPA would not be adversely affected as result of the mitigation secured for this development.
36. For the WHSPA and WHSAC, the designated areas are smaller, less fragmented and with significantly smaller number of dwellings closeby, compared to the TBHSPA. Consequently, bird species and habitats would be less vulnerable to edge effects of urban influences and the sites are under much less pressure from residential development. In their response, NE has submitted no objections in relation to the effects of the proposal on these sites. Therefore, there would not be likely significant effects arising from disturbance or atmospheric pollution/air quality on the qualifying interest features of these sites, even alone or in combination with other developments and there is no requirement for a full Appropriate Assessment for these particular designated sites.
37. For all these reasons, the proposal would comply with Policy NRM6 of the South East Plan 2009, Policies FNP12 and FNP13 of the FNP.

#### *Other matters*

38. The Council has a deficient 5 year housing land supply (5YHLS) of 3.89 for the period 2023 to 2028, a shortfall of 836 dwellings. Since the adoption of LPP1 and the Secretary of State decision in 2018, there have been shortfalls in the 5YHLS. The Council is now progressing with an update to the Local Plan (LP), with a view to submitting a new LP in Autumn 2026 and adoption at the end of 2027. However, such a LP is at the very early stages of preparation and in

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<sup>7</sup> Information to inform Habitats Regulations Assessment, Monkton Lane, Farnham, CSA Environmental, Report Ref: CSA/6737/01, October 2023

- terms of addressing housing supply issues, attracts negligible weight for this reason.
39. Within FNP area, the Council indicates that the number of dwellings on allocated sites without planning permission and windfall sites expected to be delivered over the plan period exceeds housing requirements. Third parties have detailed much residential development within the area through allocations within FNP, planning permissions, recent constructions and appeals in recent years. Further development has taken place in neighbouring Council areas.
40. However, there is a significant shortfall of housing in Waverley where there are landscape constraints and the strategy of the LPP1 and LPP2 is to focus development at main settlements, including Farnham. The LPP1 and NP housing requirements are not based on the Standard Methodology within the National Planning Policy Framework (the Framework), and thus will be greater than indicated at local policy level. Thus, the provision of 56 dwellings would make a meaningful and positive contribution to housing supply, according with policy at paragraph 60 of the Framework, which requires the supply of homes to be significantly boosted. Together, with the provision of much needed affordable housing, this contribution would result in substantial housing benefits.
41. Economic benefits would arise from jobs created from the construction process of the development and the financial spend of new residents in the local community. Residents of the development would have good access to these facilities and services within the area by sustainable transport. Provision of landscaping would provide green infrastructure and biodiversity net gains for the site. Although limited, the open spaces and footways would provide recreational benefits for residents from the surrounding area. Cumulatively, these benefits would add further, albeit in a small way, to the substantial housing benefits weighing in favour of the proposal.
42. The previous Secretary of State 'called in appeal decision' was dismissed but the reasons for this have now being superseded. In this regard, the Council no longer has an adequate 5YHLS and the FNP is greater than two years old, thus not triggering the then paragraph 198 of the Framework. This paragraph stated that where a planning application conflicts with a NP, that has been brought into force, planning permission should normally be refused.
43. The appellant's Addendum Transport Statement (TS)<sup>8</sup> demonstrates additional traffic generation and congestion would not be significant on neighbouring roads and junctions, especially at peak times. Given the no-through road status of Monkton Lane, traffic speeds would be low here and there would be no significant risk to safety of highway users in the vicinity of the appeal development. County Highways have raised no objections and there is no detailed technical information before me to refute their view and the TS. Therefore, there would be no unacceptable impact on highway safety and the residential cumulative impacts on the road network would not be severe.
44. The proposal would generate additional demand on local infrastructure, including schools, GP surgeries and dentists, but no objections to the proposal have been submitted by respective service providers. There have been no objections submitted from the County Council Education Authority. The site's

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<sup>8</sup> Addendum Transport Statement, Vectos, undated,



role in providing flood resilience in light of climate change has been cited. However, both the Environment Agency (in respect of ground water protection area) and Local Lead Flood Authority have raised no objections to the proposal on flooding grounds and planning conditions can be imposed to ensure acceptable drainage of the site. There is no local planning policy seeking retention of the site for playing fields.

45. The statutory consultee on sewage disposal has raised no objection subject to imposition of appropriate planning conditions. Matters of water supply are normally agreed between the respective utility company and developer, and in the absence of any adverse comments from this consultee, this would not be a justifiable reason to object to the proposal. The Council's Environmental Health Team have confirmed no requirement for a detailed Air Quality Assessment and that the impact on the Air Quality Management Area and air quality objectives is likely to be negligible. As a consultee, significant weight is attached to these comments and this would not be a reason to withhold planning permission.
46. As detailed in the Council's Officers report<sup>9</sup>, there are listed buildings and a locally listed building on Hale Road and Upper Hale Road to the north of the appeal development. They range from the substantial farmhouse (Hale Farmhouse) and surrounding buildings, farm labourer's cottages, to the neo-Romanesque Church of St John the Evangelist.
47. Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the setting of nationally listed Buildings. These buildings have lost their original rural context with more recent housing development and roads, such that significance and special interest derives little appreciation, if anything, from their settings. The illustrative plans show proposed dwellings set back from the Hale Farm complex, with additional landscaping. Based on this, the loss of the rural context and from what I observed on my site visit, the ability to appreciate or interpret the heritage significance and special interest of these buildings would not be affected by the development and there would no heritage harm.

### *Planning Obligations*

48. The s106 agreement provides obligations for affordable housing and TBHSPA mitigation to address needs in accordance with development plan policy and the Framework. Obligations would also provide cycle and public transport financial assistance to occupiers in accordance with sustainable transport Policy DM9 of the LPP2 and FNP30 of the FNP, and public open space provision and management, SuDS in accordance with infrastructure Policy ICS1 of the LPP1, design Policy DM4 of the LPP2 and Public Open Space Policy FNP27 of the FNP.
49. On this basis, these obligations are necessary to make the development acceptable in planning terms and the statutory tests of the Community Infrastructure Levy Regulations 2012 (as amended) and those of paragraph 57 of the Framework would be met. They are necessary, directly related to the development and fairly and reasonably related in scale and kind.

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<sup>9</sup> West Planning Committee, section 25, December 2022.

### *Planning Balance*

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
51. The proposal would boost housing supply and provide affordable housing in accordance with policies of the LPP1, LPP2 and FNP. There would be a small level of harm to the character and appearance of the area and conflict with Policies RE1 and RE3 of the LPP1, Policy DM15 of the LPP2, Policies FNP10 and FNP11 of the NP. By reason of the deficient 5YHLS, the weight to be given to the policy conflicts of the LPP1, LPP2 and FNP is reduced and moderate. Little weight can be given to the Council's attempts to address this through a new local plan. Nevertheless, the local plan policies recognise the intrinsic character and beauty of the countryside which national policy in the Framework advocates. Taken as a whole, the proposal would be contrary to the development plan.
52. As the Council has a deficient 5YHLS, the tilted test of paragraph 11 d ii. of the Framework would apply. In this regard, there would be harm to the intrinsic character and beauty of the countryside, but the benefits of the development would weigh substantially in favour of the proposal, especially those relating to housing. There would be a greater amount of affordable housing provided than required by the development plan and this would address an urgent need. The character and visual harm would be localised and small. Overall, the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Such a material consideration would be of sufficient weight to indicate that the appeal should be determined otherwise than in accordance with the development plan and planning permission should be granted.
53. In reaching this conclusion, various other appeal decisions submitted by parties, including at Lower Weybourne Lane<sup>10</sup>, Green Lane<sup>11</sup> and Oast House<sup>12</sup> have been considered. However, these decisions turn on particular issues, such as site circumstances and scale of proposals, which determines different weighting of considerations, planning balances, and consequently, conclusions and outcomes differ. Therefore, there are differences between these appeal proposals and that before me, and the decisions are not determinative in reaching the conclusions on the acceptability of the proposal before me.

### *Conditions*

54. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework and the advice in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. The appellant has raised no objection to these.

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<sup>10</sup> Appeal Reference: APP/R3650/W/22/3310793, Lower Weybourne Lane, Badshot Lea, Farnham, GU9 9LQ.

<sup>11</sup> Appeal Reference: APP/R3630/W/23/3316848, Land off Green Lane, Badshot Lea, Farnham, GU9 9JL.

<sup>12</sup> Appeal Reference: APP/R3650/W/22/3311453, Land to south of Oast House Lane, Upper Hale, Farnham GU9 0NW.

55. Conditions are attached limiting the life of the planning permission and set out the requirements of the submission of reserved matters in accordance with the Act. In respect of access, a condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt.
56. In the interests of ensuring acceptable foul water and surface water drainage, conditions are required for provision. Conditions for a construction method statement for development works and activities, and restriction on construction hours are necessary in the interests of the living conditions of residents and highway safety. To safeguard and enhance biodiversity, conditions are necessary to ensure compliance with an approved Construction Environmental Management Plan, Landscape Environmental Management Plan, Sensitive Lighting Management Plan, Invertebrate Enhancement Strategy, updated ecology assessment and biodiversity metric.
57. Conditions for vehicular and pedestrian access within the site and onto neighbouring roads and land are necessary in the interests of encouraging sustainable transport and highway safety. In the interests of highway safety, it is conditioned that space will be provided in the development to ensure vehicles enter and leave the site in a forward gear. To encourage sustainable transport, bicycle provision is required and Sustainable Travel Information pack. In the interests of archaeology, the implementation of a watching brief condition is necessary. Although part of reserved matters, it is necessary to condition requirements for updated arboriculture documentation given the time lapse between this consent and any reserved matters. A condition is necessary to ensure acceptable water consumption arising from the development in the interests of safeguarding a precious resource. To ensure acceptable play area provision, a condition is necessary in accordance with the s106 requirement. For acceptable refuse and recycling disposal and collection, a condition is necessary.
58. Provision of electric vehicle charging points is not necessary as this is required under building regulations. No condition is necessary for landscaping requirements as the proposed details would be covered under the landscape reserved matters. Similarly, approval of external materials would be dealt under the appearance reserved matter.

### **Conclusion**

59. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jonathon Parsons*

INSPECTOR

## Schedule A

- 1) Details of 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 takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 210420/SL/LP Rev A, 763ML01A, 210420/SL/FP Rev E, 210420/SL/MP Rev F, 215753\_PD01 Rev E, 215753 AT01 Rev E and 215753/PD02 Rev B (in so far as they relate to the approved access matter).
- 5) No development shall take place until details of a sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall comprise:
  - a) design storm period and intensity details, taking into account climate change and urban creep. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.6 l/s;
  - b) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
  - c) evidence that the water feature/course receiving flows from the site is in a suitable condition to receive flows and that any other existing watercourse(s) within the site are retained within accessible public areas;
  - d) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk;
  - e) details of drainage management responsibilities and maintenance regimes for the drainage system;
  - f) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 6) No development of the housing shall commence unless and until the main vehicular access onto Monkton Lane has been constructed and provided with:
  - (i) a means to prevent private surface water run-off from the site onto the public highway and a means to prevent surface water from entering private land from the back edge of the highway; and

(ii) 2.4m x 43m visibility splays in general accordance with drawing number 215753/AT01 Rev E, and thereafter the visibility splays shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for the:
- i) parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) programme of works (including measures for traffic management);
  - v) erection and maintenance of security hoarding behind visibility splays;
  - vi) HGV deliveries and hours of operation;
  - vii) bulk movement of materials to and from the site;
  - viii) vehicle routing;
  - ix) measures to control the deposit of materials on the highway;
  - x) before and after construction condition surveys of the highway and commitment to fund the repair of any damage caused; and
  - xi) on-site turning for construction vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should include, but not be limited to:
- a) a map showing the location of all of the ecological features;
  - b) a risk assessment of the potentially damaging construction activities;
  - c) practical measures to avoid and reduce impacts during construction;
  - d) location and timing of works to avoid harm to biodiversity features;
  - e) responsible persons and lines of communication;
  - f) use of protected fences, exclusion barriers and warning signs.

The development shall be carried out in accordance with the approved CEMP.

- 9) No development shall take place until a Sensitive Lighting Management Plan has been submitted to and approved in writing by the local planning authority. This plan shall ensure no net increase in external artificial lighting at primary bat foraging and commuting routes across the development site. The development shall be carried out in accordance with the approved plan.
- 10) No residential unit shall be occupied until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall provide details of either:



- (a) existing foul water capacity to serve the development, or
- (b) if capacity does not exist, a foul water development and infrastructure phasing plan, including network upgrades, where necessary, to accommodate additional flows.

Where a foul water development and infrastructure phasing plan is approved (as part of the foul water drainage scheme), no occupation of any dwelling shall take place other than in accordance with the full implementation of this plan.

- 11) No residential unit shall be occupied unless and until a verification drainage report, carried out by a qualified drainage engineer, has been submitted to and approved in writing by the local planning authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 12) No residential unit shall be occupied unless and until the following off-site highway works have been constructed in full accordance with drawing number 215753/PD01 Rev E:
  - (i) a 3.0m wide shared footway/cycleway link between the north eastern boundary of the site and Weybourne Road;
  - (ii) a 3.0m wide shared footway/cycleway link between the south western boundary of the site and Hale Road;
  - (iii) an uncontrolled pedestrian crossing with central refuge on the south side of the Weybourne Road junction with Monkton Lane;
  - (iv) an uncontrolled crossing on Monkton Lane and 2.0m wide footway to provide link to the existing footway on the northern side of Monkton Lane; and
  - (v) highway drainage infrastructure required to accommodate all the highway improvement works (i), (ii), (iii), and (iv) above, including any other necessary accommodation works required to facilitate the highway works.
- 13) No residential unit shall be occupied until space is laid out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.
- 14) No residential unit shall be occupied unless and until facilities for the secure parking of bicycles for housing within the development site has been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 15) Application for reserved matters shall include the layout of internal roads, footpaths, footways and cycle routes. Such details shall include the provision of visibility splays (including pedestrian inter-visibility splays) for all road users, pram crossing points and any required signage and road markings. There shall be no obstruction to visibility splays between 0.6m and 2m high above ground level. The

development shall be carried out in accordance with the approved details prior to the occupation of dwellings to which they relate and retained thereafter.

- 16) No residential unit shall be occupied unless and until a 3.0m wide shared footway/cycleway within the site linking Hale Road with Weybourne Road has been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 17) No residential unit shall be occupied unless and until a Sustainable Travel Information Pack (STIP) has been submitted to and approved in writing by the local planning authority. The approved STIP shall be issued to the first time occupier of each dwelling prior to occupation. The pack shall include details of: local public transport services and location of rail stations and local bus stops; local car club and lift sharing schemes; maps showing local walking and cycling routes and time isochrone maps showing accessibility to public transport, schools and local community facilities and information to promote the take-up of sustainable travel.
- 18) Reserved matters submission must be accompanied by a detailed Invertebrate Enhancement Strategy, updated Ecological Impact Assessment and Biodiversity Metric. The development shall be carried out in complete accordance with this ecological information provided and approved as part of the reserved matters application.
- 19) Reserved matters submission must be accompanied by Landscape and Ecological Management Plan (LEMP). The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to following:
  - a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for the implementation of the plan;
  - h) ongoing monitoring and remedial measures;
  - i) legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery;
  - j) monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
  - k) ecological enhancement plan; and
  - l) final Biodiversity Net Gain Strategy detail.

- 20) No machinery or plant shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site except between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday and not at any time on Sundays, Bank or Public Holidays.
- 21) No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority has been secured. Once approved the development shall be completed in accordance with the archaeology scheme and Archaeology Report, Southampton Archaeology Unit, Report 1092.
- 22) Prior to the commencement of development, further infiltration testing and ground water monitoring shall be carried out during the seasonal high for groundwater (February/March). The results of this monitoring and if any necessary mitigation shall be submitted to and approved in writing by the local planning authority. Should any mitigation measures be required, this shall be carried in full accordance with the timescales identified in the approved details.
- 23) Reserved matters applications must be accompanied by an updated arboricultural impact assessment, arboriculture method statement and tree protection plan. Such documents shall require details to include:
  - (a) confirmation of retained trees, works to retained trees and ground level changes within 15m of retained trees;
  - (b) soil and material storage, mixing areas, construction access, porta cabins/porta loos and parking areas outside of Root Protection Areas (RPAs) and 3m minimum distance of hedgerows;
  - (c) detail of interlocking/static ground protection construction specific to the required weight capacity of expected traffic loads within RPAs and minimum distance of 3m from retained hedges;
  - (d) detailed specification of facilitation pruning to provide clearance for demolition, scaffold access and construction vehicle activities to pre-empt branch breakage and bark damage;
  - (e) plans showing all additional electric, water, gas, telecommunications/TV/broadband cables, surface/SuDS and foul water drainage and other utility runs associated with this development; and
  - (f) site monitoring schedule.The development hereby permitted shall be carried out in accordance with the approved details.
- 24) No development shall commence unless and until the local planning authority has been notified in writing at least 2 weeks before any demolition/construction activities and associated vehicular movement commences within the site to ensure ground and fence protection is in place and in accordance with the approved arboriculture method statement and tree protection plan.
- 25) Prior to the first occupation of approved dwellings, details shall be submitted to and approved in writing by the local planning authority, to demonstrate that the water use for the completed development shall not

exceed 100 litres per person per day. The development shall be completed in accordance with the approved details prior to the occupation of the last permitted dwelling.

- 26) Reserved matters applications must be accompanied by a detailed scheme for the proposed public open space play areas, which is to include a proposed timetable for the implementation and details of the equipment provided. The development shall be carried out in accordance with the approved details and prior to the first occupation of the development, or in accordance with a timetable, to be agreed in writing by the local planning authority beforehand.
- 27) No dwelling shall be occupied until a detailed scheme for refuse and recycling has been submitted to and approved in writing by the local planning authority. The refuse and recycling provisions shall be fully provided in accordance with the approved scheme prior to the first occupation of the permitted development.

## **APPEARANCES**

### For Appellant

J C Burcher, Kings Counsel	No5 Chambers
D Murray-Wright	Turley
N Lloyd	Turley
B Wright	Aspect

### Local Planning Authority

C French	Waverley Borough Council
R Petrow	Petrow Harley

### Third Parties

D Howell	Resident
C Howell	County Councillor
G White	Farnham Town Council
J Hyman	District Councillor
J Cockburn	Town Councillor



## **Documents received at and after the hearing**

1. Letter from D Howell (third Party) dated 25<sup>th</sup> September 2023 enclosing appeal decision, appeal ref: APP/R3650/W/22/3311453, Land to south of Oast House Lane, Upper Hale, Farnham GU9 0NW.
2. Letter from Farnham Town Council dated 26<sup>th</sup> September 2023 enclosing the above appeal decision and Farnham Neighbourhood Plan map extract showing Built-Up Area Boundary (BUAB) and appeal decision sites.
3. Section 106 agreement dated 27 September 2023.
4. Appeal documents list, land to the rear of Monkton House, Monkton Lane, Farnham, Turley.
5. Statement of Common Ground (SoCG), finalised version received 4 October 2023.
6. Waverley Borough Council Officers report, WA/2021/02902, December 2022.
7. Waverley Borough Council 5 Year Housing Land Supply Position Statement, base date 1 April 2023, published October 2023.
8. Letter from Councillor J Hyman dated 9 August 2023.
9. Correspondence from Turley dated 10 October 2023, highlighting the above SoCG by the Council and encloses SoCG with amendments of the Council.
10. Correspondence from Turley dated 11 October 2023, enclosing BUAB with appeal decision sites, a 'clean' SoCG, document titled Information to inform Habitats Regulation Assessment, CSA environmental, report reference CSA/6737/01, October 2023, and North Wiltshire v SSE & Clover (1993) 65 P. CR.137.
11. Site visit route map, Turley, received 11 October 2023.
12. Correspondence from Turley received 11 October 2023 with enclosed appeal decision, Appeal Ref: APP/R3650/W/22/3291589, The Old Mission Hall, Hookstile Lane, Farnham GU9 8LG.
13. Cllr C Howell's map showing the history of recent developments coming forward for the area, received at hearing.
14. Updated Map from Turley showing the location of housing appeal decisions within area received at hearing.
15. Cllr Hyman Hearing Statement, 3324112 Monkton House, dated 12 October 2023.
16. Closing submissions by the Appellant, J C Burcher, Kings Counsel, No5 Chambers.