



Appeal Decision

Site visit made on 17 August 2010

by **R C Shrimplin**
MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL

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

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Decision date:
15 October 2010

Appeal Reference: APP/R3650/A/10/2121042 Land off Hale Road, Farnham, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Woodland Green Limited against the decision of Waverley Borough Council.
- The application (reference WA/2009/1407, dated 29 September 2009) was refused by notice dated 21 December 2009.
- The development proposed is the "change of use of land to cemetery and woodland burial site".

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1. I allow the appeal and grant planning permission for the "change of use of land to cemetery and woodland burial site" of land off Hale Road, Farnham, Surrey in accordance with the terms of the application (reference WA/2009/1407, dated 29 September 2009) and the drawings submitted therewith, subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. I have concluded that there are two main issues to be determined in this appeal. The first is the effect of the proposed development on the archaeological and historic environment, while the second is its effect on the surroundings generally (including its effect on nearby residential properties).

Reasons

3. I am conscious that, on appeal, the Secretary of State (by whom I am appointed) "may deal with the application as if it had been made to him in the first place" (Town and Country Planning Act 1990, Section 79). In this instance, the Borough Council's single reason for refusal is concerned only with the archaeological and historic environment. On the other hand, there have been a very considerable number of objections by local residents, including detailed and substantial criticisms of the project, as well as letters of support for the scheme. Hence, I am convinced that I must also consider the general principle of the scheme and its likely impact on the surroundings generally (including its effect on nearby residential properties).
4. The appeal site is an extensive area of open land, crossed by hedges and set with some mature trees. It is predominantly open grassland, sloping gently upwards from the main road, Hale Road. The site is located on the outskirts of Farnham, plainly outside the built up limits of the town, where countryside policies apply.



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5. The appeal proposals would involve the creation of a "cemetery and woodland burial site" extending across the whole of the site, though various zones would be treated differently. Part of the land would have the more formal character of a traditional cemetery, while other areas are intended to form "wild flower meadow glades" and significant structural landscaping is also proposed, in the form of "woodland copse areas". Existing hedges and trees would be incorporated into the landscape design.
6. Evidently, the creation of the project would involve significant works and some on-going works would be required as the use of the cemetery and burial site evolves. I am convinced, nevertheless, that the project would preserve the rural nature of the setting and maintain its countryside character, provided that it is carefully designed and executed in detail. I also accept that, in general, the future use of the site would not cause undue disturbance to nearby properties, provided that it is subject to certain operational restrictions.
7. In principle, then, I am convinced that the proposed "cemetery and woodland burial site" would be an appropriate use of land in the countryside, in terms of planning policy. Indeed, it may fairly be described as a "community facility" which would be appropriately located in the countryside. Hence, I accept that the project would comply with the provisions of the Development Plan, in principle, and notably with Policy C2 of the Waverley Borough Local Plan 2002.
8. I have been made aware, of course, that the Council have granted planning permission, subject to conditions, for "change of use of agricultural land to cemetery and woodland burial site" (reference WA/2010/0166, dated 5 May 2010), subsequently to their original refusal of planning permission for the appeal proposals. Arising from that, I have noted a relatively minor discrepancy in the site boundary (as shown on the plans relating to this appeal) but I have concluded this can be taken into account in preparing the detailed landscape proposals and I have dealt with the application as it comes before me.
9. It is, therefore, necessary to consider certain detailed aspects of the proposals. In doing so, I have taken account of the principles of 'Circular 11/95: The Use of Conditions in Planning Permissions', since I am conscious that, in some cases, the imposition of conditions can overcome detailed planning objections to a particular proposal. Evidently, the Council have put forward various suggestions for conditions, including the conditions which were attached to the planning permission granted in May 2010, without prejudice to their basic concerns about the project.
10. The Council's Refusal Notice for the application and their Statement for the appeal identify their concern based on the failure of the applicant to submit an archaeological assessment or report (at that time). Subsequently, a formal Archaeological Evaluation Report by Wessex Archaeology has been submitted in the context of this appeal, concluding that the site has a "low archaeological potential". I accept that the legitimate concerns raised by the Council, in respect of the archaeological considerations, have been properly addressed by this study.

11. A number of concerns are raised by (or on behalf of) interested persons, regarding the impact of the finished scheme on the landscape (including its impact on wildlife). Evidently, more detailed material is required, in due course, to enable the design intentions expressed in the submitted drawings and other material to be brought to fruition. The "Landscape Strategy Proposals" and "Landscape Proposals – Zoning Plan" do not provide a fully detailed landscape design. I accept that there is potential for the site to be well landscaped in its setting but I am also persuaded that conditions are required to ensure that a suitable planting layout is achieved and subsequently becomes established. Such details will, evidently incorporate various landscaped buffer areas, whether set with trees or other plants, as appropriate in any particular location.
12. I am, nevertheless, convinced that the 10 metre "Landscaped Buffer strip" along the northern boundary of the site, shown on the "Landscape Strategy Proposals" drawing, would be inadequate to safeguard the privacy and amenity of adjoining residential properties whose gardens are not particularly large. For the avoidance of doubt, therefore, I have imposed a specific condition to require a buffer zone of 30 metres in width and I am convinced that such a condition can properly be imposed on this permission.
13. I accept that the landscape design should be founded on principles of natural appearance and irregular layouts. Nevertheless, it is unnecessary for the design approach to be precisely identified in conditions, since the detailed proposals will require specific approval, in due course.
14. Details of the hard landscaping features also need to be incorporated into a comprehensive scheme, including details of paths, benches, driveways and so on. Details of the proposed boundary treatment for different parts of the site will also need to be included. The final scheme may need to incorporate lighting or other servicing provision, which should also be included in the proposals. Details are not only needed to ensure a good appearance for the finished scheme but also, in the case of hard surfacing, to ensure that groundwater run-off does not give rise to localised flooding problems.
15. All these hard and soft landscaping details can usefully be included in a comprehensive design scheme and I have, therefore, adopted this approach to the framing of the relevant conditions. At the same time, a landscape management plan is required, in order to ensure that the approved scheme is properly executed and that it becomes well established; though I am not able to impose a condition to require the permanent maintenance of the land. Hence, I have imposed a set of conditions to deal with landscaping, varying those suggested by the Borough Council.
16. Concerns have also been raised about potential disturbance being caused to residents, arising from the use of the site, and I am also persuaded of the need to impose conditions restricting visiting times and limiting the hours of working (which also applies to digging operations carried out for the landscaping of the site).

17. I acknowledge the need for a condition to regulate the depth of proposed burials, in order to protect neighbours' amenities (and, incidentally, to prevent groundwater contamination).
18. During the course of the appeal, concerns have also been raised about security, but I am not convinced that there is any clear evidence that it is necessary to impose a condition to address these concerns or that an enforceable condition could be devised (though fencing will evidently be required as part of the landscaping scheme). If problems of anti-social behaviour arise in any locality, such matters would be dealt with by other means.

Conclusions

19. The contribution that the appeal scheme would make to economic activity and the new facility that would be created both weigh in favour of the appeal. It would not be in conflict with the Development Plan, in principle. Moreover, in my opinion, the objections to the scheme which have been raised can be overcome by the imposition of suitable conditions. Hence, I have concluded that the scheme before me can properly be permitted, subject to conditions.
20. I have considered all the matters raised in the representations but I have found nothing to cause me to alter my decision.

RC Shrimplin

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans (otherwise than as set out in this decision and conditions):
 - D&M 1 Location Plan;
 - Landscape Proposals – Zoning Plan: drawing no. 228/011A;
 - Landscape Strategy Proposals: drawing no. 228-012.
3. No development shall take place until full details of both hard and soft landscape works for the whole site (including an implementation programme and phasing plan), in a comprehensive landscaping scheme, have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail.
4. Without prejudice to the generality of condition number 3, the details of the hard landscape works to be submitted in connection with that condition shall include details of the paths, driveways, parking and turning area, benches, litter bins, enclosures, structures, storage provision (if any), lighting (if any), functional services above and below ground, boundary treatment and access design.
5. Without prejudice to the generality of condition number 3, the details of the soft landscape works to be submitted in connection with that condition shall include details of all existing trees and hedges (and details of the method of protecting them during the course of the work); existing field drains and related buffer zones; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); and schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate).
6. The details of the landscape works to be submitted in connection with condition number 3 shall include a buffer zone along the northern boundary of the site at least 30 metres wide from the site boundary with any residential property. No burials or other activities shall take place within this buffer zone.
7. The implementation programme and phasing plan referred to in condition number 3 shall provide for the planting of the proposed buffer zone along the northern boundary of the site to take place within the first planting season following the commencement of development and for the remainder of the planting to be carried out in accordance with a phasing plan to be included in the approved details. If the proposed buffer zone is not planted in accordance with the timetable established by the approved implementation programme, all burials on the site shall cease until the approved planting has taken place in this buffer zone.
8. No burials on the site shall take place until the boundary treatment (including fences) included in the landscaping scheme referred to in condition number 3 has been completed in accordance with the approved scheme.

9. No external lighting shall be installed on the site other than in accordance with details included in the approved landscaping scheme.
10. Within any area shown for woodland or meadow burials, no gravestones or monuments shall be erected. Within any area shown for cemetery burials, no gravestones or monuments exceeding one metre in height shall be erected without the prior written consent of the local planning authority.
11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme and phasing plan approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to any variation.
12. Prior to the commencement of any works included in any phase of the implementation programme and phasing plan referred to in condition number 3 (including the first phase), a landscape management plan for that phase and for the site as a whole shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall incorporate the recommendations included in the ecological survey plan received by Waverley Borough Council on 29 March 2010 and amended on 14 April 2010. No works shall be carried out on the site other than in accordance with the relevant approved landscape management plan.
13. No digging or preparation for burials shall be carried out on the site outside the hours of 0800-1800 on Mondays to Fridays, inclusive, and 0800-1300 on Saturdays; and no digging or preparation for burials shall be carried out on the site on Sundays or Bank Holidays except in an emergency or with the prior written consent of the local planning authority.
14. The site shall not be open to visitors outside the hours of daylight on any day.
15. No burials shall take place on the site until details of the depths of the proposed burials have been submitted to and approved in writing by the local planning authority. All the burials shall be carried out in accordance with the approved depths of burials.