



FARNHAM TOWN COUNCIL

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Notes

Planning & Licensing Consultative Working Group

Time and date

9.30 am on Monday 28th October, 2024

Place

Council Chamber, Farnham Town Council, South Street, Farnham GU9 7RN

Planning & Licensing Consultative Working Group Members Present:

Councillor Andrew Laughton (Lead Member)
Councillor David Beaman
Councillor George Hesse
Councillor Brodie Mauluka
Councillor Mark Merryweather
Councillor George Murray
Councillor Graham White

Officers: Jenny de Quervain

1. Apologies for Absence

Apologies were received from Councillor Woodhouse.

2. Disclosure of Interests

None were received.

3. Applications Considered for Key/Larger Developments

Farnham Bourne

NMA/2024/01998 Farnham Bourne

Officer: Anna Whitty

EDGEBOROUGH SCHOOL, FRENHAM ROAD, FARNHAM GU10 3AH

Amendment to WA/2023/02312 - Secondary Car Park moved. Path between main & secondary car parks pulled away from tree root protection zones. Increased size of electronics feeder pillar enclosure.

No comment.

Farnham Castle

WA/2024/01964 Farnham Castle

Officer: Ninto Joy

THE BUSH HOTEL, THE BOROUGH, FARNHAM GU9 7NN

Certificate of Lawfulness under Section 191 for confirmation that works involved in the digging of a foundation trench constitutes the implementation of permission WA/2020/1984.

No comment.

4. Applications Considered

Farnham Bourne

CA/2024/01938 Farnham Bourne

Officer: Theo Dyer

5 LITTLE AUSTINS ROAD, FARNHAM GU9 8JR

GREAT AUSTINS CONSERVATION AREA WORKS TO TREE

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure.

CA/2024/02008 Farnham Bourne

Officer: Theo Dyer

MAYBOURNE, 1A MAVINS ROAD, FARNHAM GU9 8JS

GREAT AUSTINS CONSERVATION AREA WORKS TO TREES

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure.

TM/2024/01921 Farnham Bourne

Officer: Theo Dyer

22 VICARAGE HILL, FARNHAM GU9 8HJ

APPLICATION FOR WORKS TO AND REMOVAL OF TREES SUBJECT OF TREE

PRESERVATION ORDER FAR17

Farnham Town Council leaves to the Arboricultural Officer. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure, a replacement tree must be planted.

TM/2024/01962 Farnham Bourne

Officer: Theo Dyer

THE STONE HOUSE, 110 LODGE HILL ROAD, LOWER BOURNE, FARNHAM GU10 3RB

APPLICATION FOR REMOVAL OF TREE SUBJECT OF TREE PRESERVATION ORDER 12/08

Farnham Town Council leaves to the Arboricultural Officer. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure.

NMA/2024/01995 Farnham Bourne

Officer: Matt Ayscough

14 GREAT AUSTINS, FARNHAM GU9 8JG

Amendment to WA/2021/03223 - change to kitchen door (no longer full length of room) -move Pantry window into kitchen -remove pantry roof light -remove plant room window -change to

utility door (added small window either side) -music room door change - to be window -grand porch door moved to centre from external -out building to be clad in natural timber in leu of render

No comment.

WA/2024/01929 Farnham Bourne

Officer: Anna Whitty

126 BURNT HILL ROAD, LOWER BOURNE, FARNHAM GU10 3LJ

Erection of second storey extension together with alterations to roofspace including dormer rooflights and raising of roof ridge height to provide habitable accommodation.

No comment.

WA/2024/01935 Farnham Bourne

Officer: Anna Whitty

6 GONG HILL DRIVE, LOWER BOURNE, FARNHAM GU10 3HG

Erection of a detached garage and gym.

Farnham Town Council notes that a similar structure located to the rear of the building line has a certificate of lawfulness granted under WA/2024/00607 although being in the Surrey Hills AONB/National Landscape. Farnham Town Council objects to the detached garage and gym located in front of the building line being contrary to Residential Extensions SPD in an area covered by LPP1 policy RE2 Green Belt and RE3 Landscape Character - Surrey Hills Area of Outstanding Natural Beauty (AONB) & Area of Great Landscape Value (AGLV).

WA/2024/01946 Farnham Bourne

Officer: Matt Ayscough

AMARAH, 21 OLD FRENHAM ROAD, LOWER BOURNE, FARNHAM GU10 3HD

Erection of a detached garage/workshop.

No comment.

WA/2024/01968 Farnham Bourne

Officer: Matt Ayscough

16 AVELEY LANE, FARNHAM GU9 8PR

Erection of extensions and alterations to existing bungalow to provide a two storey dwelling together with extension to existing garage to provide a carport with associated landscaping; demolition of existing detached outbuilding.

No comment.

WA/2024/02011 Farnham Bourne

Officer: Matt Ayscough

78 MIDDLE BOURNE LANE, LOWER BOURNE, FARNHAM GU10 3NJ

Erection of a single storey extension with alterations to fenestration and external finishes (retrospective).

No comment.

WA/2024/02016 Farnham Bourne

Officer: Justin Bramley

CLUMPS END HOUSE, CLUMPS ROAD, LOWER BOURNE, FARNHAM GU10 3HF

Certificate of Lawfulness under Section 192 for erection of an incidental detached garage building.

The proposed development is located in Surrey Hills AONB/National Landscape, this must be considered when assessing the lawfulness of the incidental detached garage building.

Farnham Castle

CA/2024/01971 Farnham Castle

Officer: Theo Dyer

38 CASTLE STREET, FARNHAM GU9 7JB

FARNHAM CONSERVATION AREA WORKS TO TREES

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPPI policy CCI Climate Change and NE2 Green and Blue Infrastructure.

CA/2024/01977 Farnham Castle

Officer: Theo Dyer

THE WORKSHOP, WEYDON MILL LANE, FARNHAM GU9 7QL

FARNHAM CONSERVATION AREA WORKS TO TREES

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPPI policy CCI Climate Change and NE2 Green and Blue Infrastructure.

WA/2024/01987 Farnham Castle

Officer: Tajinder Rehal

4 SAXON CROFT, FARNHAM GU9 7QB

Erection of replacement dwelling and car port following demolition of existing dwelling and integral garage.

No comment.

Farnham Firgrove

WA/2024/01970 Farnham Firgrove

Officer: Justin Bramley

40 FIRGROVE HILL, FARNHAM GU9 8LQ

Certificate of Lawfulness under Section 192 for dormer extensions and alterations to roof to provide habitable accommodation in roof space with installation of front facing roof lights.

No comment.

Farnham Heath End

WA/2024/01951 Farnham Heath End

Officer: Justin Bramley

1 PARKSIDE COTTAGES, THE GREEN, FARNHAM GU9 0HJ

Erection of a porch following demolition of existing porch.

No comment.

Farnham Moor Park

WA/2024/01926 Farnham Moor Park

Officer: Matt Ayscough

SUMMERWOOD, 4 GREENACRES, FARNHAM GU10 1QH

Erection of extensions following demolition of existing detached garage.

No comment.

WA/2024/02010 Farnham Moor Park

Officer: Anna Whitty

THE SPINNEY, 17 CROOKSBURY ROAD, FARNHAM GU10 1QB

Erection of a detached garage following demolition of 2 existing outbuildings.

Farnham Town Council maintains its objection to the garage to the front of the building line being contrary to Residential Extensions SPD in an area covered by LPP1 policy RE2 Green Belt and RE3 Landscape Character - Surrey Hills Area of Outstanding Natural Beauty (AONB) & Area of Great Landscape Value (AGLV).

WA/2024/02017 Farnham Moor Park

Officer: Matt Ayscough

5 TALLY MAN PLACE, BADSHOT LEA, FARNHAM GU9 9FU

Erection of a two storey extension.

Although Farnham Town Council has no objection to the proposed extension provided that the ground floor is maintained as a garage. Can a condition be included to prevent the ground floor being converted into accommodation as insufficient parking is available within the boundary of the property, contrary to WBC Parking Guidance. This is a new development where on street parking will have a negative impact on the development.

Farnham North West

NMA/2024/01994 Farnham North West

Officer: Anna Whitty

3 LAWDAY PLACE LANE, FARNHAM GU9 0BT

Amendment to WA/2024/00106 - change from 2 windows to 3 windows on the side of the property. The sizes of the windows will also change.

Farnham Town Council has no objection if the proposed amendments are deemed non-material.

Farnham Rowledge

TM/2024/01979 Farnham Rowledge

Officer: Theo Dyer

21 MAYFIELD, ROWLEDGE, FARNHAM GU10 4DZ

APPLICATION FOR WORKS TO AND REMOVAL OF TREES SUBJECT OF TREE PRESERVATION ORDER 47/99

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure.

TM/2024/01986 Farnham Rowledge

Officer: Theo Dyer

1 MEADOW WAY, ROWLEDGE, FARNHAM GU10 4DY

APPLICATION FOR WORKS TO TREE SUBJECT OF TREE PRESERVATION ORDER 09/07

Farnham Town Council, subject to the Arboricultural Officer's comments, welcomes the maintenance of trees to extend their life and associated amenity. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure.

WA/2024/01924 Farnham Rowledge

Officer: Anna Whitty

20 LICKFOLDS ROAD, ROWLEDGE, FARNHAM GU10 4AE

Alterations to elevations of existing ancillary outbuilding (retrospective).

No comment.

WA/2024/01942 Farnham Rowledge

Officer: Matt Ayscough

6 HOLLIS WOOD DRIVE, WRECCLESHAM, FARNHAM GU10 4JT

Erection of a single storey extension and alterations to elevations.

No comment.

WA/2024/02004 Farnham Rowledge

Officer: Justin Bramley

OLD BRIARS, THE LONG ROAD, ROWLEDGE, FARNHAM GU10 4DH

Certificate of Lawfulness under Section 192 for internal and external alterations.

No comment.

Farnham Weybourne

TM/2024/01923 Farnham Weybourne

Officer: Theo Dyer

12 NUTBOURNE, FARNHAM GU9 9EH

APPLICATION FOR WORKS TO AND REMOVAL OF TREES SUBJECT OF TREE PRESERVATION ORDER 01/02

Farnham Town Council leaves to the Arboricultural Officer. In response to a climate emergency, it is vital to retain green infrastructure in line with LPP1 policy CCI Climate Change and NE2 Green and Blue Infrastructure, a replacement tree must be planted.

WA/2024/01990 Farnham Weybourne

Officer: Matt Ayscough

20 BULLERS ROAD, FARNHAM GU9 9EP

Erection of extensions.

No comment.

5. Surrey County Council Mineral, Waste, or Other Applications/Consultations

There were none for this meeting.

6. Appeals Considered

Appeals Considered

Appeal Decision

WA/2023/02623 WAVERLEY COURT FARM, MONKS WALK, FARNHAM, GU9 8HT

Erection of 8 dwellings and detached car port with associated works following demolition of existing buildings.

The appeal was **DISMISSED**.

Appeal Notification

Planning Inspectorate Reference: APP/R3650/W/24/3353124

WA/2023/01467 LAND CENTRED COORDINATES 483317 147157, OLD PARK LANE, FARNHAM Outline Application with all matters reserved except access for up to 83 dwellings (including 24 affordable) and public open space/country park, including related play space,

community orchard, wildlife pond, internal access roads, footways/footpaths and drainage basins/corridor.

Appellant's name: Gleeson Land Ltd

Representations submitted via PINS portal and to Case Officer:

Appeal Reference: APP/R3650/W/24/3353124

Land centred coordinates 483317 147157 Old Park Lane Farnham

Outline Application with all matters reserved except access for up to 83 dwellings (including 24 affordable) and public open space/country park, including related play space, community orchard, wildlife pond, internal access roads, footways/footpaths and drainage basins/corridor

Waverley Borough Council application reference: WA/2023/01467

1. Farnham Town Council ('FTC') asks the Inspector to DISMISS the appeal and refuse planning permission for the proposed development for the reasons provided by Waverley Borough Council ('Waverley'). Given that the Inspector must make his decision 'as if for the first time' we also draw attention to other matters which we believe weigh against the proposal in the planning balance. We have not had the benefit of seeing Waverley's statement of case, but we have reviewed the documents provided by the appellant thus far.

Status of Farnham Neighbourhood Plan

2. In their statement of case¹ the appellant states that they will try to argue that paragraph 14 of the National Planning Policy Framework ('NPPF') does not engage with this appeal because the Farnham Neighbourhood Plan ('FNP') does not meet the test of limb (b) of paragraph 14. They have not set out their full argument but seem to suggest that this is because the FNP was based on a housing requirement set in the Waverley Local Plan Part 1 2018 (the 'local plan') and is therefore out of date. We reserve the right to make a further representation to the Inspector when the appellant explains their full argument. However, in general terms we would anticipate that any submission on those lines is misconceived and ought to be rejected.
3. The FNP was first made in 2017. Following the adoption of the local plan (Part 1) in 2018, it was formally reviewed to ensure that sufficient sites were allocated to meet the identified housing requirement for Farnham (as a contribution to the borough wide housing requirement). The updated plan was made on April 3rd 2020 and is thus fully consistent with the housing requirement identified by the local planning authority. There is no provision in any national policy by which a neighbourhood plan area can be said to have its own independent housing target which can go 'out of date'.
4. Limb (a) of paragraph 14 makes clear that the 'start date' for its operation is the date on which a neighbourhood plan was made (i.e. became part of the statutory development plan) and that it will apply provided this was no more than 5 years prior to the date of the relevant decision. There is no caveat or carve out which says that this period is reduced or modified by subsequent events or change of circumstances. The NPPF specifically states that local plans (and by implication neighbourhood plans which are contingent upon them) do not become out of date just because a new version of the NPPF has been published.² Conformity with limb (b) must therefore be interpreted as a

¹ Page 14 Para 4.8 and 4.9

² Para 225

question to be asked at the time the neighbourhood plan was made and not subsequently.

5. The FNP did meet the housing requirement identified for Farnham by Waverley at the time the neighbourhood plan was made.³ It would not have passed examination if it did not. There is no other housing requirement figure for it to meet because that will only come with the review of the Waverley Local Plan. Nothing in Paragraphs 67 or 68 of the NPPF suggests otherwise.
6. The NPPF provides that housing delivery against a development plan requirement or the standard method if the plan is more than 5 years old may be a material consideration in the planning balance via the 'tilted balance' set out in Para 11(d) of the NPPF through the operation of the housing delivery test and position relating to a five-year housing land supply. The whole point of paragraph 14 is that stands outside of those calculations. If it were to be disengaged in the way the appellant seems likely to suggest, there would be no circumstances in which it could ever apply.⁴ The appellant's proposition would run counter to the prima facie purpose of paragraph 14 and would amount to asking a planning inspector to rewrite part of the development plan.
7. Planning inspectors have accepted this as the correct approach to paragraph 14 in numerous recent appeals.⁵ Although the particular facts in all the cases are all different, the correct interpretation of the NPPF is not itself a planning judgement, and is not context dependent. The Inspector should adopt the approach of numerous colleagues and reject any attempt by the appellant to reinterpret the NPPF for their own convenience.
8. Paragraph 14 of the NPPF clearly is engaged in the determination of this appeal. The presumption that conflict with policies in the FNP (which the appellant accepts do exist) will need to be significantly and demonstrably outweighed by any benefits should be the starting point for the decision.

Support for Waverley Borough Council's Reasons for Refusal Reason 1: Principle of Development and Landscape Impact⁶

9. There is no dispute that the application site lies outside of the built-up urban area of Farnham and therefore lies in open countryside. It is adjacent to the boundary, but it is beyond the boundary. Policy FNPI0 says that:

Outside of 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:

³ The examiner deals with this point specifically in his (favourable) assessment of the FNP review at para 4.21, 4.22 and 4.33 of his report. He made clear, having heard arguments to the contrary, that it is for the LPA to review and provide a housing requirement only when it updates its local plan.

⁴ Para 14 is only relevant when the 'tilted balance' is engaged because housing delivery policies are out of date because the HDT is not passed or a 4/5YHLS cannot be demonstrated. If Paragraph 14 also did not apply if those tests are not met then there are no circumstances in which it could ever apply.

⁵ For example APP/Q3115/W/22/3296251, APP/C3810/W/23/3327867 and APP/J18650/W/22/3302371. See also the very recent APP/C3810/W/24/3343785 and in particular Paragraph 21 - 23 in which the Inspector specifically rejects the same argument when put by the appellant in that appeal.

⁶ We have adopted the appellant's form of words to summarise the reasons for refusal for convenience only.

- a) Be in accordance with Policies FNPI 6, FNPI 7 and FNP20 in the Neighbourhood Plan or other relevant planning policies applying to the area,
- b) Protect the Green Belt
- c) Conserve and enhance landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty and its setting – including those Areas of Great Landscape Value under consideration for designation as AONB
- 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 and Map F Old Park as having high landscape sensitivity and historic value; and
- e) Enhance the landscape value of the countryside and, where new planting is involved, use appropriate native species.

10. The site is located in an Area of Strategic Visual Importance and does not qualify for support under any of the exceptions established in this policy and is in conflict with FNP 10. It is also in conflict with policies RE1 and RE3 of the local plan which do not support housing development in open countryside.
11. It was considered and rejected as unsuitable for allocation in the Land Availability Assessment carried out in 2020 as part of the evidence base for Part 2 of the local plan (which was adopted in 2023) because development would be likely to have a ‘significant adverse landscape impact’.⁷
12. The evidence provided by appellant in support of the application, including the LVA, acknowledges that the development would cause harm to the landscape character and countryside. In their statement of case the appellant accepts that:

..part of the site proposed for development cannot be considered to enhance the landscape value of the countryside...⁸

13. The appellant’s LVA concludes that even after 15 years the development would have an adverse impact on the landscape as experienced from important and well used public rights of way. This adverse visual impact is amply demonstrated by the verified views of the proposed development contained in the appellant’s Verified Views report.⁹
14. The appellant’s landscape case is based entirely on the argument that the contained setting of the development would mean that there is little impact on long distance views. But of course that is to be expected in landscape of this type as described in LCA4 ‘Castle Paddocks’ of the Farnham Landscape Character Assessment¹⁰. It is the contained and separated field elements which characterise this area. To argue that it is acceptable to fill them with housing because this will not be seen at a distance is to misunderstand the way in which the area’s landscape significance should be approached.
15. In our view the appellant gives insufficient consideration to the most important impacts and seeks to ‘gloss over’ the harm caused to precisely those receptors which are the most important.
16. The verified views provided by the appellant show very clearly that the existing Abbey View development represents a natural edge to the urban area. They also demonstrate that the proposed development would ‘reach out’ into the landscape in a way which is

⁷ LAA Page 171 Site ref 1041

⁸ Page 15 Para 4.15

⁹ Prepared by Vista3d May 2023

¹⁰ Prepared in support of the Farnham Neighbourhood Plan by Hankinson Duckett Associates

both intrusive and urbanising, having an adverse effect not just on the immediate environment but on the setting of important features, such as the view of St Andrew's church. It is precisely because this is a landscape setting which is only experienced at relatively short range and from local receptors that impact of the proposal is so severe. The absence of long distance impacts is simply irrelevant in making a proper assessment of the landscape harm because merits of the landscape are localised and therefore so is the adverse impact. It is understandable that there is no objection from the National Landscape's planning advisor, but little weight should be given to that advice because it is concerned with long distance visual impacts which are not the most relevant consideration.

17. There is no doubt that there will be some landscape harm from this proposal in conflict with policy FNPI10 and policies RE1 and RE3 of the local plan. The appellant acknowledges as such. FTC believes that the level of that harm would be significantly greater than the appellant acknowledges because their assessment selectively leans on aspects of the landscape which are less relevant to its current significance rather than those which are most important.

Reason 2: Impact on Character of Cascade Way/Keepsake Close and effect on Residential Amenity

18. The access proposed through Cascade Way and Keepsake Close of the Abbey View development will cause significant harm to the amenity of residents. The Inspector will have received representations made by residents which explains their justified concerns.
19. Keepsake Close is a residential cul de sac which was not designed as a through route for traffic from over 80 dwellings, including delivery and trade vans. Even if the appellant can demonstrate that road meets the design standard to carry this level of additional traffic, it is obvious that the design and layout of housing did not anticipate such use. Access cannot be created without the relocation of parking spaces and changes to the layout which were part of a carefully considered layout for which planning consent was obtained. It is not reasonable to 'replan' that layout so that access to an entirely separate parcel of land can now be achieved, and the impact on residents along Keepsake Close will be permanent and detrimental.
20. The proposal amounts requires a redesign of a recently completed development which is contrary to the principles set out in the NPPF, particularly in paragraph 135 and 137. It also conflicts with policy DM5 of the local plan which requires that development should not cause harm to the amenity of occupants of nearby land and was correctly refused on this basis.

Other Matters

Flood Risk

21. Flood risk and waste water management were not offered as reasons for refusal by Waverley because officers accepted the advice of the local lead flood authority and the appellant's proposed drainage and surface water management strategy. We believe they should not have done so and that that drainage and flood risk remains a 'live issue' for the Inspector to consider against local plan policies and the NPPF in particular paragraph 173).
22. It is not in dispute that ground conditions on the site are unsuitable for a 'proper' SUDs system based on infiltration. The surface water drainage strategy proposed therefore operates on the basis of 'capture, hold and pipe away' and is critically dependent upon the correct calculation of flow rates and pipe sizing. A highly engineered solution is

required to ensure that surface water collected on site can be transferred into the existing surface water sewer system located within the Abbey View development at acceptable flow rates. There are significant reasons to be concerned about the approach.

23. The Abbey View development (completed in 2020 by Taylor Wimpey) has been blighted by problems of surface water management caused by the impermeability of the soil, and the poor understanding of ground conditions demonstrated when the application was approved. Residents have experienced garden flooding, water ingress into outbuildings and damp within their dwellings. As a result, Taylor Wimpey have been forced into an extensive (and expensive) programme of ad hoc remedial works to alleviate drainage issues which, in all probability, will only provide partial solutions. These problems are well documented in representations the Inspector will receive from Abbey View residents
24. An exchange of reports and engineering documentation took place during the application process, as it became clear that there was a fundamental mismatch between the flow rates needed from the proposed development and the capacity of the surface water drainage system in Abbey View and further downstream of the site. This is not a risk which arises only in exceptional circumstances because even normal levels of surface water run off create relatively high flow rates. The solution proposed is the use of flow restricting devices within the piped system to a specification with which the appellant's consultants are clearly uneasy because their orifice sizing (they have to be very small) produces a significant risk of failure without high levels of management and maintenance. Effective on going maintenance might be specified but cannot be guaranteed. It is not a 'fail safe' system, because any failure could result in surface water flooding either on the development, in Abbey View or further downhill, depending on how and why it occurs.
25. We ask the Inspector to give review and investigate the proposed flood risk management strategy and determine whether it does provide the level of performance, and confidence, required to meet policy requirements. We suggest that it does not, and that given the previous history of poor surface water management in the area, and the obvious risk created by highly engineered solution, the only reasonable course of action is to avoid that risk by leaving the land as it is.

Impact on Thames Basin Heath SPA

26. The site is located within 5km of the boundary of the Thames Basin Heath SPA and is therefore subject to retained policy NRM6 of the otherwise revoked South East Plan. This requires the provision of mitigation in the form of Suitable Alternative Natural Greenspace (SANG) to prevent the harm that would otherwise be caused to the SPA by new residential occupiers.
27. This policy requirement is reflected and extended by policy FNPI2 which requires that where SANG is offered as mitigation:

The SANG should be readily accessed from, and well connected to, the development it serves including by sustainable modes of transport so that it is able to divert or intercept trips from the proposed housing development to the Thames Basin Heaths SPA.

28. After initially proposing on site SANG, and then the use of the Farnham Park SANG, both of which were rejected as untenable, the appellant now proposes that SANG capacity at Church Crookham, a little under 5km 'as the crow flies' from the development site and somewhat further by car.

29. This has been grudgingly accepted as ‘technically acceptable’ by Natural England in that it complies with the requirements of NRM6. However, it does not comply with the requirement of FNPI2 in that it is not accessible by sustainable modes of transport and is therefore unlikely to actually divert or intercept trips to the SPA as intended by the operation of SANG mitigation. FNPI2 reflects the fact that SANG should be sufficiently accessible for at least some residents to use it for casual, door-to-door, recreational activity. In fact, it is more distant than some habitat which lies within the SPA and remains vulnerable to harm caused by the development.
30. The Inspector will note that the consent for the Abbey View scheme – which also utilises the Church Crookham SANG – was granted before the first Farnham Neighbourhood Plan was made and therefore before FNPI2 became part of the development plan. It cannot therefore be assumed that any precedent has been set or argument accepted.
31. In conducting the necessary Appropriate Assessment, we suggest that the Inspector should conclude that the SANG solution proposed would not, in practice, mitigate the impact of the development on the SPA and therefore that the application should be refused because of the harm that would be caused to the condition of a protected area.

Housing Delivery

32. The appellant, Gleeson Land, is a site promoter, not a developer of housing. According to evidence submitted with the application the site is in multiple ownerships, and the agreement of those parties to commercial and practical matters will be required before the site can proceed to development. The Inspector should require evidence that the necessary agreement has been reached for access through the Cascade Way and Keepsake Close and that there are no other impediments to delivery if weight is to be given the claim that the proposal would make a contribution to housing building in the next 5 years.

Conclusion

33. FTC recognises that this appeal will be determined with the ‘tilted balance’ applied as required by para 11(d) of the NPPF. It should also be determined with para 14 of the NPPF engaged, which means that it should not be allowed unless the benefits of doing so significantly and demonstrably outweigh the harm caused.
34. It has been recognised repeatedly that the harm of allowing an appeal where para 14 is engaged includes the very substantial harm to public confidence in planning system which arises when development plan policies are not followed. As the Inspector at one recent appeal¹¹ said in recommending to the Secretary of State that it be dismissed (which it was):

There is also an elephant in the room which has not been hitherto discussed. That is, the effect on public faith in the plan-led system were this appeal allowed.

35. That is not to suggest that every case is the same or that there is no room for planning judgement, but the integrity of the planning system should weigh heavily in the planning balance. There is no ‘under allocation’ of sites in the FNP or was there any unwillingness to meet the housing requirement identified in the local plan. When the local plan is reviewed, the FNP will likewise need to consider site allocations again. The FNP received the support of 95% of the 7,848 people who voted in the 2020

¹¹ APP/Q3115/W/22/3296251

referendum. In doing so they accepted a necessary level of appropriate development and no doubt expected (with good reason) that inappropriate and speculative development would not be permitted. Paragraph 14 is intended to protect the integrity of the plan led system. No doubt that is why the appellant asks the Inspector that it be disapplied, there is no basis for the Inspector to do so.

36. The proposal conflicts with policies in the local plan and the FNP. It is not an allocated site and it is outside of the urban boundary. The appellant acknowledges that it would cause harm to the landscape setting of Farnham but we believe the harm would be much greater than they suggest.
37. There is considerable uncertainty about whether the appellant has demonstrated that flood risk will be reduced to an acceptable level through the drainage measures proposed. Those measures are an unhappy compromise between what the appellant believes is necessary and the relevant consultee would accept. It will not 'fail safe' – if it fails there is a high risk of damage elsewhere.
38. If the Inspector were minded to allow the appeal then an Appropriate Assessment will be required. We suggest that the proposed SANG does not meet the practical test which should be applied. Future residents would be much more likely to choose over-capacity SANGs nearer to their new homes than a site at some considerable distance by car. Worse, having decided to make a journey by car, they may choose to visit equally accessible areas of land within the protected area of the Thames Basin Heath.
39. Taking the damage to public confidence in the planning system, harm to the landscape and residential amenity, as well as flood risk and likely negative impact on the SPA into account, and weighing this against a small increase in housing provision, it is clear that the benefit of this proposal does not significantly and demonstrably outweigh that harm.
40. We therefore ask the Inspector to dismiss the appeal.

7. Licensing Applications Considered

Update on application

Street Trading Consent

Best Istanbul Kebab

Waverley Borough Council is currently in receipt of an application to renew a Street Trading Consent from 'Best Istanbul Kebab' to trade from a lay-by north of Sainsburys superstore, Water Lane, Farnham, Sun-Thurs between 17:30-00:30 hrs and Fri-Sat 17:30-01:30 hrs.

Following discussion with Surrey Highways parking team and buses team, the applicant has agreed to an amended trading schedule to avoid the last bus stopping in this location Mon-Sat. This means Mon-Sat, trading would begin at 18:30 instead of the originally proposed 17:30. On Sundays, as there are currently no buses programmed to stop in this location, the applicant wishes to start trading earlier than planned at 16:30.

The amended schedule would be as follows:

Mon – 18:30-00:30; Tues – 18:30-00:30; Weds – 18:30-00:30; Thurs – 18:30-00:30; Fri – 18:30-01:30; Sat – 18:30-01:30; Sun – 16:30-01:30

It should be noted that the existing consent and previous iterations for this trader have included the following informative:

Informative - The location used for trading is also a bus stop. The consent holder is advised that if any complaints about obstruction of the bus stop are received, and/or the bus services are increased that the council may determine to alter to permitted trading days and times or revoke the consent in its entirety.

Additionally, a condition on every street trading consent we issue (as per our street trading policy) states how we reserve the right to vary conditions or revoke a consent entirely at any time. Changes in bus times, increases in services or receiving complaints would potentially trigger us to review the consent in this way.

No comment.

Pavement Licence

The Castle Inn, 5 Castle Street, Farnham, Surrey, GU9 7HR
Mr M Robson, NDPC Ltd

An application has been received for a temporary pavement licence for 6 chairs and 3 tables.
Sunday-Thursday 09.00-22.00, Friday-Saturday 09.00-23.00

No comment.

8. Waverley Borough Council Street Naming Applications

SNN_2024_0154 Coxbridge Farm

Farnham Town Council to suggest 10 road prefixes for the development.

Having read the biodiversity reports WBC Address Development Team has suggested:

Crane Bill
Dock
Daisy
Buttercup
Rye
Dandelion
Starling
Sparrow
Thrush/Mistle Thrush

From the Towns and Parish pre-approved list, WBC Address Development Team has suggested:

Creative Close
Invention Avenue/Drive
Trusty
Baler
Bee Keeper
Chaff
Cotton
Crop
Grain
Hay
Honeycomb
Husk

Straw
Stubblefield
Thresher
Wheat

Farnham Town Council to suggest alternatives in consultation with the family, local residents and historians.

9. Public Speaking at Waverley's Planning Committee/Hearings or Inquiries

There were none for this meeting.

10. Date of next meeting

Monday 11th November 2024 at 9.30am.

The meeting ended at 11.29 am

Notes written by Jenny de Quervain