

Representation made by South Farnham Residents' Association to Waverley Borough Council

Dear Councillor

I am writing to you in my capacity as Secretary of the South Farnham Residents' Association (SOFRA), a residents group which covers an area of over 600 households to the south of the level crossing in Farnham.

Our community has been stunned by the recent appeal decision to allow outline planning permission for up to 146 houses on the fields outside the built up area boundary in Waverley Lane, a proposal which we have fought for over 9 years. This site is not, and never has been, one of the sites chosen for development in the Farnham Neighbourhood Plan. Our disappointment at this decision is only increased by the fact that it is at odds with two recent appeal decisions in Farnham - Green Lane and Lower Weybourne Lane - where both Inspectors recognised the importance of the Farnham Neighbourhood Plan and turned down the appeals.

The Farnham Neighbourhood Plan is indeed delivering housing as required. If the principle and importance of Neighbourhood Plans goes unchallenged, then we are giving carte blanche to developers to build wherever they deem fit, and not where the community has chosen. In the immediate future, this is not a problem just for Farnham, but for any area within Waverley which goes to the trouble of creating a neighbourhood plan. This would obviously also have consequences for the Local Plan too.

I understand that the Waverley Lane case is to be discussed at the Waverley Executive Meeting on the 1st August and I would urge you to do all that you can to find a way to challenge this appeal decision.

If it is of any help, I can share three contentious points which have struck me after detailed scrutiny of the Inspector's report :-

The first point of concern is the Inspector's apparent reluctance to give regard to the recent decision on Lower Weybourne Lane, where that Inspector, despite knowing that the LPA could not demonstrate a 5 year HLS and despite knowing that the Farnham Neighbourhood Plan was more than two years old, still refused the appeal because he believed the FNP was performing well in supplying housing in Farnham. It seems to me that the Waverley Lane Inspector felt justified in distancing herself from the Lower Weybourne Lane decision because of what she says in paragraph 90 of her report. (See attached above). She talks about the timing of the FNP – being “made” more than 2 years ago – thus meaning that this case could not benefit from para.14 of the NPPF. This is true. She then says **“in this regard the appeal proposal differs from the Lower Weybourne Lane case”**. (She refers to footnote 7 C.D.4.4 Wates' Statement of Case, where they comment that unlike at the previous Waverley Lane appeal refusal in 2018, the LPA could not now demonstrate a 5 yr HLS. This note does not refer to Lower Weybourne Lane at all, so the footnote reference is baffling). If the Inspector believes that the Lower Weybourne Lane case was in a different position vis-à-vis the FNP validity, and if this caused her to give the FNP and the LWL decision little weight, then I believe she was mistaken.

Annex 3

My second concern is regarding the standing of the evidence that was used to support the revised Farnham Neighbourhood Plan in April 2020. Para. 5.150 of the FNP (copy above) clearly states that sites within the Green Belt, the AONB, Candidate AONB sites and areas of High Landscape Value and High Landscape Sensitivity were specifically excluded from the list of sites to be allocated for development within the FNP. The HLV and HLS status for Waverley Lane fields was the result of Hankinson Duckett Associates' "Landscape Character Assessment" of August 2018 (So it postdated the previous Waverley Lane appeal decision, so not surprising therefore that the Inspector and the SoS did not comment on it at the time). This HDA study was evidence to inform the selection of sites when the FNP was re-freshed and re-adopted in April 2020. The process, evidence and policies of the FNP had therefore been scrutinised and approved by the Planning Inspector at that time. The Planning Inspector in the current Waverley Lane appeal lays little store by the HDA landscape assessment and seeks to fragment the character areas assessed. (See paras. 33 to 36 of her report) – and thus she dismisses the fields as being of particular landscape importance.

My question is : Is it within the remit of a Planning Inspector for a particular appeal to query/challenge the evidence upon which the LPA's already adopted development plan is based, given that the Inspectorate has already given approval at the time when the Farnham Neighbourhood Plan was "made"?

My third concern is regarding the AONB Candidate Status that the Waverley Lane site has been granted by Natural England as part of the AONB boundary review. (The review predated the submission of the Wates planning application). As you will no doubt know, selection by Natural England of an AONB Candidate Area means that NE have already assessed the fields as being of Outstanding Natural Beauty, as this is the test for inclusion as a candidate area in the first instance. Having made their assessment to include Waverley Lane fields within the revised AONB boundary, NE carried out a public consultation from early March to June 13th. The Inspector makes no reference to the merits of this qualitative assessment of landscape by NE, but instead concentrates only on the process and timing of the review. (By the way, the Inspector is incorrect in the timings for this process – see her para. 23 and the report to the AONB Board meeting of June 2023 attached above).

By allowing this appeal, I believe that the Inspector is prejudging/pre-determining the outcome of an already well progressed government review. Natural England, the Government's own nature conservation expert, has already determined that this site is of outstanding natural beauty, and as such deserves inclusion in the AONB. Once the fields benefit from planning permission, their status as potential AONB is precluded. Surrey is one of the lead counties in the Government's Nature Recovery project, so the review of the AONB is an especially important element of this. Is it acceptable that an individual Inspector's decision can interfere with this process?

I thank you in advance for considering these arguments and hope that you will together come to a satisfactory course of action.

Yours sincerely

Pamela Pownall

Secretary of SOFRA