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# Appeal Decision

Site visit made on 24 August 2016

**by Thomas Bristow BA MSc MRTPI**

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

**Decision date: 13 September 2016**

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**Appeal Ref: APP/R3650/W/16/3146750**

**30 Springfield, Frensham Vale, Lower Bourne, Farnham GU10 3HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Charles Abrahams against the decision of Waverley Borough Council.
  - The application Ref WA/2015/2287, dated 20 November 2015, was refused by notice dated 26 January 2016.
  - The development proposed is described in the application form as the '*provision of a new access and driveway to serve Springfield*'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council do not identify that the proposal would conflict with the approach within their emerging *Local Plan Part 1: Strategic Policies and Sites*, which, on account of its stage of preparation cannot yet be accorded significant weight.
3. The Council's officer report associated with the original application indicates that the appeal site falls within an area that has been designated for the purposes of preparing a neighbourhood plan. However there is no information before me in respect of the stage of preparation that this plan has presently reached, and no specific policies thereof have been brought to my attention.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

5. The appeal site is at a south-easterly reach of Farnham accessed from the carriageway named Frensham Vale, which serves a number of properties located along its length which are typically set back substantially from it. The *Farnham Design Statement* (the 'Design Statement') identifies that the appeal site falls within the Bourne.
  6. This Parish is therein described as transitional area between the wider countryside and the more developed suburbs of Farnham, with properties
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commonly set within spacious plots. It continues that *'what is special is the amount of greenery around houses'*, and that *'trees and hedges are an essential feature of the Bourne'*.

7. Mature trees and established vegetation bound both the appeal site and Frensham Vale for the most part. The presence of such natural features, alongside the absence of dedicated walkways and lighting along the length of Frensham Vale, lends the area a semi-rural character reflecting the characteristics of the Bourne identified within the Design Statement.
8. Although there are some gaps within the trees and hedges bounding Frensham Vale to allow for accesses to properties, these are significantly more common to the south of the carriageway rather than to the north (as is the location of the appeal site). Indeed the opposite sides of Frensham Vale in this location appeared to me to have markedly different characteristics.
9. The area to the south is characterised by a broadly regular pattern of comparatively modern detached properties of similar size set in similar rectilinear plots. Properties to the north exhibit greater variety in size, many appear to be historic, and associated plots tend to me more spacious and irregularly shaped. It further appeared to me that vehicular accesses to properties to the north of Frensham Vale are chiefly historic features of the area.<sup>1</sup>
10. Notwithstanding that the Council's officer report associated with the original application describes the site as falling within the 'developed area' of Farnham, on account of its natural semi-rural character in my view the appeal site is clearly experienced more as part of the surrounding countryside than as an element of the built form of Farnham.
11. No 30 Frensham Vale, also named 'Springfield' and thus referred to hereafter, is a grand historic property set in extensive grounds at a significant distance from the carriageway. The land between the elevation of Springfield facing Frensham Vale is in part laid out as formal gardens and in part open and largely level land laid to grass.<sup>2</sup>
12. There is a dense bank of trees and low lying vegetation between the grounds of Springfield and the carriageway, culverted Frensham Vale Stream, and grass verge. Broadly central within this bank of trees is a clearing, through which partial views are presently afforded of Springfield.
13. Several nearby residents have presented evidence indicating that this clearing has been artificially created, i.e. through the felling of trees rather than representing a naturally occurring space. Whilst there is limited evidence before me in respect of the history of this clearing, it is clear from the presence

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<sup>1</sup> Whilst the appellants have identified a number of specific driveways at paragraph 9 of their final comments submitted at appeal, none appear to relate to Frensham Vale and consequently their presence carries limited weight in this decision.

<sup>2</sup> Whilst the Council have described the latter element of the land associated with Springfield as a paddock in relation to previous application Ref WA/2012/1376, and representations at appeal have indicated it may have previously been used as such, it is nonetheless a flat open area of land and the use to which it is put has little bearing on the matter of character and appearance which is in dispute in this case.

- of a Tree Preservation Order,<sup>3</sup> from the Design Statement, and from representations from interested parties in respect of the proposal that the preservation of trees and the natural qualities of the environment in this location is accorded significant importance locally.
14. Conflict with saved policy BE3 '*South Farnham Area of Special Environmental Quality*' of the *Waverley Borough Local Plan 2002* adopted originally in April 2002 (the 'Local Plan') was cited in the Council's decision notice, dated 26 January 2016, given that the appeal site falls within this area. Policy BE3 prevents '*new development for housing*' within this area where, broadly stated, the development would be out-of-keeping or detrimental to the character of the area.
  15. However the Council explain in their associated officer report that this policy relates exclusively to new housing, and as a consequence it is '*not directly applicable*' to the development proposed via this appeal. Consequently it would not be appropriate to conclude against policy BE3 as to do so would be to apply the policy to circumstances for which it was not originally designed, notwithstanding the Council's contention that its general aims have currency in this case.
  16. Nevertheless saved policy D1 '*Environmental Implications of Development*' of the Local Plan sets out how the Council will promote and encourage enhancement of the environment, and prevents development where it would harm the visual character and distinctiveness of the locality. Similarly saved policy D4 '*Design and Layout*' of the Local Plan establishes that the Council will seek to ensure that development complements its surroundings and pays due regard to existing site features such as trees. The Design Statement similarly guides that development should reflect the special character of the Bourne.
  17. The National Planning Policy Framework (the 'Framework') sets out that planning should take account of the different character of different areas, recognise the intrinsic character and beauty of the countryside and establishes that it is proper to seek to reinforce local distinctiveness.<sup>4</sup> *The Planning Practice Guidance* (the 'Guidance') further identifies that trees and semi-natural habitats can make important contributions to the quality and distinctive character of an area.<sup>5</sup>
  18. Although of some vintage, the relevant provisions of policies D1 and D4 of the Local Plan nevertheless accord with the approach in the Framework and the Guidance, as set out above, and consequently can be accorded due weight.<sup>6</sup> Similarly, although not part of the development plan,<sup>7</sup> as the approach in the Design Statement is consistent with relevant elements of the Framework and Guidance, it can be accorded some weight in this decision.
  19. The proposal is for a new vehicular access to Springfield from Frensham Vale of curved form, which would be directed initially through the clearing in the bank

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<sup>3</sup> Ref 15/11, dated 15 July 2011.

<sup>4</sup> At bullet point 5 of paragraph 17 and at paragraph 60 of the Framework.

<sup>5</sup> Reference ID: 26-009-20140306 and 26-020-20140306.

<sup>6</sup> In line with paragraph 215 of the Framework.

<sup>7</sup> Notwithstanding the appellants' comment in paragraph 5.6 of their appeal statement, that the '*document intends to form the core strategy*', which is presumably intended to read 'inform' rather than 'form'.

of trees described above. The access would measure approximately 3 metres in width and 100 metres in length. It would be constructed of permeable gravelled surface with timber edging aside from an initial tarmacked and slightly raised element abutting the carriageway. Two linear rows of new trees are also proposed which would run from the clearing to Springfield, through which the access would wind.

20. The application is supported by an Arboricultural Method Statement (the 'Statement').<sup>8</sup> This identifies that the only tree that would be felled to enable the access is a modest holly tree identified as 'T6' therein described as '*of low quality and value*'. The Statement finds that aside from tree T6 '*no pruning of the retained trees is required to permit construction of the proposed development*'. Although the access would run over the root protection area of several trees, Section 5 of the Statement sets out that the construction of hard surfacing in this area will be above soil level and sensitively undertaken to safeguard the wellbeing of those trees.
21. Whilst the Tree Preservation Order would remain in place to enable the Council to control any future tree works proposed related to the convenient operation of the access, the proposal will also inevitably entail the clearance of some vegetation and would prevent trees from growing in this location in the future. Whilst tree T6 is towards the rear of the bank of trees as viewed from Frensham Vale, its removal alongside general vegetation clearance would nevertheless result in some degree of greater openness in this location compared to present.
22. Although the access proposed cannot in my view reasonably be described as an '*urban form of development*' as the Council suggest, it would inevitably introduce a man-made element in what is presently a largely natural location. The access would not be associated with any boundary features, however in my view it would nonetheless be readily apparent from Frensham Vale and a further stretch of it would be visible through the clearing.
23. Whilst the proposal is relatively modest, given the comparative paucity of vehicular accesses to the north of Frensham Vale as identified above, in my view the access would consequently be detrimental to the intrinsic natural character of the immediate area. Many of the existing vehicular accesses from Frensham Vale to nearby properties, particularly to the north thereof, appeared to me to be historic, and in any event the presence of such does not justify inappropriate development in the present.
24. I acknowledge that the Framework sets out that it is the purpose of planning to pursue sustainable development, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and emphasis is given to making places better for people.<sup>9</sup> The proposal has clearly been put forward in order to be of benefit to the occupants of Springfield in providing for dedicated and potentially more convenient access

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<sup>8</sup> *Arboricultural Method Statement*, prepared by David Archer Associates Arboricultural Consultants, dated October 2015, prepared in line with *British Standard 5837:2012, Trees in relation to design, demolition and construction-Recommendations*. There is also further correspondence from David Archer Associates to the Council before me, dated 10 March 2016, which is included at appendix 7 of the appellants' appeal statement.

<sup>9</sup> Including at paragraphs 7, 8, bullet point 4 of paragraph 17 and paragraph 56.

than that which presently exists, and I also note that the relevant Highway Authority have no objection to the proposal.

25. However, and notwithstanding that there is no planning requirement to demonstrate that such development is inherently 'needed', it is nonetheless material that an existing access to Springfield is already present. Whilst this existing access would be closed off where it reaches the land associated with Springfield beyond that connected with No 32 Frensham Vale which it also serves, the proposal would not be a replacement access but rather an additional access from Frensham Vale. There is no robust evidence before me to indicate that this existing access is unsuitable for continued use in connection with Springfield, nor of alternative options for providing a dedicated access that have been considered and discounted.
26. For these reasons I cannot consequently concur with the finding of Petrow Harley, Landscape Architects, that the proposal would not detract from local landscape character.<sup>10</sup> The proposal would result in the addition of a man-made form that would be clearly visible in part and which would reduce, albeit slightly, the presence of trees and vegetation which are an integral part of the natural character of the area, without robust justification in relation to the benefits of the proposal. On this basis the proposal would have a detrimental effect in respect of the character and appearance of the area, and consequently conflict with the relevant provisions of saved policies D1 and D4 of the Local Plan and with relevant elements of the Design Statement, the Framework and the Guidance.

### **Other Matters**

27. I have also noted the Council's concerns in respect of the artificial subdivision of the land associated with Springfield that they contend may arise from the proposal, and what they consider to be an incongruous planting proposal for two lines of trees described above. However by virtue of its curved form and the screening provided by existing trees the subdivision of the site would not be readily apparent, and there is moreover nothing before me to indicate that the planting proposed could not be undertaken independently of this proposal without specific consent.
28. I have taken into account the representations made by many interested parties in respect of the liability for the development proposed to set a precedent, the potential underlying motivation behind the proposal, and the suggested effects of the proposal in respect of flooding, highway safety, light disturbance and biodiversity. However these matters do not form part of the Council's case and as such they have not influenced my decision.
29. The appellants have indicated at paragraph 6.11 of their appeal statement that the Council has not objected to the felling of trees at Nos 28 and 40 Frensham Vale, however there is no information before me about the circumstances relevant to those instances and as such I cannot accord this significant weight. Consequently neither this, nor any other matter, is sufficiently significant so as

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<sup>10</sup> Apparently undated correspondence from Petrow Harley, Landscape Architects, included at Appendix 6 of the appellants' appeal statement.

to outweigh the considerations that have led to my finding on the main issue in this case.

**Conclusion**

30. For the above reasons, and taking all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development, and I therefore conclude that the appeal should be dismissed.

*Thomas Bristow*

INSPECTOR