

Proof of Evidence of Charles William Collins MSc MRTPI

LPA: Waverley Borough Council

LPA Reference: WA/2022/01887

Appeal Reference: APP/R3650/W/21/3280136

Application Description:

Hybrid application consisting of an:

- *Outline application (all matters reserved except access) for up to 110 residential dwellings accessed from the proposed access road (linking to Midhurst Road), associated landscaping, restricted access for emergency access, community growing space and associated infrastructure, including green infrastructure.*
- *Full application for the erection of 1 dwelling and associated works; a junction alteration from Midhurst Road, associated access road to serve the development (including the diversion of a public footpath), car park, associated landscaping and drainage; the erection of a scout facility/nursery (use class F) and an education facility (use class F); a Suitable Alternative Natural Greenspace (SANG).*

Site Address: Land off Midhurst Road, Scotland Park, Haslemere, Surrey

Inquiry Start Date: 9 January 2024

Contents

1. Personal Statement	4
2. Introduction and Summary Case for Appellant	6
3. The Planning Application and Appeal Background	12
4. Policy Context	18
5. Natural Environment	38
6. Wealden Heaths Special Protection Area (WHSPA)	56
7. Delivering New Homes	59
8. Ecology	68
9. Design, Character & Appearance	71
10. Sustainable Transport	74
11. Environmental Impact Assessment	76
12. Other Issues	77
13. Conditions & S106 Obligations	86
14. Core Benefits of the Appeal Proposal	87
15. Planning Balance & Conclusion	91
Appendices	95
Appendix 1 S106 Note from Clark Willmott re: S106 Heads of Terms	96
Appendix 2 Economic Benefits Statement, from Savills Economics	97
Appendix 3 Updated Affordable Housing Statement, from Tetlow King	98
Appendix 4 Note from EPR – Scotland Park SANG Statement, including appendices	99
Appendix 5 Scouts Project Brief & Funding Note	100
Appendix 6 Appendix 4 of Proof of Evidence of Simon Slatford for Turnden Inquiry, on issue raised in paragraph 2.9 of Natural England’s Statement of Case	101
Appendix 7 Letter from Elivia Homes Limited in relation to Scotland Park Phase 2	102
Appendix 8 Technical Note, Stantec in respect of Thames Water	103
Appendix 9 Masterplan – Royal School site	104
Appendix 10 Sport England objection – Royal School site	105

Acronyms

Term	Acronym
Area of Great Landscape Value	AGLV
Area of Outstanding Natural Beauty / Valued Landscape*	AONB / VL
Case Management Conference	CMC
Core Document	CD
Five Year Housing Land Supply	5YHLS
Haslemere Neighbourhood Plan	HNP
Landscape Character Areas	LCA(s)
Local Plan Part 1: Strategic Policies and Sites	LPP1
Local Plan Part 2: Site Allocations and Development Management	LPP2
National Planning Policy Framework	NPPF
Proof of Evidence	PoE
Surrey Wildlife Trust	SWT
Special Protection Area	SPA
Statement of Case	SoC
Statement of Common Ground	SoCG
Section 106	S106
Surrey County Council	SCC
Waverley Borough Council	WBC
Wealden Heaths Special Protection Area	WHSPA
Wealden Heaths Mitigation Strategy	WHMS
Corporate Performance Report	CPR
Suitable Alternative Natural Greenspace	SANG

**The Government has recently rebranded AONBs as “Valued Landscapes” – though this has not altered or amended national policy or law. This Proof of Evidence will continue to refer to AONBs.*

1. Personal Statement

- 1.1. My name is Charles William Collins. I am a full Member of the Royal Town Planning Institute.
- 1.2. I hold a BSc Honours degree in Geography and Economics from the University of Reading and an MSc degree in Town Planning, from University College London. I have been in private practice since 2007, having started my career in Local Government in 2003.
- 1.3. I hold the position of Director with Savills (UK) Ltd, based in Guildford, instructed to act as agent and to give evidence as an expert witness on this appeal in relation to the Appeal Proposal by Redwood South West Ltd (hereafter refereed 'Redwood' or the 'Appellant').
- 1.4. During my time in practice, I have been involved in a wide range of projects throughout the UK in which I have advised public and private sector clients on issues of planning policy, development control and design. My experience includes the preparation, submission and management of numerous planning applications, planning promotions and appeals.
- 1.5. My colleagues at Savills and I prepared and submitted the application at Land off Midhurst Road, Scotland Park, Haslemere. I have visited the Appeal Site and its surroundings numerous times. I am extremely familiar with the relevant planning policy and guidance, including the Development Plan, NPPF, Planning Practice Guidance, and other related planning matters pertaining to the appeal.
- 1.6. The evidence I shall provide to the Inquiry as contained in this Proof of Evidence ('PoE') has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. The opinions expressed are my true and professional opinions. In providing expert evidence to the Inquiry, I am fully aware that my duty is to the Inquiry and to provide my honestly held professional view, irrespective of by whom I am employed.
- 1.7. I have extensive knowledge of the Appeal Site and its planning history as I was instructed to advise on the promotion and subsequent application and appeal of this Site and the first phase to the north (approved at Appeal in February 2022). I was a witness at the previous appeal and appeared at Local Plan Examination Hearings relating to the draft allocation of the wider Site in the ownership of the Appellant.
- 1.8. My most recent planning experience on housing sites includes:
 - A Public Inquiry for 1,730 dwellings, 100 C2 use, 8x G&T pitches, local centre, employment, education, SANG and associated infrastructure, all comprising a new settlement on land at Wisley Airfield, Guildford Borough;
 - Preparation for a Public Inquiry for 473 dwellings, circa 2,000 sq m of Class E commercial, public

realm improvements, and a refurbished bus interchange, on land at North Street, Guildford Borough;

- A Hearing for a mixed use development of up to 300 residential dwellings including Extra Care/ Assisted Living accommodation, at Sandcross Lane in Reigate and Banstead Borough;
- A Public Inquiry for 50 dwellings on land in Haslemere, Waverley Borough;
- A Public Inquiry for circa 1,000 dwellings and a new Football Stadium, outdoor leisure facility in Woking Borough;
- The promotion of land for new settlements at Fair Oaks, Surrey Heath and at Redhill Aerodrome in Reigate & Banstead Borough and Tandridge District;

Declaration

- 1.9. The evidence which I have prepared and provide for this Appeal reference APP/Y3615/W/23/3320175 (in this PoE) is true (and has been prepared and is given in accordance with the guidance of my professional institution) and I confirm that the opinions expressed are my true and professional opinions.

Charles William Collins

MSc MRTPI

12th December 2023

2. Introduction and Summary Case for Appellant

- 2.1. I have prepared this Proof of Evidence (“**PoE**”), on behalf of Redwood South West Ltd (the “**Appellant**” or “**Redwood**”), in support of a Planning Appeal under Section 78 of the Town and Country Planning Act 1990, and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624 (see Appendix F of the PINS Procedural Guide – March 2021). The Appeal relates to Land off Midhurst Road at Scotland Park, Midhurst Road, Haslemere, Surrey, hereafter referred to as “**the Site**”.

Reason for the Appeal

- 2.2. The Appeal is submitted in response to the refusal of Planning Permission by Waverley Borough Council (“**WBC**”) (Local Planning Authority Reference: WA/2022/01887) of the Application refused on 2nd May 2023 (**CD REFS 4.1-4.2**), hereafter referred to as the “**Appeal Proposal**”.
- 2.3. The PoE will address the planning balance in the context of national and local planning policy and the package of mitigation measures proposed by the Appellant, to be secured through planning conditions and obligations as referred to in **Appendix 1** which provides the basis for the S106 to be agreed.
- 2.4. At the time of submission of my PoE, the Appellant has progressed discussions with WBC on the Statement of Common Ground(s) (“**SoCG**”). I provide an update on each, at the time of writing:
- Main SoCG, relating to general matters – agreed and at the time of writing reading to submit to PINS (**CD REF 5.3d**);
 - Five-year housing land supply (5YHLS) (part I and part II) – part 1 has been agreed and submitted PINS (**CD REF 5.3c**). Part II will be progressed and submitted to PINS in advance of the Inquiry opening; and
 - Landscape agreed and submitted to PINS (**CD REF 5.3b**).
- 2.5. Two separate S106 Agreements are also being advanced with WBC and Surrey County Council (“**SCC**”). The Appellant’s present versions are included within **CD REFS 5.7 and 5.8**, the Appellant team will make every effort to advance this with WBC and SCC in the lead up to the Inquiry opening.
- 2.6. The case for the Appellant, as set out in the four PoE (and appendices) submitted, is summarised below.

Core Case of the Appellant

- 2.7. The Appeal Proposal is set within a wider Haslemere context that is constrained by an Area of Outstanding Natural Beauty ("**AONB**"), Green Belt, South Downs National Park and Wealden Heaths Special Protection Area ("**WHSPA**"). It has an adjacent relationship to a highly sustainable and accessible settlement. Haslemere is one of the four principal settlements in Waverley, well served by rail and with numerous services and amenities, where there is a growing and evident need for new housing, in particular affordable housing, and a limited supply of deliverable alternative sites to meet those needs. This is evidenced in Mr Neame's PoE and also via the number of successive planning appeals, over a considerable period, that have found that WBC has failed to maintain a five year supply. The Appellant will therefore demonstrate that there is an undoubtable need for more housing-led sites in the Borough, and the Appeal Proposal should be granted.
- 2.8. There are no objections on the Appeal Proposal from some relevant statutory consultees, notably from SCC Archaeology (**CD REF 3.9**), WBC Conservation Officer (**CD REF 3.23**), SCC Public Rights of Way (**CD REF 3.8**), SCC Highways (**CD REF 3.7**), Environment Agency (**CD REF 3.4**) and the Lead Local Flood Authority (LLFA) (**CD REF 3.3**).
- 2.9. There are, however, some consultee comments that have not yet or cannot be satisfied and whose views will need to be considered in the overall planning balance, including; Natural England (**CD REF 3.11-3.14**) (in respect of landscape), the Surrey Hills AONB Officer (**CD REF 3.10, 3.18, 3.19**), Thames Water (**CD REF 3.24**), South Downs National Park Authority (**CD REF 3.5**) and Surrey Wildlife Trust ("**SWT**") (**CD REF 3.25, 3.26**). I provide more detail on the position with these consultees in **Section 12**, where I also refer to the supporting technical notes appended to my PoE and I make reference to the Appellant PoE's that further respond to the issues raised. Though, at the time of writing, the position of Thames Water is likely to be addressed via suitable condition, and the Appellant remains in discussion with SWT on common ground, in order to address ecology matters.
- 2.10. I accept, and it is also common ground, that the Appeal Proposal is 'major' development in the AONB. This means that Exceptional Circumstances are required to be shown as per the requirements of NPPF paragraph 177 (and also thus under policy RE3). I consider that the Appellant has demonstrated that they exist here. There is some harm to the AONB but, as Mr McDermott explains, this harm is limited to two Landscape Character Areas within the Site ("**LCAs**") within the Appeal Site. Overall, although the appeal site is set on higher ground, views are largely screened from the wider landscape due to a combination of topography and high tree cover. Set against any impacts are various mitigation and compensation measures (some of which act to enhance the AONB) and a range of substantial public benefits and a planning context which recognises both a pressing need for new housing and a lack of available alternatives. These together amount to Exceptional Circumstances. Thus, there is no reason to refuse the Appeal Proposal on either the basis of national policy (paragraphs 176 / 177), nor

LPP1. Further, in practice, the outcome of the Exceptional Circumstances test determines the way in which the appeal should be decided. WBC has confirmed in the 5YHLS Position Statement (October 2023) (**CD REF 7.12**), that it is unable to demonstrate a 5YHLS. Subject to Exceptional Circumstances being present, there is no “*clear reason for refusing the development proposed*”; therefore the ‘tilted balance’ applies. In context, the evidence of Mr Neame demonstrates an even worse, and worsening 5YHLS position. The evidence of Tetlow King (see **Appendix 3**) confirms the under-delivery of affordable homes, and absence of anywhere near sufficient supply to address this. By definition, as having demonstrated Exceptional Circumstances, on the basis of the tilted planning balance, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the (substantive) benefits. The position here is that the Appeal Proposal (taken as a whole) demonstrates through comprehensive compensation and mitigation measures, a proposition which outweighs the localised significant adverse impacts on its surroundings, and once the NPPF tilted balance is applied, the benefits significantly and demonstrably outweigh any actual or perceived harm. I conclude there is only some limited harm overall, whilst acknowledging before consideration of landscape mitigation and compensation, there is adverse landscape impact on part of the Appeal Site.

2.11. Furthermore, some of the relevant Development Plan policies for determining the application are “out-of-date” (given the lack of a 5YHLS) and any conflict that is found to exist with those policies should be given reduced weight accordingly. I assess this in more detail in **Section 4** below, concluding overall compliance with the Development Plan.

2.12. On this basis, my case, summarised, is that Planning Permission should be granted.

An Introduction to the Key Witnesses for the Appellant

2.13. I am the planning witness appearing for the Appellant in respect of Appeal Proposal. I would however like to introduce the Inspector to the other witnesses acting on behalf of the Appellant:

- Mr David Neame (5YHLS witness);
- Mr Chris McDermott (Landscape, Character and Appearance witness); and
- Mr Matthew Davies (Ecology witness).

2.14. I outlined my background experience as the Planning witness in the above Personal Statement (**Section 1**).

Matters Outstanding

- 2.15. The submitted version of the SoCG includes a Section on matters in dispute (**Section 5**). This provides a summary of the main issues.
- 2.16. I consider that the substantive matters outstanding for the Inquiry reflect reasons for refusal 1 and 2, as per the Decision Notice. WBC's SoC submitted to the Planning Inspectorate on 13th October confirmed that following additional information from the Appellant Reason for Refusal 6 does not still stand.
- 2.17. In regard to Reason for Refusal 2, the Appellant Ecologist met with SWT and WBC on 29th November, to discuss the outstanding issues. Mr Davies PoE includes a summary of this meeting and a response table following SWT's most recent representation on 22nd November 2023.
- 2.18. Reasons 3, 4 and 5 related to a lack of S106 legal agreement, which the Appellant, in liaison with WBC and SCC is seeking to resolve via two draft S106 Agreements, one containing Borough-level obligations and the other County-level obligations (**CD REFS 5.7-5.8**).
- 2.19. I believe that the core issue for the Inquiry relates to Reason for Refusal 1; which I contend is overcome through the demonstration that the Exceptional Circumstances test laid out in paragraph 177 of the NPPF is met. I consider that this proposal is of an appropriate quantum for its location and is of an appropriate scale. I note that masterplanning/ design / amenity are not Main Issues for this Appeal, as there is no Reason for Refusal based on design issues. A secondary matter is ecology (Reason for Refusal 2), though at the time of writing work is ongoing to resolve this issue, which I am confident, in any event, can be addressed via suitable conditions.
- 2.20. The other witnesses and I will discuss the matters outstanding in PoEs and in Evidence in Chief (EiC) and Cross Examination.

Evidence Structure

- 2.21. Following the publication of the Main Issues by the Inspector in his post CMC note on 16th November 2023 (**CD REF 5.5**), my evidence follows the following order:
- **Section 3**: Summary of the Site and its context and a summary of the relevant planning history of the Site, including the background to the Appeal. This also includes other relevant Appeals.
 - **Section 4**: Addresses the relevant Development Plan and planning policy context. This Section demonstrates how the Proposal complies with the relevant policies.
 - **Section 5**: Outlines the case in respect of the natural environment, in particular landscape

considerations relating to the evidence of Mr McDermott. In addition, a summary of the landscape case (presented by Mr McDermott), demonstrating that whilst the Appeal Proposal results in localised adverse impacts on two LCAs, overall, once considering the mitigation and compensation measures on landscape the overall impact is acceptable, and also whether Exceptional Circumstances exist to justify planning permission. **This Section responds to the Inspector Main Issues i (from the Inspector's pre-inquiry meeting note) and paragraph 7 of the Inspector's post-CMC note on Exceptional Circumstances, landscape character and compliance with policy and planning balance on harm in the AONB.**

- **Section 6:** A summary of the position in respect of the WHSPA. **This Section responds to the Inspector's Main Issue iv in the Inspector's pre-inquiry meeting note on SANG.**
- **Section 7:** Outlines the context of housing in the Borough, and summaries the position on Five Year Housing Land Supply ("5YHLS") with reference to the PoE of Mr Neame. **This Section responds to the Inspector's Main Issue iii, in the Inspector's pre-inquiry meeting note on any implications of forecast housing supply in Waverley and at Haslemere.**
- **Section 8:** A summary of the position in respect of ecology, noting the further submissions made to address the position of SWT and a summary of the PoE of Mr Davies. **This Section responds to the Inspector's Main Issue ii, in the Inspector's pre-inquiry meeting note on the effect of the proposal on ecology.**
- **Section 9:** A summary of the design, character and appearance of the Appeal Proposal.
- **Section 10:** Outlines that highways matters no longer form a Reason for Refusal and is not a matter of contention between the Appellant and WBC, this Section explains the context of sustainable transport. **This Section responds to the Inspector's Main Issue iv, in the Inspector's pre-inquiry meeting note on highways documentation, which has now been resolved following further communication.**
- **Section 11:** an Environmental Impact Assessment was submitted with the application. **This Section responds to the Inspector's preliminary matter iv in Inspector's pre-inquiry meeting note, on implications for the EIA following the additional highways information.**
- **Section 12:** Dealing with other issues that have been raised throughout the determination of the original application / Appeal Proposal by relevant selected third parties. This includes areas which are not relevant for the Inquiry itself, but relevant background information.

- **Section 13**: Planning conditions and matters pertinent to the S106.
- **Section 14**: Outlines the benefits of the Appeal Proposal, outlining why planning permission should be granted.
- **Section 15**: The overall conclusions and planning balance, demonstrating why planning permission should be granted. **This responds to paragraph 7 of the Inspector's post-CMC note.**

3. The Planning Application and Appeal Background

The Site and Surroundings Overview

- 3.1. The Site is located adjacent to the southern edge of Haslemere, one of four principal settlements in Waverley Borough. I consider the site is in a sustainable location, as it is well associated with the existing settlement, abutting existing built form of Scotlands Close and the Phase 1 development (recently consented at appeal – WA/2020/1213 / APP/R3650/W/21/3280136) off Scotland Lane to the north. At this Appeal, the Inspector concluded the site was sustainable and well located to the town. Where there will be direct links through this recently consented development by foot and bicycle to the wider town. The site abuts Midhurst Road to the west (where the proposed main site access would be achieved) and Bell Vale Lane to the south. The Site is located within the AONB but entirely outside of the Green Belt. The SoCG (**CD REF 5.3d**) outlines agreement on the site's context and site description.
- 3.2. As summarised in the Officer's Report (**CD REF 4.2**), I agree, the Site is in close proximity to public transport, which offers modes of transport other than the private car (see page 17). The Site is therefore in a suitable location in sustainable transport terms for new residential uses. Indeed, I submit that the Site is in a more sustainable location than some present LPP2 allocations.
- 3.3. The Planning Statement (**CD REF 2.10**), Appellant's SoC (**CD REF 5.1**) and the Officer's Report (**CD REF 4.2**) contain further background information on the Site, which I will not repeat.

The Site's History

The Application

- 3.4. The original Application was submitted to WBC and validated by 1 August 2022. The description of development is a matter of common ground with WBC. The description is as follows (as updated):

"Hybrid application consisting of an:

Outline application (all matters reserved except access) for up to 110 residential dwellings accessed from the proposed access road (linking to Midhurst Road), associated landscaping, restricted access for emergency access, community growing space and associated infrastructure, including green infrastructure.

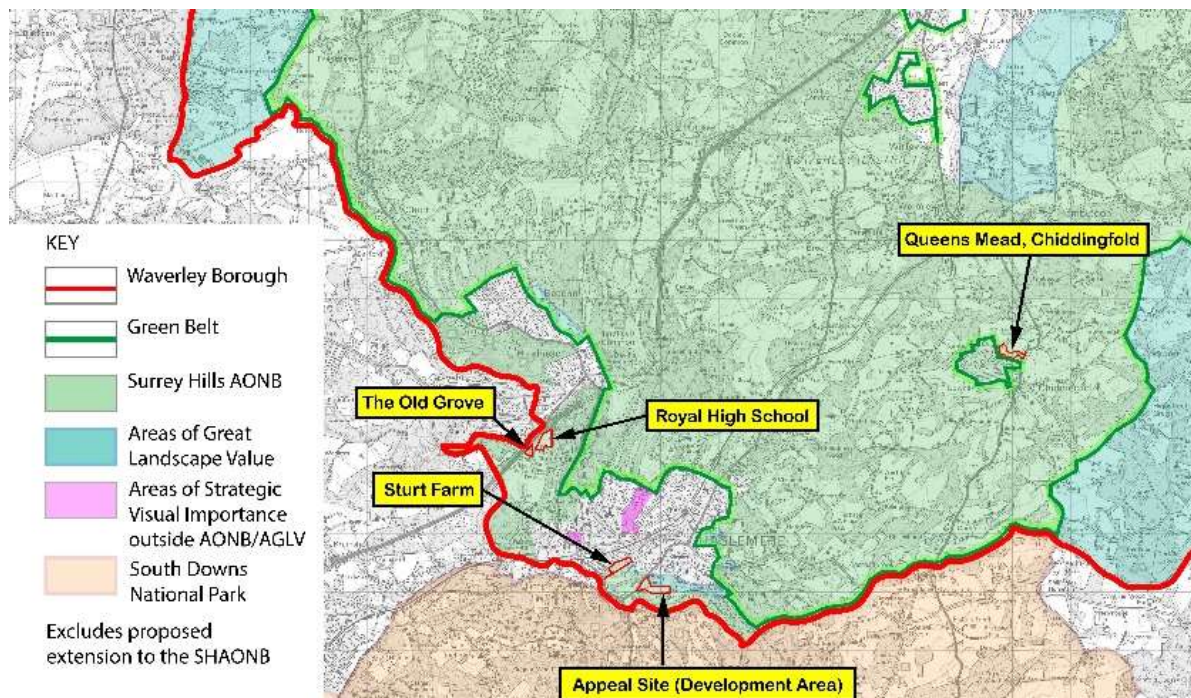
Full application for the erection of 1 dwelling and associated works; a junction alteration from Midhurst Road, associated access road to serve the development (including the diversion of a public footpath), car park, associated landscaping and drainage; the erection of a scout

facility/nursery (use class F) and an education facility (use class F); a Suitable Alternative Natural Greenspace (SANG)."

- 3.5. Throughout the determination of the Application, Redwood and the consultant team sought to engage with WBC and key stakeholders to discuss the Proposals and work to resolve any issues highlighted. This is demonstrated in the Statement of Community Involvement ("SCI") submitted with the Application (**CD REF 2.1**).
- 3.6. Savills and Redwood met with the WBC to discuss the application on the following dates:
- 27th October 2022
 - 1st November 2022
 - 26th January 2023
 - 13th March 2023
- 3.7. These discussions lead to an additional information submission in February 2023, to further support the Application resolve several issues raised by WBC and consultees, subsequently narrowing the number of issues between the Appellant and WBC. The Parameters and Illustrative Masterplan were updated for example, reducing the scale of the development from 124 to 111 dwellings.

Other Relevant Appeals / Applications / Allocations

- 3.8. Here, I refer to relevant appeal decisions firstly in Waverley Borough that I consider address a number of pertinent matters of relevance to this Appeal Proposal. Secondly I cite some relevant appeals nationally. In respect of the location of some of these proposals in Waverley see **Figure 3.1** below. This figure, and the evidence of Mr McDermott illustrates the constraints in the Borough.

Figure 3.1 Location of other relevant Appeals

Waverley

Sturt Farm Haslemere – Application Approval

- 3.9. I believe there are a number of similarities between Land at Sturt Farm, near Haslemere, for 135 dwellings (ref. WA/2014/1054) and the Appeal Proposal. There are comparable site specific circumstances such as scale and location in the AONB, but there are also comparable planning circumstances that have arguably become more acute since the approval of Sturt Farm. Most notable of these are the housing land supply position. A number of alternative development sites around Haslemere were dismissed as not being reasonable alternatives through the grant of Sturt Farm, some of which are included in the alternative site assessment work of Mr McDermott.

LPP2 Allocations DS 06 Royal School / DS 08 Old Grove – Land Allocations

- 3.10. The LPP2 process has clarified the paucity of brownfield options within Haslemere to meet housing needs. In the event that the expansion of Haslemere is proven necessary, then any significant delivery can only be accommodated on environmentally designated land, as evidenced by the allocation of the Royal School and Old Grove sites. Mr McDermott's PoE, conducts an expert landscape and visual assessment of potential development site options across the Borough to assess their sequential preference for delivery of residential dwellings. I undertake a critique of LPP2 Allocations in **Section 7**. In respect of the Royal School, the presently to be determined application is subject to objections from Natural England, Sport England and Thames Water. The issues associated with the design and

scale of the proposed SANG, and replacement sports provision do seem considerable matters to overcome. It is also the case that as with the Appeal Proposal, any permission here, would also need to demonstrate Exceptional Circumstances.

'Phase 1' Land off Scotland Lane – Appeal Allowed

- 3.11. Redwood pursued an Appeal in late 2021/ early 2022 in respect of land adjacent to the Site accessed off Scotland Lane. This proposal was allowed (**CD REF 9.1**), and comprised 50 dwellings. The Appeal Proposal facilitates pedestrian, cycle and emerging vehicle links into the 'Phase 1' land. A number of similar issues are raised by third parties in respect of the Appeal Proposal, that were also raised at this previous Appeal. I discuss the Appellant's response to these issues in **Section 12**.

Land North of Queen's Mead, Chiddingfold - Allocation and Resolution to Grant

- 3.12. An application for 78 dwellings at Land North of Queen's Mead, on behalf of Shanly Homes Limited, was approved at Planning Committee on 14 November 2023. The site is located within the Surrey Hills AONB and an AGLV, however it is allocated within the Chiddingfold Neighbourhood Plan (CNP), which also removed the land from the Green Belt. The Officer's Report (**CD REF 11.3**) classed the scheme as 'major' development in the AONB but, in the view of Officers', it was not required to be tested against the additional tests in paragraph 177 of the NPPF due to the CNP allocation. I consider, as the test of paragraph 177 is a Development Management test, that Officers' should have applied the paragraph in full. See the decision of the Court of Appeal in **SSCLG v Wealden**, (**CD REF 10.1**) discussed below.
- 3.13. There are further similarities with the Appeal site (for example, the requirement for SANG) but as can be seen from Mr McDermott's evidence, the site has a greater impact than the Appeal Site in terms of views into the site and more significant long term harms.
- 3.14. Despite this, the resolution to grant for Land North of Queen's Mead is relevant for this Appeal Proposal as it does demonstrate that local housing development can be approved in the AONB. Indeed, the necessity to do this, alongside the CNP removing the land from the Green Belt, exemplifies the wider constraints in the Borough for housing land. Although the site was allocated in the CNP, I argue that the Appeal Proposal does fulfil the Exceptional Circumstances test of paragraph 177 of the NPPF and is necessary to support WBC's lack of housing supply. I expand on this in **Sections 5 & 7** of my PoE.

Other Appeals NationallyLand Adjacent to Turnden, Cranbrook

- 3.15. An Appeal (APP/M2270/V/21/3273015) (**CD REF 9.28**) by Berkley Homes for 165 new homes in the High Weald AONB, near Tunbridge Wells, was refused by the Secretary of State for Levelling Up, Housing and Communities on 6 April 2023, after it was called in by the then-Secretary of State in April 2021. The Appeal had been recommended for approval by the Inspector (on the basis of Exceptional Circumstances) subject to conditions and obligations and the original application was supported by Tunbridge Wells' planning committee in January 2021. The decision of the Secretary of State has now been quashed by consent and remitted for redetermination on the basis of the Inspector's Report.

Little Sparrows, Sonning Common, Oxfordshire

- 3.16. An Appeal (APP/Q3115/W/20/3265861) (**CD REF 9.25**) for a care village of up to 133 units in Oxfordshire was granted planning permission for a Hybrid application on 25 June 2021. The site is located within the Chilterns AONB, however the Inspector concluded that Exceptional Circumstances applied to the Appeal Proposal.

Great Missenden – Chiltern District Council

- 3.17. An Appeal (APP/X0415/W/18/3202026) (**CD REF 9.26**) was allowed in September 2018 on a part Brownfield site for 34 dwellings (and a change of use from office to residential for 4 apartments). In this appeal, the relevant local policy for the AONB (LSQ1) was given limited weight as it was in conflict with the NPPF, notably the test of Exceptional Circumstances. A contributory factor to the Exceptional Circumstances case here, was the limited scope for the provision of housing within the District on sites that do not lie within the AONB or the Green Belt. In addition, to the severe and persistent shortfall against the housing requirement, all set in the context that the site was in a sustainable location. In this case, the Inspector applied the presumption in favour, on the basis that Exceptional Circumstances existed. There are clear parallels with the situation in WBC.

Oakley Farm – Cheltenham

- 3.18. An Appeal (APP/B1605/W/21/3273053) was approved on 5 October 2022 for outline planning permission for up to 250 new homes on Land at Oakley Farm, Cheltenham. The council failed to determine the application (20/01069/OUT) within the prescribed period and therefore an Appeal was made by the Appellant Robert Hitchins Limited.
- 3.19. The Site is located within the Cotswolds AONB however the Inspector (**CD REF 9.44**) concluded that the Appeal did meet the Exceptional Circumstances tests set out in NPPF paragraph 177 for the following reasons:

- a) The provision of much needed market and affordable housing to contribute to Cheltenham's significant lack of a five-year housing supply;
- b) The allocated sites in the Cheltenham and Tewkesbury Joint Core Strategy (JCS) are not being delivered on time in order to contribute to WBC's pressing housing need. Furthermore the Council has opted to undertake a full review of the JCS which will not be undertaken until at least Winter 2024/Spring 2025. Thus a plan-led resolution to address the housing need is not imminent. Secondly no evidence to support other suitable and deliverable sites within the District was presented at the Inquiry. Therefore despite the site's location in the AONB, (b) of paragraph 177 is met due to the lack of other suitable sites to meet the WBC's housing needs.
- c) With regards to the impact on the environment, the Inspector concluded that the site had an unusual location in the AONB as it was located next to residential development on three and a half sides of its boundaries. Thus there will only be some harm to the environment and the location of the site constitutes an appropriate residential extension according to the Inspector's report.

3.20. This Appeal has a number of parallels to the Appeal Proposal, not just in respect of the Benefits agreed to contribute to the Exceptional Circumstances, but also in respect of the overall weak 5YHLS, and longer term time horizon for a Local Plan Review. In addition, as demonstrated through the evidence of the Appellant, similar to the Cheltenham example, the Appeal Proposal is adjacent to existing residential development / a principal settlement. The evidence of Mr McDermott demonstrates adverse impacts to only two of the landscape parcels (LCA 1 & 2) – which is common ground.

4. Policy Context

Compliance with the Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the Development Plan for the area, unless any material considerations (which includes the NPPF) indicate otherwise.
- 4.2. In this case, relevant to the Appeal Proposal, the WBC's Development Plan comprises;
 - a) Local Plan Part 1: Strategic Policies and Sites (LPP1) (2018) (**CD REF 6.1**);
 - b) Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) (2023) (**CD REF 6.2**);
 - c) Haslemere Neighbourhood Plan (HNP) (2021) (**CD REF 6.3**).
- 4.3. The Surrey Waste Plan is also part of the Development Plan, though is not relevant for the Site nor the Appeal Proposal.
- 4.4. The SoCG introduces those policies most relevant for the determination of the Appeal.
- 4.5. In **Section 5**, I outline that the tests of paragraph 177 AONB policies have been satisfied. NPPF paragraph 11d can be applied where it has been determined that there is no conflict with AONB policy. I consider that some of the policies within the Development Plan should be provided reduced weight on the basis of paragraph 11d of the NPPF in the absence of a 5YHLS, therefore the weight given to any conflict to policy is reduced. Paragraph 11 and Footnote 7 of the NPPF denotes that the policies that are most important for determining a planning application are out-of-date, when the LPA cannot demonstrate a 5YHLS. The Site is, of course, subject to an AONB designation, that could act to dis-apply the "tilted balance" (see paragraph 11d(i) of the NPPF), though on the basis of the evidence, and as the NPPF (as a significant material consideration) should be read as whole, the Exceptional Circumstances present, allow the application of the titled balance. It is noteworthy too that, in addition to lack of 5YHLS, the local authority resolved in July 2023 to undertake a comprehensive review of its Local Plan, which is now over 5 years old. A clear admission that its strategic policies are out of date.
- 4.6. The Haslemere Neighbourhood Plan ("**HNP**") was Made on 17 November 2021. Although the Neighbourhood Plan comprises part of the Development Plan for the Appeal Proposal, it does not include allocations and is arguably now out of date. Therefore NPPF paragraph 14 b) is not met and paragraph 11 d) presumption still applies.
- 4.7. In respect of the relevant Development Plan policies, I provide a summary assessment as outlined in

Table 4.1 below. For avoidance of doubt I consider that the Appeal Proposal complies with the Development Plan as a whole.

Table 4.1 Development Plan Policies

Relevant Policy Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
LPP1			
Policy Presumption Favour Sustainable Development	SP1: in of	Accords, on the basis that the AONB policies are complied with and NPPF paragraph 11d is satisfied.	Presumption in favour of sustainable development. The Appeal Proposal will deliver 111 much needed homes in Haslemere in a sustainable location, offering a number of benefits to the wider community.
Policy Strategy	SP2: Spatial	Accords, on the basis that the Appeal Proposal 'at' a key settlement Haslemere and on the basis of the evidence of available supply constraints in the town / across the Borough.	Despite the inclusion of policy SP2 in reason for refusal 1, the Appeal Site is located at one of the four principal settlements. The Reason for Refusal related to WBC's opposition to the principle of development, which is addressed in the Appellant's NPPF paragraph 177 case. The Appeal Proposal is clearly 'at' Haslemere, one of the four key settlements. In addition, the full Local Plan Review remains years away, adoption earliest 2027, thus the present spatial strategy remains the most recently adopted. Whilst I accept that on the basis of the 5YHLS that the weight to SP2 could be reduced, the credentials of the Site's sustainable location are material. New infrastructure as requested by key consultees is proposed and agreed and CIL contributions will be made.
Policy ALH1: The Amount and Location of Housing		Accords, on the basis of the evidence on 5YHLS and overall projected ability for WBC to achieve the full housing requirement	Housing delivery in Haslemere significantly below the trajectory to achieve <u>at least</u> 990 dwellings to 2032. Mr Neame's evidence (summarised in Section 7) indicates substantive shortfalls in the LPP1 minimum housing requirement to 2032. The Site is at Haslemere, directly adjacent to the

Relevant Policy Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		over the plan period. This potentially reduces the weight to be applied.	town. Providing 111 much needed dwellings offering a mix of dwelling types, sizes and tenures proposed, targeted at meeting local needs. LPP1 supporting text paragraph 6.17 notes: <i>"There are limited opportunities to expand other main settlements of Godalming and Haslemere through greenfield development on the edges owing to the constraints of the Green Belt and the AONB"</i> .
Policy	ST1:	Accords, on the basis of no objection from SCC, the proposed planning conditions and S106 agreement.	This policy was included in reasons for refusal 5 and 6 however there has been no objection from SCC, this matter is now common ground and is no longer being pursued by WBC. Off-site mitigation to be agreed with SCC via the S106. Opportunities for sustainable transport have been maximised, and will be controlled by condition / S106. Site is located on the settlement edge promoting active travel to nearby amenities.
Policy	ICS1:	Accords, on the basis of the proposed planning conditions and S106 agreement.	The Appellant is fully supportive of working proactively with WBC to agree conditions, S106 obligations and will make the required CIL payments.
Policy	AHN1:	Accords – on basis of the proposed S106 agreement.	The Appeal Proposal comprises 35% of affordable units in excess of the policy requirement, providing Haslemere with 39 much need affordable units in a range of sizes and affordable tenure options. The tenure options are be agreed through S106 discussions to overcome confliction with this policy in Reason for Refusal 3.
Policy	AHN3:	Accords – on the basis of an appropriate planning condition in respect of housing mix.	A range of different types and sizes of homes are proposed, and will be secured via future Reserved Matters Application(s). The indicative mix is for the location of the Site – and can be guided by appropriate planning condition. The appropriate

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		<p>mix of dwellings should factor a range of planning considerations, notably character and context. Policy AHN3 ensures that development 'reflects' the SHMA, it does not prescribe strict adherence, and rightly so given the broad housing market area (which includes urban centres such as Guildford and Woking) and to reflect the fact that all sites / developments differ. M4 (2) and M4 (3) requirements will be adhered to.</p>
Policy RE1: Countryside beyond the Green Belt	Partially Accords, reduced weight owing to lack of 5YHLS.	<p>The evidence of Mr McDermott outlines adverse landscape impacts on two LCAs. Here, I recognise that the intrinsic character and beauty of the countryside is affected, though is localised. There is a significant change to the existing character owing to the Parameters proposed, and built form, typical for any Greenfield development</p> <p>Overall, on the basis that 78% of the Appeal Proposal is Green Infrastructure, the impact is mitigated and compensated. Thus, the majority of the Scheme does recognise (and indeed enhance) the intrinsic character and beauty of the countryside. This is further reflected in the high quality and respectful design and landscaping that is in keeping with the surroundings.</p> <p>I therefore consider their to be partial compliance with RE1 and that any degree of conflict with this policy – that reduced weight should be given to that conflict owing to the absence of a 5YHLS.</p>
Policy RE3: Landscape Character	Accords . Reduced weight should be applied owing to lack of 5YHLS	<p>RE3 i) is the most relevant aspect of the policy. This states in respect the AONB <i>"The protection and enhancement of the character and qualities of the Surrey Hills Area of Outstanding Natural Beauty (AONB) that is of national importance will</i></p>

Relevant Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		<p>Overall, the policy is not breached. Policy incorporates national policy test – therefore no different in intent to NPPF paragraph 177.</p> <p>Recognised in both policy text and supporting text.</p> <p>Also refers to the AONB Management Plan – which the Appeal Proposal accords.</p>	<p><i>be a priority and will include the application of national planning policies together with the Surrey Hills AONB Management Plan. The setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB”.</i></p> <p>Policy RE3 requires new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located. Part (i) refers to the application of national planning policies, as recognised by supporting text paragraph 13.30. On this basis, it is possible to conclude overall compliance with RE3 where NPPF paragraph 177 Exceptional Circumstances are demonstrated. The AONB is not automatically ‘protected’ from major development proposals as each planning application must be judged on its own merits, including any ‘enhancements’ proposed.</p> <p>A substantial part of Waverley’s rural area is within the Surrey Hills AONB and/or the area designated as Area of Great Landscape Value (AGLV). The AONB was designated in 1958. It is a national designation, which recognises its high quality landscape. The Surrey Hills AONB Management Plan 2014-2019 prepared by the Surrey Hills AONB in collaboration with its constituent planning authorities, including Waverley, sets out the vision, aims, objectives, policies and plans for the management of the AONB. The Plan has been formally adopted by WBC and is a material</p>

Relevant Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
			<p>consideration in the determination of planning applications and is also referred in RE3 (i).</p> <p>Part i) also outlines that the setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB.</p> <p>In respect of the application of Part i) in judging the Appeal Proposal overall, and hence overall compliance with RE3, I do recognise that there is adverse landscape impact on only <u>part</u> of the Site, focused on LCAs 1 and 2 only. Hence, the conflict with protecting the AONB here, must be considered in judging the overall compliance with RE3.</p> <p>The Appeal Proposal overall enhances the distinctive character of the landscape in which it is located, by retaining circa 78% Green Infrastructure (and proposing a range of mitigation/compensation measures). The proposed residential dwellings are well associated with Scotlands Close which are in the setting of the AONB (with limited other public views from the AONB), and the proposed dwellings are well contained by existing tree screening and the typography. Therefore, the impacts are localised and screened from the rest of the AONB and South Downs National Park. As demonstrated with the submission, the Appeal Proposal achieves the requirements set out in the Surrey Hills AONB Management Plan. Thus, overall, there is compliance with RE3 (i). Furthermore, there are</p>

Relevant Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
			<p>Exceptional Circumstances justifying the grant of permission – see Sections 5 and 15 below, which as triggered, also triggers NPPF paragraph 11d) reducing the weight to policy RE3 in this case.</p> <p>Part ii) concerns the AGLV, as the Appeal Site is in the AONB (a higher level of protection than AGLV) this aspect is not relevant.</p> <p>Parts iii) to vi) are not relevant to the Appeal Site. Part vii) concerns the South Downs National Park. It is now common ground that there is no adverse impact on conserving the landscape and scenic beauty of the National Park. Thus vii is complied.</p>
Policy Townscape Design	TD1: and	Accords, will mostly be a matter for Reserved Matters, as controlled by a Design Code.	The Appeal Proposals are designed by award winning architects in line with the character of the surrounding area and the approved Phase 1 to the north.
Policy Protection of Heritage Assets	HA1: of	Accords, no harm to heritage assets.	The Heritage Officer has identified there is no harm arising to nearby heritage assets as a result of the Appeal Proposal, in addition there is no objection from Historic England.
Policy Biodiversity and Geological Conservation	NE1: and	Accords, on the basis of the BNG achieved, as secured by condition and also Management Plan.	This policy was included in reasons for refusal 2 and 4 however biodiversity is conserved and enhanced. The Appeal Proposals achieves in excess of 10% BNG (c. 33.5% for habitats/ 24.1% for hedgerows), which will be secured by condition. See also the PoE of Mr Davies.
Policy CC1: Climate Change		Accords, on the basis of the future Reserved Matters, as guided by planning condition.	The Appeal Proposals are of an exemplar sustainable design and achieve the Passivhaus Sustainability Standards which will exceed the Climate Change SPD objectives. Highly sustainable scheme. Includes SuDs agreed with the Local Lead Flood Risk Authority (LLFA).

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
Policy CC2: Sustainable Construction and Design	Accords, on the basis of the future Reserved Matters, as guided by planning condition.	The Appeal Proposals are of an exemplar sustainable design and achieve the Passivhaus Sustainability Standards which will exceed the Climate Change SPD objectives.
Policy CC4: Flood Risk Management	Accords, on the basis of planning condition.	The Appeal Site lies nearly entirely within Flood Zone 1 apart from a small area at the southern extreme of the Site and well beyond any developed areas. SuDs are proposed. No objection from the LLFA nor Environment Agency.
Local Plan Part 2: Site Allocations and Development Management Policies		
DM1: Environmental Implications of Development	Accords, on the basis of planning condition.	This policy was included in reasons for refusal 2 and 4 however, the policy requirements are considered to be met and mitigation is provided where impacts occur. Significant SANG is proposed. BNG is included within the proposal (and can be achieved in excess of 10%) and energy efficiency measures are included in the design as far as possible at this stage (see Energy Statement and ES character of climate change as applicable).
DM2: Energy Efficiency	Accords, on the basis of planning condition, and the detail through future Reserved Matters.	<p>Energy / sustainability statement submitted with the application. Also see details in the ES chapter on climate change.</p> <p>Full details for the outline element of proposal (the majority of the proposed housing) would be dealt with at the Reserved Matters stage.</p> <p>Reference to a draft Target Emissions Rate (TER) being required for dwellings. The detail of the majority of the proposed dwellings is a Reserved Matter. It is proposed to control sustainability requirements via a planning condition. The</p>

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		proposed dwellings will be designed to be as energy efficient as possible. In this regard, the Applicant is aiming to achieve homes that meet or exceed the Government's proposed 2025 Future Homes Standard of 75% to 80% lower CO2 emissions than the current regulations. There is also an aspiration for the homes to be certified to the PassivHaus standard. These standards will be applied to the x1 dwellings for which full planning permission is sought and the illustrative outline dwellings have been designed to allow appropriate wall thickness to meet the standard.
DM3: Water Supply and Wastewater Infrastructure	Accords, on the basis of a planning condition (as / if required) on the basis of the phasing of the development.	The Flood and Drainage Consultant is in ongoing conversation with infrastructure providers regarding off-site provision and future capacity in the network. Flood Risk and Drainage matters have been resolved with the LLFA. Water supply capacity has been confirmed by Thames Water and wastewater is acceptable to them, but is awaiting completion of a monitoring exercise. A technical note from Stantec clarifies (see Appendix 8). The Appellant suggests that any phasing conditions can be discussed in detail with infrastructure providers and any appropriate planning condition or obligation investigated. This policy was not included in the reasons for refusal.
DM4: Quality Places through Design	Accords, on the basis of a future Design Code and Reserved Matters process.	Design criteria are considered to be met by the detailed element of proposal. The outline aspect of proposal will address full design requirements at the Reserved Matters stage.

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		The technical evidence on heritage confirms the significance of nearby heritage assets is preserved by development.
DM5: Safeguarding Amenity	Accords, on the basis of a future Design Code and Reserved Matters process. No amenity issues cited on the basis of the Parameter Plans.	This policy was not included in the reasons for refusal and the policy requirements are sufficiently met by the detailed element of the proposal. Amenity has been fully considered in the masterplanning process, albeit the final details of the outline element of the proposal will be dealt with at the Reserved Matters stage, when matters of amenity protection will be ensured. The proposed dwellings will be designed to adhere to the NDSS.
DM6: Public Realm	Accords, on the basis of a future Design Code and Reserved Matters process. No amenity issues cited on the basis of the Parameter Plans.	Criteria is considered to be met by the proposal. The importance of public realm, safe spaces and accessibility has been fully considered in the masterplanning process.
DM7: Safer Places	Accords, on the basis of a future Design Code and Reserved Matters process. No amenity issues cited on the basis of the Parameter Plans.	The criteria is considered to be met by the proposal and this policy did not constitute a Reason for Refusal. The importance of safe public and private spaces has been fully considered in the masterplanning process.
DM8: Comprehensive Development	Accords	The proposal meets this policy objective, by providing an extension to approved Phase 1 of the development.
DM9: Accessibility and Transport	Accords	This policy was previously included in Reasons for Refusal 5 and 6. A Transport Assessment has been submitted with the application and

Relevant Number	Policy	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
			discussions have taken place with the Highway Authority regarding the proposed highway works (full details forming part of the application and mitigation measures). In addition, sustainable transport details are also included, notably with the inclusion of a Residential Travel Plan. Furthermore, the location of the site ensures that future residents have alternative, sustainable transport options that remove the immediate and unavoidable need to travel by private cars for everyday journeys. EV charging points are also included within the proposal to help encourage move sustainable vehicle options.
DM11: Woodland, Hedgerows and Landscaping	Trees, and	Accords	<p>Despite the inclusion of policy DM11 in Reason for Refusal 1, the Proposal is considered to adhere to this policy. At the masterplanning stage, full account has been paid to the landscape and setting of the site, including important features such as trees and hedgerows. A Landscape and Visual Assessment has also been carried out (included within chapter 10 of the ES) and the proposal has been designed to minimise impact on the landscape (see also the evidence of Mr McDermott). Indeed, significant enhancements to woodland is proposed.</p> <p>In design terms, it is noted that the main urban area has been confined to the three fields which are afforded good visual enclosure, and which are already visually influenced by the urban edge of Haslemere. In addition, development is in areas which minimise tree loss and avoid RPAs. Furthermore, maximum parameter heights of the buildings within the main urban area are lower than</p>

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		the adjacent trees which provide screening to views from the SDNP.
DM15: Development within Settlement Boundaries	Conflict, though reduced weight should be applied owing to the absence of a 5YHLS.	This policy was included in Reason for Refusal 1. The Appeal Site is by definition, outside (though adjacent) to the settlement boundary of Haslemere. On the basis of the 5YHLS and absence of sufficient alternatives to 2032 (including within the existing settlement boundary), the Appeal Proposal is in accord with policy SP2, as the Site is 'at' Haslemere in a sustainable location. Reduced weight should be applied to DM15, on the basis of the absence of a 5YHLS.
DM20: Development Affecting Listed Buildings and/or their Settings	Accords, no harm to heritage assets.	The Appeal Proposal is considered to comply with this policy as no harm is alleged on any heritage asset.
DM34: Access to the Countryside	Accords, the Appeal Proposal enhances public access on Site, and hence beyond to the National Park.	The Proposal seeks to divert and improve the surface and level of Footpath 597 and connectivity to the town centre. The Applicant has been working with SCC to agree S106 contributions for the works. SANG improves public access and offers connectivity to SDNP.
DM36: Self-build and Custom Housebuilding	Accords, as addressed by condition / S106 obligation.	The proposal includes land for self and custom build homes amounting to 6% of the proposed development, therefore exceeding the 5% policy requirement.
Haslemere Neighbourhood Plan		
Policy H1: Designation and Purpose of the Settlement Boundaries	Conflict. Though reduced weight owing to a lack of 5YHLS. HNP (reduced weight)	See commentary on policy DM15. The Inspector for the Phase 1 Appeal (CD REF 9.1) concluded that scheme conflicted with policy H1 however due to no 5YHLS new homes required cannot be delivered without making use of Greenfield land

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
	– no review commenced or in programme (see paragraphs 4.32 and 4.33 below).	outside the settlement, which in that case included utilising AGLV land. On this basis, and the weight provided to the NPPF, the Appeal Proposal satisfies H1.3.
Policy H2: Housing Density	Accords, on the basis of the Parameters to guide future Reserved Matters.	Design matters are common ground. The Appeal Proposal is consistent with the character, appearance and the topography of the immediate locality and the delivery of high-quality design.
Policy H4: Provide Sufficient Affordable Housing of the Right Type	Accords, on the basis of the S106 agreement.	An in excess of policy requirement level of affordable housing is clustered and fully integrated throughout the development. The Appellant proposes that the type and tenure are included in the S106 and the mix subject to planning condition. An Affordable Housing Statement was submitted with the application.
Policy H5: Provide an Appropriate Mix of Housing Types	Accords, on the basis of planning condition to guide the Reserved Matters.	The development provides a range of apartments and houses, ranging from 1-4 beds, as agreed with WBC officers.
Policy H6: High Quality External Design	Accords, on the basis of the Parameters to guide future Reserved Matters and a suitable Design Code.	This policy did not form a Reason for Refusal. The Appeal Proposals are of a high-quality design and respect the character and appearance of the surrounding area. The Proposals are consistent with the Haslemere Design Statement (CD REF 7.8) and meets the Accessible Natural Green Space Standard.

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
Policy H7: Access and Transport	Accords, on the basis of the S106 agreement.	This policy was originally included in reasons for refusal 5. However highways matters are now all signed off and agreed with SCC Highways, including adequate parking, pedestrian and cycle provision and off-site mitigation measures. This matter is now common ground and is no longer being pursued by WBC.
Policy H8: Water	Accords	The Appellant is in ongoing conversations with Thames Water to ensure water and sewage capacity are in line with the site being delivered. This policy did not contribute to the reasons for refusal. More detail is provided in Appendix 8 .
Policy H9: Trees, Woodland and Hedgerows	Accords, reduced weight owing to lack of 5YHLS	<p>Much of the existing high value trees and boundary planting is to remain. In instances where loss of poor specimens is proposed, extensive new planting will be provided in its place and managed. Overall compliance, noting the level of prescription in the policy and Reason for Refusal 1. SWT issued no objection to the approach to tree removal, retention and enhancement, recognising the appropriate value of the existing trees on the Site. Retention of the significant trees (all Category A trees will be retained) will be secured through planning condition, which will also ensure an arboricultural method statement is submitted. The Appeal Site is not subject to any Tree Protection Orders (TPOs). The Arboricultural Impact Assessment submitted provides the evidence of the trees of the most value. Relevant conditions will ensure the management and method statement is agreed with WBC.</p> <p>If there is found to be any degree of conflict with this policy, then reduced weight should be given to</p>

Relevant Policy Number	Whether the Appeal Proposal accords or conflicts with the policy	Appeal Proposal's Compliance
		that conflict owing to the absence of a 5YHLS.
Policy H10: Dark Skies	Accords – on the basis of an appropriate planning condition.	This matter will be controlled by condition. I understand that the Appeal Proposal would be lit to conform with the relevant dark skies for its location. Modern LED lights could be used to achieve this. This policy was not included in the reasons for refusal.
Policy H12: Protecting and Enhancing Biodiversity through Haslemere's Ecological Network	Accords	Policy H12 was included in Reason for Refusal 2 however the Appeal Proposal achieves an in excess of 10% BNG, retaining approximately 78% of the Site as green infrastructure. The PoE of Mr Davies outlines the enhancements to Wildlife Corridors.

Compliance with National Policy

4.8. Significant weight should be provided to the NPPF.

The NPPF

4.9. Paragraph 176 sets out that “Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty”.

4.10. Paragraph 177 set out the approach to be taken to applications for major development within AONBs:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

- 4.11. It is common ground that the Appeal Proposal is ‘major’ development in the AONB. In my opinion the requirements of paragraph 177 of the NPPF (a to c) can be satisfied as outlined in **Section 5** of my PoE.
- 4.12. I consider that WBC cannot demonstrate a 5YHLS (further addressed in Mr Neame’s PoE). In this respect NPPF paragraph 11 d) applies. My PoE denotes the sustainability credentials of the Appeal Proposal and thus in line with NPPF paragraph 11 d) point ii) there are no harms that significantly and demonstrably outweigh the benefits of the Appeal Proposals. I provide my conclusion and planning balance in **Section 13**, all in the context that also the Appeal Proposal accords with the relevant Development Plan policies.
- 4.13. The tilted balance in paragraph 11(d) does not apply (see fn 7) if the application of policies in this Framework that protect areas or assets of particular importance – including for AONBs - provides a clear reason for refusing the development proposed. If the AONB policies in the NPPF do not provide a clear Reason for Refusal then the tilted balance comes back into play: see ***Monkhill v Secretary of State for Housing*** [2021] EWCA Civ 74 [CDx] (**CD REF 10.3**).
- 4.14. In this regard, paragraph 68 requires planning policies to identify “*a sufficient supply and mix of sites, taking into account their availability, suitability, and likely economic viability*” and supply of specific, deliverable sites for years one to five of the plan period and developable sites for years 6-10 and where possible years 11-15 of the plan.
- 4.15. In regard to other key policies, paragraph 38 requires that LPAs “*...approach decisions on proposed development in a positive and creative way*” and “*...seek to approve Applications for sustainable development where possible*”.
- 4.16. In accordance with Section 14 of the NPPF, there are a number of highly sustainable elements to the Appeal Proposal. This includes but is not limited to, Electric Vehicle Charging Points, Biodiversity Net Gain, Passivhouse and no gas heating systems.
- 4.17. In addition, I believe the Appeal Proposal accords with paragraph 110 which seeks for opportunities to promote sustainable transport modes, it provides safe and suitable access to the site and the design of streets, parking areas, other transport elements reflects current national guidance, including the National Design Guide. The Appeal Proposal has been designed to the satisfaction of SCC Highways.
- 4.18. As per paragraph 174, the Appeal Proposals “*recognis[e] the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*”. I consider the Appeal

Proposals seek to enhance the biodiversity of the site, landscape character (overall) and also provide new and enhanced countryside access. I accept that impacts upon two of the LCAs would act to harm the intrinsic value of the countryside, though this is only 22% of the Appeal Site and within the least sensitive parts. Mr McDermott explains more fully.

- 4.19. Paragraph 130 requires planning policies and decisions to ensure development functions well, are visually attractive, maintains a strong sense of place, optimises the potential of the site to accommodate an appropriate mix of development and create places that are safe, inclusive with a high standard of amenity for existing and future users. I commend the design approach taken, as outlined in **Section 9**.
- 4.20. Paragraph 152 requires the Planning System to shape places that contribute to radical reductions in greenhouse gas emissions. I consider the Proposals to be of an exemplar sustainable design and achieve the Passivhaus Sustainability Standards (which will exceed the Climate Change SPD objectives). This can all be achieved via suitable condition to influence the Reserved Matters.
- 4.21. Paragraph 93 notes that to deliver the social, recreational, and cultural facilities and services the community needs, planning decisions should plan positively for the provision of shared space, community facilities, open space, and other local services to enhance the sustainability of communities. Public access to open space, and the provision of a Scout Facility are two examples of how the Appeal Proposal accords with this.

Emerging NPPF

- 4.22. I do not consider that the emerging Draft NPPF (December 2022) to have any weight at present (which is also common ground with WBC). Albeit it is noted that there is nothing within the current draft that would change the impact upon the Appeal Proposal in a materially different way from that of the present NPPF, as the majority of the draft changes relate to plan making. Notwithstanding this, I note the speech from the SoS on the 24th July 2023 which details “*a need for radical action to unlock the supply of new homes*”. Nothing in national planning policy has altered for a considerable period of time, in respect of making decisions that accord with a development plan promptly, as this encourages the plan-led system. A revised NPPF is imminent, and I propose to provide a further response to this once this is published, should this be prior to the Inquiry.

Levelling Up and Regeneration Act (LURA) 2023

- 4.23. The Levelling Up and Regeneration Act (LURA) received royal assent on 26 October 2023, the key measures that are applicable to this Appeal Proposal are set out below.
- 4.24. Section 245 of the LURA comes into force on 26 December 2023. It is relevant to AONBs and has the effect of amending Section 85 of the Countryside and Rights of Way Act 2000 to require a relevant

authority (other than a devolved Welsh authority) to seek to further the purpose of conserving and enhancing the natural beauty of the AONB. Section 245 further provides that *"the Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under Levelling-up and Regeneration Act 2023 (c. 55) 297 Part 12—Miscellaneous subSection (A1) (including provision about things that the authority may, must or must not do to comply with the duty)."* No such regulations have been published yet. Section 245 also seeks to enhance Management Plans for AONBs by bolstering the contribution of partners to help deliver them, ensuring better outcomes for people and nature. I consider that granting the appeal would meet this statutory objectives given my evidence and that of the other witnesses for the Appellant is that there is compliance with relevant AONB Management Plan objectives.

- 4.25. The purpose to conserve and enhance the AONB is already outlined in national and local planning policy, thus the LURA does not alter this in my opinion. The delivery of AONB Management Plans is notable, as outlined in the evidence of Mr McDermott, it is the case that the Appeal Proposal achieves, and will deliver, a number of relevant AONB Management Plan objectives.

Planning Practice Guidance (PPG)

- 4.26. In March 2014 (as updated), the Government published the PPG to provide more detailed guidance for planners and communities. The PPG should be read alongside the NPPF. I do not provide a summary of the relevant aspects of the PPG, given the level of detail. Though, in oral evidence, it might be that I highlight any particular matters of relevance, as or when required.

Other Relevant Planning Policy Context

Emerging Local Plan Review.

- 4.27. The Full Council agreed on 21 February 2023 that following a review of LPP1, the plan required updating in order to be broadly compliant with the NPPF, following the latest consultation, and include potential constraints to an increase in housing numbers as a result of the Habitat Regulations.
- 4.28. A report to address the resolution of the Full Council meeting in February 2023, was produced by WBC's Planning Policy Manager to explore the options for updating the plan. The report outlined two broad options:
1. Comprehensive update of the Local Plan; and/or
 2. Partial alteration of LPP1 to address housing supply and related matters.
- 4.29. It was recommended to Full Council, at their meeting on 18 July 2023, that option 1 should be pursued, dependant on the progress of the Government's planning reforms. Therefore the work would commence under existing legislation and guidance, but with flexibility to switch to the new system if it

is implemented. Full Council resolved that work will commence on a comprehensive update to LPP1 in line with option 1.

- 4.30. The Council meeting on 18 July 2023 highlighted that a partial review would not be suffice to resolve the updates required to LPP1. This is partly due to an outdated evidence base and poor history of housing delivery that cannot be resolved quickly. Importantly, the Officer's report (**CD REF 7.58**) notes the significant increase in housing need under the Standard Method over and above LPP1 provision being a significant factor in recommending a comprehensive review.
- 4.31. In my opinion a full review will take a significant amount of time. Recently, WBC published a new Local Development Scheme, which outlines the Local Plan Review adoption will be winter 2027. Historically in Waverley, there have been delays with plan production. For example LPP1 and LPP2 in particular involved a number of consultation events over a number of years, LPP1 for example, was a plan about 6 years in the making, whilst LPP2 included various iterations of Regulation 18 and 19 documents, which meant its adoption was delayed about three years. At the time of writing, no initial consultation documents have been produced for the full Local Plan Review.

Haslemere Neighbourhood Plan Review

- 4.32. The HNP states that although the Neighbourhood Plan extends to 2032, the Town Council will assess the need for a full or partial review of the plan within six months of the adoption of LPP2. Paragraph 4.4 of HNP states the following:

"In the event that a review is required the Town Council will ensure that it is undertaken as quickly as its resources and capacity permit."

- 4.33. The LPP2 has now been adopted for over six months and at the time of writing there is no public evidence to demonstrate that HTC will be undertaking a review of the HNP. The HNP is also effectively a 'daughter' document of LPP1. Therefore, alongside the absence of a 5YHLS, I consider that this is a further reason as to why the relevant policies within the HNP should be afforded reduced weight as being 'out of date'.

LPP2 Challenge

- 4.34. The High Court ruled on 28 November 2023 that the claim by Mr and Mrs House for statutory review of LPP2 is dismissed (**CD REF 10.13**). The Claimants' grounds of challenge were summarised in the High Court decision as follows:

*"i) **Ground 1:** The Inspector unlawfully failed to consider whether it was sound to restrict the scope of LPP2 to be a "daughter document" to the Waverley Borough Local Plan Part 1: Strategy Policies and Sites ("LPP1"). The Inspector was required to consider the scope of LPP2 by the statutory framework*

and/or because it was so obviously material to the Inspector's statutory task.

*ii) **Ground 2:** Even if the Inspector was not required to consider the scope of LPP2, nevertheless his approach to the examination of LPP2 was unlawful because he misinterpreted LPP1, and failed to take into account material considerations which were required to be taken into account by the statutory framework and/or because they were so obviously material to the soundness of LPP2.*

*iii) **Ground 3:** The Inspector's conclusion that there was a reasonable prospect of varying or discharging the restrictive covenant over the Golf Course Site was irrational."*

- 4.35. Despite the fact that the Claimant's request for a review of LPP2 is dismissed, I refer to this High Court decision in my PoE because the judgment helps to confirm, alongside the (now endorsed Inspector's Report) that there is no prospect at all of LPP2 'rescuing' the land supply. Thus, in theory, all Haslemere / Hindhead allocated sites could come forward, and there still be a Borough-wide issue. I provide analysis of the relevant local LPP2 site allocations in **Section 7, Table 7.1**, which provides, in my opinion, some doubt as to whether all the allocations will come forward.
- 4.36. The High Court determined that as a matter of reasoned planning judgement, the Inspector was fully aware that LPP2 was a 'daughter document' and had considered the implications for the overall Borough-wide land supply, and onward consequences to maintaining it. I would note also, that in his Report, the Inspector in paragraphs 47-71, whilst concluding that the proposed allocations were all sound, did so on the basis of no critique of any omission site, including the Appeal Proposal site. His role was to judge the submission version of LPP2 as sound, and did, on the basis of the evidence in the Summer of 2022 to conclude that this test was satisfied. The Appellant does also, respectfully, disagree with the Inspector's conclusions in respect of the WHSPA (paragraphs 52-53) on the basis that the latest evidence, indicates that the broad approach advocated to mitigation/ avoidance measures, does not presently stack up. I discuss this further in **Section 6**.
- 4.37. In my opinion, the High Court Judgment again emphasises WBC's need for a full Local Plan Review to settle a fresh spatial strategy and distribution of housing allocations, to maintain a land supply. I believe that this will be a time consuming process and given that it is acknowledged in the High Court decision that the allocated sites in LPP2 are not intended to enable a 5YHLS. In the meantime, sustainable windfall sites will more than likely (on the evidence) be required to maintain housing delivery.

5. Natural Environment

Development in the AONB

- 5.1. It is agreed between the Appellant and WBC that the Appeal Proposal constitutes major development in the AONB. I start by considering the Appeal Proposal in relation to paragraph 176 of the NPPF that confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Paragraph 176 goes on to state that the scale and extent of development within these designated areas should be limited. The interpretation of 'limited' depends on context.
- 5.2. The conservation and enhancement of wildlife is also an important consideration in these areas, see again paragraph 176 of the NPPF.
- 5.3. There can be no doubt that major development can, pursuant to a planning application, be permitted in the AONB, if the test set out in paragraph 177 of the NPPF is satisfied. That is to say that there are exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 5.4. The test for the grant of planning permission for major development in paragraph 177 of the NPPF (2023) used to be in paragraph 172 if the NPPF (2019) and paragraph 116 of the NPPF (2012). The content of the test is unchanged.
- 5.5. To address the matters of exceptional circumstances and public interest and how it applies to this Appeal Proposal, I have had regard to a number of decisions concerning development in the AONB and I summarise my findings on these below.
- 5.6. The leading case is **SSCLG v Wealden**, (CD REF 10.1) in which the Court of Appeal were concerned with a challenge to a decision by an Inspector to grant permission for 103 homes on land at Steel Cross, a small settlement to the north of Crowborough in Wealden DC. The site was situated in the High Weald AONB and not the subject of an allocation nor draft allocation. One of the main issues was whether exceptional circumstances could be demonstrated for the purposes of what was then the test in paragraph 116 of the NPPF (2012).
- 5.7. Despite the fact the appeal decision was quashed, this was not on AONB grounds. In fact the Court of Appeal explicitly upheld the lawfulness of the decision in so far as it dealt with AONB issues. It is therefore necessary to consider the analysis by the Inspector of the considerations that can constitute exceptional circumstances and apply them to the Appeal Proposal. The Inspector concluded (CD REF 10.1):

- 5.8. Paragraph 89 *“Even if the search for alternative sites is taken wider than Crowborough, there is a lack of housing land to meet the full OAN and one alternative being considered when preparing the draft SSLP would itself be in the AONB. The existence of other sites, which collectively still fall short of the full OAN, does not amount to an alternative”.*
- 5.9. Paragraph 90: *“In the absence of adequate housing land to meet the full OAN, let alone the AH requirements, I find that there is a need for the development. Moreover, taken with the lack of harm that would be caused to its landscape and scenic beauty, I find that this need amounts to exceptional circumstances to justify development in the AONB”.*
- 5.10. Paragraph 91: *“...mitigation would be put in place to deal with the detrimental effects. For all these reasons, I find that exceptional circumstances do exist and that the proposals would accord with NPPF 116”.*
- 5.11. The Inspector’s decision was challenged in the Courts on two grounds: (i) air quality and (ii) AONB. The claim succeeded on both grounds in the High Court but in the Court of Appeal it was held the Inspector’s conclusions on the AONB were lawful. I have quoted from the Court of Appeal judgment below, as there are a number of pertinent matters that I consider are of relevance to this Appeal Proposal. Although the paragraph numbers related to the NPPF have since changed, the content remains very similar. The underlining is my emphasis to highlight specific matters that I consider have the most relevance to this Appeal Proposal.
- 5.12. In paragraphs 62 and 63, Lord Justice Lindblom determined that (emphases added):
- “62 The policy in paragraph 116 [now 177] of the NPPF is a policy for development control. It applies to development of all kinds. Where the proposal in question is a proposal for housing development, it must be read together with the policies for housing need and supply in paragraphs 47 and 49 of the NPPF. The inspector was clearly well aware of those policies, and their importance.*
- 63 The policy requires the exercise of planning judgment. The decision-maker must consider whether there are “exceptional circumstances” justifying the granting of planning permission for the development in question, and whether granting permission would be “in the public interest”. The three bullet points do not exclude other considerations relevant to those questions. The first requires the decision-maker to consider the “need for the development”, including “any national considerations” – for example, the considerations of national policy for housing need and supply. The second bullet point does not refer specifically to alternative sites. It refers to the “cost” and “scope” for development “elsewhere outside the designated area”, and to the possibility of meeting of the need for the development “in some other way”. In many cases, this will involve the consideration of alternative sites. But the policy does not prescribe for the decision-maker how alternative sites are to be assessed in any particular case. It does not say that this exercise must relate to the whole of a local planning*

authority's administrative area, or to an area larger or smaller than that. This will always depend on the circumstances of the case in hand. The third bullet point requires the decision-maker to consider potential harm in the three respects referred to – again, always a matter of planning judgment."

5.13. Lord Justice Lindblom therefore concluded in paragraph 64 that (emphasis added):

"If this understanding of the policy in paragraph 116 [now 177] is correct, I do not think the inspector can be said to have misconstrued or misapplied it in this case. The policy allowed him a broad discretion in making each of the planning judgments required, in the particular context in which those judgments had to be made. In my view, he made each of those planning judgments lawfully, on the evidence before him."

5.14. The Judge goes on to explain in paragraph 65 that (emphasis added):

"Nor is there now any challenge to his conclusions on housing need – that, both in Crowborough and in the district as a whole, there was a need for additional housing and additional affordable housing, an identified planning need which the proposed development would help to meet. It was with those two conclusions in mind that he came to consider the availability and suitability of alternative sites.

The relevant need in this case was ... a general need for housing and affordable housing. But because most of the district was within the AONB, there were few alternative sites suitable for housing development that were "not equally constrained" – that is, in the language of the second bullet point in paragraph 116 of the NPPF [now 177], few such sites "outside the designated area". This was a matter of fact, as found by the inspector. His conclusion that there was "a lack of housing land to meet the full [objectively assessed need]" was not limited to Crowborough; it was explicitly a conclusion on the basis of a "search for alternative sites taken wider than Crowborough". He was not satisfied that such other sites as were available for housing development in the district would be sufficient to meet the need, or that the shortfall would be made up by development elsewhere. This was a matter of planning judgment for him. He also found that those other sites would "collectively still fall short of the full [objectively assessed need]", so they "[did] not amount to an alternative". This too was a matter of planning judgment. He was also entitled to take into account the fact that "the withdrawal of the SSLP makes it less likely that more sites will come forward", particularly for affordable housing: yet again, a matter of planning judgment."

5.15. In **Section 7** of this PoE I address the issues of housing need and alternative sites to the Appeal Proposal and I note that there are similarities with the matters raised above – for example the evidence of Mr Neame outlines that it is now highly unlikely (if not improbable) that WBC will be able to deliver the full LPP1 housing requirement, and that of both Mr Neame and Mr McDermott highlights the absence of a sufficient number of suitable alternative sites to meet that need. Lord Justice Lindblom confirmed in paragraph 67 that *"These were all relevant considerations, indeed obviously powerful*

considerations, which the inspector was entitled to take into account and give weight in making the judgment he did on the questions arising from the second bullet point in paragraph 116 [now 177].” (emphasis added).

- 5.16. In terms of planning considerations in AONB cases, I refer to four other planning appeal cases.
- 5.17. The first case relates to development at Sonning Common in South Oxfordshire District Council (**CD REF 9.25**) (I introduced this and the other appeals I refer below in **Section 3**). At this appeal, the Inspector gave great weight to conserving and enhancing landscape and scenic beauty in the AONB but, in terms of paragraph 172 a) (now paragraph 177) of the NPPF, he was in no doubt that there was a need for this development of 133 units to address the immediate shortfall in the five year housing land supply; to address the critical need for extra care housing in the District; to assist in the freeing up of family housing within South Oxfordshire and to provide the health and well-being benefits to elderly people. While the Appeal Proposal does not provide extra care housing, it does include much needed new housing and affordable housing (including self/custom build plots) in the local area and Borough, as should be agreed by WBC through the S106 legal agreement. The affordable housing exceeds the policy minima requirement.
- 5.18. The Inspector stated the following:
- “In terms of paragraph 172 c) I have concluded there would be localised landscape and visual effects, but these would be relatively small. Only a limited part of the mosaic would be impacted, and this would not alter the overall character of the wider mosaic of the LCT. Plainly such limited impacts would not cause material harm to the landscape character of the AONB, nor would it conflict with the aims of protecting its special qualities. In terms of visual impact, only a small number of nearby locations would have direct views of the appeal proposals where glimpses of the development would be filtered and moderated by perimeter planting and particularly by the woodland belt. Overall, I have concluded under paragraph 172 of the NPPF that the circumstances in this case are exceptional and that the grant of planning permission would be in the public interest” (paragraph 132).*
- 5.19. I appreciate that all appeal cases are different and that each case must be considered on its own merits, but the considerations about visual and landscape effects and impacts and overall conclusions are similar to those which the Appellant argues (evidence of Mr McDermott) in this case.
- 5.20. In this case, the Inspector also set his mind to the issue of conflict with the development plan in paragraph 133, stating that:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case where the test in paragraph 172 of the NPPF has been met it is difficult to see how a decision maker could nonetheless

refuse to grant planning permission applying paragraph 11 of the NPPF. However, in terms of the development plan I accept that the proposal conflicts with some elements of the development plan, but it also complies with others”

5.21. He goes on to conclude, in paragraph 135, that:

“Thus, the tilted balance would be triggered by way of footnote 7 of the NPPF unless paragraph 11 d) i. is satisfied. In this case under paragraph 11 d) i. the adverse effects would not provide a clear reason for refusing the proposed development. It follows therefore that even if the appeal proposal was contrary to the development plan and the tilted balance under paragraph 11 d) ii. of the NPPF applied then the many and varied benefits of the proposals set out above would significantly and demonstrably outweigh any adverse effects (paragraph 135).”

5.22. South Oxfordshire District Council made an application under s.288 (4A) of the Town and Country Planning Act 1990 for permission to challenge the lawfulness of the decision. However, the application was refused and so the Council instead requested an appeal hearing that was also quashed by the High Court in December 2021. Therefore this decision remains valid and relevant.

5.23. The second appeal decision I refer to relates to land at Great Missenden in Chiltern District Council (**CD REF 9.26**) where the Inspector reaches a similar conclusion to that of the Inspector for the Sonning Common case:

“... I am satisfied that the exceptional circumstances in this case, evidenced by the very limited scope for the provision of housing with the Chiltern District on sites that do not lie within the AONB or the Green Belt; the fact that there is a severe shortfall against the housing requirement and that this shortfall has been persistent; and that the site lies in a sustainable location with easy access to local services and public transport, within one of the most sustainable settlements in the District.” (paragraph 42).

5.24. In this second case, the Council adopts the view that permission should be granted for very similar reasons. In the Great Missenden Case the Inspector also determined in DL paragraph 119 that, as he had concluded that the appeal proposal did not conflict with NPPF policies that protect areas or assets of particular importance, there were no clear reasons under paragraph 11 (d) i for refusing development and that, therefore, insofar as sub-paragraph (d) ii is concerned, the tilted balance was engaged.

5.25. As for benefits to support the proposal, in the Great Missenden case, these included benefits to the local economy through new direct and indirect jobs and as a result of population growth, that would maintain and enhance existing services, in turn improving their viability. The Inspector noted that these may not be unique, but they were ‘real benefits’ that should be given significant weight (paragraph

121). Affordable homes and a mix and range of housing were social benefits that would assist in creating a strong, vibrant and healthy community and were also given significant weight.

- 5.26. The third appeal, is land at Oakley Farm – Cheltenham in Cheltenham Borough (**CD REF 9.44**). The Inspector here, in allowing the appeal, noted that the proposal achieved Exceptional Circumstances, at DL116: -

“There is no definition of what constitutes ‘exceptional circumstances’ and there is a danger of the term being judicially over-analysed. Ultimately, it must be a planning judgement. There is nothing in caselaw to suggest that a very serious shortfall of market and affordable housing, as well as the particular locational circumstances of a site, cannot amount to exceptional circumstances. Taking careful account of the various considerations in Paragraph 177 of the Framework, I consider there would be exceptional circumstances in this case to justify the development and that the proposal would be in the public interest. It would not offend restrictive policies of the Framework relating to the AONB. In reaching this conclusion, I have given great weight to the purpose of conserving and enhancing the natural beauty of the AONB as required by the Framework, as well as the Countryside and Rights of Way Act 2000”.

- 5.27. This Appeal has a number of parallels to the Appeal Proposal, not just in respect of the Benefits agreed to contribute to the Exceptional Circumstances, but also in respect of the overall weak 5YHLS (and very substantial shortfall in land supply), and longer term time horizon for a Local Plan Review. In addition, as demonstrated through the evidence of the Appellant, similar to the Cheltenham example, the Appeal Proposal is adjacent to existing residential development / a principal settlement.
- 5.28. To conclude on this issue, I refer to a fourth appeal decision, and in particular DL paragraph 43 of the Wychwood case (**CD REF 9.27**). Here the Inspector concluded that the positive effect on the local economy, the severe shortfall in housing land supply in the District and the need to deliver market and affordable housing in an area that is almost wholly within the AONB, combine to be exceptional circumstances, when there is a less than significant effect on the character and visual amenity of the AONB. He confirmed that *“Meeting housing need is, fundamentally, in the public interest”*.
- 5.29. While there is no clear cut or exhaustive list of what is regarded to be exceptional circumstances, it would appear to me that, where there is a limited effect on the AONB (overall), the benefits of delivering new homes and the difficulty in finding alternative, less constrained, land for meeting an identified need and economic, social and environmental benefits are relevant and crucial considerations. Paragraph 177 of the NPPF identifies some of these ‘considerations’, that should be taken into account but, ultimately, in this case it is left to the Inspector. I am of the view that Exceptional Circumstances are demonstrated within this Appeal Proposal. I return to this point later in this **Section** and also in my overall conclusions on the planning balance in **Section 15**.

Sustainable Location – in accordance with the Spatial Strategy

- 5.30. The Appeal Proposal is clearly located 'at' Haslemere, one of the four key settlements for development and therefore accords with policy SP2. The Appeal Proposal will deliver 111 much needed homes in Haslemere in a sustainable location, offering a number of benefits to the wider community and therefore the presumption in favour of sustainable development is applied as set out in policy SP1. I also do not consider that all the local LPP2 site allocations will come forward in the plan period as demonstrated in **Section 7/ Table 7.1**. Overall, I conclude that the Appeal Proposal is in accord with the spatial strategy. This is a notable benefit of the Appeal Proposal, the overall achievement of sustainable development in a good location, required now, to alleviate the Borough-wide 5YHLS shortfall, and assist with the overall delivery of the LPP1 housing requirement. This can all be achieved in accordance with the underlying principles of the overall spatial vision of LPP1.
- 5.31. Overall, I have outlined a number of considerations that should be carefully taken into account when considering development in the AONB and what can be regarded as exceptional. Evidently, it is not as 'clear cut' as stating that there should be no major development, or that this must be determined through the Local Plan process. Indeed, on this latter point, the major development test in the NPPF is a Development Management test as opposed to a test that is applied at the Plan making stage, (noting of course, that a local authority has no power at all to alter or amend the AONB boundary) albeit that it can still be relevant in relation to issues such as deliverability.

The degree of harm to the AONB

- 5.32. I view the extent of harm of the Appeal Proposal on the AONB against the substantive benefits of the Proposal as the main issue for this Inquiry (i.e. whether there are Exceptional Circumstances). In Reason for Refusal 1, WBC considers the proposal would fail to preserve and enhance the landscape and scenic beauty of the AONB – and hence be an overall harm to landscape character. I cover this matter in more detail later in this PoE, but the main evidence on this issue is provided by Mr McDermott. In my view, the extent of harm to the AONB is an important factor in this case, as is, the fact that in design, general character and appearance and amenity, there is no objection from WBC, nor is there in respect of the extensive area of SANG proposed, nor any question that the substantive Green Infrastructure proposed (78% of the Appeal Site) cannot be appropriately managed.
- 5.33. I now turn to the determination of this application with specific regard to its location within the AONB. As I have noted, it is agreed that this is 'major' development and, therefore, planning permission should be refused other than in exceptional circumstances. As noted above, the NPPF states that consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

- the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.34. In this context, I have reviewed a number of appeal decisions and Secretary of State decisions on this issue and, in the consideration of this Inquiry, I have already drawn from these above. Moreover, case-law makes clear that these bullets do not preclude consideration of other considerations **SSCLG v Wealden DC** [2017] Env LR 5 at paragraph 63 (**CD REF 10.1**).

5.35. In my view, when making a decision on exceptional circumstances, the starting point should be the assessment of the degree of impact and harm to the AONB, before account is taken on the other considerations mentioned in the NPPF.

Landscape Impact & Character – including Mitigation and Compensation and the Contribution to AONB Management Plan Objectives

5.36. To address Reason for Refusal 1, evidence is required on the actual impact on the AONB, the setting of the South Downs National Park, Countryside beyond the Green Belt and overall Landscape Character. More detailed analysis on these matters is contained with Mr McDermott's PoE, however, I have provided a summary of the Appellant's case below.

5.37. Borough-wide constraints: Mr McDermott first outlines the constrained nature of Waverley Borough, which is 92% rural, of which 61% is Green Belt, and 77% either AONB and/or AGLV. Geographically, and generally speaking, the only undesignated land is either within the four principal settlements, nearby (to the south east) of Milford and Witley, or on land around Cranleigh / Dunsfold. This highlights the complexities associated with bringing forward sustainable development at locations such as Haslemere, a sustainable area for growth in the spatial strategy (in the top tier). Put bluntly, there are very few 'easy' sites left for development in the Borough – all in the context of the proposed expansion of the Surrey Hills AONB.

5.38. Landscape Character Areas: Mr McDermott outlines second, that it is common ground, that there are only adverse landscape effects on two of the Landscape Character Areas (LCAs 1 & 2) on the Appeal Site. It is noted, that LCAs 1 & 2 are where the Parameter Plans propose built form / most of the infrastructure, is of 'Medium' landscape quality, in contrast to other on-site LCAs which are of higher quality.

5.39. It is also common ground that (**CD REF 5.3d**) that although the appeal site is set on higher ground, views are largely screened from the wider landscape due to a combination of topography and high

tree cover.

- 5.40. Landscape Capacity for Development: Third, that the landscape capacity is sufficient to accommodate the quantum of development proposed in the Appeal Proposal, noting, for example, the commentary on visual amenity / Zone of Visual Influence.
- 5.41. Landscape Impact: Fourthly, Mr McDermott does accept that, without mitigation, there is a significant adverse landscape and visual effect arising owing to the Appeal Proposal. I read this adverse impact as being confined to LCAs 1 & 2 and localised. I accept, that the evidence demonstrates there to be a significant change to the existing site environs and character, clearly any redevelopment of Greenfield land would have this impact. Though, my interpretation of the evidence is that the impact is localised, and also that LCAs 1 & 2 are relatively well screened. Mr McDermott also outlines that there is no adverse effect on the setting of the South Downs National Park (indeed there would be a positive contribution), on the basis that no housing would be visible from the National Park, and the proposed SANG (and other Green Infrastructure) is in-keeping with historic context and the character of the National Park.
- 5.42. Main Site Access: Fifth, significant impacts on the AONB are recognised by Mr McDermott with respect of the loss of 1x Category U tree, 4x Category B trees and 11x Category C trees in order to create the Main Site Access from the Midhurst Road. The impact is however, recognised as localised, and not a dissimilar character to other stretches of the A286/ Midhurst Road, in what I would describe is a semi-rural urban edge location. Mr McDermott cites an example of a similar junction re: the access to nearby Bell Vale Lane. He also outlines the proposed mitigation in respect of additional planting of trees and hedges. He also describes the design intent (noting in this location full planning permission is sought, including a 1x Lodge Building) to create the character of an entrance to a country lane or estate driveway. As I outline in **Section 15**, I do accept that the relatively minimal loss of trees is a harm to weigh in the balance.
- 5.43. Landscape Visual Impact: Sixth, Mr McDermott notes no significant adverse effects on views into or out of the wider AONB, once mitigation has become effective. This is an important consideration.
- 5.44. Mitigation & Compensation: Seventh, Mr McDermott outlines a range of mitigation and compensation measures for the landscape harms. These include:
- Extensive Greenspace (18.53 ha, circa 78% of the Appeal Proposal site area) including public access;
 - Scout facility – of architecture (submitted in full detail) which compliments the character of the AONB location, to include land managed by the Scouts – all of which is an exceptional

contribution to the AONB location – to accord with the recreational opportunities required by NPPF paragraph 177;

- A facility for the Grayswood Nursery and Forest School, comprising a simple rustic building in an existing clearing – of exceptional contribution to the character of the area;
- Provision of a Nature Reserve comprising wetland, parkland and meadow, with recreational, educational and biodiversity benefit;
- Provision of 9.69ha of SANG including car park with six spaces (I expand on this provision in **Section 6**);
- Restoration of Red Court Woods via planting and management;
- General landscape management, including eradication of invasive species, coppicing of trees, removal of conifers, removal of deadwood. In addition to general enhancement of habitats (part of the contribution to overall Biodiversity Net Gain, I expand on this in **Section 8**);
- Restoration of WWII Spigot Mortar gun emplacement discovered on-site near the proposed Site Access;
- Provision of Community orchards.

Overall, I conclude that these comprehensive range of mitigation and compensation measures represents an enhancement to the AONB in those relevant parts of the Appeal Site.

5.45. AONB Management Plan Objectives: Eighth, Mr McDermott outlines that the Appeal Proposal is compliant with a number of AONB Management Plan objectives. Indeed no conflicts are cited. In particular, I note:

- W1 / W2 / W4 – Woodland management is proposed and would be secured throughout the Appeal Site. There is no loss of woodland proposed, and public awareness will be increased;
- W5 – Recreation is proposed via the scouts, Forest School and links to the public rights of way network. Habitats will be enhanced;
- B1 / B2 – The Appeal Proposal includes extensive areas of SANG, which will enable on-site enhancements to Biodiversity along with the ability to mitigate other developments in Haslemere/ Hindhead area from impacts on the WHSPA (also partly within the AONB);
- B3 / B4 – Wildlife Corridors will be enhanced and overall Biodiversity Net Gain achieved over the 10% requirement (see the separate PoE of Mr Davies);
- HC2 – Alongside the acknowledged no harm on any designated heritage assets, the Appeal Proposal proposes the Restoration of WWII Spigot Mortar gun emplacement;
- RT1 / TT1 / CE1 – The Green Infrastructure proposed – will provide extensive public access and linkages to public rights of way, including improvements to existing public rights of way. Thus, supporting local tourism and recreation;

- P1 / P2 – On the basis that Exceptional Circumstances are demonstrated (in accord with NPPF paragraph 177) objective P1 is satisfied. Through the Reserved Matters controlled by a Design Code, the architectural design will respect of character of an urban edge / AONB location (P2);
- P4 / CE3 – The Appeal Proposal proposes 35% affordable housing – above the policy minima – some of which would support key workers / homes for local people;
- TT2 – The required off-site highways mitigation is focused on Midhurst Road, and will be advanced with SCC via an appropriate S.278 with regard to the requirements of a semi-rural AONB location.

5.46. Potential Alternative Sites: Finally, Mr McDermott has analysed a range of potential alternative sites, across the Borough, on the basis of their respective landscape characteristics, and whether these would or might be, sequentially preferable to the Appeal Site. This analysis demonstrates that whilst some sites are sequentially preferable in landscape terms, some are not. In determining this analysis, consideration should also be provided to the evidence of Mr Neame, as to whether even with all these possible alternatives, WBC is able to achieve the minima housing requirement over the remaining LPP1 plan period. It is the case, that despite the existence of other sites, collectively these all still fall short of the full LPP1 housing requirement, and thus collectively do not amount to an alternative. In addition, the methodology for including the sites, was to consider all known sites which, at 1st April 2023, were progressing through the planning application stage, or were known promotions. Obviously, there is no certainty that any/ some / all of these sites would obtain planning permission. The analysis has not had to look at further adopted LPP1 / LPP2 or Neighbourhood Plan allocations, as these sites are already factored within the LPP1 2013-2032 housing trajectory, as demonstrated by Mr Neame.

5.47. It should be noted that there are no policy nor legal requirements which define how alternative sites should be assessed. In this case, the Appellant feels it entirely reasonable to only assess sites which can achieve some or all that the Appeal Proposal can offer (i.e. a capacity of 50 or more dwellings). A fine grain assessment of smaller sites would be impractical as none of these could accommodate anywhere near the quantum of development / community uses and SANGs.

5.48. In undertaking the alternative assessment, it is notable that Mr McDermott cites that the Appeal Proposal is the only site remaining around the Haslemere settlement boundary that can make a meaningful contribution toward housing numbers. On the basis of the constraints around the town (Green Belt, AONB, AGLV) I agree with this assessment – which I expand on further with reference to **Figure 5.1** below. Interestingly, this was also the conclusion of WBC when granting permission at Sturt Farm (a decision which I introduced in **Section 3**, and which Mr McDermott further discusses).

Landscape - Recreational benefits

5.49. In my opinion, the remaining woodland and fields will accommodate a variety of uses benefiting a wide

cross-section of the community. These uses will be entirely compatible with the landscape, habitat and setting and overall will enhance the quality of the AONB landscape and its value to society. AONBs were established to benefit the population and the ecosystems within them. I believe the use of these areas will be an exemplar of how the landscape can be managed and enhanced for the benefit of the population and wildlife. I have demonstrated how the proposed landscape compensation includes features such as SANG and extensive Public Open Space. In addition, a number of recreational and education uses, such as the Scout Facility. All of which contribute positively to AONB Management Plan objectives.

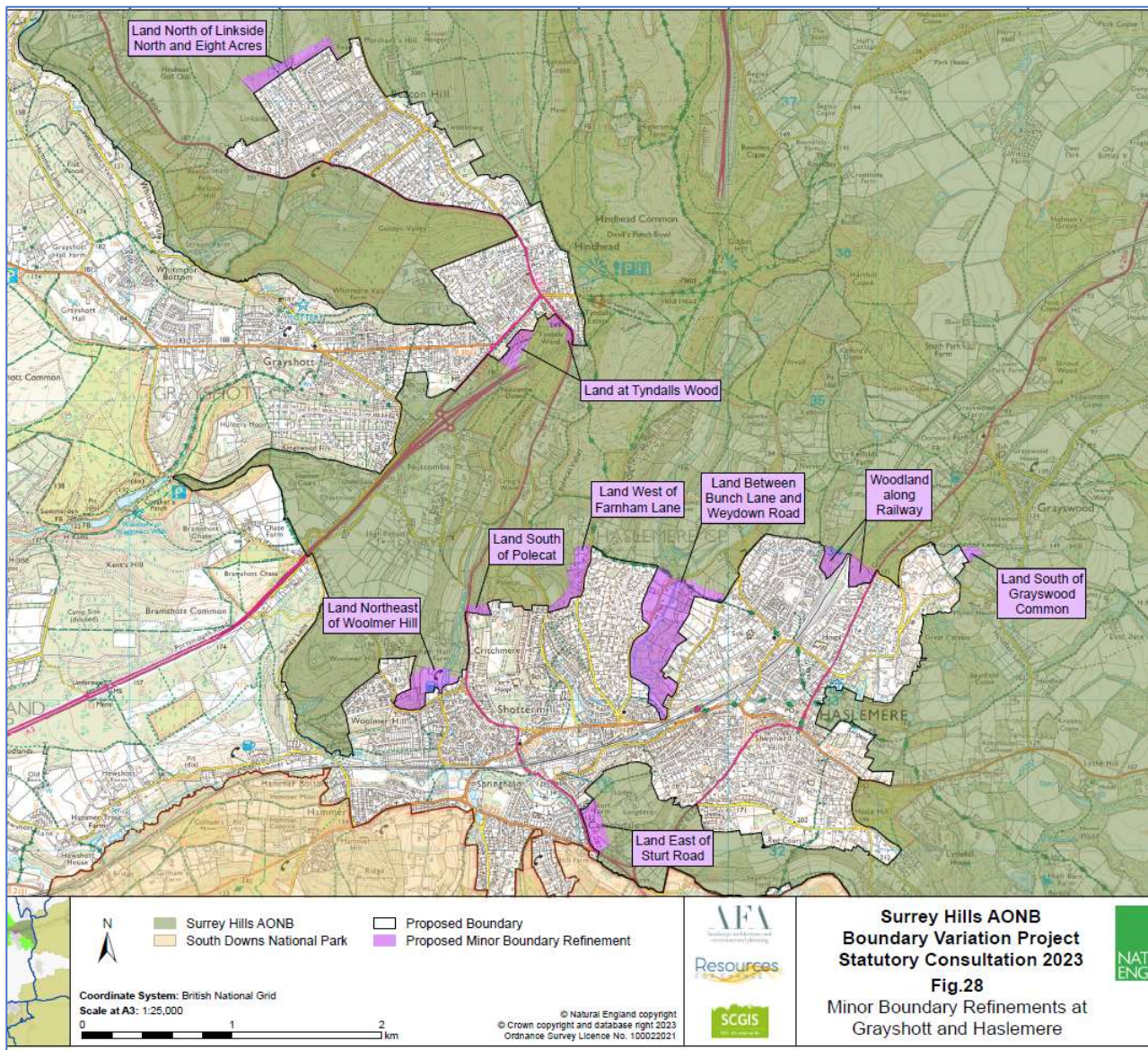
Landscape – Biodiversity Net Gain

- 5.50. The Ecological Survey Report produced by Engain (June 2022) (**CD REF 2.38**) assesses the impact of the Appeal Proposal on ecology and Biodiversity Net Gain (BNG) and Enhancement Strategy produced by Engain (June 2022) contains details on BNG confirming that the proposals would achieve a net gain greater than 10% (c. 33.5% habitats and 24.1% hedgerows). Further detail is provided in the PoE of Mr Davies, as summarised in **Section 8** of my PoE.

AONB Boundary Review Consultation – March 2023

- 5.51. Natural England is currently consulting on proposed changes to the boundary of the Surrey Hills AONB, which includes changes around Haslemere. The map extract below shows the proposed boundary amendments (**Figure 5.1**).

Figure 5.1: Extract of Figure 28 of the Surrey Hills AONB Variation Project showing Haslemere amendments.



5.52. The proposed changes to the boundaries do not affect the Appeal Site specifically, although I consider it is relevant context as it does show a number of sites proposed to be included in and around Haslemere. The consequence of this, will be that the entirety of the built up area boundary of Haslemere, will be adjoined by either AONB/ Green Belt, AONB, or the South Downs National Park. This demonstrates an onward constraint for the sustainable expansion of the town, highlighting the necessity to consider the most appropriate constrained sites, to enable the sustainable delivery to meet needs. In addition, it is worth noting that across Surrey, the expansion proposed to the AONB is considerable. The proposals are to increase the AONB by c.25% over 100 square kilometres.

Exceptional Circumstances

5.53. I focus here on the post CMC Note (**CD REF 5.5**) paragraph 7:

Whether exceptional circumstances for the purposes of para.177 justify the proposed development;

The extent to which the proposed development is consistent with the development plan; and

Whether any harm and/or development plan conflict arising would be outweighed by other considerations.

5.54. A NPPF Paragraph 177 Statement was submitted in June 2022 with the original application (**CD REF 2.13**). Whilst this lays out the principles of the Appellant's case, time has moved on since this submission. An Outline of Case was submitted with the Appellant's SoC. Within the Appellant's various PoEs is provided an update to the information within this original statement. My position on Exceptional Circumstances should be read alongside the landscape evidence of Mr McDermott and in the context of the land supply evidence of Mr Neame and ecology evidence of Mr Davies.

5.55. I have already summarised the position in respect of Landscape Impact, with reference to the PoE of Mr McDermott. Other aspects outlined in this **Section**, and other **Sections** of my PoE are relevant to the Exceptional Circumstances.

NPPF 177 Requirement a) "the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;"

5.56. The Appellant's case outlines the deficiency in WBC's 5YHLS, now and over the remaining plan period. This is outlined in full, in the separate PoE of Mr Neame. I have provided my analysis of site delivery in Haslemere and relevant recent Appeals in **Sections 3 and 7** of this PoE. In addition, Mr McDermott has noted a relatively limited number of potential alternative sites across the Borough. **It is clear from all of this evidence, that there is a pressing need for homes, a limited sites from which to accommodate this need. Indeed, there is no alternative (in the round) as even with all the alternatives, WBC would still fall substantially short of their LPP1 housing requirement to 2032.**

5.57. An Affordable Housing Need Addendum has been prepared by Tetlow King (**Appendix 3**). This summarises that there is a wealth of evidence to demonstrate that there is a national housing crisis in the UK affecting many millions of people who are unable to access suitable accommodation to meet their housing needs. There are particular acute needs in Waverley, which Tetlow King concludes stand at 770 affordable homes per annum, in period 2020-2032. This figure is evidently above the overall residual housing requirement (presently 719 dpa), demonstrating the scale of the issue. In Haslemere itself, the figure is 118 affordable homes per annum. This is all in the context (factoring a range of

measures) of a Borough-wide shortfall of 1,983 affordable dwellings in the period 2013 to date. Thus, on the basis of the Waverley Affordability Report (2020-22) just 24% of affordable housing needs have been met.

- 5.58. What is clear is that a significant boost in the delivery of housing, and in particular affordable housing, in Waverley is essential to arrest the housing crisis and prevent further worsening of the situation. Notably, house price values indicate the issue, where the median house price to median wage ratio in Waverley stands at 17.37, higher than Guildford (12.67) and England (8.28) (source: ONS House price to workplace-based earnings ratio, 22nd March 2023). In respect of house prices, the ONS House price index (Annual change to September 2023) indicates a fall across England (-0.5%) and the South East (-1.4%), but remarkably an increase in Waverley (+2.5%). This is the clear result of a significant undersupply of housing over many decades.
- 5.59. This also highlights that market signals indicate a worsening trend in affordability across Waverley and by any measure of affordability, this is an authority amid an affordable housing emergency, and one through which urgent action must be taken to deliver more affordable homes.
- 5.60. In the recent Monkton Appeal Decision (**CD REF 9.43**), the Inspector concluded (paragraph 27): -
- “the affordable housing part of the proposal would represent a significant benefit and the proposal would comply with Policy AHN1 of the LPP1.”*
- 5.61. This conclusion was based on a provision of affordable housing above policy compliance (40%), large shortfall in Affordable Housing provision in the borough as demonstrated in the Appellant’s Affordable Housing Statement. Furthermore, the Inspector says that *“affordability indicators for property show a worsening situation for those at the entry level of the market”* (paragraph 27).
- 5.62. Against the scale of unmet need and the lack of suitable alternatives in the private rented sector across Waverley, there should be no doubt that the provision of up to 39 affordable homes (35%) will make a substantial contribution. In addition, and of relevance is the provision of 5% of the market dwellings as self/custom build. Considering all the evidence, this contribution should be afforded substantial weight in the determination of this appeal.
- 5.63. An Economic Benefits Statement was included with the original planning application, appended to the Paragraph 177 Statement (**CD REF 2.13**). An updated version is now appended to my PoE (**Appendix 2**). The economic benefits from the scheme from the Appeal Proposal are summarised in **Section 14** of my PoE in respect of the overall Benefits. It is evident, as accepted by the Officer’s Report (**CD REF 4.2**), that due weight should be provided to the contribution in respect of on-site jobs, net additional jobs supported off-site, £1.7 million per annum Gross Value Added, increase in local residential expenditure, alongside circa £4.8m in CIL receipts with a range of other increased taxation benefits.

- 5.64. The need for market and affordable housing must be afforded **substantial weight** and is an exceptional circumstance; as are the benefits to the economy arising from the development. Delivery of the Appeal Proposal is undoubtedly in the public interest.
- 5.65. I also outline the need for education, community and recreation facilities, such as the Scout Facility in respect of NPPF 177 Requirement b) below. There is also a need, to help deliver wider LPP1/LPP2 plan objectives for deliverable SANG land, as discussed below. In addition, as I summarise in **Section 14**, through the S106, there is the potential for the Appeal Proposal to enable the transfer of nearby land (off Scotland Lane) in the control of the Appellant, for the use of community allotments. A resolution to grant planning permission (obtained in October) exists for this land (**CD REF 11.1**), which would meet the identified needs (and waiting list) for allotments locally.
- 5.66. **Overall, the evidence of affordable housing need, the overall need for housing, and considerable absence of 5YHLS, confirm a compelling needs case. This is compounded by the various economic benefits of the Appeal Proposal, and the needs for other uses incorporated with the Appeal Proposal or in the case of the nearby allotments, facilitated by the Appeal Proposal**

NPPF 177 Requirement b) “the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way”

- 5.67. In the current planning environment, LPP1 and LPP2 do not allocate sufficient sites to meet housing needs and that greenfield development is inevitable – demonstrated, for example by the range of Greenfield site allocations made in LPP2. Indeed LPP1 specifically acknowledges the need for Greenfield release. The constrained nature of the Borough, in around Haslemere in particular, has been demonstrated by the lack of alternative sites, as outlined in Mr McDermott’s PoE. As he outlines, a review of other comparable sites (in scale, locations outside and inside the AONB) has been undertaken, with analysis of landscape visual implications of the development in these locations. Also relevant, is the deliverability of these alternative sites. It is also notable, that certain sites are coming forward for ‘major’ development in the AONB elsewhere, such as the Royal School (see **Section 3** and **Table 7.1**), and land north of Chiddingfold (see paragraphs 3.12 to 3.14 of my PoE).
- 5.68. There is no other known way, nor present delivery mechanism/ alternative site for the 1st Haslemere Scout Group. A statement is provided from the Scout Group at **Appendix 5** which confirms the funding to ensure the delivery of the proposed Scout Facility. On the basis of various representations (**CD REFS 3.29 and 3.30**) and also the Appendix 4 of the Planning Statement (**CD REF 2.10**), it is clear, that for a considerable period of time, the scouts have been uncertain of their future owing to their present location at Weyhill Youth Campus where they currently ‘hold over’ under an expired lease. They have considered a number of relocation options, but to date have been unsuccessful. I also address the Benefits of the provision of a Scout Facility in **Section 14**. In addition, Appendix 3 of the

Planning Statement makes clear the need and benefits of providing the facility for the Grayswood Nursery and Forest School. The opportunity here, is the only option I am aware of to provide this facility in the locality. I have also introduced the potential for the Appeal Proposal, through the S106, to facilitate the delivery of land for community allotments to serve the town. There has been a waiting list for allotment provision for some considerable time, and I am aware of no other alternative sites, or proposals in the town to address this need.

- 5.69. I outline in **Section 6** the proposals for, and opportunity to create a strategic SANG through the Appeal Proposal. There is no other opportunity, that I am aware of, in the Haslemere / Hindhead area, to provide a strategic SANG, and certainly not of the scale proposed with the Appeal Proposal. It will have a strategic benefit, on the basis of scale and catchment (to accommodate c. 345 dwellings). On the basis of the absence of alternative sites for SANG, the delivery of a SANG with the Appeal Proposal is a substantive benefit. WBC indicated at the LPP2 Examination that land holdings under their control in the locality could potentially provide solutions but Natural England have confirmed recently that none have been advanced.
- 5.70. **Overall, firstly I consider that development sites in constrained areas such as the AONB will be required if WBC is to meet the ever growing housing needs of the Borough. Sequentially the Appeal Site is not the least preferable and comprises the only remaining location for a meaningful contribution to housing in Haslemere. In addition, secondly, the Site is the only credible (and deliverable) opportunity to relocate the 1st Haslemere Scout Group, and thirdly the only known opportunity for the Grayswood Nursery and Forest School. Fourthly, the Appeal Proposal provides the only known deliverable opportunity to provide a strategic SANG, for the benefit of all of Haslemere and Hindhead. Fifthly, the Appeal Proposal can facilitate land for community allotments, the only known site in the town to meet this need.**

NPPF 177 Requirement c) “any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”

- 5.71. I have summarised the PoE of Mr McDermott in respect of landscape impacts at paragraph 5.36 of this PoE onwards. It is demonstrated that through mitigation and compensation, the Appeal Proposal provides a range of benefits alongside a significant contribution toward AONB Management Plan objectives. It is relevant to consider that only 22% of the Appeal Proposal is proposed for built development, leaving the substantive element (78%) as Green Infrastructure, much of which will be enhanced and made publicly accessible. It is clear to me, that the impact on the AONB has been moderated, through mitigation and compensation. Indeed, aspects of the Appeal Site will clearly be enhanced, and recreational opportunities substantially increased (on what is presently private land).
- 5.72. **Overall, I consider that the landscape harm, which is focused on only two of the LCAs, is outweighed by the package of mitigation / compensation which contribute to the overall benefits of the Appeal Proposal. Landscape impacts have been moderate and recreational opportunities enhanced.**
- 5.73. **In summary, I consider there to be compelling Exceptional Circumstances to justify the Appeal Proposal.**

6. Wealden Heaths Special Protection Area (WHSPA)

- 6.1. I outline my response to the Inspector's Main Issue iv. from the Inspector's pre CMC Note (**CD REF 5.4**) in respect of:

Whether or not appropriate provision would be made in respect of: Suitable Alternative Natural Greenspace ('SANG')

- 6.2. A further, more detailed note in respect of the required mitigation / avoidance measures is included at **Appendix 4** of my PoE, prepared by EPR ecology.
- 6.3. The provision of 9.69 ha of SANG within the Appeal Proposal could be used as a local provision, enabling other development sites nearby, restricted by the ability to provide SANG, to come forward. It would have a walking catchment of 400m and a driving catchment of 2km. As stated in paragraphs 1.18 and 3.18 to 3.23 of Appendix 4, the possibility of increasing the SANG to 12ha is currently being examined, which would increase the driving catchment to 4km. Approximately 5,653 existing residential dwellings also fall within the 2km catchment, and a proportion of these existing residents would also be expected to visit the SANG as a preference to the WHSPA.
- 6.4. Based on the standard SANG capacity of 8 ha per 1,000 new residents, a SANG of 9.69 ha would provide mitigation for 504 dwellings, assuming an average occupancy rate of 2.4 people per dwelling. Of this total capacity, up to 161 dwellings would be reserved by Scotland Park Phases 1 and 2, leaving a net capacity for 345 dwellings. This would comfortably accommodate all of the town centre allocations in LPP2, with substantial spare capacity remaining to mitigate windfall or speculative sites that may come forward in the catchment.
- 6.5. As part of the pre application process, EPR engaged with Natural England for advice on the proposed design and approach for providing a SANG solution. Natural England and EPR were in regular consultation throughout the course of the pre and post planning application processes. As part of the discretionary advice service, Natural England responded (**CD REF 15.2**) to confirm that the SANG proposal is acceptable. Further detail can be found in **Appendix 4**.
- 6.6. In addition, it is concluded that the Appeal Proposal has the potential to provide a solution to SANG based constraints on other development sites within the locality, speeding up housing delivery and the ability to meet targets.
- 6.7. The S106 will cover all matters in relation to the WHSPA mitigation agreed with Natural England and WBC. This includes the upgrade to the Wealden Heaths Mitigation Strategy ("**WHMS**" package consented with Scotland Park Phase 1 to a full SANG that will provide impact avoidance and mitigation

for both Phase 1 and the Appeal Proposal. There will also be surplus capacity to cover other residential schemes within a 2km catchment as explained in the Information for Habitats Regulations Assessment report (**CD REF 1.40**). For the avoidance of doubt, the S106 will state that the provisions of Schedule 3 of the S106 Agreement dated 11 January 2022 for Phase 1, shall cease once the SANG associated with the Appeal Proposal is commenced. I consider that there should not be any further debate on this matter as it has been agreed.

6.8. The Appellant engaged in substantive pre- and post-application liaison with Natural England to develop the design of the SANG. Natural England confirmed in their response dated 8th November 2022 (**CD REF 3.14**) that they are accepting of the SANG proposal. The Environment Agency also had no objection to the SANG Creation and Management Plan and mitigation measures (**CD REF 1.42**). The **Appendix 4** (Appendix A) to my PoE, prepared by EPR, provides further detail on Natural England's response to the SANG.

6.9. The Case Officer stated the following in their Report (**CD REF 4.2**) for the Application:

"With regard to the provision of a SANG on the southern part of the site, given that this involves limited intervention and retains the existing landscape character, officers are of the view that this element of the development is acceptable."

6.10. The upgrade of the approved WHMS to a full SANG will provide significant wider benefits including habitat creation, guaranteed long term management, a rich educational resource and designated visitor car parking. Furthermore around 3.2km of new walking routes will be created in addition to existing permissive paths and PRow, in turn improving public access to the AONB, wider countryside and SDNP.

6.11. At the time of writing my PoE, Natural England's consultee response dated 30 June 2023 (**CD REF 15.1**) to the Royal School application (WA/2023/01309) for 99 dwellings and 11 apartments confirms a holding objection. The holding objection was based on the grounds that Natural England required further information to ensure the Applicant could be certain the proposed on/off site SANG and the associated recreational use would not have significant effects on the WHSPA. I have direct experience on other projects including SANG, and on this basis, conclude that I would be surprised were the 'SANG' proposed at the Royal School falls significantly short of to be of a sufficient scale to be acceptable re: Natural England's SANG specification (see Royal School Masterplan – **Appendix 9**). Specifically Natural England's objection states (see **CD REF 15.1**): *"Further information required: - an agreed package of SANG in which meets the required SANG specifications, as set out through NE SANG Guidelines (August 2021). Without this information, Natural England may need to object to the proposal"*. Some 6 months on, no further update has been provided by the applicant to date.

6.12. Taking account of the Officer's Report, responses from Natural England and the Environment Agency,

the work of EPR (see **Appendix 4**) and Mr McDermott's PoE, I am of the view that the Appeal Proposals accord with the Habitat Regulations Assessment, the Surrey Hills Management Policies and LPP1 policies NE1 and NE2.

Wider public benefits from securing additional SANG to serve Haslemere

- 6.13. The LPP2 is absent of any SANG allocations or mitigation solutions and the availability of land to provide SANG in Haslemere is severely constrained. In fact none of the Haslemere LPP2 allocation sites have identified their Wealden Heath Phase II mitigation solutions (the list of sites is at **Table 7.1**). The Appeal Proposal will therefore provide much needed additional SANG in Haslemere and importantly contribute to ensuring the delivery of these sites. The S106 agreement provides nomination rights to WBC for Haslemere allocation sites and on rates equal to the WBC's strategic Farnham SANG facility, ensuring clarity and, importantly, fair pricing, avoiding any risks to viability.
- 6.14. During the LPP2 Examination process, concerns were raised over the delivery of an SPA mitigation solution for the allocated development sites in Haslemere. The Appeal Site was identified by WBC as having potential for a strategic SANG solution that would facilitate development of the allocated sites, alongside providing suitable mitigation for both Scotland Park Phase 1 and the Appeal Proposal itself. This is a substantial landowner promoted benefit, as often where SANG is proposed, it simply only mitigates the development proposed.
- 6.15. Further detail is provided in Appendix 4. WBC suggested that three of their landholdings in the Haslemere area might have potential as SANGs during the LPP2 Examination, but have not since progressed any of them. Natural England confirmed at a Teams meeting with the Appellant's consultant EPR on 20 November 2023 that they have not heard anything further from WBC on those sites. In my opinion, this suggests that they were only named in order to only demonstrate to the LPP2 Inspector that solutions were potentially available, and that either WBC has since failed to progress them, or does not have the means to progress them. From my experience, securing agreement from Natural England on a finalised SANG's design takes a number of years, necessarily impacting delivery of any site requiring a bespoke solution, assuming a site meeting Natural England's exacting standards can be secured.
- 6.16. Therefore, I argue that given the slow delivery of the WBC led sites for mitigation of the WHSPA, the proposed SANG included in the Appeal Proposal will provide a vital opportunity in the area. This opportunity includes both crucial mitigation to protect the Wealden Heath SPA and the unlocking of future housing development sites that cannot provide their own SPA mitigation solutions. This is a substantial benefit.

7. Delivering New Homes

- 7.1. This **Section** responds to the Inspector's Main Issue iii, in the Inspector's pre-inquiry meeting note (**CD REF 5.4**) on:

any implications of forecast housing supply in Waverley and at Haslemere.

Context

- 7.2. A key component of assessing the above test in paragraph 177 of the NPPF is the assessment of the housing delivery and supply. This is considered within **Sections 5 and 6** of my PoE.
- 7.3. In terms of the impacts on the local economy, this has been covered in **Sections 5 and 14**, and within **Appendix 2**.
- 7.4. This Section covers national and local delivery context, including that of affordable housing. This is relevant for the tests of paragraph 177 of the NPPF.

National Housing land supply

- 7.5. It is well known and well documented that there is a national housing crisis. Government's publication "*Housing supply: net additional dwellings, England: 2020 to 2021*" (November 2021) indicates that the annual housing supply in England in 2020-21 amounted to 216,490 net additional dwellings, against the annual target of 300,000 homes. The Report in figure 1 also shows that since 2000, the total housing delivered has not met the 300,000 per annum target, and since the previous year (2019-2020) there has been an 11% reduction in housing delivery. In 2022/23 the figure stood at 234,400 per annum (net gain). Thus, the urgent need to significantly boost the supply of housing, as set out in the NPPF (paragraphs 60 and 74 in particular) remains strong and current. As I outline in **Section 5**, the situation in Waverley is more acute.

Housing Delivery Context in Waverley

- 7.6. LPP1 includes strategic allocations, but does not include any site allocation in Haslemere, which was delegated to LPP2 and now recently adopted (March 2023).
- 7.7. In and around Haslemere, WBC has allocated sites to deliver 338 new homes (though a proportion of these, 101 dwellings over three sites have planning permission). Whilst the suitability and deliverability of some of these sites has been argued during the LPP2 process, it is acknowledged that they are now allocated and thus they may deliver a quantum of housing over the LPP2 plan period (up to 2032), yet none of the sites without planning permission will form part of the 5YHLS, as Mr Neame's evidence

confirms. Furthermore, none of the allocations can deliver the wide range of benefits of the Appeal Proposal, including SANG and significant community gains. As I introduced in **Section 6**, the allocated The Royal School site (Policy DS 06) is in itself insufficient in SANG provision, in my opinion, and also the present opinion of Natural England. The SANG here is only c.2.6 ha in scale, offering a limited walking route. I enclosed the submitted Masterplan at **Appendix 9**. In addition, copies of the outstanding objections from Natural England (**CD REF 15.1**), and Sport England (**Appendix 10**).

7.8. The housing delivery in Haslemere has historically been poor. It did pick up in 2022/23 (101 dwellings completed, as indicated by the WBC 5YHLS Update, October 2023) but requires completions averaging over 60 per annum for the next 9 years against the historical average of about 40 per annum over the Plan period. The position based on WBC's evidence is:

- a) LPP1 Requirement – at least 990 dwellings by 2032
- b) Delivery 2013-2023 – 406 dwellings
- c) Commitments (Small sites) – 79 dwellings
- d) Commitments (Large sites) – 304 dwellings
- e) LPP2 Allocations (not yet consented) – 227 dwellings
- f) Windfalls – 83 dwellings
- g) Total (c+d+e+f) = 693 dwellings
- h) Total projected delivery 2013-2032 (b+g) = **1,099 dwellings**

7.9. The likely absolute best case scenario is presented above at paragraph 7.8. Though, whilst I do not specifically question the delivery from Small/ Large site commitments (c. and d.), I do question the deliverability of a number of the LPP2 Allocations (e.).

7.10. My opinion on LPP2 sites ultimately relates to various constraints including an unknown Wealden Heaths SPA mitigation and avoidance strategy, which will be required by Natural England. As highlighted in **Section 6**, the Appeal Site offers an immediate solution to this issue for a number of sites allocated in Haslemere.

7.11. A critique of the LPP2 allocations in and around Haslemere are summarised in **Table 7.1**.

Table 7.1: Critique of Allocated sites in Haslemere

Sites	Number of units allocated	Commentary on Delivery	Deliverable before the end of the Plan Period (2032)
DS 01 Haslemere Key Site, West Street, Haslemere	30 additional dwellings	The site is in a range of ownerships, and forms the main town centre car park. There is no public delivery strategy nor developer engaged. This site has a number of constraints, including conservation area, setting of Listed Buildings	No. There is no masterplan and no delivery agent. The site is an active car park. No SANG solution. (-30 from projection)
DS 02 Central Hindhead, London Road, Hindhead	38 dwellings	This site has planning permission and is deliverable.	Large site commitment, included in 5YHLS.
DS 03 Land at Andrews, Portsmouth Road, Hindhead	Equivalent of 39 additional dwellings	This site has planning permission and is deliverable.	Large site commitment, included in 5YHLS.
DS 04 Land at Wey Hill Youth Campus, Haslemere	34 additional dwellings	WBC has been working on a development strategy for the site, which includes the Youth Campus presently occupied by the Air Cadets, St John Ambulance plus other commercial / residential occupiers. The details of the relocation of the Community Facilities remain outstanding.	No. Unless the Youth Campus can relocate, or the users are relocated, there remains an impediment to delivery. WBC admit that relocation plans are 'off target' due to cost increases. There is also no known developer engaged. No SANG solution. A more logical comprehensive development requires relocation of the Scouts. Viability of smaller site questionable and Council development assessments not published. (-34 from projection)
DS 05 Haslemere Preparatory School, The Heights, Hill Rd, Haslemere	24 additional dwellings	This site has planning permission and is deliverable.	Large site commitment, included in 5YHLS.
DS 06 The Royal Junior School, Portsmouth Road, Hindhead	90 dwellings	This site is subject to a planning application (WA/2023/01309) submitted in June 2023 – and still undetermined. I have provided comments on the deliverability in this Section . The site is in the AONB. See further information in Mr McDermott's PoE and paragraphs 3.10, 6.11 and 7.7 of my PoE.	Not without an off-site WHSPA mitigation solution and resolution of infrastructure concerns and Sport England objection. Loss of educational facility (junior school now closed) not addressing allocation requirement for 'successful' relocation of school. (-90 from projection)

DS 07 Fairground Car Park, Wey Hill, Haslemere	20 dwellings	WBC has been working on a development strategy for the site, though the site remains an active car park, and no developer is known to be engaged.	No, on the basis that no known developer is engaged with the site. No SANG solution. Viability exercise undertaken by WBC not published. (-20 from projection)
DS 08 The Old Grove, High Pitfold, Hindhead	40 dwellings	This site is subject to a planning application (WA/2021/02876) for a 'phase 1' of 18 dwellings. I provide detailed comments on the deliverability. It is linked in location to DS 06. The site is in the AONB.	Possibility (and just that), for 18 dwellings only – subject to resolving issues associated with the WH SPA mitigation. Though the application unresolved after 2 years. Issues associated with the WH SPA mitigation. Natural England and Surrey Hills AONB objections. More uncertain delivery in respect of the remainder. (-22 from projection)
DS 09 National Trust Car Park, Branksome Place, Hindhead Road, Haslemere	13 dwellings	There is no indication that the National Trust is seeking to develop this land, which is also in the AONB.	No. I understand also that there is an access issue re: sight lines on 40mph road. (-13 from projection)
DS 10 Hatherleigh, Tower Road, Hindhead	5 additional dwellings	I do not question the site's deliverability	No reason to question.
DS 11 34 Kings Road, Haslemere	5 additional dwellings	I do not question the site's deliverability	No reason to question.

7.12. All of the LPP2 sites, identified in **Table 7.1** are within the WHSPA Mitigation Zone, and none, except the Royal School, proposes a SANG.

7.13. On the basis of my analysis in **Table 7.1**, my alternative position in respect of projected housing delivery in Haslemere is:

- a) LPP1 Requirement – at least 990 dwellings by 2032
- b) Delivery 2013-2023 – 406 dwellings
- c) Commitments (Small sites) – 79 dwellings
- d) Commitments (Large sites) – 304 dwellings
- e) LPP2 Allocations (not yet consented) – 18 dwellings (227 minus 203 – see **Table 7.1**)
- f) Windfalls – 83 dwellings
- g) Total (c+d+e+f) = 484 dwellings
- h) Total projected delivery 2013-2032 (b+g) = **890 dwellings**

7.14. Overall I conclude that a significant number of dwellings are at risk of not being delivered by 2032. This would lead to a shortfall of around 100 dwellings in Haslemere over the plan period. Nonetheless,

the housing requirement is 'at least' 990 dwellings, on the basis of a reasonable lapse rate of 10% of the numbers allocated or permitted not coming forward for delivery, would indicate that circa 100 more dwellings, than the minimum requirement should be positively planned. There is certainly scope to consider the Appeal Proposal favourably in these terms, noting of course, that the overall housing requirement is Borough-wide, and not specific to Haslemere. I would not however describe the provision of housing on the Appeal Site as somewhat at odds with the overall intent for new homes in the town, as the provision of housing here would either address a potential shortfall to 2032 (on my figures), or simply provide for an additional buffer in supply (on WBC's figures).

- 7.15. In addition, the LPP1 ALH1 allocation of at least 990 dwellings for Haslemere is now out of date, on the basis of the 5YHLS. As evidenced by Mr Neame's evidence, the shortfall to 2032 is substantive (see below). Haslemere will have to assist in recovering the deficit, having already fallen behind the other Principal Settlements in terms of delivery and identifying the means to meet its share of the LPP1 housing requirement.

WBC Corporate Performance Reports

- 7.16. The WBC Corporate Performance Reports ("**CPR**") covering 2021/22 and 2022/23 (**CD REFS 7.30, 7.31, 7.32, 7.33 and 7.48**) include relevant key monitoring indicators including; RP1 (actual number of dwellings commenced), RP2 (actual number of dwellings completed), H8 (affordable homes granted planning permission and H9 (total number of affordable homes delivered).
- 7.17. As per **Table 7.2**, to accord with WBC's Housing Delivery Test score, the number of dwellings actually completed is above target, which it needs to be to make up the shortfall from 2013. Although it is important to highlight that the number of completions in **Table 7.2** below differ to the completion data in the Five Year Housing Land Supply Position Statement October 2023. For example the completion data over the 2 year period displayed in **Table 7.2** equates to 1,388 dwellings (2021-2023), and the Position Statement over the same period includes a total of 1,793 dwellings. I note within the CPRs WBC acknowledge the inconsistency between the completion data WBC is using for the Position Statement and the data set out in the CPR. WBC consider the Position Statement data to be more accurate (expressed in the CPRs). In Mr Neame's calculations he has used the larger figure in the Position Statement, for robustness in the 5YHLS analysis i.e. showing more completions than the CPR.
- 7.18. However the greatest concern is the number of dwellings commenced which is significantly below the target (147 dwellings per quarter), at an average of 63 per quarter. This is of concern, as this will lead to a reduction in the number of completions over the coming years, which is consistent with the evidence of Mr Neame, which I strongly endorse. The number of affordable homes granted planning permission also appears low.

Table 7.2: Analysis of WBC CPR relevant to the Provision of Housing

Monitoring Indicator	Q1 21-22	Q2 21-22	Q3 21-22	Q4 21-22	Q1 22-23	Q2 22-23	Q3 22-23	Q4 22-23	Total & Average over past 8 quarters (two monitoring years)	WBC's Quarterly Target
RP1 actual number of dwellings commenced	141	70	60	37	77	47	41	32	505 63 per quarter	147 per quarter
RP2 actual number of dwellings completed	175	226	119	137	202	214	140	175	1,388 173 per quarter	147 per quarter
H8 affordable homes granted planning permission	105	4	0	73	0	7	9	33	231 29 per quarter	-
H9 affordable homes started on site within a quarter	4	0	29	39	37	76	69	99	353 44 per quarter	-
H10 total number of affordable homes delivered	48	30	32	82	84	78	58	84	496 62 per quarter	-

Affordable housing

- 7.19. National Policy is clear about the need to deliver a range of housing types, sizes and tenures, including affordable housing, to meet the needs of different groups in the community (paragraph 62 NPPF). WBC must therefore ensure that a sufficient supply of affordable housing is also provided.
- 7.20. Tetlow King have carried out an assessment of the current position and a separate report “*Affordable Housing Statement (dated June 2022)*” which has been submitted with the Appeal (as it was with the original planning application) and an addendum, updated report which is included as **Appendix 3** to my PoE. I have outlined in **Section 5**, a summary of their evidence, noting needs for 770 affordable homes per annum in Waverley, in the context of a shortfall in delivery from 2013 of 1,983 dwellings.
- 7.21. Market signals indicate a worsening trend in affordability across Waverley and by any measure of affordability, this is an authority amid an affordable housing emergency, and one through which urgent action must be taken to deliver more affordable homes.

Neighbourhood Plan Context

- 7.22. **Table 7.3** provides a summary of the position of all Neighbourhood Plans in WBC, either made or in progress. There are a number of Neighbourhood Plans still in progress nearly 6 years after the adoption of LPP1, and 10 years into the plan period. This is a contributory factor to WBC not meeting its overall housing needs, as it was intended that NPs contribute to making some housing allocations, though on the overall evidence of HLS, it would appear that insufficient sites are coming forward. The

Appellant's analysis of NPs has also contributed to our understanding of the extent of reasonable alternative sites, as outlined in the evidence of Mr McDermott.

Table 7.3 Waverley Borough Neighbourhood Plan Status

Neighbourhood Plan	Status	Does the plan make allocations?
Alfold Neighbourhood Plan	Referendum 7 th December 2023	No
Bramley Neighbourhood Plan	Made 13 January 2022	Yes, 8 new dwellings.
Busbridge Neighbourhood Plan	On hold	-
Chiddingfold Neighbourhood Plan	Made 24 August 2021	Yes, 131 new dwellings
Cranleigh Neighbourhood Plan	At examination	Yes, 110 new dwellings..
Dunsfold Neighbourhood Plan	Plan preparation. HRA Screening August 2021, no HRA required.	-
Elstead and Weyburn Neighbourhood Plan	At examination	Yes, 67 new dwellings.
Ewhurst and Ellens Green Neighbourhood Plan	Made 15 August 2022	No
Farnham Neighbourhood Plan	Made 3 April 2020	Yes, 922 new dwellings.
Godalming and Farncombe Neighbourhood Plan	Made 13 August 2019	No
Hascombe Neighbourhood Plan	On hold	-
Haslemere Neighbourhood Plan	Made 12 November 2021	No (requires an update)
Witley Neighbourhood Plan	Made 21 June 2021	No

Proposed Housing Provision on the Site

- 7.23. Application includes a mix of dwelling types, sizes and tenures, targeted at meeting specific local needs whilst promoting a balanced and mixed community as well as contributing towards WBC's current 5 Year Housing Supply. Whilst the exact mix will be secured through future Reserved Matters applications, Redwood have committed to 35% affordable homes, which amounts to circa 39 homes. This is a substantial benefit in my opinion.
- 7.24. The approach to the Housing Mix, will facilitate the required market and affordable provision, also noting the provision of First Homes and Self/Custom Build plots. The Appellant proposes that the housing mix is secured by appropriate planning condition, to ensure that it broadly aligns with the SHMA (or relevant updated housing needs evidence). This is an entirely reasonable approach as the majority of the dwellings proposed are in outline.
- 7.25. In the context of an authority who is consistently unable to demonstrate a housing land supply, I believe this high quality scheme, located on the edge of one of the borough's key settlements should be welcomed. I will discuss an overview of the land supply position in the next **Section** of my PoE.

Housing Land Supply

- 7.26. I summarise in this **Section** on the housing land supply in Waverley and Haslemere, noting that the primary evidence is provided by Mr Neame.
- 7.27. Mr Neame concludes that WBC has insufficient deliverable and developable supply to meet its minimum housing requirement over the remainder of the LPP1 period up to 2032.

Five Year Housing Land Supply Position

WBC Position

- 7.28. In October 2023 WBC issued a Five Year Housing Land Supply Position Statement, base date 1 April 2023 (**CD REF 7.12**). This confirms WBC's position of a supply of 3.89 years which matches the supply stated in WBC's SoC. It can be seen in Mr Neame's PoE that even using WBC's numbers, they have calculated this number incorrectly and their position is in fact 3.81 years. This is a reduction from the 4.15-4.56 years reported in February 2023, which in-itself, was a reduction from previous years.

Appellant Position

- 7.29. Mr Neame concludes a 5YHLS of **2.95 years**, on the basis of a supply of 2,228 dwellings (at April 2023). He notes the present position of WBC is 3.84 years.
- 7.30. Mr Neame has also updated his whole plan trajectories (2013-2032). In summary, Mr Neame's PoE explores 3 scenarios with respect of the capability of LPP1 to meet the minimum housing requirement to 2032:
- Trajectory 1 – Based on LPP1 and LPP2 supply sources
 - Trajectory 2 – Based on LPP1 and LPP2 supply sources (excluding Dunsfold)
 - Trajectory 3 – Based on LPP1 and LPP2 supply sources plus all other known sources of supply
- 7.31. In respect of Trajectory 1, based on the supply identified by WBC, Mr Neame predicts a shortfall of -**2,655** dwellings by 2032. Trajectory 2 excludes delivery at Dunsfold entirely, resulting in a shortfall of -**3,509** dwellings by 2032. Trajectory 3 was compiled on the basis of analysis of all known potential sources of supply, i.e. including those identified by Mr Neame, but not by WBC. This would be a theoretical 'best case' regarding housing supply, and includes sites not allocated, nor consented, where there should be some degree of doubt as to their deliverability. He concludes a shortfall of -**1,761** dwellings. The analysis in Scenario 3 is particularly relevant for the NPPF Paragraph 177 test in respect of alternatives. It is clear to me, that WBC is desperately in need of new sources of supply,

to even meet the LPP1 minimum requirements. The situation is acute, all set in the backdrop of persistent failure to maintain a 5YHLS.

- 7.32. Part 1 of the housing land supply SoCG has now been agreed between the Appellant and WBC (**CD REF 5.3c**). Part 2 of the housing land supply SoCG is in the process of being drafted, it is intended that this will narrow the discussions on land supply at the Inquiry.

Five Year Housing Land Supply Context

- 7.33. I consider that housing delivery in Waverley has been persistently poor, as demonstrated constantly at appeal for a number of years (see in Mr Neame's PoE). A recent appeal relates to Land West of and Opposite Old Compton Lane, Waverley Lane, Farnham, Surrey, GU9 8ET (APP/R3650/W/22/3311941), dated 3rd July 2023 (**CD REF 9.22**), where the Inspector concluded that the land supply was the figure is likely to be closer to the appellant figure of 3.34 years. This table in Mr Neame's PoE is not exhaustive, but provides relevant context to support my statement. Further detail is contained within Mr Neame's PoE and the agreed Part 1 SoCG on 5YHLS matters with WBC (**CD REF 5.3c**).
- 7.34. Table 5 in Mr Neame's PoE includes a summary of previous Appeal Decisions relating to 5-Year Housing Land Supply in Waverley. I will not repeat these but would like to emphasise and echo Mr Neame's concerns regarding the prolonged lack of a 5 year housing land supply in Waverley, which is only worsening.
- 7.35. I consider that the consistent track record of a lack housing delivery is entirely relevant to this Appeal as it demonstrates that the issue is not only a current one, but one that has existed for a number of years. This highlights the failure of LPP1 and LPP2 to allocate deliverable sites. It also helps with context, as I outlined in **Section 4**, there is no immediate prospect for a revised Local Plan Review to act as a remedy.

8. Ecology

8.1. I outline my response to the Inspector's Main Issue ii. From the Inspector's pre CMC Note (**CD REF 5.4**) in respect of:

'the effect of the proposal on ecology'

8.2. Reason for Refusal 2 relates to Ecology matters.

8.3. Mr Davies has prepared a PoE on ecology matters on the basis that at the time of writing ecology matters remain in dispute. I remain of the understanding that the issues raised by WBC (Reason for Refusal 2) are fully resolvable. This is endorsed in the SoCG (**CD REF 5.3d**).

8.4. It is relevant to note the chronology of correspondence between the Appellant and SWT: -

- **15th September 2022** initial response from SWT (**CD REF 3.26**).
- **24th April 2023** SWT's submitted a formal response (**CD REF 3.6**).
- **20th July 2023** Engain response to SWT comments. This acknowledged that further survey work needed to be completed, inferring a further update was to come. SWT did not respond to this, and it is unclear if this response from the Appellant was sent to SWT by WBC. The Appellant's position at the point of submission was that all matters had been resolved, the further survey work would supplement this response.
- **7th November 2023** the Appellant submitted a further survey update (**CD REF 12.2-12.3**). Appended to the Appellant letter was an updated version of a response table which goes through each point in the representation from SWT and how Engain have responded each. This table includes a response on the further surveys in relation to protected species that were being undertaken. Full details of these surveys are included within **CD REF 12.2 and 12.3**, however I have provided a summary below (paragraph 8.5 onwards).
- **22nd November 2023** SWT provided a response to the Appellant submission (**CD REF 3.25**). This highlighted that they needed a few further points clarified. On the basis of this response, a meeting was set up by the Appellant and Mr Davies has prepared a PoE.
- **29th November 2023** SWT, WBC and Engain met to discuss the response dated 22nd November, and work to resolve the outstanding points of clarification in the most recent SWT letter. The Appellant considers that broad agreement was reached between SWT, WBC and the Appellant in this meeting. Appended to Mr Davies PoE, outlines the Appellant's response. I endorse this response.

8.5. In relation to great crested newts, the report confirms that the network of ditches located to the south of the Site are unlikely to support breeding great crested newts or offer connective habitat due to the

lack of suitable emergent vegetation, amount of shading and the speed at which the water flows, thus making it hard for amphibians to navigate across. Whilst there is suitable terrestrial habitat on the site for amphibians, the lack of waterbodies suitable for breeding great crested newts within 500m of the site and the presence of barriers such as roads and other unsuitable terrestrial habitat indicates the site is unlikely to support great crested newts terrestrially. It is important to also stress, that this location is off-site, and that the nearest part of the site is proposed as enhanced green infrastructure, rather than any built form.

- 8.6. In relation to bats, of those trees/groups of trees to be removed to facilitate the development, there is one high potential bat roosting tree, ten moderate potential, twenty low potential trees and thirty four negligible potential trees. However, on further review, a number of trees originally identified for removal, including the high potential tree, can be retained (see Mr McDermott and Mr Davies evidence) Prior to any tree removal, all trees will be subject to the appropriate level of surveys with suitable mitigation implemented including the provision of new roosting features by the incorporation of bat boxes. It is considered that the significant biodiversity net gain, along with the significant new planting associated with the development will mitigate any harm arising. The loss of these trees and potential habitats has been assessed via the BNG calculations, which identify an overall net gain of c. 33.5% for habitats and c. 24.1% for hedgerows.
- 8.7. The process for further investigating the location of any bats (via emergence surveys), and their translocation/ avoidance of harm, via seasonal considerations, can be secured via appropriately worded condition and subsequent Natural England licence process. This is standard practice, and can inform Landscape Ecological Management Plan condition(s) and Construction Environmental Management Plan.
- 8.8. **I am of the opinion that this additional information is satisfactory in overcoming Reason for Refusal 2. On the basis of appropriate planning condition, the Appeal Proposal accords with policies NE1 of LPP1, DM1 of LPP2 and policy H12 of the HNP .**

Ecological Benefits Associated with the Appeal Proposals

BNG

- 8.9. The Ecological Survey Report produced by Engain (June 2022) assesses the impact of the Appeal Proposal on ecology and Biodiversity Net Gain (BNG) and Enhancement Strategy produced by Engain (June 2022) contains details on BNG confirming that the proposals would achieve a c. 33.5% net gain for habitats and c. 24.1% net gain for hedgerows.
- 8.10. In addition, on the basis of the evidence of Mr Davies, there will be a benefit to the quality of existing Wildlife Corridors.

8.11. I also refer to the evidence of Mr McDermott, in respect of mitigation and compensation measures (all outlined in **Section 5**) which include a range of management measures, which should aid biodiversity.

8.12. **I consider that this significant betterment of the existing situation.**

BNG Credits

8.13. Schedule 4 of the Appellant version of the S106 (**CD REF 5.7**) relates to Excess BNG Units. Excess BNG Units is the Biodiversity Units generated by the Development which exceed the 10% biodiversity net gain requirement. The Appellant proposes that these excess units can be 'sold' to mitigate the biodiversity impacts of other developments or land use. See the [draft] Appellant version S106 for further detail on this (**CD REF 5.7**).

8.14. I consider a number of the allocated sites in town centre locations in Haslemere will be unable to meet 10% biodiversity net gain, thus, this offering can assist these sites in bringing forward a policy compliant scheme in relation to biodiversity net gain.

8.15. **I consider that this is clearly a wider benefit.**

9. Design, Character & Appearance

Design

- 9.1. Design matters did not form a Reason for Refusal (**CD REF 4.1**). The Officer's Report (**CD REF 4.2**) did outline that the scheme could be provided on the site to reflect the design, scale and density of development in the locality. This followed amendments to the Proposal during determination, reducing the Parameters from 124 dwellings to 111 dwellings. The density range proposed is now between 25-35 dwellings per hectare net. The density is obviously far lower on a gross basis as only 22% of the Site area is proposed for development.
- 9.2. A landscape-led design approach has been taken, by award winning Architects, Adam Architecture, with input from all the technical consultant team. In my opinion, the full and outline elements are of an exceptional standard, and it comprises one of the highest quality schemes I have been involved in my career. I provided similar sentiments in association with the Phase 1 Scotland Park development (ref: WA/2020/1213). This is presently being developed in line with the Appeal Proposal.
- 9.3. Existing hedgerows, tree lines and field patterns are respected. New high quality landscaping has also been incorporated into the Appeal Proposal to ensure an attractive place is created whilst helping to contain the development.
- 9.4. The Application Proposal incorporates a traditional, high quality design that reflects the recently approved scheme for Phase 1 to the north of the red-line boundary. The Illustrative Masterplan demonstrates how in layout terms the future Reserved Matters could be designed (**CD REF 2.1**). This is fully consistent with the Parameter Plans (**CD REFS 1.2-1.7**).
- 9.5. The Design & Access Statement explains the full rationale to the proposed design and architecture in Section 6.2 (**CD REF 2.14**). This is also supported by the Addendum DAS (**CD REF 2.15**), which can all lead to a suitable Design Code, to be secured by condition.
- 9.6. Following submission of the Application to WBC, consultee comments were received and feedback was obtained from Officers. This led to a further information submission in February 2023. This made some important amendments to the design.

Full Application Elements

- In response to LLFA comments, there were a number of amendments to the drainage design. There is more information in **CD REF 2.7**. These resulted in a no objection from the LLFA (**CD REF 3.3**).
- Enhancements to the Green Infrastructure design and overall masterplan.

- Removal of a dwelling on the access route. Enhanced design to entrance Lodge and addition of Ramblers shelter.

Outline Application Elements

- The illustrative masterplan has been updated to remove circa 10 dwellings, reducing the developable area and building density, and secured via the amended Parameter Plans (**CD REFS 1.2-1.7**).
- Reduced the developable area to circa 22% of the site, where 78% remains as enhanced Green Infrastructure

Character and Appearance

- 9.7. Character and Appearance did not form a Reason for Refusal (**CD REF 4.1**).
- 9.8. I consider the Appeal Proposal's design has taken a landscape-led approach, where 78% of land is proposed as substantially improved high-quality landscape. The Appeal Proposals are of an overall very low gross density. However, if one considers the residential element of the Appeal Proposal on its own, the density is in keeping with the town. See the DAS Addendum Appendix A for further analysis on this. This residential element of the Appeal Proposals is very well associated with adjacent development at Scotlands Close and Phase 1 (in the process of being built). This element of the Appeal Proposals is also well screened from the wider countryside / AONB and National Park to the south, meaning there are no views from the National Park into the element of the site proposed to be developed, as confirmed by the South Downs National Park Authority (**CD REF 3.5**).
- 9.9. Aside from one dwelling at the Site entrance, the dwellings proposed are in outline. That said, through approval of the relevant Parameter Plans, and via a Design Code condition, sufficient certainty over the future design and architecture can be secured. In my opinion, on this basis, the Appeal Proposal can facilitate high quality and traditional architecture, consistent with that of the approved neighbouring development (WA/2020/1213), Phase 1. This will include homes that are up to 2.5 storeys in height, and that are of a traditional form to reflect the character of the surrounding area. Modern materials will be utilised to ensure long term energy efficiency of the development. Full details on the design of the Appeal Proposal are contained in the Design and Access Statement (**CD REF 2.14**).
- 9.10. **The Appeal Proposals accord with Policy TD1 and Policy HA1 of LPP1.**
- 9.11. The Appellant welcomes a Design Coding condition to ensure that high quality design is secured. The Appellant has suggested a condition in the Appellant draft conditions.

Sustainability/renewable energy

- 9.12. Sustainability measures for the Appeal Proposal are set out in the “Sustainability and Energy Statement” (David Strong Consulting dated 21 June 2022) submitted with the original planning application (**CD REF 2.39**). This includes key commitments for the Appeal Proposal regarding future homes standards and thermal performance and TER commitments for the homes. These clearly emphasise the sustainability and overall efficiency of the Appeal Proposal, in light of the NPPF.

10. Sustainable Transport

10.1. I outline my response in respect of the Inspectors main issue iv) from the Inspectors pre CMC Note:

‘Whether or not appropriate provision would be made in respect of: ... in respect of transport and travel implications.’

10.2. It is evident from the Inspector's Post Circulation CMC Note (**CD REF 5.5**) paragraph 8 that it is not considered that transport is a matter of contention between WBC and the Appellant, nor does the Inspector consider it main issue for discussion in the Inquiry. This is also confirmed in the SoCG (**CD REF 5.3d**) noting that WBC will not pursue Reason for Refusal 6. On this basis, the Appellant is not proposing to call a Transport witness. It is also understood that WBC are not intending to call a witness.

10.3. For avoidance of doubt, the Appellant made a formal resubmission of material on highways technical work (**CD REFS 1.21, 1.35, 1.36, 1.37 and 2.25**) on 5th April 2023 to WBC on behalf of Vision Transport following direct liaison with SCC Highways. The revised highways plans had been subject to minor, non-material amendments to respond to the recommendations set out in the Stage 1 RSA. SCC confirmed in their formal response dated 23 April 2023 (**CD REF 3.7**) that they were content with the contents of this submission. This included their agreement to the updated Road Safety Audit.

10.4. Although the Case Officer recognised the submission of the work in the Officer's Report (Section 21, page 46-47) (**CD REF 4.2**), at the time WBC considered they may need to consult on the information provided by the Appellant. The Appellant did not agree with this position and considered only minor amendments had been made to the submission that had been before WBC since February 2023 (at the point the additional information submission was first made). There was not enough time for the updated technical work to be consulted on prior to issuing a decision. Thus this work was not considered as part of the original decision.

10.5. Moreover, for the avoidance of doubt I do not consider that the updated work had any implications on the conclusions of the EIA and therefore the ES remained unchanged from the updated version provided on 28 February 2023.

10.6. Following the Decision on the Application (**CD REF 4.1**), in July 2023 the Appellant undertook its own public consultation on the highways technical work on the project website, having notified nearby residents. The website can be access here: <https://scotlandpark.co.uk>. A summary of the consultation exercise is included in **CD REF 14.1**, prepared by MPC, the Appellant's public relations consultant.

10.7. The Appeal Proposals include a new main site access off Midhurst Road. This will include a ghosted right turn lane and the visibility splays are deemed to be acceptable by Officer's and SCC. Vehicle

access into the Appeal Site from Phase 1 is not possible due to traffic capacity issues associated with the use of Scotland Lane. It is necessary to construct a vehicle access into the Site from the Midhurst Road. The site access will result in an inevitable change in the character of the landscape, and it will result in the loss of trees. This change to the existing situation is of course inevitable in order to unlock this site for the development of a mixed use site including new homes. However, the Appellant has demonstrated how to mitigate the impact on the landscape through creating a replacement tree screen, and vernacular gatehouse style entrance to the site, which I consider is entirely appropriate for this area.

10.8. With regards to access with adjoining land at Phase 1 (pedestrian/cycle/emergency vehicles), the Draft S106 (**CD REF 5.7**) states that once the access has been completed, it will be retained and maintained to a standard reasonable for its proposed use. The Appellant will also comply with the conditions provided by SCC Highways in their consultation response dated 24 April 2023.

10.9. Haslemere South Residents Association (HSRA) raise an issue in relation to impact on public footpath FP597. On page 47 of the Officer's Report (**CD REF 4.1**) it states the following:

"An existing public right of way (Footpath 597) is proposed to be diverted alongside Midhurst Road, to facilitate the site access. This is outlined in the Transport Assessment. The diversion is minor, and would still facilitate movement on a north/south axis alongside Midhurst Road. The footpath created would act as an enhancement over the existing, which is narrow, and directly adjacent to Midhurst Road."

10.10. I endorse these comments.

10.11. I emphasise that as per the SoCG and WBC's SoC, the Appellant and WBC agree that highways is not a matter in dispute between the two parties. Therefore it does not need to be considered a main issue. The various highways mitigation can be secured via planning condition(s) / S106. **Thus, the Appeal Proposal accords with the Development Plan, notably policies ST1 and DM9.**

11. Environmental Impact Assessment

- 11.1. This Section responds to the preliminary matter raised in **Section 4** of the pre CMC note in respect of:
- ‘Revised highways documents (and the implications of the latter for the Environmental Statement).’*
- 11.2. This point was discussed in the CMC meeting and for the avoidance of doubt, the Inspector confirms in point 4 of the post-CMC note that the highways work is accepted and implies no legal issues are raised in respect of the Environmental Statement (ES). I emphasise further in **Section 10**, that the minor amendments made to the suite of technical information did not constitute material changes and thus had no implications for the conclusions of the EIA nor the Environmental Statement Addendum (ESA) (**CD REF 2.33**).
- 11.3. The ES submitted with the original application in June 2022 (along with the ES Addendum (February 2023)), includes Chapter 15 – Summary of mitigation, residual and interaction effects (**CD REF 2.52**). The chapter provides a coherent breakdown that demonstrates compliance with or mitigation for the identified receptors. It can be concluded that there will be no significant interactive effects during the construction and operation phases. Furthermore the adoption of the proposed mitigation measures will minimise effects on sensitive receptors. The additional mitigation requirements are outlined in Table 15.4 of ES chapter 15. For example, the impact on factors such as construction impacts, can be controlled by suitable planning condition, or the impact on local schools, via CIL contributions.
- 11.4. I am of the view that the concerns raised by the Inspector in relation to the potential EIA impacts of the revised technical work have been resolved and do not need to be considered a main issue. The ES acts to confirm the weighting to any planning harms, and also the mitigation / compensation measures, and any environmental affect which needs to be mitigated via appropriate planning condition or S106 obligation.

12. Other Issues

Statutory Consultee Representations

- 12.1. A large number of statutory consultees do not object to the Appeal Proposal. However, there are a few outstanding issues, a number of which I believe can be resolved during this Appeal process.
- 12.2. The Officer's Report (**CD REF 4.2**) provided a table in **Section 5** which breaks down the responses of all statutory consultees and Town/Parish Council comments. I agree with the Case Officer that SCC Archaeology (**CD REF 3.9**), WBC Conservation Officer (**CD REF 3.23**), SCC Public Rights of Way (**CD REF 3.8**), SCC Highways (**CD REF 3.7**), Environment Agency (**CD REF 3.4**), Surrey Police (**CD REF 3.28**) and the Lead Local Flood Authority (LLFA) (**CD REF 3.3**) do not object to the Application proposal.
- 12.3. In **Section 5** of the Officers' Report, Thames Water and SWT are included as an objectors. I consider that both of these objections are resolvable, and provide further detail below. I also discuss the SWT clarification points in **Section 8** of my PoE. I address Thames Water's comments below.
- 12.4. In addition, the following Parties also still object seek clarification in relation to the Appeal Proposals. I have highlighted the sections of my PoE where their comments are addressed, though the majority of the Appellant's position in respect of these consultees is outlined in the PoE of Mr McDermott:
- Natural England – **Section 5 and 6 (and below)**
 - County AONB Officer – **Section 5 and 6**
 - South Downs National Park – **Section 5**

Thames Water

- 12.5. The Appellant has maintained an open dialogue with Thames Water throughout the determination of the Application and during the Appeal process so far.
- 12.6. Thames Water primarily has no objection to the Appeal Proposal (**CD REF 3.31**). However following further investigations, they provided a response dated 28th April 2023 (**CD REF 3.2**) that indicated an inability of the existing foul water network to accommodate the additional dwellings proposed by the Appeal Proposal. A hydraulic modelling study has also been undertaken to address potential concerns of downstream flooding from the Site.
- 12.7. The Appellant has continued contact with Thames Water to discuss the results of the hydraulic modelling study. Stantec have been advised by Thames Water that they are in the final stages of the modelling study and at this stage it appears that some relatively minor upgrades are required. The latest correspondence received on 09/11/2023 contained in Core Document CD3 3.24 confirmed that

the latest study has been completed which shows there is no detriment. Thames Water are waiting for results from depth monitoring to give confidence in the modelling before this can be confirmed formally with written response to the planning application.

- 12.8. In **CD REF 3.2** Thames Water have suggested a planning condition that is in line with Policy DM3 (LPP2), which secures all foul water upgrades required to accommodate the additional flows completed prior to the occupation of the development.

Natural England

- 12.9. Natural England objected to the Application in their response dated 13th September 2022 (**CD REF 3.13**) due to the impact to the Surrey Hills AONB and the purpose of the designation. They provided a second response on 13th April 2023 (**CD REF 3.11**) following review of the amendments that were made to the original Application, however Natural England's objection remained unchanged. Mr McDermott provides a full response to Natural England's position in his PoE.
- 12.10. Natural England is satisfied with the proposed SANG provision which is addressed further in **Section 6** of this PoE.
- 12.11. In regard to the weight to be given to the views of Natural England, I refer you to **Appendix 6** of my PoE, a note from James Maurici KC for the purposes of the Turnden Inquiry. Also relevant is the article "*Trust me, I'm the expert*": the weight to be given to statutory consultees' witness evidence at inquiry (**CD REF 10.11**) by James Maurici KC and Alex Shattock and the comments of Holgate J in ***Newcastle Upon Tyne City Council v Secretary of State for Levelling Up, Housing and Communities*** [2023] at paragraphs 73 to 29 (**CD REF 10.10**). In summary, it is not the case that on landscape matters that 'Great Weight' should automatically be provided to the position of Natural England, rather the substantive evidence should be considered on its individual merits.

Haslemere Town Council (HTC)

- 12.12. HTC provided a consultation response to the Appeal Proposal (**CD REF 3.16-3.17**). Their main reasons for objection can be summarised as follows:
1. Conflicts with Haslemere Neighbourhood Plan Policies;
 2. Failure to Protect and Enhance the AONB;
 3. Impact to Water Supply Concerns; and
 4. Road Safety Concerns.
- 12.13. I have already responded to these concerns throughout my PoE. Matter 1 above is addressed within **Table 4.1**. Matter 2 is addressed within **Section 5** and **Section 6** and the evidence of Mr McDermott. Matter 3 has been discussed within this **Section**. Matter 4 is covered in **Sections 10** and **11**.

Third Party Representations

Haslemere South Residents Association (HSRA)

12.14. The HSRA objects to the Appeal Proposal (**CD REF 3.20-3.21**) on a number of grounds that are summarised below:

1. Biased community involvement which did not consider the objections of the public;
2. Conflict with Haslemere Neighbourhood Plan Policies, LPP1, LPP2 and the NPPF;
3. Precedent set by the Longdene House decision of the Court of Appeal;
4. AONB and natural environment impact, including wildlife;
5. Nonessential community benefits and not in the public's interest, therefore the loss of the AONB outweighs the benefits,
6. Proposed SANG area cannot be proved effective due to changes to the actual housing numbers proposed;
7. Present water shortages in Haslemere;
8. Unsustainable location;
9. Road safety concerns including access, increased traffic and flooding on Midhurst Road;
10. Impact to public footpath FP597; and
11. Brownfield sites and LPP2 site allocations will fulfil Waverley's housing needs.

12.15. In respect of Matter 1, I can confirm that the application and consultation arrangements were all undertaken and the submitted Statement of Community Involvement (**CD REF 2.11**) sets out how public objections have been considered. . Matter 2 is addressed within **Table 4.1**. I refer to the relevance of the Longdene Appeal decision (**CD REF 9.3**) and Court of Appeal Decision (**CD REF 10.3**) in my comments below in response to the AONB Officer. Matter 4 is covered in **Section 5** and **6** of my PoE. Matter 5 is addressed by **Section 5** with regards to the weight given to the impact to the AONB and **Section 14** of my PoE expands the core benefits of the Appeal Proposal. I consider the list of benefits genuine and appropriate for the location of the Site. Matter 6 is addressed in **Section 6** of my PoE. The Appeal Proposal is for up to 111 dwellings, there is more than enough capacity within the proposed SANG to mitigate the impacts of the development on the SPA. Matter 7 is addressed in this **Section** of my PoE, under the Thames Water subheading. Matter 8 is covered in **Section 3** of my PoE and also in the SoCG (**CD REF 5.3d**) – the location is sustainable, directly adjacent to a principal town. Matters 9 and 10 is covered in **Section 10** of my PoE. In addition, the LLFA do not object to the Appeal Proposal. Matter 11 is addressed in **Section 7** of my PoE, particularly **Table 7.1** which critiques the site allocations and (alongside the evidence of Mr Neame) outlines that there are not enough housing sites to meet the needs of the borough.

Surrey Hills AONB Planning Adviser

12.16. The Surrey Hills AONB Planning Adviser, Mr Clive Smith has provided various responses on the Appeal Proposal. Mr McDermott also provides a response to his representation in his PoE. His initial reasons for objection to the Application dated 19 September 2022 (**CD REF 3.10**) can be summarised as follows:

1. Contrary to AONB policies in the NPPF, Local Plan and Surrey Hills AONB Management Plan and there are no exceptional circumstances to override conflict with these policies;
2. Impact of the proposed development to extensive landscape views (from the north, and not guaranteed long term from the south either);
3. Impact to the setting of properties at Scotland Close;
4. Impact on the character of Midhurst Road, re: the Proposed Site Access. Associated vehicular disruption to the environment and levels of traffic;
5. Impact of the proposed development to wildlife corridors notably along Midhurst Road;
6. Limited data in the submitted LVIA;
7. Lack of a 5YHLS does not justify development in the AONB;
8. The proposed community benefits do not constitute exceptional circumstances; and
9. Light pollution.

12.17. Firstly I want to highlight that the AONB Planning Adviser's consultation response does not recognise any of the proposed compensation, mitigation nor benefits of the Appeal Proposal that I have set out in **Sections 5 and 14**. Particularly the compliance with the Surrey Hills AONB Management Plan (2020-25). He cites a conflict only with AONB Management Plan policies P1 and P2.

12.18. I have provided a summarised response to each of the AONB Planning Adviser's concerns in turn, Sightline previously provided an in depth response to the Adviser's concerns in February 2023 (**CD REF 2.44**), as reiterated in the PoE of Mr McDermott: -

1. Policy compliance: As demonstrated in **Table 4.1** of this PoE, the Appeal Proposal complies with the majority of policies of the Waverley LPP1 and LPP2 as well as the HNP. I consider a number of the policies that restrict the supply of housing should be afforded reduced weight due to WBC's lack of a 5YHLS. Also refer to the Exceptional Circumstances case outlined in **Section 5** of my PoE.
2. Landscape Views: Mr McDermott's PoE provides a more extensive response as to why the landscape impacts have been sufficiently mitigated. These are also summarised in Section 5 of my PoE. It is notable also, that views from the South, are protected by substantial woodland, in addition to the management plans proposed to maintain and enhance woodland.
3. Setting of Scotland's Close: Trees have already been planted along the northern boundary which will provide an effective screening buffer between the development and existing dwellings. The

setting of the properties at Scotlands Close is well associated with the town of Haslemere, which is an important element of its character, noting the land here is not in the AONB (and within a settlement boundary), and furthermore, that there is no design nor amenity objection to the Appeal Proposal from WBC.

4. Proposed Site Access on Midhurst Road: There has been no objection from SCC and off-site mitigation will be agreed with SCC via the S106. Mr McDermott, as summarised in Section 5 of my PoE, outlines the impacts, mitigation and compensation in respect of the proposed Midhurst Road access.
5. Impact on Wildlife Corridors: Mr Davies PoE provides evidence on the impacts, noting that indeed there are enhancements to Wildlife Corridors. I accept that the loss of some trees to create the proposed Site Access is a harm to weigh in the balance.
6. L VIA: Mr Smith's statement is incorrect. Views were taken in February or early March 2022 when the deciduous vegetation was out of leaf. Almost all of the photographs illustrating landscape character were taken in winter. Mr McDermott addresses this further.
7. 5YHLS / "Tilted Balance" Considerations: Please refer to **Section 7** on Housing Supply (alongside the evidence of Mr Neame) and **Section 15** on Planning Balance. I also expand on the specific matter associated with the Longdene "Monkton" case below.
8. Public/ Community Benefits: Please refer to **Section 5** on Exceptional Circumstances and **Section 14** on Core Benefits of the Appeal Proposal. My position is a number of Benefits constitute matters which are in the public interest.
9. Light Pollution: This issue was raised in relation to the Scotland Park Phase 1 appeal (**CD REF 9.1**) where it was accepted that it will be possible to illuminate the development to a sufficient standard (to conform with at least Zone 1b as defined by the Institution of Lighting Professionals) to ensure a safe environment and comply with lighting requirements. A similar lighting strategy is proposed now for this Appeal Proposal, as can be controlled by planning condition.

12.19. Mr Smith's further response to the Appeal Proposal dated 12 September 2023 (**CD REF 3.18**) can be summarised as follows:

1. The Appeal Proposal is contrary to planning policies;
2. There is a strong case for WBC to apply for costs;
3. The Appeal Proposal has no reasonable prospect of success;
4. Not in the public interest to place financial burden on PINS

12.20. I address his Matter 1 throughout this PoE notably in **Table 4.1**. I am surprised to read his Matter 2 as this matter is not the concern of Mr Smith – indeed in the context of the overall planning situation in Waverley it is entirely reasonable for the Appellant to be progressing this Appeal – as there is a substantive case. Matters 3 and 4 are also surprising to read as clearly the Appellant, on the weight

of evidence on the merits of the Appeal Proposal, does consider there to be a prospect of success. The financial / resourcing matters of PINS are not his concern. Overall, Mr Smith has provided no detailed consideration of the landscape impacts, mitigation and compensation of the Appeal Proposal when weighing up his position on the Appeal Proposal.

12.21. Mr Smith, then, on his admission, under pressure from local residents, provided a further response of 22nd October (**CD REF 3.19**). This reiterates some of his previous comments.

12.22. Within this, Mr Smith refers to Longdene, another site located to the west of the Appeal Site. There was a further Appeal related to this site determined in January 2019 (**CD REF 9.3**). This dismissed a proposal for 29 dwellings. This case was eventually heard at the Court of Appeal in January 2021 (**CD REF 10.3**) and is also known as the 'Monkhill' decision.

12.23. Paragraph 38 of Monkhill provides support for my approach to the NPPF 'tilted balance'. This stated:

*"Under paragraph 11d)i, it is not enough that a footnote 6 policy, restrictive of development, is engaged. The policy in question must actually be applied (see R. (on the application of **Watermead Parish Council**) v **Aylesbury Vale District Council** [2018] P.T.S.R. 43, at paragraph 45, and **East Staffordshire Borough Council**, at paragraph 22(2)), and its application must provide a "clear reason for [refusal]". Only then will the "tilted balance" under paragraph 11d)ii be disapplied by the operation of paragraph 11d)i. If the policy in paragraph 11d)i is to be operated effectively, it is therefore essential that policies referred to in footnote 6 are not artificially excluded in the absence of clear words with that effect"*

12.24. It is not enough for a footnote 6 policy (now footnote 7 of NPPF 2023) to be engaged, its application must also provide a clear reason for refusal. The Appellant's position is that Exceptional Circumstances are met, so NPPF paragraph 177 does not provide a clear reason for refusal. Mr Smith is, sadly, incorrect to say that the tilted balance is disengaged simply because the proposed development would harm an AONB. The Appellant's position is acknowledged harm to two LCAs, though overall substantive compensation and mitigation, which would act to enhance the majority of the Appeal Site.

12.25. Mr Smith also makes some further assertions. He has reminded the Inquiry of Natural England's objection, which I (and Mr McDermott) address elsewhere in this PoE and his. He outlines his confidence that the Inspector at this Inquiry should conclude that the Appeal should be dismissed. I do of course respect Mr Smith's opinion, though the weight to be applied to his position would be tempered by the quality of his own argument, and the prospect (as I read it) of him not attending the Inquiry to answer questions on his position. It is noteworthy that, in contrast to Phase 1, Mr Smith is not attending this Inquiry.

Public Objections

12.26. The Appellant has monitored and reviewed the Third Party representations that have been made in relation to the Appeal Proposal by members of the public. A number of representations were made by members of the public, the exact number is difficult to quantify (for the original application and Appeal Proposal) however at the time of determination, the Officer's Report (**CD REF 4.2**) states 183 letters raising objection and 7 letters of support were received.

12.27. The main concerns submitted by the public have been listed below based on themes and are addressed in the relevant Sections of my PoE.

- **Unsustainable Site location outside Haslemere's Settlement Boundary** - Policy SP2 is referred in Reason for Refusal 1. The Appeal Site is located at one of the four principal settlements. The Reason for Refusal related to WBC's opposition to the principle of development, which is addressed in the Appellant's NPPF Paragraph 177 case (**CD REF 2.13**). SP2 is the most recently adopted spatial strategy, though the weight applied to it could be reduced on the basis of the 5YHLS – nonetheless, the Site is in a sustainable location.
- **Site location within the AONB and AGLV** – I address this in **Sections 5 and 6**. Mr McDermott's PoE also provides further detail on the landscape impact.
- **Impact to biodiversity and established trees** – I address this in **Sections 5 and 8**.
- **Drainage and flood risk implications** - Flood Risk and Drainage matters have been resolved with the LLFA.
- **Impact to views of the South Downs National Park (SDNP)** – this is addressed by the evidence of Mr McDermott, noting the impacts of the Appeal Proposal are localised, and that far from there being a harm on the SDNP, there is a benefit on its character.
- **No community benefit or interest** – I set out the key benefits of the Appeal Proposal in **Section 14**.
- **Incorrect information submitted on future need of a new Scout Facility and Forest School** – Refer to **Appendix 5** on why the Scouts require and can deliver a new facility.
- **Implications for road safety and worsening vehicle traffic** – There are no objections from SCC Highways and highways matters are no longer a Reason for Refusal. I demonstrate this in **Section 10**.
- **Lack of infrastructure in Haslemere to support the Appeal Proposal** – the package of S106 obligations and CIL monies provide the required mitigation.
- **Impact to the landscape character and countryside** – Mr McDermott's PoE sets out the limited harm of the Appeal Proposal on the landscape character.
- **Potential heritage harm to Red Court** – heritage impacts did not form an original Reason for Refusal and there is no harm to heritage assets.
- **Lack of community consultation** – a dedicated project website has been set up, and

regular liaison has been undertaken by the Appellant's appointed PR consultant, Meeting Place.

- **Unallocated Site** - Reduced weight should be applied to policies SP2, ALH1, DM15, H1 owing to lack of 5YHLS. The mechanism to create new allocations is still some time away (Local Plan Review), due 2027. The Exceptional Circumstances case in respect of NPPF Paragraph 177 is outlined throughout the Appellant's case.
- **Objections from statutory consultees** – The majority of objections from statutory consultees have been resolved, those that I have not I address elsewhere in this **Section**.
- **Impact of nearby development and overdevelopment on Site** – Design does not form a Reason for Refusal, neither does any impact on amenity. I fail to see how development on only 22% of the Site, at a lower density is overdevelopment.
- **Impacts of the Appeal Proposal to climate change** – There will be appropriate conditions to mitigate the impact on carbon emissions.
- **Dangerous vehicular access to the Appeal Site** - There are no objections from SCC Highways and highways matters are no longer a Reason for Refusal. I demonstrate this in **Section 10**.
- **Loss of amenity space** – There is no loss of on-site amenity, as the Site is presently private land. There is only a substantial gain in public access proposed, alongside enhancements to public rights of way.
- **Impact on Haslemere town** – I have outlined the economic benefits in **Section 14**.
- **Concern the SANG proposed does not differ from Phase 1 provision** – I have outlined the benefits associated with the SANG provision in **Section 6**. Phase 1 does not provide a full SANG provision, only a 'Circular Walk'.
- **Monkhill Supreme Court Ruling** – I am not aware of a Supreme Court Ruling, and have referred to the Court of Appeal ruling in this **Section**.
- **Sufficient brownfield land supply** – I challenge this in **Section 7** and refer to Mr Neame's PoE.
- **Case Officer's original decision** – It is a matter of fact that the application was refused by WBC. The outstanding Reasons for Refusal comprise the majority of the main matters at the forthcoming Inquiry.
- **Impact of the Appeal Proposal on the SDNP Dark Skies** – This can be controlled via appropriate condition.
- **Precedent for future housing applications in the AONB if the appeal is approved** – Each case is decided on its own merits, should the appeal be allowed, then the land will still remain in the AONB.
- **Ecological impact of site clearance already undertaken on site** – this is unevidenced, and wrong. The full ecological baseline has been included in the ES, and the updated

situation summarised in the PoE of Mr Davies.

- **Appellant's financial interests** – I do not regard this as a material consideration.

12.28. Whilst all public comments need to be considered, I have not noted any other substantive representation that requires a specific further response. Many of the other issues raised by the public are addressed in this PoE under relevant topic headings.

13. Conditions & S106 Obligations

Conditions

- 13.1. The majority of the planning conditions required to make the Appeal Proposal acceptable in planning terms are likely to be common ground, though at the time of writing these are not all agreed. WBC have provided a draft list of conditions (**CD REF 5.9**). These broadly speaking reflect the suggestions of statutory consultees. Regard will also need to be had of the EIA and mitigation required.

Obligations

- 13.2. The Appellant has engaged in negotiations with WBC regarding a S106 to secure the necessary planning obligations to ensure the Appeal Proposal is acceptable in planning terms. The updated S106 Heads of Terms, at the time of writing, is provided at **Appendix 1**.
- 13.3. The S106 will comprise two documents, one for Borough-level obligations, the other for County-level obligations. It will address the original Reasons for Refusal 3, 4 and 5.
- 13.4. **Reason for Refusal 3:** As I outlined in **Section 7**, the Appeal Proposal seeks to provide a level of affordable housing above policy requirements (35%) – 39 dwellings. The S106 ensures that these dwellings will remain affordable in perpetuity and factors an agreed tenure split with WBC (affordable rented 60%, First Homes 25% and intermediate 15%). The Appellant proposes to address housing mix via appropriate condition – to ensure the Reserved Matters reflect the SHMA or most recent updated evidence.
- 13.5. **Reason for Refusal 4:** The S106 will secure the delivery of SANG as a WHMS. Natural England are satisfied with the SANG provision that in addition to meeting on site mitigation needs, provides a strategic solution for the wider area impacts to the WHSPA arising from approved development and Local Plan Part 2 allocations. This additional capacity (further information in **Section 6** of my PoE) is proposed to be secured through the S106.
- 13.6. The S106 also provides for an Open Space Management and Maintenance Company.
- 13.7. **Reason for Refusal 5:** The S106 will secure contributions towards upgrading of the Rights of Way network within the vicinity of the site the provision of funding. The Travel Plan will be secured via a planning condition. In respect of the future monitoring of the Travel Plan this can be undertaken by the Management Company and secured through the S106. The Demand Responsive Bus Service requested by SCC, can be secured via the S106 or a planning condition. However, the amount required to be contributed towards this needs to be considered in line with the CIL Regulations. I consider that these measures cover all of the requests outlined in Reason for Refusal 5, these measures will maximise opportunities for sustainable travel.

14. Core Benefits of the Appeal Proposal

14.1. In this Section, I outline the core benefits of the Appeal Proposal. In providing my opinion of the weighting to the benefits, I have used the following scale:

- Limited weight
- Modest weight;
- Moderate weight
- Significant weight; and
- Substantial weight (greatest).

The Context of the Proposal

14.2. I consider the Site to be a sustainable location on the edge of Haslemere (as did the Inspector in respect of the adjacent Phase 1 land). The Site is adjacent to the existing settlement edge of Haslemere, which is one of the four principal settlements of the Borough. It is located circa 1.5km walk from Haslemere railway station; and also close to various local shops and amenities in the town centre (circa 800m). It is also close to Haslemere Recreation Ground. Pedestrian and cycle links will be provided from the Appeal Site to Midhurst Road, and also via the consented (and now being implemented) Phase 1 land, accessed from Scotland Lane.

Benefits of the Appeal proposal

14.3. Throughout the Application and Appeal process, the Appellant has outlined considerable social, economic and environmental reasons to support the Proposal, which contributes to a number of planning and public benefits. In accord with the NPPF, I define these under social, environmental and economic headers.

Social

14.4. The principal social benefits that arise through the Appeal Proposal are: -

- Delivery of a proportion of the Borough's **housing requirements**, notably the inclusion of affordable housing provision above policy requirement (35%), in the context of persistent past under-delivery in the Borough and Haslemere. Paragraph 3.20 in the HNP (**CD REF 6.3**), references that the affordable housing supply will fall short as the housing sites coming forward are too small. The Appeal Proposal represents one of the greatest provisions of

affordable housing that can be delivered on a single site in Haslemere and, importantly, secured in-perpetuity. Redwood are keen to work with WBC to agree an appropriate mix and tenure for the affordable dwellings which can be secured through the S106. In addition, the provision of self/ custom build plots. **I afford this benefit substantial weight for both the provision of market and affordable housing.**

- A new Scout Facility enabled by the Appeal Proposal (including land and the building), providing a wider benefit on the basis of an absence of local alternative site for the Scouts in Haslemere, and enabling the release for further residential development at the 'Youth Campus' site in Weyhill. In addition, scope for the facility to provide wider community benefit. **I afford this benefit significant weight.**
- Forest School, outdoor educational facility, providing wider educational benefit. **I afford this benefit moderate to significant weight.**
- Enabling the land to ensure the delivery of nearby allotments which benefit from a resolution to grant planning permission (**CD REF 11.1**), presently in the control of the Appellant, to meet a growing waiting list for allotment provision in the town. **I afford this benefit significant weight.**
- Local job creation (through construction) and supporting through the provision of housing (**Appendix 2**). **I afford this benefit moderate weight.**
- Highways mitigation with wider public benefits in respect of accessibility enhancements to local streets (notably Midhurst Road), and through the provision of a demand responsive bus service – which may also serve the wider public. In addition, upgrades / minor diversion to Footpath 597. **I afford this benefit moderate to significant weight.**
- Significant area of publicly accessible open space and SANG to improve connectivity to the South Downs National Park for mental and physical health and well-being benefits, the provision also able to mitigate the WHSPA recreation impacts of other developments in Haslemere (**Section 5 and 6** of my PoE). **I afford this benefit substantial weight.**
- Significant CIL contributions, in the order of circa £4.8m, which may be used toward Haslemere Recreation Ground or other identified infrastructure shortfalls in the area. **I afford this benefit significant weight, on the basis that the CIL rate in WBC is one of the highest in the country, and in particular of limited new development in the town and hence shortfall (funding gaps) in the Infrastructure Delivery Schedule (July 2021) (CD REF 7.59)**

Environmental

14.5. The principle environmental benefits are as follows;

- A new SANG providing a key benefit for new residents and the wider public benefit and promoting healthy and sustainable communities. **As I have outlined, I afford this benefit substantial weight.**
- Biodiversity Net Gain from pre-development levels (of c. 33.5% for habitats and c.24.1% for hedgerows), in excess of the policy minima of 10%. **I afford this benefit moderate to significant weight.**
- Biodiversity Net Gain credits (secured via the S106), available for other developments in the town which may require it. **I afford this benefit significant weight.**
- Significant open green space, landscape enhancement and tree planting – including enhancements to existing Wildlife Corridors. I afford the additional landscaping and tree planting significant weight, on the basis of achieving a range of AONB Management Plan Objectives (**CD REF 7.9**). The management and public access measures, creating, in-perpetuity rural edge to Haslemere is substantial benefit. Further detail is provided in Mr McDermott and Mr Davies PoEs. **I afford this benefit significant to substantial weight.**
- Improved access to the wider countryside, including the South Downs National Park for new and existing residents. Further detail in Mr McDermott's PoE. **I afford this moderate to significant weight, on the basis of some public rights of way and connectivity improvements facilitated by the Appeal Proposal.**
- Sustainable location within walkable distance from the town centre and railway station, thus reducing the reliability on car journeys. The Appeal Proposal proposes a number of off-site Highway improvements, in addition a number of measures were included for the Phase 1 Appeal to improve connectivity to the town centre. **As I have outlined, I afford this benefit moderate to significant weight.**
- Appeal Proposals are of an exemplar sustainable design and achieve the Passivhaus Sustainability Standards which will exceed the Climate Change SPD objectives. This is not a wider benefit per se, though, in the quality of the approach, the Appeal Proposal does, in my opinion, contribute positively to Haslemere as place (further information in **CD REF 2.39**). **I afford this benefit modest to moderate weight.**
- The development has been designed to achieve Building with Nature accreditation. **I afford this benefit modest to moderate weight.**
- The comprehensive SuDs strategy will reduce heat island effects and surface water runoff, **which I afford modest weight, and;**

- Electric Vehicle Charging Points provided, this is not a wider benefit per se, though in following best practice, the Appeal Proposal may assist with the wider roll out of EV charging across the town. **I afford this benefit modest weight.**

Economic

14.6. The potential socio-economic effects of the Appeal Proposal have been examined in light of the socio-economic conditions of the area and address the economic objective of sustainable development (NPPF paragraph 8). An updated version of the Economics Infographic is included in **Appendix 2**. This takes the same format as the one submitted with the Planning Application, but provides updated information and figures based on the point in time and updates to the Appeal Proposal. The principal benefits include (*source: Savills Economics 2023, Appendix 2*):

- Additional Gross Value Added, £1.7m per annum;
- Residential expenditure, retained within Waverley, of approximately £590,000 per annum;
- 39 affordable houses delivered through the scheme (40 were measured);
- The scheme will produce on average 55 local construction jobs per year over the course of the anticipated 2.5 years for construction; and 30 net additional jobs to the local economy and wider South East Region;
- The Appeal Proposal will contribute circa £4.8 million in Community Infrastructure Levy contributions to the town council. This will help contribute towards local infrastructure provision;
- The future residents of the scheme will contribute on average of £170,000 in council tax annually; and
- A New Homes Bonus of £410,000 will be awarded to WBC for housing growth in the area.

14.7. **I afford these economic benefits moderate weight, as I acknowledge that some of the factors arise owing the proposal, whilst some do provide wider public benefit. I have noted the benefit of CIL monies separately as significant.**

14.8. Overall, my position on the various Planning Benefits is summarised in **Section 15**.

15. Planning Balance & Conclusion

Planning Balance

- 15.1. I consider that the requirements of paragraphs 176 and 177 of the NPPF can be satisfied and having regard to paragraph 11(d) of the NPPF that there are no NPPF policies *“that protect areas or assets of particular importance”* and *“provid[e] a clear reason for refusing the development proposed”* (my underlining).
- 15.2. Whilst footnote 7 to the NPPF does refer to policies relating to AONBs, paragraph 177 is satisfied here and so does not provide any reason to refuse the Appeal Proposal. Moreover, for the same reasons paragraph 176 does not provide a clear Reason for Refusal.
- 15.3. It follows that the “tilted balance” in paragraph 11(d)(ii) of the NPPF remains engaged and is not disapplied by paragraph 11(d)(i) of the NPPF. As to the application of the tilted balance, the adverse impacts of the Appeal Proposal do not outweigh – let alone *“significantly and demonstrably”* - its benefits. Planning permission should be granted.
- 15.4. I have given weight to the relevant policies of the Development Plan. I have noted a partial conflict with policy RE1 and a conflict with DM15 and H1 (though compliance with H1.3). I outline that any perceived conflict with RE1, DM15 and H1 should be provided reduced weight owing to the absence of a 5YHLS. In saying this RE1 is largely complied, though I accept that in respect of LCAs 1 and 2 there is a conflict. I have outlined overall compliance with RE3, on the basis of the overall enhancements to the AONB proposed (noting the policy should be read as a whole). This should be judged on the basis of the substantive landscape benefits, notably mitigation and compensation proposed, substantial Green Infrastructure provision (78% of Site), localised landscape impacts and compliance with the AONB Management Plan objectives. The intent of RE3 is the same as NPPF paragraph 177, thus overall compliance is achieved through the demonstration of Exceptional Circumstances. I also note that my approach to these policies is similar to that reported in the recent decisions at Monkton (**CD REF 9.43**) and also a range of other relevant Appeals of Court Judgements summarised in **Section 5**.
- 15.5. Overall, I have outlined that the Appeal Proposal complies with the Development Plan when read as a whole and cited a number of policies which on the basis of Appeal Proposal with appropriate condition / S106 obligation complies. My evidence includes a balancing exercise in respect of the due weight given to policies which are most relevant, alongside the significant material consideration of the NPPF.
- 15.6. As this is a Hybrid application, which includes the SANG in detail, there are a number of plans for

approval. This will enable the swift and early delivery of the SANG, which will enable the delivery and occupation of the residential element of this Appeal Proposal quickly. Redwood are the sole owner of the Site, should permission be granted, they will move to sell the Site promptly (noting there is already developer interest – see **Appendix 7**). One of the numerous public benefits arising, is that the present (entirely private) state of the land, will be opened up to the public. Delivery is possible on the Site in 2026.

Weight

- 15.7. I recognise that the Appeal Proposal does create some harms, albeit limited in the context of the overall Proposal. The Officer's Report also outlined some harms for comparison, though overall was also limited in the extent of harms alleged. I summarise the situation at **Table 15.1**.

Table 15.1 – Harms

Harm	My Position	WBC Officer Position (Officer's Report CD REF 4.2) (my broad summary)
Greenhouse gas emissions from activities associated with the construction of the proposed development – limited harm (as typical for any development, noting that the houses will be capable of meeting Passiv standards)	Limited (on the basis of the EIA) – though such would be typical of any Greenfield development.	The Officer's Report at section 22 simply refers to the EIA Assessment noting Minor Adverse and Not Significant in EIA terms.
Change to existing landscape situation and intrinsic character and beauty of the countryside - significant harm to the AONB, focused on LCAs 1 & 2	Significant localised adverse affect (landscape & visual) on LCAs 1&2. Harm to the character and beauty of the countryside in LCAs 1&2 only.	Adverse harm to the distinctive open nature of the site within LCAs 1&2, harm to the intrinsic character and beauty of the countryside and landscape within those LCAs.
Loss of trees at the site access	Substantial in respect of adverse localised change (landscape). Moderate in respect of the quality of the trees. The Arboricultural Development Statement (CD REF 1.39) identifies that no category A trees need to be removed. One Category U, 4 Category B trees and 11 Category C trees are required to be removed to create the access.	Substantial adverse effect on the character of Midhurst Road.

- 15.8. The loss of four trees within the main site area, is inconsequential in my opinion. Mr McDermott has demonstrated within his POE that the relatively small tree loss across the Appeal Site is more than adequately compensated by proposed tree planting.

- 15.9. In stating the harms, it is worth noting that there is no harm at all to heritage assets, as also recognised

by WBC in the Officer's Report at section 17. In addition, no harm is alleged in respect of the loss of Best and Most Versatile (BMV) agricultural land, as the site is not within an agricultural holding, and is not BMV. There are also no harms identified in respect of general environmental matters, for example flooding/ drainage, air quality, noise and ground conditions. The Appeal Proposal is technically robust, as also demonstrated by the EIA.

- 15.10. WBC might also, in evidence, state further harms, which I will reserve my position on the basis of their evidence, for example the Officer's Report (CD REF 4.2) also referred to the relationship of the Parameters and proposed built form to the settlement boundary. Though, I have noted, no objection, nor Reason for Refusal on design, character and appearance nor amenity grounds.
- 15.11. To weigh these harms in the balance, against the substantive benefits recognised in my PoE (and others supporting the Appeal Proposal), there are numerous benefits, which contribute to both the Exceptional Circumstances case, and also the general Planning Balance. I have outlined these in full in Section 14 and I summarise these in Table 15.2.

Table 15.2 – Planning Benefits

Planning Benefit	Weighting
Housing delivery including Self/ Custom build	Substantial
Affordable Housing delivery	Substantial
Provision of a Scout Facility	Significant
Provision of land for a Forest School	Moderate to Significant
Enabling the delivery of land for Allotments	Significant
Economic – job creation	Moderate
Highways / Sustainable Transport / Footpath 597	Moderate to Significant
Provision of SANG (including Strategic SANG)	Substantial
CIL Money (to assist local Infrastructure shortfalls)	Significant
BNG on-site	Moderate to Significant
BNG credits (for other developments)	Significant
Open Space / Landscaping / AONB Management Plan Objectives	Significant to Substantial
Wildlife Corridors	Moderate to Significant
Improved access to the Countryside	Moderate to Significant
Design / sustainable construction proposals	Modest to Moderate
Comprehensive SuDs strategy	Modest
EV Charging Points	Modest

- 15.12. Overall, the Appeal Proposal accords with the Development Plan when read as a whole, there are some harms, though limited overall relative to the numerous benefits. Some of these benefits are in the public interest and hence also contribute to the Exceptional Circumstances required in this AONB location, which in turn leads to my conclusion of overall compliance with the Development Plan and reasoning that the NPPF presumption in favour should be engaged (paragraph 11d).
- 15.13. A range of planning conditions and S106 obligations would act to make the Proposal acceptable in planning terms. On this basis, planning permission should be granted and the Inspector is respectfully asked to allow the Appeal.

END



Appendices



Appendix1

S106 Note from Clark Willmott re: S106 Heads of Terms

Appendix 2

Economic Benefits Statement, from Savills Economics

Appendix 3

Updated Affordable Housing Statement, from Tetlow King

Appendix 4

Note from EPR – Scotland Park SANG Statement, including
appendices

Appendix 5

Scouts Project Brief & Funding Note

Appendix 6

Appendix 4 of Proof of Evidence of Simon Slatford for
Turnden Inquiry, on issue raised in paragraph 2.9 of Natural
England's Statement of Case

Appendix 7

Letter from Elivia Homes Limited in relation to Scotland Park Phase 2

Appendix 8

Technical Note, Stantec in respect of Thames Water

Appendix 9 Masterplan – Royal School site

Appendix 10

Sport England objection – Royal School site

Charles Collins

Director

+44 (0) 1483 796837

+44 (0) 7870 999596

CCollins@savills.com