



TOWN & COUNTRY PLANNING ACT 1990, SECTION 78

STATEMENT OF CASE ON BEHALF OF WAVERLEY BOROUGH COUNCIL

**Regarding land centred coordinates 505938 138328,
Knowle Lane, Cranleigh, Surrey, GU6 8BX**

September 2023

PINS Ref:	APP/R3650/W/23/3326412
LPA Ref:	WA/2023/00294
WS Ref:	J004627
Appellant Ref:	GLEE1001

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1.0 INTRODUCTION

- 1.1 WS Planning & Architecture are instructed by Waverley Borough Council (“the LPA”) to prepare a Statement of Case in connection with an appeal concerning Waverley Borough Council’s decision to refuse permission for an *outline application with all matters reserved except access for erection of up to 162 dwellings (including 30% affordable dwellings) built in up to 3 phases including access road, pedestrian and cycle accesses, parking, public open space, biodiversity enhancement and landscaping and other associated infrastructure and works.*
- 1.2 The appeal is being progressed by Gillings Planning, on behalf of Gleeson Land Ltd, from hereon referred to as “the Appellant”.

2.0 **SITE AND SURROUNDING AREA**

- 2.1 The Council will seek to agree a full description with the Appellant through the statement of common ground. The appeal site measures 11.7 hectares comprising a greenfield site including a former Christmas tree farm and agricultural fields. To the north of the site lies Snoxhall Fields and Community Centre, and further beyond, Cranleigh High Street. The Downs Link bridleway adjoins the site on the eastern side and provides a distinct physical barrier between the boundary of Cranleigh and the open countryside. The central portion of the site wraps around but excludes a small collection of residential dwellings including Stable Cottage and Coach House Cottage.
- 2.2 There is no existing vehicular access into the site, although there are pedestrian routes with footpath FP378 which runs along the eastern boundary of the site and footpath FP379 which runs east/west across the site and passes Stable Cottage.

3.0 PLANNING HISTORY

- 3.1 SC/2022/02807 Request for Screening Opinion for Outline application for up to 200 no. (Class C3) residential dwellings, with all matters reserved apart from access at Land East of Knowle Lane, Cranleigh. 22/08/23 EIA not required.

4.0 CONSIDERATION OF APPEAL APPLICATION

4.1 The appeal application was submitted on 17th January 2020, and was supported by the following:

- Completed Application Forms and Certificate of Ownership
- CIL Form
- Application Drawings – Site Location Plan ref 1
Site Location Plan ref. 1321.01 prepared by Richards Urban Design.
Masterplan Layout ref. 1321.02 prepared by Richards Urban Design.
Parameter Plan ref. 1321.03 prepared by Richards Urban Design.
Preliminary Arboricultural Impact Assessment Drawings ref. 11047 PAIA 01 (Options 1 to 4) prepared by Aspect Arboriculture.
Illustrative Landscape Strategy ref. 0350-L4 prepared by David Williams Landscape Consultancy.
- Design and Access Statement prepared by Richards Urban Design;
- Transport Statement ref. Jan 2023 prepared by Motion;
- Travel Plan ref Jan 2023 prepared by Motion;
- Heritage Statement (Archaeology and Built Heritage) ref. JCH01430 prepared by RPS Group;
- Ecological Appraisal ref. 6165 EcoAp dv1 /ADB prepared by Aspect Ecology;
- Biodiversity Net Gain Assessment ref. 6165 BNGA dv1 /ADB prepared by Aspect Ecology;
- Arboricultural Impact Assessment ref. 11047_AIA.001 prepared by Aspect Arboriculture;
- Report on Landscape and Visual Matters ref. DWLC/0350/A4/L1/DHW prepared by David Williams Landscape Consultancy;
- Noise Impact Assessment Ver 1.0 prepared by Mayer Brown;
- Air Quality Assessment Rev 2 prepared by Mayer Brown;
- Flood Risk Assessment ref. A423 prepared by Abley Letchford;
- SUDS Pro Forms by Abley Letchford;
- Energy and Sustainability Statement ref. Jan 2023 prepared by Daedalus;
- Utility Strategy Report Nov 2022 by Utilitas;

- Economic and Social Benefits Statement Dec 2022 by Turley Economics
 - Planning Statement prepared by Gillings Planning.
- 4.2 The LPA received a total of 366 responses, 362 of which objected to the proposal, 2 that were in support and 2 representations that neither objected nor supported.
- 4.3 The Appeal Application was refused under delegated powers on 08 June 2023. The 8 reasons for refusal cited within the Decision Notice are as follows,
1. **The proposed development comprising the provision of housing on an unallocated greenfield site outside of the settlement boundary would result in significant harm to the character and appearance of an area of valued landscape. It would be poorly related to the settlement of Cranleigh and would be an irregular and disjointed intrusion into the open countryside. The development would result in harm to character of Knowle Lane and the local settlement pattern. The development would harm the visual amenity of users of the Downs Link and footpath FP379. As such, the proposed development is contrary to Policies RE1, RE3 and SP2 of the Local Plan (Part 1) 2018, Policy DM15 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2021.**
 2. **Due to the close proximity of the proposed development, the scheme would not preserve or enhance the character or appearance of West Barn and The Brew Grade II Listed Buildings and would therefore cause less than substantial harm to their significance; the public benefits of the proposed development do not sufficiently outweigh the harm caused to the heritage assets. As such, the proposed development is contrary to Policy HA1 of the Local Plan (Part 1) 2018, Policy DM20 of the Local Plan (Part 2), the National Planning Policy Framework, 2021, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).**

3. **The applicant has failed to enter into an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, appropriate to Waverley Borough Council's housing need. The proposal would therefore fail to create a sustainable, inclusive and mixed community, contrary to the requirements of Policy AHN1 of the Local Plan (Part 1) 2018, the National Planning Policy Framework, 2021 and Waverley's Affordable Housing Supplementary Planning Document, April 2021.**
4. **The proposed dwelling size mix is not in accordance with the Strategic Housing Market Assessment, the Council's Affordable Housing SPD update or the findings in the Housing Affordability Study 2021 and insufficient information has been submitted to demonstrate that the proposal would be appropriate as a full accommodation schedule showing tenure, type, bed size and rent levels of all affordable homes on the application site, has not been submitted in order to be able to make a decision on whether the affordable housing offer meets the Council's demonstrated needs and is acceptable. The proposal is therefore contrary to Policies AHN1 and AHN3 of the Local Plan (Part 1) 2018 and the National Planning Policy Framework, 2021.**
5. **The proposed development constitutes over-development of the site with insufficient separation to allow for unhindered future growth of existing trees in relation to proposed development and a lack of space for substantial tree planting and a lack of green links, which does not reflect the semi-rural character of the site outside the settlement boundary of Cranleigh. The proposed built development on the site would be unable to accommodate good sized trees which reflect the adjacent land for establishment and sustainability in the long term due to lack of growing above/below ground space between the properties and along the highway. As such, the proposed development is contrary to the requirements of Policy NE2 of the Local Plan (Part 1)**

2018, Policy DM11 of the Local Plan (Part 2) 2023 and paragraph 131 of the National Planning Policy Framework, 2021.

- 6. Insufficient information has been submitted to demonstrate that the proposal would not result in harm to protected species. Furthermore, it has not been demonstrated that any adverse impacts would be avoided or mitigated. The proposal therefore fails to comply with Policy NE1 of the Local Plan 2018 (Part 1) 2018 and the National Planning Policy Framework, 2021.**
 - 7. Insufficient information has been submitted to demonstrate that the scheme could not provide self-build and custom housebuilding. As such, the proposed development would be contrary to Policy DM36 of the Local Plan (Part 2) 2023 and the National Planning Policy Framework, 2021.**
 - 8. The application site is designated as Agricultural Grade 3 land although no information has been provided by the applicant as to whether the land is classified as Grade 3a or Grade 3b. In the absence of any agricultural assessment in support of the application, there is insufficient information to demonstrate that the proposal would not result in the loss of the best or most versatile agricultural land. As such, the proposed development would be contrary to Policy DM15 of the Local Plan (Part 2) 2023 and the National Planning Policy Statement, 2021.**
- 4.4 It will be demonstrated in proofs of evidence that the Appeal Proposal is contrary to the Development Plan, the material considerations do not point in favour of a grant of permission.**

5.0 **CENTRAL GOVERNMENT GUIDANCE**

5.1 The National Planning Policy Framework (2023) and Planning Practice Guidance are material considerations.

5.2 The statutory development plan for Waverley currently comprises:

- Waverley Borough Local Plan (Part 1) Strategic Policies and Sites (February 2018)
- Waverley Borough Local Plan (Part 2) Site Allocations and Development Management Policies (March 2023)
- The Cranleigh Neighbourhood Plan – Submission Stage (Regulation 16) Version April 2023

5.3 The development plan policies relevant to this appeal are:

Waverley Borough Local Plan (Part 1) Strategic Policies and Sites (February 2018)

Policy SP1 Presumption in Favour of Sustainable Development

Policy SP2 Spatial Strategy

Policy ALH1 The Amount and Location of Housing

Policy ST1 Sustainable Transport

Policy AHN1 Affordable Housing on Development Sites

Policy AHN3 Housing Types and Sizes

Policy LRC1 Leisure and Recreation Facilities

Policy RE1 Countryside beyond the Green Belt

Policy RE3 Landscape Character

Policy TD1 Townscape and Design

Policy HA1 Provision of Heritage Assets

Policy NE1 Biodiversity and Geological Conservation

Policy NE2 Green and Blue Infrastructure

Policy CC1 Climate Change

Policy CC2 Sustainable Construction and Design

Policy CC4 Flood Risk Management

Waverley Borough Local Plan (Part 2) Strategic Policies and Sites (Mar 2023)

DM1 Environmental Implications of Development

DM2 Energy Efficiency

DM3 Water Supply and Wastewater Infrastructure

DM4 Quality Places through Design

DM5 Safeguarding Amenity

DM6 Public Realm

DM7 Safer Places

DM9 Accessibility and transport

DM11 Trees, Woodland, Hedgerows and Landscaping

DM15 Development in rural areas

DM20 Development Affecting Listed Buildings, and/or their Settings

DM25 Archaeology

DM36 Self-build and Custom Housebuilding

The Cranleigh Neighbourhood Plan – Submission Stage (Regulation 16)

CRAN1A, 1B, 1C Housing Strategy and Site Allocation

CRAN2: Design of Development

CRAN3: Character of Development

CRAN6: Natural Landscape and Rural Character

CRAN9: Soil Quality and Erosion

CRAN11: Cranleigh Area of Strategic Visual Importance

5.4 Other potentially relevant supplementary documents are:

West Surrey Strategic Housing Market Assessment (2015)

Open Space, Sport and Recreation (PPG17) Study 2012

Viability Assessment (2016)

Cycling Plan SPD (April 2005)

Council's Parking Guidelines (2013)

Vehicular and Cycle Parking Guidance (Surrey County Council 2018)
Surrey Hills Management Plan (2014-2019)
National Design Guide (2019)
Cranleigh Design Statement (2008)
Climate Change and Sustainability Supplementary Planning Document (October 2022)
Surrey Landscape Character Assessment: Waverley Borough, 2015

5.5 **Housing Land Supply Position**

The Council published its latest Five-Year Housing Land Supply Position Statement, with a base date of 20 February 2023 on 28 February 2023. The Council calculates it currently has between 4.15 and 4.56 years' worth of housing land supply. As the Council cannot currently demonstrate a 5-year supply, the Council accepts that the 'tilted balance' at paragraph 11(d) of the NPPF is engaged and the development plan policies most important in the determination of the application must be considered out-of-date. Permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. It is anticipated that a Five Year Housing Land Supply Position with a base date of 1 April 2023 will be published shortly.

6.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 6.1 The determination of the application, and determination of this appeal, is to be in accordance with the statutory development plan, unless materials considerations indicate otherwise.
- 6.2 The council will refer to the Development Plan and the NPPF, and the case for the council in respect of the issues arising from assessment of the application will be addressed in evidence and assessed against the relevant policies.
- 6.3 With regard to planning policy the council's evidence will outline the plan-led approach to development in Waverley Borough and how the need for housing in a plan led system is provided by the development plan.
- 6.4 The council will demonstrate the site is not allocated in the Development Plan for development and forms part of open countryside outside the built-up area of a settlement.

Reason for refusal 1 – Development in the countryside outside the built-up area boundary

- 6.5 WBC will provide expert evidence as to the landscape and visual effects of the appeal scheme.
- 6.6 As set out in the Case Officers report the Council instructed Michelle Bolger Expert Landscape Consultancy (MBELC) to review the landscape and visual impacts of the outline application. The Council consider that the value of the local landscape including the site is high and should be considered a valued landscape for the purposes of NPPF paragraph 174(a). Valued landscape qualities include the good condition of the landscape, the recreational opportunities afforded by the Downs Link and other Public Rights of Way (PRoW), the attractive scenic qualities, and the rural, tranquil nature of the landscape. The historic buildings, the numerous Category A oak trees and the meadow grassland also contribute to the value of the landscape. The adverse landscape effects of the development are due to:

- Harm to the intrinsic character and beauty of the landscape due to loss of the existing character.
- Harm to the topography of the site which will be adversely affected by earth moving to accommodate the access road and building platforms.
- The irregular, disjointed character of the site which, among other things, will create excessively long new edges to the countryside.
- Harm to the dispersed pattern of settlement in the landscape as the development will result in the amalgamation of three separate groups of dispersed properties.
- Harm to Knowle Lane including loss of vegetation and significant earthworks required for the access road; and
- A lack of meaningful connection with the settlement of Cranleigh so that the development will appear as isolated groups of new houses within the countryside.

- 6.7 Although visibility from the wider landscape will be limited there would be a significant number of visual receptors for whom there will be adverse effects on visual amenity, including Users of the Downs Link and footpath FP 379 who have high sensitivity. As such, the proposed development is contrary to Policies RE1 and RE3 of the Local Plan (Part 1) 2018 and Policy DM15 of the Local Plan (Part 2) 2023 and the NPPF, 2021.
- 6.8 The site is located within the Countryside beyond the Green Belt outside any defined settlement area. Policy RE1 of the Local Plan (Part 1) 2018 states that in this area the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.
- 6.9 Policy SP2 of the Local Plan (Part 1) 2018 sets out the spatial strategy for the Borough and is a key policy in seeking to ensure that the development that takes place in the Borough is sustainable. It seeks to focus development at the four main centres of Farnham, Godalming, Haslemere and Cranleigh and, to avoid major development on land of the high amenity and landscape value, such as this site.

- 6.10 Policy ALH1 of the Local Plan (Part 1) 2018, which is closely linked with Policy SP2, details the amount and broad distribution of the 11,210 net additional dwellings required in the period from 2013 to 2032 to meet the full, objectively assessed needs for market housing. Cranleigh has been allocated 1,700 new homes to accommodate over the plan period.
- 6.11 Policy ALH1 accepts that there is not enough suitable land for housing within the existing settlements of the Borough to meet the need for new homes and states that (paragraph 6.16 of the supporting policy text) the Council's strategy includes making selected releases of greenfield land, mostly directed at Farnham and Cranleigh, then Godalming and Haslemere due to their settlement size and facilities. This has been achieved by allocating sites within LPP1 where development can be sustainably achieved outside of settlement boundaries on greenfield sites.
- 6.12 There are two Strategic Housing Sites in the area:
- Local Plan (Part 1) SS4 at Horsham Road, Cranleigh which is located to the east of the railway line South-east of the site; and
 - Local Plan (Part 1) SS5 - Strategic Housing Site at Land South of Elmbridge Road and the High Street Cranleigh.
- 6.13 SS5 extends to the western edge of Knowle Lane but much of the land adjacent to Knowle Lane and land that rises up the hill at Knowle Park is identified for public open space.
- 6.14 The Cranleigh Neighbourhood Plan Regulation 16 consultation is currently ongoing with the six-week consultation period lasting from Friday 4th August 2023 to Friday 19th September 2023. The Neighbourhood Plan does not propose to allocate for development the Land at Knowle Lane but proposes 3 separate site allocations ranging in capacity from 4 to 38 dwellings, totalling 78 dwellings. As such, the site does not form part of any proposed Local Plan or Neighbourhood Plan allocation. It is suggested that any major housing development should be coming through the neighbourhood plan and should follow the plan making

process. As the plan does not seek to allocate further greenfield sites it does seem likely that there would be significant conflict with the emerging Plan.

- 6.15 The LPA will be providing evidence on Planning matters which will set out that the material considerations set out by the Appellant do not clearly outweigh the harm resulting from the proposal to both the Landscape and through conflict with the Development Plan is not clearly outweighed.
- 6.16 The proposal would result in significant harm to the character and appearance of an area of valued landscape. It would be poorly related to the settlement of Cranleigh and would be an irregular and disjointed intrusion into the open countryside. The development would result in harm to character of Knowle Lane and the local settlement pattern, and it would harm the visual amenity of users of the Downs Link and footpath FP379.
- 6.17 The site is set outside of the settlement boundary and does not represent a logical extension to it. The settlement boundary has not been amended to include the site as part of the Local Plan (Part 1) 2018 and the appeal site is not an appropriate location for an unplanned extension of Cranleigh. As such, the proposal is in conflict with Policies SP1, SP2, ALH1 and RE1 of the Local Plan (Part 1) 2018 and the NPPF 2021.

Reason for refusal 2 – Harm to designated Heritage Assets

- 6.18 WBC will provide expert evidence as to the harm to designated Heritage Assets.
- 6.19 The proposal would introduce residential dwellings into an area which has not previously been developed, bringing development and urbanising features closer to the historic farmstead. This would lead to the erosion of the former agricultural setting and the loss of the visual relationship between the heritage assets and this setting. With a residential scheme of 162 units, it is difficult to mitigate this through good design or screening, the reintroduction of the hedge shown on the historic Ordnance Survey map and the built form being pushed back is unlikely to block views altogether and lighting and vehicle movements would also be detectable. In

addition, you would no longer be able to view the farmstead, from the public footpath (379), within its countryside setting.

- 6.20 The public benefits of the proposed development do not sufficiently outweigh the harm caused to the Listed Buildings due to the proposed proximity of the development. As such, the proposal is contrary to Policy HA1 of the Local Plan (Part 1), Policy DM20 of the Local Plan (Part 2), the NPPF (2021) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and it should be refused.

Reason for refusal 3 – Absence of a Legal Agreement to secure Affordable Housing

- 6.21 It is acknowledged that the appellant is seeking to address this reason for refusal through the SoCG and draft S106 process.
- 6.22 Securing affordable housing provision needs to be secured by legal agreement in order to comply with Policy AHN1 of the Local Plan (Part 1) 2018. It is anticipated that this reason for refusal will be overcome, however the Council has not yet seen a draft legal agreement and maintains that the proposal cannot be considered to comply with the relevant Policies unless and until a legal agreement is in place.

Reason for refusal 4 – Dwelling Size Mix

- 6.23 It is acknowledged that the appellant is seeking to address this reason for refusal through the SoCG and draft S106 process.
- 6.24 Securing the proposed dwellings size mix needs to be secured by legal agreement in order to comply with Policy AHN1 and AHN3 of the Local Plan (Part 1) 2018. It is anticipated that this reason for refusal will be overcome, however the Council has not yet seen a draft legal agreement and maintains that the proposal cannot be considered to comply with the relevant Policies unless and until a legal agreement is in place.

Reason for refusal 5 – Impact on Trees

- 6.25 It is acknowledged that the appellants have submitted a Revised Illustrative Masterplan (plan no 1321.02A), a Landscape Strategy Plan (plan no 0350 L4 C) and an Illustrative Green Links plan (plan no 0350 L5 A) to address the reason for refusal.
- 6.26 WBC will provide expert evidence as to the impact on Trees.
- 6.27 In the event the additional information provided by the appellant is not agreed, it is considered that the proposed development constitutes over-development of the site with a lack of space for substantial tree planting and a lack of green links, which does not reflect the semi-rural character of the site outside the settlement boundary of Cranleigh. The proposed built development on the site would be unable to accommodate good sized trees which reflect the adjacent land for establishment and sustainability in the long term due to lack of growing above/below ground space between the properties and along the highway.
- 6.28 As such, the proposed development is contrary to the requirements of Policy NE2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023 and paragraph 131 of the NPPF, 2021.

Reason for refusal 6 – Impact on protected species

- 6.29 It is acknowledged that the appellants have provided an Ecology Update in anticipation of addressing this reason for refusal. Providing the updated information is acceptable to Surrey Wildlife Trust it is anticipated that this reason for refusal will not be relied upon and will be agreed in the SoCG.

Reason for refusal 7 – Provision of self-build and custom housebuilding

- 6.30 It is acknowledged that the appellant is seeking to address this reason for refusal through the SoCG and draft S106 process.

Reason for refusal 8 – Loss of agricultural land

- 6.31 It is acknowledged that the Appellants have provided an Agricultural Land Classification Report which concludes that Best and Most Versatile (BMV)

agricultural land has not been identified on the site and the site is indicated as ALC Grade 3b.

- 6.32 Subject to the Council's consideration of the additional evidence provided with the SoC this reason for refusal could be withdrawn.

Planning Balance

- 6.33 The Appellant considers substantial weight should be given contribution of market housing, self-build and custom build plots, affordable housing, open space provision and ecological enhancements. They also consider moderate weight should be given to supporting local services, off site contributions to infrastructure, socio economic benefits and sustainability benefits. The council acknowledge the delivery of housing on this site would have social and economic benefits associated with house building including affordable housing. However, the council maintain that the appeal proposal conflicts with several key policies of the development plan and is not in accordance with the plan taken as a whole.
- 6.34 Development should come forward in a planned way as advocated in the NPPF and Development Plan. The appeal proposals would represent unallocated development, in breach of the council's spatial strategy. This conflict should be afforded very substantial weight.
- 6.35 Given the current evidenced housing land supply position, the Council acknowledges that at this time the policies which are most important for determining the appeal are deemed to be out of date and para 11(d) of the NPPF applies. Notwithstanding this, it is considered that the proposed development comprising the provision of housing on an unallocated greenfield site outside of the settlement boundary would result in significant harm to the character and appearance of an area of valued landscape. It would be poorly related to the settlement of Cranleigh and would be an irregular and disjointed intrusion into the open countryside. This conflict should be afforded substantial weight.
- 6.36 In addition, the proposal would not preserve or enhance the character and appearance of West barn and The Bew Grade II Listed Buildings and therefore

cause less than substantial harm to their significance; but the public benefits of the proposed development do not sufficiently outweigh the harm caused to the heritage assets. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits would disengage the tilted balance; in this case the harm caused to the heritage assets should be afforded substantial weight.

- 6.37 Added to these harms are the issues raised in relation to affordable housing, dwelling size mix, impact on trees, harm to protected species, lack of information relating to the provision of self-build and custom housebuilding and loss of Agricultural Grade 3 land, assuming they are not addressed via S106 Agreement or agreed in the Statement of Common Ground.

7.0 CONCLUSION

- 7.1 For the reasons set out above the Council considers that the proposal is contrary to the development plan, and there are no material considerations which indicate that permission should be granted. The Inspector appointed to determine this appeal will be respectfully requested to dismiss the appeal.