

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78

PROOF OF EVIDENCE OF MICHAEL EASTHAM ON BEHALF OF WAVERLEY BOROUGH COUNCIL

Appeal by Redwood South West Limited

Against the refusal of its application for planning permission for:

Hybrid application consisting of an Outline application (all matters reserved except access) for up to 111 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). This application is accompanied by an Environmental Statement.

at

**Land off Midhurst Road at Scotland Park,
(Land Centred Co-ordinates 489803 131978)
Midhurst Road, Haslemere, Surrey, GU27 3DH**

December 2023

PINS Ref. APP/R3650/W/23/3327643

LPA Ref. WA/2022/01887

CONTENTS

Section	Page
1. Personal	3
2. Introduction	4
3. Appeal Site and surrounding area	6
4. Allowed Appeal on the Adjacent Site	7
5. Consideration of the Appeal Application	9
6. Relevant Planning Policies and Guidance	10
7. The Reasons for Refusal	18
8. The Planning Balance	27
9. Summary and Conclusions	29

1. PERSONAL

1.1 My name is Michael Eastham. I am a Principal Planning Officer at Waverley Borough Council, based in Godalming. I hold a Bachelor of Arts (Single Hons) Degree in Archaeology from the University of Durham and a Master's Degree in Town and Country Planning (MTPI) from Manchester University. I became a Member of the Royal Town Planning Institute in 1996.

1.2 I joined Waverley Borough Council in November 2022. I have been a Principal Planning Officer in Development Control at Fylde Borough Council and South Ribble Borough Council in Lancashire; Horsham District Council and Arun District Council in West Sussex; and in Tandridge District Council in Surrey; and a Team Leader in Planning Policy and a Team Leader in Development Control at the Central Lancashire Authorities.

1.3 I have appeared as an expert planning witness at Inquiries and Hearings on behalf of Local Planning Authorities covering housing developments and unauthorised caravan developments; and Development Plan preparation work including the Central Lancashire Core Strategy and the Minerals and Waste Local Plan, the South Ribble Local Plan and the Fylde Local Plan.

1.4 I am familiar with the site and the surrounding area and the planning policies of Waverley Borough Council and the Haslemere Neighbourhood Plan.

1.5 I can confirm that this evidence which I have prepared and provide for this appeal in this Proof of Evidence is true and has been prepared and is given in accordance with the RTPI Code of Professional Conduct 2023 and I confirm that the opinions expressed are my true and professional opinions.

2. INTRODUCTION

2.1 This Proof of Evidence is submitted on behalf of Waverley Borough Council (“the Council”), in respect of an appeal by Redwood South West Limited (“The Appellant”) regarding Land off Midhurst Road at Scotland Park, (Land Centred Co-ordinates 489803 131978) Midhurst Road, Haslemere, Surrey, GU27 3DH.

2.2 The appeal proposal comprises a hybrid application consisting of an Outline application (all matters reserved except access) for up to 111 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).

2.3 The primary objectives of the Proof of Evidence are to demonstrate that:

- The proposed development would result in harm to the character and appearance of the Surrey Hills Area of Outstanding Natural Beauty. This is major development in the AONB and no exceptional circumstances have been provided as required by paragraph 177 of the NPPF, 2023.
- The Council is no longer maintaining that the proposed development would impact on the setting of the South Downs National Park (SDNP).
- The proposal would be contrary to the policies and aims of the Waverley Local Plan (Part 1) 2018, the Local Plan (Part 2) 2023 and the Haslemere Neighbourhood Plan.
- The appeal should be dismissed.

2.4 My evidence will need to be read alongside the evidence of the LPA's other witnesses:

- Robert Petrow who addresses landscape matters.
- Katherine Dove who addresses 5-year housing land supply.

2.5 A planning Statement of Common Ground has been agreed and contains an agreed description of the appeal site and its surroundings, the details of the proposed development, including the documents and plans comprising the appeal application, and the relevant planning policies. An agreed list of suggested conditions will be submitted separately should the Inspector be minded to allow the appeal and grant planning permission.

3. APPEAL SITE AND SURROUNDING AREA

3.1 The Statement of Common Ground (SoCG) and Robert Petrow's proof both contain descriptions of the appeal site.

4. ALLOWED APPEAL ON THE ADJACENT SITE

4.1 The relevant planning history of the adjacent site (“Land off Scotland Lane”) is set out below:

4.2 WA/2020/1213 – Erection of a residential development including associated parking, landscaping, open space and infrastructure. Refused on 24th July 2021. Allowed on Appeal on 1st February 2022 (CD/9.1).

4.3 Land off Scotland Lane is being developed for 50 dwellings. The site is located to the north-east of the appeal site, fronting Scotland Lane and it is accessed via Scotland Lane.

4.4 The Land off Scotland Lane development is located within an Area of Great Landscape Value (AGLV), but it is not within the Surrey Hills Area of Outstanding Natural Beauty (AONB). The Inspector, Helen Hockenhull noted that the site had not been managed appropriately for a number of years, resulting in an invasion of Japanese Knotweed. It was agreed that the landscape condition was medium but added that the site was well contained with views limited to close range locations and did not satisfy the criterion for scenic quality.

4.5 It was considered by the Inspector that the scheme conflicted with the Local Plan policy on housing mix and also that it failed to recognise the intrinsic character and beauty of the countryside and would harm the character of the AGLV. However, with the tilted balance engaged, the adverse impacts of the proposal would not significantly outweigh the benefits when assessed against the NPPF and the Inspector therefore granted planning permission. There are material differences between the current appeal proposal and the Land off Scotland Lane scheme allowed on appeal including:

- The current appeal application is within the Surrey Hills AONB, whereas the Land off Scotland Lane site is outside the AONB, within the AGLV.
- Difference in the number of proposed dwellings (up to 112 proposed here compared to 50 at Land off Scotland Lane).

- The current appeal site is more separated from the developed area boundary of Haslemere.
- The current appeal application is in hybrid form with the bulk of the proposal (all but one of the houses) submitted in outline with all matters reserved except access. The Land off Scotland Lane development was submitted as a full application.

4.6 The current appeal site would be accessed via Midhurst Road with only a permissive footpath to connect with the adjacent housing development which is under construction on the Land off Scotland Lane site. (see Drawing No. 6046/PL05A – Access and Movement Parameter Plan – CD/1.2).

5. CONSIDERATION OF THE APPEAL APPLICATION

5.1 The appeal application was refused under delegated powers on 2nd May 2023, for a total of 6 reasons. The reasons for refusal are set out in full in the decision notice, my Statement of Case and in the SoCG and are not repeated here.

5.2 The Council received a total of 252 responses, 183 of which objected to the proposal during the first round of consultation, 7 that were in support during the first round of consultation; 51 of which objected to the proposal during the second round of consultation following the submission of revised documents, and 11 that were in support during the second round of consultation.

5.3 The Council and the Appellant have continued to engage in constructive discussions with a view to overcoming several reasons for refusal, as has been set out in the Planning Statement of Common Ground. **Section 7** of this Proof therefore focusses on Reason for Refusal 1 and 2 which are expected to be the only outstanding matters at the time of the inquiry. However, I reserve the right to comment further in the event that Legal Agreements are not completed in respect of Reasons for Refusal 3 (Affordable Housing), 4 (delivery, maintenance and management of the on-site SANG) and 5 (secure contributions to PROW network, monitoring Travel Plan and provision of a Demand Responsive Bus Service).

6. RELEVANT PLANNING POLICIES, LAW AND GUIDANCE

6.1 The relevant policies to be considered are set out in full within the Statement of Common Ground. This section summarises the relevant planning policies.

The National Planning Policy Framework 2023

6.2 The NPPF defines “sustainable development” in paragraphs 7 to 10 and is clear that achieving such development has three over-arching objectives: economic, social and environmental. The SoCG contains a list of paragraphs which are agreed to be relevant. I consider that paragraphs 11, 174, 176 and 177 are the most critical to the outcome of the appeal.

6.3 Paragraph 11 sets out a presumption in favour of sustainable development:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.”

6.4 Paragraph 174 confirms planning decisions should contribute to and enhance the natural and local environment by:

(a) “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan”;

- (b) “recognising the intrinsic character and beauty of the countryside”; and
- (d) “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

6.5 Paragraph 176 states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

6.6 Paragraph 177 states:

“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.”

The Levelling-Up and Regeneration Act 2023

6.7 The Levelling-Up and Regeneration Bill will become law on 26th December 2023. Section 245(6) amends the wording in section 85(1) of the Countryside and Rights of Way Act 2000, transforming the general duty on public authorities to “have regard” to the purpose of conserving and enhancing the natural beauty of an AONB into an obligation (“must”) to “seek to further” those purposes. “*seek to further the purpose of conserving and enhancing the natural beauty of the AONB*”. This amendment is due to come into force on 26 December 2023 and therefore it will be in force by the time this appeal is determined.

6.8 This amendment imposes a significantly stronger legal requirement upon those determining planning applications and appeals. It raises the bar to be overcome for development, especially of this magnitude.

6.9 On 29th November 2023 Defra rebranded AONBs as “National Landscapes”. The Government’s intention was to strengthen their purpose and possibly to bring them in line with National Parks as the two have the same level of protection in Government planning policy. The change is also intended to raise the profile of AONBs nationally. It is also a Government response to climate change, nature, health and wellbeing. The term AONB is continued to be used in this evidence.

6.10 The Levelling-Up and Regeneration Act has also strengthened the presumption in favour of the development plan to ‘unless material planning considerations “strongly” indicate otherwise.’

The Development Plan

6.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.12 The Development Plan comprise the Waverley Borough Local Plan (Part 1): Strategic Policies and Sites adopted in February 2018 and the Waverley Borough Local Plan (Part 2): Site Allocations and Development Management Policies adopted in March 2023. In addition, the Haslemere Neighbourhood Plan which was made on 12th November 2021.

Local Plan (Part 1) 2018

6.13 Policy SP2 sets out the Spatial Strategy for Waverley and sets out a number of criteria necessary to “maintain Waverley’s character whilst ensuring that development needs are met in a sustainable manner”. The policy sets out a number of criteria including:

- “1) avoid major development on land of the highest amenity and landscape value;
- 2) focus development at four main settlements including Haslemere which is listed as the third of the four main settlements;
- ...
- 6) maximise opportunities for the re-development of suitable brownfield sites for housing;”

Criterion 7 states that additional sites will be identified and allocated through Local Plan (Part 2) and neighbourhood plans.

6.14 Criterion 2) seeks to focus development ‘at’ the main settlements, but this does not mean that all sites will be acceptable at the edge of these settlements. Paragraph 5.16 of the explanatory text to Policy SP2 recognises that it will be necessary to “allow the expansion of settlements through the development of suitable sites on the edge of settlements.”

6.15 Policy ALH1 of the Local Plan (Part 1) 2018, which is closely linked with Policy SP2, details the amount and broad distribution for at least 11,210 net additional dwellings required in the period from 2013 to 2032 to meet the full, objectively assessed needs for market housing. Haslemere has been allocated a minimum number of 990 new homes to accommodate over the plan period.

6.16 Policy RE1 states that “the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.” Paragraph 5.21 of the Local Plan (Part 1) emphasises the importance of countryside beyond the Green Belt and states “the Council will continue to protect the countryside in accordance with paragraph 17 of the NPPF, which recognises the intrinsic beauty of the countryside.”

6.17 Policy RE3 concerns Landscape Character and states that new development must “respect and where appropriate, enhance the distinctive character of the landscape in which it is located”. Additionally, criterion (i) concerns the Area of Outstanding Natural Beauty and states the following:

“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 be a priority and 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”.

6.18 Policy NE1 of the Local Plan (Part 1) 2018 seeks to conserve and enhance biodiversity within Waverley. Development will be permitted provided that it:

- a. retains, protects and enhances features of biodiversity and geological interest and ensures appropriate management of those features.
- b. ensures any adverse impacts are avoided, or if unavoidable, are appropriately mitigated.

Local Plan (Part 2) 2023

6.19 The Local Plan (Part 2) 2023 adopted on 21st March 2023. The Local Plan (Part 2) provides the more detailed development management policies, reviews a suite of local designations and allocates sites needed for housing or other uses in certain areas of Waverley. A recent High Court challenge to the adoption of the Local Plan (Part 2) was dismissed. The High Court decision is a Core Document (CD/10.13).

6.20 Paragraph 7.10 of the Local Plan (Part 2) says:

“the minimum housing target for Haslemere is 990 as set out in Local Plan Part 1. As of 1st April 2022, there have been 282 completions within Haslemere. There are also 430 outstanding permissions (including resolutions to permit) and windfalls are anticipated to contribute a further 83 dwellings. This totals 795 committed dwellings for Haslemere, meaning that there is an outstanding requirement to allocate a minimum of 195 dwellings through Local Plan Part 2.”

6.21 Paragraph 7.11 of the Local Plan (Part 2) says:

“Haslemere has significant constraints to accommodating development, due to the Green Belt, the AONB, and proximity to the South Downs National Park. In addition, it is close to the Wealden Heaths Phase II SPA and subject to the size and location of a site, this can be another significant constraint.”

6.22 Paragraph 7.17 of the Local Plan (Part 2) says: “the proposed site allocations for Haslemere are set out in policies DS1 – DS11. These sites are anticipated to deliver 265 additional dwellings, against the outstanding requirement of 195.”

6.23 The sites allocated for development in Haslemere are set out below.

- DS 01 – Haslemere Key Site, West Street, Haslemere – 30 additional dwellings
- DS 02 – Central Hindhead, London Road, Hindhead – 38 dwellings
- DS 03 – Land at Andrews, Portsmouth Road, Hindhead – 39 additional dwellings
- DS 04 – Land at Wey Hill Youth Campus, Haslemere – 34 additional dwellings
- DS 05 – Haslemere Preparatory School, , Haslemere – 24 additional dwellings
- DS 06 – The Royal Junior School, Portsmouth Road, Hindhead – 90 dwellings
- DS 07 – Fairground Car Park, Wey Hill, Haslemere – 20 dwellings
- DS 08 – The Old Grove, High Pitfold, Hindhead – 40 dwellings
- DS 09 – National Trust Car Park, Branksome Place, Haslemere – 13 dwellings
- DS 10 – Hatherleigh, Tower Road, Hindhead – 5 additional dwellings
- DS 11 – King's Road, Haslemere – 5 additional dwellings

6.24 The appeal site is not allocated for development in the Local Plan (Part 2). The appeal site forms the majority of site LAA 987 which was ruled out as unsuitable in the

2020 LAA and in the LAA 2021 Update, as “a large proportion of the site is located within the Area of Outstanding Natural Beauty and Area of Great Landscape Value and is prominent in the wider landscape, while being important to the rural setting of Haslemere. As such the development of the site is likely to have a highly negative landscape impact and would cause harm to the AONB and AGLV.”

6.25 Policy DM1 (c) says that development should not cause harm or damage to existing environmental assets such as areas of ecological, geological, townscape, or landscape value, and maximise opportunities to enhance such areas.

6.26 Policy DM15 concerns development in rural areas and states at Criterion b) that development should “recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements, while making efficient use of land”. The explanatory notes for Policy DM15 state the following:

“3.34 Rural areas are defined as those outside of any settlement boundary, irrespective of whether the land is in the Green Belt or Countryside beyond the Green Belt.

3.35 The introduction of substantial built form into the countryside has the potential to have a harmful urbanising impact on the countryside, including in areas adjacent to existing settlements. The benefits of any such development will need to be considered against the level of harm, taking into account the extent and form of development and the sensitivity of the site and surrounding area to development...”

Haslemere Neighbourhood Plan (Made 12 November 2021)

6.27 Policy H1 of the Haslemere Neighbourhood Plan deals with development inside and outside settlement boundaries. Policy H1.3 says:

“Development outside the settlement boundaries will be strictly controlled. Development proposals in such locations will only be supported which otherwise conform with national and local planning policies.”

The appeal site is located outside the settlement boundary.

6.28 Policy H9 of the Haslemere Neighbourhood Plan focusses on the conservation and enhancement of trees, hedgerows and woodlands of value. It seeks to avoid “damage to or loss of mature or semi-mature trees of value other than in exceptional circumstances”.

6.29 Policy H12 of the Neighbourhood Plan focusses on the protection and enhancement of biodiversity and biodiversity net gain. It particular it requires that “Haslemere’s Ecological Network [which includes the wildlife corridors running through the appeal site, see Fig 9 and Map 8 in Appendix 3] ... shall be maintained, protected, consolidated, extended and enhanced as appropriate to their existing designations and biodiversity status. Development that negatively affects these sites or fragments the network will not be supported unless appropriate mitigation is incorporated within the proposal”.

7. THE REASONS FOR REFUSAL

REASON 1 – MAJOR DEVELOPMENT THE SURREY HILLS AONB AND IMPACT ON CHARACTER AND BEAUTY OF THE COUNTRYSIDE BEYOND THE GREEN BELT

Context

7.1 The National Planning Policy Framework (NPPF), 2023 states as a core planning principle the intrinsic character and beauty of the countryside shall be recognised. The NPPF also states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. (paragraph 174 of the NPPF, 2023).

7.2 The site lies within the Surrey Hills Area of Outstanding Natural Beauty. As discussed above, by the time the appeal is determined, there will be a statutory duty on decision makers to seek to further the purpose of conserving and enhancing the natural beauty. As a matter of national policy decision makers are required to give great weight to conserving and enhancing landscape and scenic beauty in the AONB and major development is to be avoided save in exceptional circumstances. At a local level, policy SP2 and RE3 both seek to avoid major development in the AONB

7.3 Robert Petrow considers the areas to be developed for the new access road and housing to have High Landscape Quality, High Value and high Sensitivity. The magnitude of change to these areas is considered to be Substantial Adverse throughout the lifespan of the scheme. It is considered these adverse affects cannot be successfully mitigated.

7.4 The Surrey Hills AONB Management Plan 2020-2025 sets out a vision and policies for the conservation of the natural beauty of the Surrey Hills landscape. The vision for the Surrey Hills recognises that the landscape will change but ensures that it changes in a way that conserves and enhances its special qualities. In doing so, it also needs to maintain the social and economic viability of the Surrey Hills in a sustainable manner.

7.5 Policy P1 of the Surrey Hills AONB Management Plan reflects paragraph 176 of the NPPF outlined above. Policy P2 of the Management Plan gives attention to potential impacts on ridgelines, public views and tranquillity; as well as external building material colour and dark skies.

7.6 The Council is not maintaining harm to the setting of the South Downs National Park (SDNP).

Impacts on character and appearance

7.7 The proposed development seeks to provide up to 111 dwellings on a rural site which currently comprises agricultural land, three horse paddocks in the northern part of the site and then slopes down steeply to the south and west where the proposed access would come in from Midhurst Road, which comprises parkland and woodland (Red Court Woods). The proposed housing areas shown on the parameters plan would be located at their nearest point 100 metres west of the housing estate that is being constructed on land off Scotland Lane.

7.8 The introduction of housing development in this location would fundamentally change the character of the site, creating an urbanising impact on this valued landscape. The proposal would fail to enhance the landscape value or protect the intrinsic character and beauty of the countryside. It would fail to conserve or enhance the intrinsic character and natural beauty of the Surrey Hills AONB.

7.9 The Council considers that the appeal site is reasonably well screened by woodland and that there would be limited views of the proposed housing on the site. But screening is not a justification for allowing development in an AONB. There would be views of the roofscapes of houses on the appeal site when viewed across the valley from the north. There are currently views into the site where the new access road is proposed from the public right of way that runs along Midhurst Lane. The proposed development would impact on and breach the tranquillity on the site, contrary to Policy P2 of the Management Plan.

7.10 There would also be adverse effects on the character of Midhurst Road. Midhurst Road has a rural character lined by trees and with sunken sections responding to the surrounding topography. The proposed access requires the removal of approximately 20 metres of vegetation along the road including mature trees and the regrading of the land immediately north of the new access. The proposed access would introduce an urban/suburban character into this rural location accompanied by planting that is typical of a new housing estate.

Paragraph 177 NPPF

7.11 The proposed development is a "major development" in an AONB and this is common ground as set out in the SoCG, and therefore NPPF paragraph 177 comes into play.

7.12 The Appellant advances a range of public benefits which need to be considered in order to determine whether cumulatively they amount to 'exceptional circumstances'. However:

7.13 There are two main tests in NPPF paragraph 177:

- other than in exceptional circumstances **and**,
- where it can be demonstrated that the development is in the public interest.

7.14 These two tests plus the new legal provision in the Levelling-Up and Regeneration Act taken together are very substantial hurdles/restrictions to overcome. It is not enough that it would be in the public interest for the development to be allowed under paragraph 177 if the other two provisions are not individually also met i.e. exceptional circumstances and "seek to pursue the purpose of....." in the 2023 Act. All three have to be met. The new Act raises the importance of protecting AONBs.

7.15 The exceptional circumstances are not enough both individually and collectively to outweigh the "great weight" in NPPF paragraph 176. The degree of AONB harm in this case is severe. The decision to disapply the tilted balance indicates that the government does not consider that housing need should generally trump AONB harm.. Any other exceptional circumstances are either not really exceptional or would carry

limited weight; but it is acknowledged that the provision of affordable housing would carry substantial weight. Conserving and enhancing the natural beauty of an AONB is a major consideration especially with the extent of the development here is proposed and its severity of harm.

7.16 If the argument were to be accepted that meeting a shortfall of housing land supply were to be accepted as being sufficient to justify "major development" in an AONB, then that would be capable of being repeated too often in the Surrey Hills AONB. The bar would be set far too low. This would undermine the whole credibility and integrity of nationally protected landscapes both National Parks and AONBs which both enjoy the same status of protection under Government planning policy. The public interest is best achieved by directing development to the least environmentally damaging locations so that there is a proper balance between protecting the best landscapes for people and the additional population to enjoy near to where they live and providing sufficient housing. That is what planning should be about in the public interest.

Contribution to shortfall of housing land supply:

7.17 The Council accepts that it is unable to provide a 5-year supply of housing. Katherine sets out the current situation regarding the 5-year housing land supply in her Proof. The provision of market housing would contribute to the Council's current housing shortfall and therefore attracts significant weight.

7.18 Self-build and custom-build: The appeal proposal seeks a policy compliant level of self-build and custom build plots that have been included in the proposal at the appeal stage in line with Policy DM36 of the Local Plan (Part 2) and therefore attracts limited weight.

7.19 Affordable housing: It is agreed that there is a shortfall of affordable housing in the Borough and therefore the provision of affordable housing attracts significant weight.

7.20 Open space (excluding SANG): The proposal provides open space provision in accordance with the Local Plan policies and attracts limited weight. In the appeal at Windacres Farm (CD/9.13) the Inspector found at paragraph 81 that the provision of open space is largely limited to address the impact of the proposal rather than meet any identified existing issue, and so carries limited weight.

7.21 SANG: It is acknowledged that the provision of an on-site SANG is necessary to mitigate the impact of the proposed development on the Special Protection Area (SPA), but would also have remaining capacity of circa 323 units, thereby supporting further development coming forward in Haslemere, which is a significant public benefit arising from the scheme.

7.22 Economic benefits: The provision of new dwellings will lead to an increase in available expenditure within the immediate area. All major developments would be expected to support local services and therefore only attracts limited weight. Paragraph 62 of the appeal decision regarding Land at Dunsfold Common (CD/9.45) identified that the economic benefits associated with future occupiers delivering increased spending in the area would be limited.

7.23 Scout Hut and Forest School: It is acknowledged that the provision of the Scout Hut and the Forest School would constitute a limited public benefit arising from the scheme.

Subparagraphs (a)-(c)

7.24 As to the 3 considerations at paragraph 177(a)-(c):

1. **Need for the development and impact on the local economy:** The lack of a 5 year housing land supply is acknowledged. However, within an AONB less weight is given in national planning policy to that matter than in the case of a site outside a nationally protected landscape. There is no national need for 112 houses to be built in this particular location. Permitting the development may assist the local economy as would be the case anywhere with new development and so it needs to be put into that perspective. Also, the local

economy in this case is not a local rural economy that may be more relevant in most AONB situations nationally. The site is on the edge of a town. Further, in relation to the scale of the local economy the benefit would be small. Refusing the application would have a negligible effect on the local economy. Local economy considerations in this case assume significantly less importance than a site in a remote rural area.

2. Scope for developing outside the designated area: The proper planning approach is for a local plan or possibly a neighbourhood plan to determine the scope for developing outside the designated area. The two up to date Waverley Local Plans Part 1, and Part 2 and the Haslemere Neighbourhood Plan have all concluded that the Council's housing land requirements over the plan period can be met without resorting to the release of this AONB site. I would venture to suggest that a site of this landscape importance would be one of the last sites to be considered through the plan making process, should additional housing land be required. I am also advised by the Surrey Hills AONB Planning Adviser that of all the local plans across the 5 constituent Surrey Hill planning authorities, the only housing land allocation within the Surrey Hills AONB is within the AONB village of Chiddingfold to the east of Haslemere. This issue was addressed in the Chiddingfold Neighbourhood Plan.

7.25 There are other non-AONB sites listed below which were assessed through the LAA process which were not selected for allocation and are not coming forward for development, but which could in theory be developed at some point in preference to AONB sites. Development of 112 houses would be less objectionable in principle here than in the AONB (Waverley Borough Council Land Availability Assessment November 2020):

- Properties and Gardens 1- 22 Catteshall Lane (LAA/57)
- Land at Keys Cottage & Wedgewood, Holloway Hill (LAA/209)
- Alehouse Field, The Common, Dunsfold (LAA/658)
- Horseshoe Lane, Cranleigh (LAA/941)
- Longfield former residential care home, Killicks Road, Cranleigh (LAA/942)
- Land east of Longfields, Horseshoe Lane, Cranleigh (LAA/1015)

3. Detrimental effects on the environment, landscape and recreational opportunities, and potential for moderation: As many as 111 dwellings in outline and 1 dwelling full planning and associated development on this site will clearly have a highly detrimental effect on the environment and landscape, as Robert Petrow's evidence confirms. It would not take a more detailed application to indicate whether it would or would not. With such large scale development the development could not possibly conserve and enhance this nationally protected landscape.

7.26 The appellants rely on the Sturt Farm decision (WA/2014/1054 – 135 dwellings on land off Sturt Lane, Haslemere). The difference between the circumstances at that time and the two sites is first there was no up-to-date Local Plan – the Local Plan at that time was the 2002 Waverley Local Plan - and with a lack of a 5 years housing land supply the site was vulnerable to development. The Proposals Map showed only the central portion of the Sturt Farm site to be in the AONB, with the eastern and western ends being outside and in the local landscape AGLV designation not having AONB status. The Sturt Lane site adjoins and is contiguous with the built up area boundary of Haslemere. Given all of this, the Sturt Farm permission should not set a precedent for allowing the appeal site.

Conclusion

7.27 The exceptional circumstances put forward by the appellants are not enough both individually and collectively to amount to “exceptional circumstances” for the purposes of NPPF paragraph 177 or to outweigh the "great weight" in NPPF paragraph 176.

7.28 Is it therefore concluded that the proposed development would comprise the provision of housing on an unallocated greenfield site which would result in harm to the character and appearance of the Surrey Hills AONB. The development would also result in harm to Midhurst Road.

7.29 As such, the appeal scheme is contrary to Policies SP2, RE1 and RE3 of the Local Plan (Part 1) 2018, Policy DM15 of the Local Plan (Part 2) 2023, Policy H9 of

the Haslemere Neighbourhood Plan and paragraphs 176 and 177 of the National Planning Policy Framework, which all deal with matters of character and appearance and the AONB.

REASON 2 - HARM TO PROTECTED SPECIES

7.30 The application was refused on the basis that there was a lack of information including surveys and appropriate mitigation measures to ensure that the proposed development does not harm protected species.

7.31 The ecological information submitted with the application fails to demonstrate that the proposed development would not negatively affect and/or fragment the wildlife corridors adjacent to Midhurst Road and within the northern central area of the application site. Additionally, the ecological information fails to demonstrate that there would not be a detrimental impact on protected species being, hazel dormice and bat species, and Habitats of Principal Importance.

7.32 Following a meeting on 29th November 2023 with the appellants the Council and Surrey Wildlife Trust are waiting for the submission of additional information on ecology and discussion is ongoing. Reason for refusal 2 is upheld. Rob Hutchinson has prepared a Proof and will attend the inquiry and defend it.

7.33 The wildlife corridor identified in the development plan (the Haslemere NP) for biodiversity is an example of an ecological network referred to in paragraph 174(d) of the NPPF. The proposal fails to demonstrate that it would protect or enhance Haslemere's ecological network; a site identified in the development plan (Policy H12) as being of biodiversity value. It has not been demonstrated that the proposal would minimise impacts on biodiversity.

7.34 Until such a time that the appellant submits the required surveys and reports to the satisfaction of the Council in consultation with Surrey Wildlife Trust, it cannot be properly assessed to ensure that the development does not harm protected species. Consequently, reason for refusal 2 still stands and the proposal is contrary to Policy NE1 of the Local Plan Part 1 (2018), Policy DM1 of the Local Plan Part 2 (2023), Policy H12 of the Haslemere Neighbourhood Plan and paragraphs 174 and 176 of the NPPF. Paragraph 176 NPPF states that the conservation and enhancement of wildlife is also an important consideration in AONBs - so if there is an issue with ecology that is relevant to Reason for Refusal 1 as well as being a Reason for Refusal in its own right.

8. THE PLANNING BALANCE

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 For the reasons already given, the proposal conflicts with Policies SP2, RE1, RE3 and NE1 of the Local Plan (Part 1) and Policies DM1 and DM15 of the Local Plan (Part 2) and Policies H9 and H12 of the Haslemere Neighbourhood Plan which all deal with matters of character and appearance and the AONB. The location of the appeal site is also in direct conflict with policy H1 of the Haslemere Neighbourhood Plan. As such, the proposal is not in accordance with the development plan taken as a whole. Planning permission should be refused unless material considerations strongly indicate otherwise.

8.3 Paragraphs 176 and 177 NPPF are key material considerations. For the reasons already given, the appeal proposal fails to accord with paragraph 176 and does not satisfy the test in paragraph 177, therefore the presumption against granting planning permission which is contained in that paragraph applies.

8.4 It follows that paragraph 11(d)(i) NPPF applies. There is a clear reason for refusal under para 11(d)(i), the tilted balance is disengaged, and permission should be refused. The proposal would have an adverse impact on the AONB. There are no exceptional circumstances for major residential development on this site in the Surrey Hills AONB.

8.5 If the Inspector considers there are exceptional circumstances under paragraph 177 then the titled balance in paragraph 11(d)(ii) is engaged. In that scenario I accept that the adverse effects may not significantly and demonstrably outweigh the benefits (given those same benefits would have been deemed sufficiently exceptional to pass the paragraph 177 test). I accept if the Inspector does conclude that paragraph 177 is satisfied then permission should be granted; but then the Inspector would also have to conclude the material planning considerations are sufficiently strong under the

terms of the recent provision in the Levelling-Up and Regeneration Act 2023 to override the relevant and very recent and adopted Local Plans.

9. SUMMARY AND CONCLUSIONS

9.1 The appeal proposal is against the decision of Waverley Borough Council to refuse a hybrid application comprising an outline application (all matters reserved except access) for up to 111 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) at land off Midhurst Road at Scotland Park, (Land Centred Co-ordinates 489803 131978) Midhurst Road, Haslemere.

9.2 The appeal proposal has been assessed on its merits, in the context of the adopted Development Plan and the NPPF taken as a whole. The Council has had regard to the planning benefits set out by the Appellant and considered them against the harms resulting from the proposal. My proof sets out the relevant planning policy and the planning issues related to each of the reasons for refusal. The reasons for refusal identify conflict with Development Plan policies.

9.3 As set out in the Proof of Evidence of Robert Petrow the appeal site is located within the Surrey Hills AONB which comprises a valued landscape. The value of the immediate landscape in which the site is located is High due to the good condition of the landscape, scenic qualities and tranquil character. It is considered that these qualities, especially as the site is in the AONB, elevate it above other more everyday landscapes and constitutes a valued landscape for the purposes of the NPPF paragraphs 174(a), 176 and 177. The landscape evidence provided by Robert Petrow clearly sets out the harm caused by the proposal including harm to the valued landscape, harm to the intrinsic character and beauty of the countryside, and harm to the character of Midhurst Road.

9.4 The proposed development would comprise the provision of housing which would result in significant harm to the character and appearance of an area of valued landscape within the Surrey Hills AONB. The development would also result in harm to Midhurst Road and the local settlement pattern.

9.5 The proposal would introduce a quantum of development on a greenfield site, which would result in an urbanising impact detrimental to the landscape value and the intrinsic character and beauty of the AONB. The proposed access onto Midhurst Road would necessitate the widening of part of the road and the loss of boundary trees and vegetation and result in an increase in the number of traffic movements. The significant engineering works, tree loss and vehicle movements would undermine the narrow tree lined character of this route which would significantly undermine the rural character of this length of the narrow main road which represents the transition from town to countryside, detrimental to the AONB. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. As such, the proposal is contrary to Policies SP1, SP2, RE1 and RE3 of the Local Plan Part 1 (2018), Policy DM15 of the Local Plan Part 2 (2023), Policy H9 of the Haslemere Neighbourhood Plan and paragraphs 176 and 177 of the NPPF.

9.6 Until such a time that the appellant submits the required surveys and reports to the satisfaction of the Council in consultation with Surrey Wildlife Trust, it cannot be properly assessed to ensure that the development does not harm protected species. Consequently, reason for refusal 2 still stands and the proposal is contrary to Policy NE1 of the Local Plan Part 1 (2018), Policy DM1 of the Local Plan Part 2 (2023), Policy H12 of the Haslemere Neighbourhood Plan and paragraphs 174 and 176 of the NPPF.

9.7 The Council published an updated Five-Year Housing Land Supply Position Statement in October 2023 in which it is confirmed that the Council cannot currently demonstrate a five-year housing land supply.

9.8 The provision of both market and affordable housing would carry significant weight in favour of the proposal. The proposal would also provide a policy compliant level of

self-build and custom-build plots, open space provision, would support local services, provide off-site contributions to infrastructure, socio-economic and sustainability benefits that all attract limited weight.

9.9 However, the proposal would result in harm to a valued landscape (the Surrey Hills AONB) and the rural appearance of Midhurst Road. The individual and cumulative harm should be afforded substantial weight.

9.10 The development would result in a significant change in the character of the appeal site through the introduction of a significant quantum of development on an unallocated greenfield site outside the settlement boundary. The development would be poorly related to the settlement of Haslemere and would appear a disjointed intrusion into the open countryside. The proposal would also result in harm to the rural character of Midhurst Road through the creation of the vehicular access to the site.

9.11 Through the introduction of this built form, the proposal would have an adverse impact on the landscape value of the Surrey Hills AONB. The proposal would be harmful to the intrinsic character and beauty of the Countryside.

9.12 Whilst the Inspector may consider the lack of a 5-year housing land supply is a relevant planning to weigh in the balance, it does not engage the tilted balance in this appeal. The Court of Appeal decision in the Longdene, Haslemere case (CD/10.14) in 2019 on the opposite side of Midhurst Road is confirmation and is brought to the Inspector's attention.

9.13 It is concluded that there are no material considerations which indicate that the proposal should be determined other than in accordance with the Development Plan. Accordingly, the appeal proposal is not sustainable development and I respectfully request that the appeal is dismissed.