
Summary of Proof of Evidence

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

- 1.1. This document summarises the Proof of Evidence ("PoE") as prepared by me, Charles William Collins, on behalf of Redwood South West Ltd (the "Appellant" or "Redwood"), in support of a Planning Appeal relating to Land off Midhurst Road at Scotland Park, Midhurst Road, Haslemere Surrey, hereafter referred as 'the Site'. My PoE is the Planning evidence prepared in support of the Appeal Proposal. This Appeal responds to the refusal of Planning Permission by Waverley Borough Council ("WBC") on 2 May 2023 (reference: WA/2022/01887).
- 1.2. **Sections 1 to 3** of my PoE provide my personal statement, an introduction to the Core Case for the Appellant and relevant background to the original planning application and the Appeal. In this section, I highlight a number of relevant planning application and appeals, both in Waverley and nationally which are of relevance to the Appeal Proposal.
- 1.3. **Section 4 (Policy Context)** of my PoE provides my analysis of the relevant Development Plan policies (**Table 4.1**). I conclude the Appeal Proposal accords with the Development Plan when read as a whole. This comprises the Local Plan Part 1 ("LPP1") (2018), Local Plan Part 2 ("LPP2") (2023) and Haslemere Neighbourhood Plan ("HNP") (2021). I have noted a partial conflict (hence partial accordence) with policy RE1 and conflict with DM15 and H1, though I submit that the weight to all of these policies should be reduced in light of the acknowledged absence of 5YHLS. Overall, I cite compliance with RE3 on the basis that the Appeal Proposal demonstrates Exceptional Circumstances (as per NPPF Paragraph 177). This is because, 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.
- 1.4. Thus, there is no reason to refuse the Appeal Proposal on either the basis of national policy (NPPF 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. As there is no clear reason to refuse (footnote 7 of paragraph 11 of the NPPF), the paragraph 11 d) presumption in favour applies. I outline that significant weight be applied to the NPPF.
- 1.5. Although I agree with WBC in **Section 5 (Natural Environment)** that the Appeal Proposal constitutes major development in the AONB, I set out why I believe the Appeal Proposal can demonstrate enhancements to the AONB and Exceptional Circumstances as required by paragraph 177 of the NPPF.

- 1.6. In this section I point to the leading case of *SSCLG v Wealden* (**CD REF 10.1**) which provides an important analysis by the Inspector of what considerations can constitute Exceptional Circumstances (alongside a number of other appeal examples demonstrating what might constitute Exceptional Circumstances, drawing parallels with the Appeal Proposal). I refer to Mr McDermott's PoE to address Reason for Refusal 1 – impact to the AONB. In paragraph 5.44 I conclude that the mitigation and compensation measures proposed represent an enhancement to the AONB (noting that these are over 78% of the Appeal Site area). I have noted the overall compliance with the AONB Management Plan Objectives, noting no conflicts. I also agree in paragraph 5.48 with Mr McDermott's alternative site assessment that the Appeal Proposal is the only site remaining around the Haslemere settlement boundary that can make a meaningful contribution toward housing numbers. This corresponds with Mr Neame's analysis of the available land supply, which falls short of the full LPP1 housing requirement to 2032.
- 1.7. In **Section 6 (Wealden Heaths SPA)** I describe the extensive measures, including SANG, that have ensured that the Appeal Proposal has no significant effect on the Wealden Heaths Special Protection Area ("WHSPA"), and thus address the Habitats Regulations. I note that these measures can also provide wider public benefit through the provision of SANG capacity to support other development in the Haslemere area. I describe this provision as a substantial benefit.
- 1.8. I outline in **Section 7 (Delivering New Homes)** WBC cannot demonstrate a 5YHLS of deliverable housing sites (as demonstrated by Mr Neame, the Appellant contends 2.95 years). Thus, paragraph 11 (d) of the NPPF is capable of being engaged; the weight given to the conflict of some of the policies, which are most important for determining the application, is reduced. The Haslemere Neighbourhood Plan (2021) which is arguably out of date, also makes no allocations, and thus NPPF Paragraph 14 does not apply.
- 1.9. In **Table 7.1** I provide a critique of the LPP2 allocated sites in Waverley to demonstrate that not all of the sites are deliverable within the plan period. 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, and even if there were to be some delivery from these sites, the Appeal Proposal simply adds to the buffer of supply to help ensure that 'at least' 990 dwellings are delivered by 2032. From paragraph 7.28 I draw on Mr Neame's PoE which provides a thorough analysis of Waverley's underperforming housing trajectory (which in the 'best case' scenario 3 re: known sites, stands at -1,761 dwellings over the plan period), resulting from the persistent under delivery of homes.
- 1.10. The Appeal Proposal would make a significant contribution towards delivering the Council's housing minima target of 11,210 dwellings up until 2032. The proposed affordable housing provision is more than

policy compliant at 35% (39 dwellings). **Appendix 3** of my proof is an Affordable Housing Addendum by Tetlow King which emphasises the acute need for affordable housing in Waverley. Overall, on the basis of the evidence, substantial weight should be provided to the provision of housing.

- 1.11. In **Section 8 (Ecology)** of my PoE I provide a response to Reason for Refusal 2 and the Inspector's Main Issue ii which both relate to ecology matters. Although Mr Davies has also produced a PoE focused solely on ecology, these matters remain in dispute at the time of writing. In this section I set out a timeline of our engagement with Surrey Wildlife Trust (SWT) over the course of the application process. Engain has recently submitted additional information to SWT which I believe should be satisfactory to overcome Reasons for Refusal 2 (on the basis of planning conditions).
- 1.12. In **Section 9 (Design, Character, Appearance and Landscaping)** I note that design was not a Reason for Refusal. I demonstrate the importance of the landscape-led design approach adopted for this Appeal Proposal to produce a high quality scheme that reflects the surrounding context. The Parameter Plans demonstrate a lower density of development (c. 25-35 dph). The design quality is exemplified by the Design & Access Statement and Addendum, which can lead to a suitable Design Code on condition. There are no issues cited with the Appeal Scheme in respect of amenity or character.
- 1.13. In respect of **Section 10 (Transport)**, this is not considered a matter of contention between WBC and the Appellant, on the basis of appropriate condition and S106 obligation. Hence the Appeal Proposal accords with the Development Plan, notably policies ST1 and DM9. Reason for Refusal 6 is not being pursued by WBC.
- 1.14. In **Section 11 (Environmental Impact Assessment)** I address the concerns raised in the pre CMC note in respect of the potential EIA impacts of the revised technical work. Following the CMC meeting, the Inspector confirmed in the post-CMC note that no legal issues are raised in respect of the Environmental Statement (ES).
- 1.15. In **Section 12 (Other Issues)** I set out the few outstanding issues raised by statutory consultees. I provide a response, where relevant to other third party representations. I have responded to each concern in turn either by addressing the issue within Section 12 or highlighting which section of my PoE resolves the outstanding issue.
- 1.16. **Section 13 (Conditions & Obligations)** confirms that WBC has provided draft planning conditions which at the time of writing, are being reviewed by the Appellant. These will address relevant matters to make the Appeal Proposal acceptable in planning terms. Two S106 agreements are progressing and will be

agreed for the Inquiry (one re: WBC matters, the other re: SCC matters). This will also address Reasons for Refusal 3, 4 and 5.

1.17. In **Section 14 (Core Benefits of the Appeal Proposal)** I outline the sustainable location of the Appeal Proposal, directly adjacent to the settlement edge of Haslemere, one of the four principal towns in the borough. There are numerous social, environmental and economic benefits arising, a number of which also contribute to the Exceptional Circumstances required (as I outline in **Section 5**) these include (but are not limited to) the following:

- Housing provision / including affordable / self & custom build – Substantial
- SANG provision including to serve wider developments – Substantial
- Open Space / Landscaping / AONB Management Plan Objectives – Significant to Substantial
- Scout Facility (land and building) – Significant
- Delivery of Allotment Land – Significant
- Provision of BNG Credits -Significant
- Forest School (provision of land) – Moderate to Significant
- Economic / Job Creation – Moderate (noting CIL monies as Significant)

1.18. To conclude **Section 15 (Planning Balance & Conclusion)** summarises why the Appeal Proposal complies with the Development Plan when read as a whole. I recognise that the Appeal Proposal does create some harms, albeit limited in the context of the overall Proposal (I have identified only three harms, carbon emissions, landscape focused on LCAs 1&2 and loss of trees at the proposed main access). The substantive benefits outweigh the relatively limited harms. Overall, on the basis of planning condition and S106 obligation to make the Proposal acceptable in planning terms, I conclude that planning permission should be granted, and the Inspector is respectfully asked to allow the Appeal.

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