

Batcheller Monkhouse



PLANNING AND AFFORDABLE HOUSING STATEMENT

Land at Coombebury Cottage
Dunsfold Common Road
Dunsfold
Surrey
GU8 4NB

PREPARED FOR
Sigma Homes Limited

November 2022

Sigma Homes
LOCATION + QUALITY + DESIGN



LDĀDESIGN

motion

Batcheller
Monkhouse



phlorum 

rps

Odyssey
Sustaining Engineers

ASE

 **NuPlanet**
SUSTAINABLE SOLUTIONS

becg

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Appendix A – Common Land Statement

Appendix B – Land west of Loxwood Road Appeal Decision

Appendix C – Land west of Loxwood Road Judicial Review Decision

1. INTRODUCTION

1.1 This Planning and Affordable Housing Statement has been prepared in support of an Outline Planning Application on land at Coombebury Cottage, Dunsfold Common Road, Dunsfold, Surrey, GU8 4NB.

1.2 The description of development is as follows:

“Outline application for the demolition of existing buildings and the erection of up to 53 dwellings, public open space, landscaping and related infrastructure with all matters reserved except for access”.

1.3 This statement sets out the relevant background to assist Waverley Borough Council in its determination of the planning application. The statement includes a description of the site and its surroundings, relevant planning history, details of the proposed development, a summary of the planning and heritage policy context, and an appraisal of the scheme against all relevant planning considerations.

1.4 This application is supported by the following documents, reflecting the Waverley Validation Checklist:

DOCUMENT	PREPARED BY
Application and Ownership Forms	Batcheller Monkhouse
Site Location Plan	ECE Architects
Illustrative Site Plan	ECE Architects
3D Visual	ECE Architects
Parameters Plan	ECE Architects
Design and Access Statement	ECE Architects
Planning and Affordable Housing Statement	Batcheller Monkhouse
Transport Statement and Travel Plan	Motion
Landscape Assessment	LDA Design
Preliminary Ecological Appraisal and Biodiversity Checklist	Phlorum
Tree Survey and Arboricultural Impact Assessment	Quaife Woodlands

DOCUMENT	PREPARED BY
Flood Risk Assessment and Drainage Strategy	Odyssey
Archaeological Desk Based Assessment	Archaeology South East (ASE)
Statement of Community Involvement	BECCG
Draft Section 106 Heads of Terms	Batcheller Monkhouse
Housing Land Supply Report	RPS Consulting
Built Heritage Statement	RPS
Sustainability Statement	NuPlanet

- 1.5 An application under Section 38 of the Commons Act 2006, as amended, for associated works to Dunsfold Common has been submitted to the Secretary of State, through the Planning Inspectorate, in tandem with this Outline submission. A copy of the Common Land Supporting Statement submitted is enclosed at **Appendix A** for information.

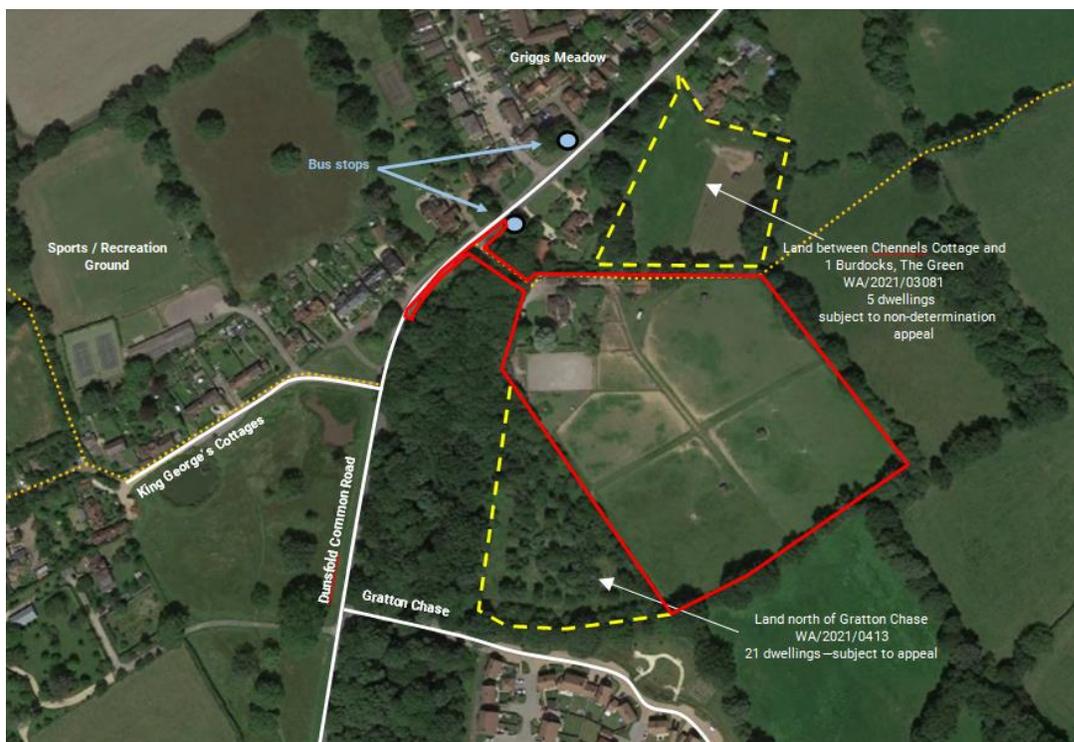
Consultation

- 1.6 The proposed development was presented to the general public as part of an online exhibition held between Monday 24 October and Wednesday 9 November 2022, following a leaflet drop to properties in and around Dunsfold. An online exhibition was considered to be the most effective format to reach as many residents as possible as it enables local people to view the proposal in their own time and from any location. The bespoke website set up for the exhibition included an opportunity to provide comments on the proposal in the form of a questionnaire.
- 1.7 A separate pre-application consultation was undertaken with key parties in relation to the proposed works to the Common Land.
- 1.8 Details are enclosed in the submitted Statement of Consultation and Common Land Statement.

2. THE SITE AND CONTEXT

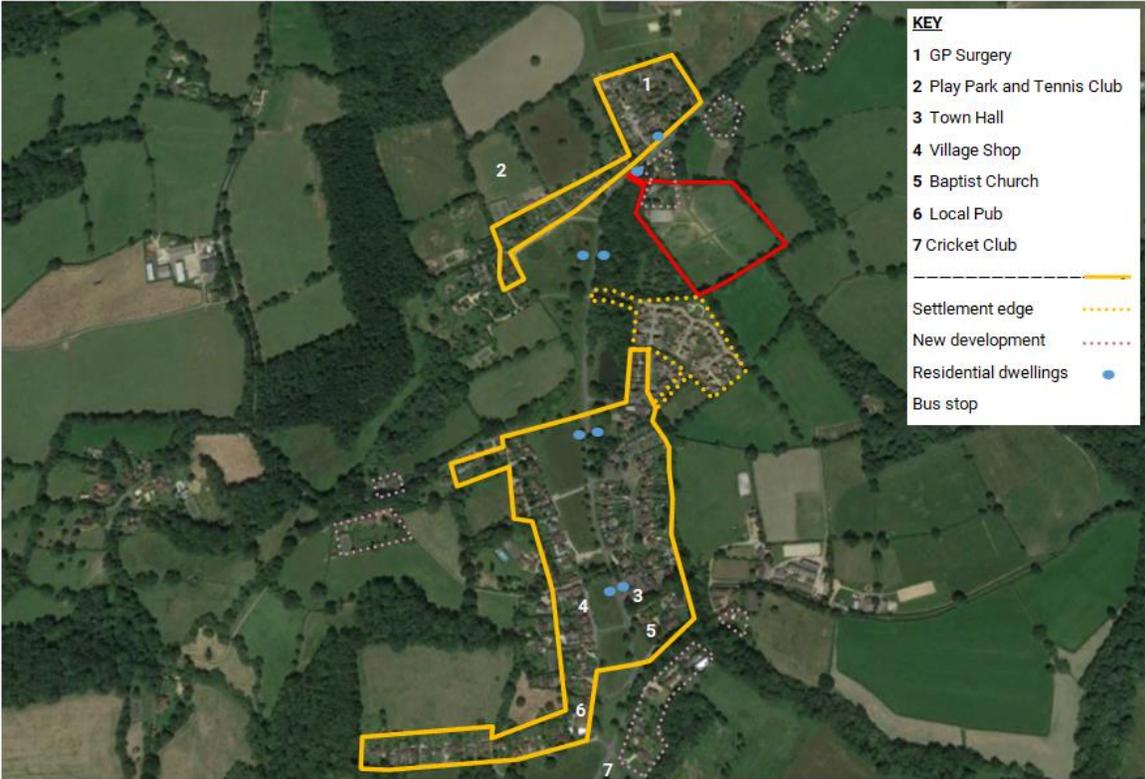
- 2.1 The application site comprises a 3.44 hectare area of land located to the east of Dunsfold Common Road, Dunsfold, which contains an existing residential dwelling known as Coombebury Cottage, its immediate curtilage and outbuildings, and approximately 3.17 hectares of equestrian land containing stabling facilities, horse grazing and exercise land.
- 2.2 The site is accessed via an existing made entrance from Dunsfold Common Road which forms the driveway to Coombebury Cottage. A public right of way (no. 281) passes through the access and along the site's northern boundary separated by a fence.
- 2.3 The site is bounded on all sides by well-established hedgerow and trees. To the north of the site are residential properties fronting Dunsfold Common Road, and ancillary private equestrian land for which an Outline planning application for 5 dwellings (reference WA/2021/03081) has been submitted and is subject to a non-determination appeal.
- 2.4 To the south is an area of land to the north of Grattan Chase which is also subject to an appeal (reference WA/2021/0413) relating to a proposal for 21 dwellings.
- 2.5 The south-west corner of the site abuts an area of amenity space at Grattan Chase, which was constructed pursuant to application reference WA/2016/1766, as subsequently amended, for 42 residential dwellings

Figure 2.1 – Aerial photograph of the application site (Base Map: Google Earth)



- 2.6 The site is located within a semi-rural area comprised of existing residential properties on both sides of Dunsfold Common Road. The official built up area is formed of two parts. The northern area, nearest to the site, once consisted of a collection of properties around the former Dunsfold Farm, with a smaller cluster of 16th century properties approximately 100m to the west. The land between them appears to have been infilled in the first half of the 20th century to include new dwellings and a recreation ground. Further east is Griggs Meadow which was developed in the mid-1970s to form a neighbourhood of over 50 dwellings and now contains a GP surgery. This part of the village is almost entirely within the defined settlement area of Dunsfold.
- 2.7 The southern area of the village, and defined built up area, comprises the historic core and Dunsfold Conservation Area which encompasses the Common Land and a ribbon of development on the west side of Dunsfold Common Road, including the village shop and some more recent infill development. The village expanded to the east in the mid to late 20th century.
- 2.8 A small village shop and post office are located in this part of the village, which can be access using pavements and Common Land running southwards along Dunsfold Common Road or via the local bus which stops near to the site entrance (no. 42). A wider range of shops and services are located further afield in Cranleigh (4.2 miles away), Chiddingfold (4.6 miles away) and Goldalming (5.8 miles away).
- 2.9 **Figure 2.2** shows the defined built up areas and other existing residential areas and facilities, to demonstrate the local context.

Figure 2.2 – Site Context (Base Map: Google Earth)



Heritage Context

- 2.10 There are five listed buildings within the vicinity of the site, as shown in **Figure 2.3** below. The only nationally designated asset in close proximity to the site is the Grade II listed 1 and 2 Burdocks. There is also a Building of Local Merit located opposite the site entrance on Dunsfold Common Road, known as Dunsfold Grange, which is a non-designated heritage asset.
- 2.11 The site does not lie within an Area of High Archaeological Potential or County Sites of Archaeological Importance.

Figure 2.3- Nearby Heritage Assets (Source: Historic England Map Search)



Environmental Designations

- 2.12 The site is located within Flood Zone 1 and therefore has a low risk of flooding in accordance with the Environment Agency's flood maps for planning. The site is located within an Area of Great Landscape Value, but outside of the Green Belt and outside of the Surrey Hills Area of Outstanding Natural Beauty.
- 2.13 The nearest protected site is the Chiddingfold Forest SSSI which covers areas approximately 2.3km to the south east and 1.65km to the west. The land to the west of the site is identified as Woodpasture and Parkland BAP Priority Habitat which lies on the east and west sides of Dunsfold Common Road and Priority Habitat (Deciduous Woodland) on the east side. The entirety of this area is also designated as a local wildlife site, known locally as a 'Site of Nature Conservation'. These habitats do not cover the majority of site which is residential and equestrian in nature.

Figure 2.4 – Extract of Natural England’s MAGIC mapping software, showing statutory designations (left) and nearby habitats (right)



Planning History

2.14 A review of the site’s planning history has been undertaken using Waverley Borough Council’s public access platform.

REFERENCE	PROPOSAL	DECISION
HM/R11732	Site for agricultural dwelling for occupation in connection with Pound Farm.	Approved 17/01/1961
HM/R13844	Double garage and stable (sectional)	Approved 15/11/1963
WA/1993/0533	Application for a Certificate of Lawfulness for the continued occupation of dwelling without compliance with condition (ii) (agricultural occupancy) of HM/R 11732.	Approved 02/07/1993
WA/1998/0776	Alterations and extensions to existing chalet bungalow to provide a two storey dwelling.	Refused 17/07/1998
WA/1998/1970	Erection of extensions and alterations (revision of WA/1998/0776) (as amplified by letter dated 09/01/99).	Approved 04/02/1999
WA/2004/0132	Erection of outbuilding to provide garage, stables and garden room following demolition of exiting stables.	Withdrawn 18/03/2004

REFERENCE	PROPOSAL	DECISION
WA/2004/1266	Erection of replacement garage and stable/sheds following demolition of existing.	Approved 19/07/2004
NMA/2011/0075	Amendment to WA/2004/1266 to reduce the size of the stable building, relocation of openings on southern elevation and internal partitions.	Approved 14/07/2011
WA/2011/1533	Certificate of Lawfulness under Section 191 for the change of use of land for equestrian purposes and the erection of a sand school.	Approved 10/01/2012

3 PROPOSED DEVELOPMENT

- 3.1 This Outline planning application proposes the erection of up to 53 residential dwellings (Use Class C3), of which 16 would be affordable, together with associated access upgrades, internal streets, parking, landscaping, public open space and sustainable drainage features.
- 3.2 An indicative layout plan is submitted with the application which shows how the proposed dwellings can be accommodated within the site, whilst leaving ample room for open space, landscaping and parking to create an attractive semi-rural neighbourhood. This reflects a landscape-led approach which seeks to assimilate the development into the surroundings whilst providing strong natural buffers with the boundary tree lines which have the added benefit of providing public amenity space and opportunities for SuDS attenuation.

Figure 3.1 – Indicative Site Layout Plan (Source: ECE Architects)



Housing Mix and Affordable Housing

- 3.3 The application proposes 30% affordable housing. The applicant is willing to enter into a Section 106 agreement to secure this provision.

3.4 The market housing mix has been determined by the Dunsfold Parish Housing Needs Assessment, dated 2018, and the West Surrey Housing Market Assessment. The Dunsfold Parish Housing Needs Assessment recommends that there should be a stronger emphasis on two and three bedroom dwellings than recommended for the wider market area. Therefore, the following housing mix is proposed in the indicative layout:

Table 3.1 – Proposed Market and Affordable Housing Mix

	MARKET DWELLINGS		AFFORDABLE DWELLINGS	
TYPE	AMOUNT	MIX	AMOUNT	MIX
1 bedroom	2	5%	6	38%
2 bedroom	10	27%	4	25%
3 bedroom	21	57%	6	37%
4 bedroom	4	11%	0	0%
TOTAL	37	100%	16	100%

3.5 A proportion of the affordable dwellings could be provided as first-time buyer properties to help those people currently priced out of the local housing market stay in the village. Some of the smaller dwellings would also be provided as ground floor flats suitable for elderly downsizers and those with mobility needs.

Design and Massing

3.6 The design of the proposed dwellings will be considered at reserved matters stage, however the intention is to reflect typical materials and design features found elsewhere in the village including red bricks, hanging tiles with clay tile roofs, incorporating local design features including gables, barn-ends, projecting bays, chimneys and porches.

3.7 All residential houses within the site would have a maximum height of two storeys, which reflects the height of other dwellings found within the local area. The indicative layout includes 53 residential dwellings on a site area of 3.44 hectares, resulting in a development density of 15 dwellings per hectare.

Open Space, Landscaping and Ecological Enhancements

3.8 The proposed open space, landscaping and ecological enhancements are reserved matters, however an overarching landscape strategy has been produced to establish key principles to be reflected in the detailed design. These comprise:

- The creation of a central amenity space at the heart of the development to soften the massing in the centre of the site.
- The creation of semi-natural wrapping around the development and incorporating retained and enhanced boundary vegetation and meadow grassland.
- The creation of a green route running through the development and connecting green spaces.
- The installation of natural play features to the south of the site, complimenting the more formal play provision at Gratton Chase.
- A mix of surfaced and mown paths connecting with the site entrance and running through the areas of open space.
- New woodland edge planting along the western edge of the site to ensure a continued landscape and ecological corridor between the site and adjacent development proposal.
- New tree planting along the eastern edge to enclose existing gaps in the boundary planting and strengthen green corridors for local wildlife.
- To provide sustainable drainage features integrated into the grassland areas for habitat creation and enhanced biodiversity opportunities.
- To create a wildlife pond to provide biodiversity benefits and provide a designation for those living the in neighbourhood and as a destination for those walking in the Common Land.
- To provide additional habitat opportunities through the use of bird and bat boxes throughout the development, along with other features such as log piles and hedgehog houses.

Figure 3.2 – Proposed Landscape Strategy (Source: ECE Architects)



Access and Parking

- 3.9 Access into the site would be taken via the existing entrance to Coombebury Cottage, which would be upgraded to provide a two-way access road with a pedestrian pavement on the southern side. The proposed access road measures 5.5 metres up to the first secondary road within the site, in accordance with Surrey's Technical Appendix. Localised narrowing then occurs in some places to either 4.1m or 4.8m.
- 3.10 In line with the ATC surveys carried out, junction visibility splays of 2.4m x 57m will be provided to the south and a splay of 2.4m x 124m would be provided to the north.
- 3.11 The access route through the Common Land will be composed of a permeable no-dig Cellweb sub-base, which is specially designed for use above trees and will ensure their long-term health. The design enables rainwater and oxygen to continue to penetrate below ground, providing vital nutrients to tree roots, and ensures that the weight of vehicles is laterally dissipated across the cells and not transferred to the soil below. The sub-base complies with British Standards BS5837:2012 and the Arboricultural Association's (2020) "The Use of Cellular Confinement Systems Near Trees: A Guide to Good Practice".
- 3.12 The new footway would be extended to connect with the exiting footway southward of the entrance on Dunsfold Common Road and extended north to connect to the existing bus stop. Dropped kerbs and tactile paving is also proposed. In all this is proposed to improve all-weather pedestrian connectivity around the site and Common Land and to encourage travel on foot.
- 3.13 Parking provision is a reserved matter but would be provided to reflect the scale of the development. The

level of provision will ensure that on-street parking is not necessary and will retain access at all times for larger vehicles such as refuse and emergency services lorries.

- 3.14 At this stage, it is proposed to include 153 parking spaces in the form of 98 private outside spaces, 25 private garage spaces and 30 unallocated visitor spaces in accordance with Waverley Borough Council's parking guidelines. All dwellings, including flats, would be provided with a fast charge electric vehicle charging point in accordance with the current requirements; 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply.
- 3.15 Covered and secure bicycle stores will be provided for the flats on a 1:1 basis. Dwellings without garages would be provided with a purpose-built secure cycle shed in the rear garden. The proposed garages are intended to provide secure storage for all other dwellings.

Waste and Recycling

- 3.16 Common bin storage for waste and recycling will be provided for the flats adjacent to the internal access road. Collection for the houses would take place on-street or from dedicated bin stores, depending on the location. All bin stores will be located within acceptable distance for both residents and bin collection personnel.

Drainage

- 3.17 The indicative layout plan incorporates Sustainable Drainage Systems (SuDS) in the form of swales and attenuation basins, which will have associated amenity and biodiversity benefits. The inclusion of SuDS features will ensure that surface rainwater is separated from foul water and is discharged in a controlled manner into the existing field ditch, mimicking the equivalent flow or runoff that the site produced in its undeveloped greenfield state.
- 3.18 Foul water will be discharged via the existing Thames Water foul water sewer along Dunsfold Common Road, following negotiations with Thames Water on the necessary network improvements and upgrades. It is acknowledged that the village has existing issues with the local foul water network and this has been discussed in detail later in this report.
- 3.19 The scheme will also include water efficient fixtures and fittings along with rain water recycling in order to reduce day to day water use in the proposed new homes.

Energy and Sustainability

- 3.20 The proposed development will target a minimum 20% reduction in Regulation CO₂ emissions through energy efficiency measures and an air source heat pump led heat network.

- 3.21 Flow control devices and water efficient fixtures and fittings will be installed in all dwellings to target a maximum water consumption of 110 litres per person per day. Rainwater butts will be installed to reduce the demand on potable water and promote effective use of water supplies.
- 3.22 Facilities will be provided for domestic and construction-related waste, including segregated bins for refuse and recycling.
- 3.23 Where practical, new building materials will be sourced locally to reduce transportation pollution and support the local economy. New materials will be based on their environmental impact and responsible suppliers will be used where possible.
- 3.24 The site lies in a low flood risk zone and will benefit from SUDS and water attenuation ponds.
- 3.25 The dwellings will be well insulated and will target an improvement on Building Regulations Part E through party walls and floors.
- 3.26 All new dwellings will be designed to be accessible and adaptable in accordance with M4(2) Building Regulations.
- 3.27 Through the incorporation of sustainable design and construction methods, energy and water saving measures, sustainable transport methods, waste reduction techniques, and measures to enhance the ecological value of the site, a high quality and sustainable development is proposed.

4 PLANNING POLICY

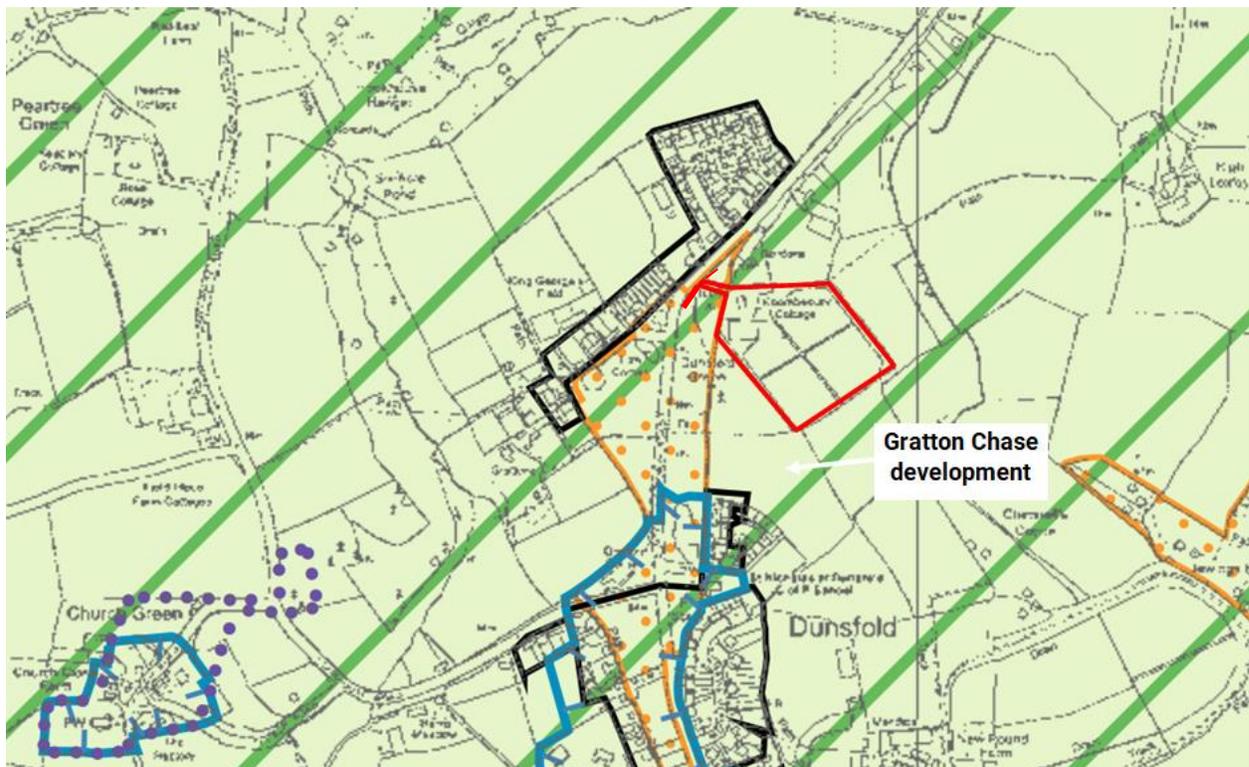
- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the provisions of the statutory Development Plan unless material considerations indicate otherwise.
- 4.2 Currently the Development Plan for the site comprises the Waverley Local Plan Part 1: Strategic Policies and Sites (2018), hereafter referred to as 'LPP1', and Saved Policies from the Waverley Local Plan (2002).
- 4.3 The Local Plan Part 2: Development Management Policies DPD will eventually replace the Saved Policies of the Waverley Local Plan (2002). It was submitted to the Secretary of State for Levelling Up, Housing and Communities for independent examination in December 2021 and therefore has increasing weight. The document is hereafter referred to as the 'LPP2' and the relevant draft policies are addressed in this section. This document contains development management policies and does not supersede the housing strategy set out in LPP1.
- 4.4 The site is located within the Parish of Dunsfold and Dunsfold Parish Council is now in the process of preparing a Neighbourhood Plan. Consultation on the Regulation 14 Draft Plan was recently held from the beginning of August to the end of September 2022.
- 4.5 At this time the intention is to submit the draft Plan to Waverley Borough Council for consultation in late 2022, with examination in early 2023 and a target adoption in the spring. For this reason, the plan is considered to have limited weight in the determination of the application, but the draft policies have been considered in this report.
- 4.6 Material considerations include the National Planning Policy Framework (NPPF)(2021), the West Surrey Strategic Housing Market Assessment; and the following local Supplementary Planning Documents and Guidance:
- Waverley Parking Guidelines (2013) and Surrey Vehicular & Cycle Parking Guidance (2018)
 - Planning Infrastructure Contributions (2008)
 - Affordable Housing SPD (2021)
 - Surrey Design Guide (2002)
 - Dunsfold Village Design Statement (2001)

Local Development Plan

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

- 4.7 Waverley Local Plan Part 1 identifies the site as lying almost adjacent to the settlement boundary of Dunsfold, the northern part of which is located approximately 15m west of the site across Dunsfold Common Road.
- 4.8 The southern part of the built-up area as shown on the proposals map is located approximately 200m to the south-west and currently excludes the new development at Gratton Chase, which was granted approval and developed when the LPP1 was approaching submission for Examination. It also lies approximately 600m to the north-west of Dunsfold Aerodrome which is allocated as a new settlement with 2,600 homes, a new school and community centre, business park and associated infrastructure. Planning permission was granted in March 2018.
- 4.9 The site is within the countryside beyond the Green Belt and in an Area of Great Landscape Value. Land to the west is designated Common Land and a Site of Nature Conservation Importance. It is outside of the Thames Basin Heaths Buffer and outside of the Surrey Hills AONB.

Figure 4.1 – Local Plan Part 1 Proposals Map (site added in red)



- 4.10 **Policy SP2** of the LPP1 sets out the spatial strategy for new development in the district. The strategy up to 2032 is to focus development at the four main settlements in the borough (Cranleigh, Farnham, Goldaming and Haslemere) with *'limited levels of development in/around other villages (Alfold, Churt, Dunsfold, Ewhurst, Frensham, Tilford, Shamley Green, and Wonersh), whilst recognising that those villages not within Surrey Hills AONB or Green Belt offer more scope for growth'*.
- 4.11 The council also seeks to avoid major development on land of the highest amenity and landscape value, such as the AONB and Green Belt. The site lies outside of these designations and is therefore in a less constrained part of the borough.
- 4.12 **Policy ALH1** states that the council will make provision for at least 11,210 net homes in the period between 2013 and 2032, equivalent to a least 590 dwellings a year. Dunsfold, which is classed as a smaller village, is allocated a minimum of 100 homes over the plan period (not including Dunsfold Aerodrome), in addition to 188 windfall homes across the district.
- 4.13 **Policy RE1** relates to the countryside outside of the Green Belt. It states that within these areas the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.
- 4.14 Other policies of relevance to the proposal include:

Policy	Summary
<p>Policy SP1 Presumption in Favour of Sustainable Development</p>	<p>When considering development proposals, the council will take a positive approach that reflects the <i>presumption in favour of sustainable development</i> contained in the NPPF. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. <i>Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the council will grant permission unless material considerations indicate otherwise, taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in that Framework indicate that development should be restricted.</i></p>
<p>Policy ST1 Sustainable Transport</p>	<p>The council will ensure that development schemes are located where opportunities for sustainable transport nodes can be maximised, reflecting the amount of movement generated, the nature and location of the site and recognising that solutions and measures will vary from urban to rural</p>

Policy	Summary
	locations. Development should make appropriate provision for car parking.
Policy ICS1 Infrastructure and Community Facilities	Infrastructure considered necessary to support new development must be provided either on- or off-site either as a requirement of planning conditions or by the payment of financial contributions through planning obligations, and/or the Community Infrastructure Levy.
Policy AHN1 Affordable Housing on Development Sites	The council will require a minimum provision of 30% affordable housing on all housing developments in non-designated rural areas where the number of dwellings is 11 or more (inter alia). In all cases where on-site provision is being made, the mix of dwelling types, sizes and tenure split should reflect the type of housing identified as being required in the most up-to-date evidence of housing needs and the Strategic Housing Market Assessment, having regard also to the form and type of development appropriate for the site.
Policy AHN3 Housing Types and Sizes	The council will require proposals for new housing to make provision for an appropriate range of different types and sizes of housing to meet the needs of the community, reflecting the most up to date evidence in the West Surrey Strategic Housing Market Assessment (SHMA). The council will support the provision of new housing and related accommodation to meet the needs of specific groups that have been identified in the SHMA. Currently, this indicates specific needs for: older people (aged 65 or over); families with children; and people with disabilities. The council will require the provision of new developments to meet Building Regulations M4 (2) Category 2 standard: "Accessible and adaptable dwellings" to meet the needs of older people and those with disabilities. The council will also encourage the development of specialist housing and appropriate types of older persons' housing on suitable sites.
Policy LRC1 Leisure and Recreation Facilities	The council will encourage the provision of new open space, sports, leisure, and recreation facilities and the promotion of outdoor recreation and access to the countryside, taking account of the most up to date assessments. Proposals for new residential development will be expected to make provision for play space having regard to Fields in Trust standards.

Policy	Summary
<p>Policy RE3 Landscape Character</p>	<p>New development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located.</p>
<p>Policy TD1 Townscape and Design</p>	<p>The council will ensure that the character and amenity of the Borough are protected by: requiring new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located; ensuring that new development is designed so that it creates safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development; promoting a high quality public realm; and maximising opportunities to improve the quality of life and health and well-being of current and future residents.</p>
<p>Policy HA1 Protection of Heritage Assets</p>	<p>The council will ensure that the significance of the heritage assets within the Borough are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment.</p>
<p>Policy NE1 Biodiversity and Geological Conservation</p>	<p>The council will seek to conserve and enhance biodiversity within Waverley. Development will be permitted provided that it: retains, protects and enhances features of biodiversity and geological interest and ensures appropriate management of those features; and ensures any adverse impacts are avoided, or if unavoidable, are appropriately mitigated. Within locally designated sites, development will not be permitted unless it is necessary for appropriate on site management measures or can demonstrate no adverse impact to the integrity of the nature conservation interest. Development adjacent to locally designated sites will not be permitted where it has an adverse impact on the integrity of the nature conservation interest.</p>
<p>Policy NE2 Green and Blue Infrastructure</p>	<p>In addition to the measures mentioned in NE1 above, new development should make a positive contribution to biodiversity by creating or reinforcing habitat linkages between designated sites, in order to achieve a connected local and regional ecological network of wildlife corridors and green infrastructure. The council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough.</p>

Policy	Summary
<p>Policy CC1 Climate Change</p>	<p>Development will be supported where it contributes to mitigating and adapting to the impacts of climate change, including measures that: use renewable and low carbon energy supply systems; provide appropriate flood storage capacity; address issues of flood risk (if any); provide high standards of sustainable design and construction with built in resilience to climate change; or use green infrastructure and SuDS to help absorb heat, reduce surface water runoff and support habitat networks.</p>
<p>Policy CC2 Sustainable Construction and Design</p>	<p>The council will seek to promote sustainable patterns of development and reduce the level of greenhouse gas emissions by: ensuring all new development include measures to minimise energy and water use through its design, layout, landscape and orientation; encouraging the use of natural lighting and ventilation; being designed to encourage walking, cycling and access to sustainable forms of transport; building at higher densities where appropriate and supporting mixed-use development; incorporating measures that protect and, where possible, enhance the biodiversity value of the development; minimising construction and demolition waste and promoting the reuse and recycling of building materials; or requiring the design of new development to facilitate the recycling and composting of waste; ensuring that new dwellings shall meet the requirement of 110 litres of water per person per day; and requiring that all new buildings are provided with the highest available speed broadband infrastructure.</p>
<p>Policy CC4 Flood Risk Management</p>	<p>Development must be located, designed and laid out to ensure that it is safe; that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. Sustainable drainage systems (SuDS) will be required on major developments (10 or more dwellings or equivalent).</p>

Saved Policies of the Waverley Local Plan (2002)

- 4.15 Several policies from the Waverley Local Plan (2002) have been saved and form part of the current development plan until the adoption of the LPP2. The saved policies of relevance to this proposal include:

Policy	Summary
<p>Policy D1 Environmental Implications of Development</p>	<p>The council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment.</p>
<p>Policy D2 Compatibility of Uses</p>	<p>The council will seek to ensure that proposed and existing land uses are compatible.</p>
<p>Policy D4 Design and Layout</p>	<p>The council will seek to ensure that development is of a high-quality design which integrates well with the site and complements its surroundings (eg scale, height form, appearance, design, materials, amenity, land features, street scene, landscaping, amenity space, and access).</p>
<p>Policy D7 Trees, Hedgerows and Development</p>	<p>Development proposals on sites which contain, or are close to, important trees, groups of trees or hedgerows should provide for their long-term retention. Trees and hedgerows should be adequately protected during construction and adequate separate should be provided between important hedgerows and trees to secure their long-term retention.</p>
<p>Policy D8 Crime Prevention</p>	<p>New development should contribute to a safe and secure environment which reduces the incidence and fear of crime.</p>
<p>Policy D9 Accessibility</p>	<p>Development involving spaces to which the public have access as visitors, customers or employees should provide or improve accessibility for everyone, including people with disabilities and those with young children.</p>
<p>Policy C6 Landscape Enhancement</p>	<p>The council will seek to secure improvements to the landscape.</p>

Policy	Summary
<p>Policy HE3 Development Affecting Listed Buildings or their Setting</p>	<p>Where development is proposed that will affect a listed or a locally listed building or its setting, high design standards will be sought to ensure that the new development is appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, archaeological features and detailing.</p>
<p>Policy H8 Retention of Residential Land and Buildings</p>	<p>Where redevelopment of existing housing is proposed, it should be replaced with a number of units at least equivalent to that currently on the site.</p>
<p>Policy LT11 Walking, Cycling and Horse Riding</p>	<p>The council, in consultation with Surrey County Council, will seek to ensure that designated rights of way are safeguarded, protected and enhanced to encourage their use by walkers, cyclists and horse riders. The Council will encourage the extension of the network of public rights of way in the Borough where compatible in terms of existing privacy, security and amenity of landowners.</p>
<p>Policy RD9 Agricultural Land</p>	<p>Development will not be permitted which would result in the loss or alienation of the best and most versatile agricultural land unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is a strong case for development on a particular site which overrides the need to protect such land.</p>
<p>Policy M9 Provision for People with Disabilities and Mobility Problems</p>	<p>The council, in conjunction with the County Council and other organisations, will seek to improve accessibility and movement for people with disabilities and mobility problems through (inter alia) requiring new developments, where appropriate, to provide allocated car parking spaces for people with disabilities and make provision for those with young children.</p>
<p>Policy M17 Servicing</p>	<p>Development proposals will be required to make appropriate provision for loading, unloading and turning of service vehicles so as not to obstruct or cause danger to pedestrians and other road users.</p>

Material Considerations

National Planning Policy Framework

- 4.16 The NPPF (2021) sets out the three dimensions to sustainable development: economic, social and environmental within **Paragraph 8**. These dimensions give rise to the need for the planning system to perform a number of roles, namely:
- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time;
 - a social role – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - an environmental role – to contribute to protecting and enhancing our natural, built and historic environment, including make effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.
- 4.17 At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11c confirms that for decision taking this means approving development proposals that accord with the development plan without delay. However, Paragraph 11d states that where there are no relevant development plan policies, or the policies most relevant to the application are out of date, permission should be granted unless policies in the NPPF that protect areas¹ 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 when assessed against the policies in the NPPF as a whole.
- 4.18 **Paragraph 33** of the NPPF states that policies in local plans should be reviewed to assess whether they need updating at least once every five years. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly. In Waverley, this would see a review undertaken by 19 February 2023, however it is likely the plan will pass beyond this date given that efforts have been focused on adopting the LPP2.
- 4.19 Until that time Waverley Borough Council should rely on the adopted requirement as part of the calculation of housing need within the five-year supply assessments.

¹ The policies referred to are those in the NPPF that relate to habitats sites (SPAs, SACs, RAMSARs) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change

- 4.20 Beyond 19 February 2023, it will be necessary to use standard methodology to calculate the Borough's housing needs. The Housing Land Supply Report, prepared by RPS Consulting and submitted with this application, calculates that with a capped increase of 40% the borough's housing need will be 553 dwellings per annum. However, the uncapped and 'true' housing need in Waverley, which is estimated to be 747 dwellings per annum, is likely to be very much higher than the current estimate of need based on the old methodology.
- 4.21 The Housing Land Supply Report also notes that the current housing requirement contains an element of unmet need arising from Woking Borough, which is not captured in the standard method figure for Waverley. Woking Borough Council undertook a review of their 2012 Local Plan in October 2018, which found the plan to remain up to date until October 2023. This review confirms Waverley's commitment to delivering 83 dwellings per annum for Woking, a factor which should continue once the plan reaches five-years old. Accounting for this, the requirement under the standard method would be between 636dpa and 747dpa, accounting for the uncapped figure.
- 4.22 **Paragraph 74** of NPPF requires local planning authorities to maintain a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, in this case the LPP1. If they are unable to demonstrate such supply, the Local Plan housing policies are deemed out of date, in the context of Paragraph 11d, and titled balance in favour of sustainable development is engaged.
- 4.23 Waverley's five year land supply was considered in an appeal decision relating to land at the Springbok Estate west of Loxwood Road, in which it was confirmed the borough has a supply of 4.01 years with a shortfall of circa 885 homes. The weight of this shortfall was found to be 'significant'. This decision supersedes the council's Five Year Housing Land Supply Position Statement published in November 2021 and subsequent factual update published in December 2021. A copy of the appeal decision is included at **Appendix A**, which is discussed in detail in the submitted Housing Land Supply Report.
- 4.24 The decision was subject to Judicial Review, contained in **Appendix B**, in which the High Court made the following comments:
- The inspector was unarguably entitled (indeed required) to consider the actual application for 99 homes, whilst also considering the cumulative position, by reference to existing completions and commitments. The inspector's conclusion that the 99 units would not be 'excessive' or 'disproportionate' was unarguably a matter for his planning judgement.

- The inspector was unarguably right to find that neither policy ST1 nor any other local or national planning policy requires a development to be in a 'sustainable location'. Paragraph 105 of the NPPF speaks of development being focussed on locations 'which are or can be made sustainable'. The fact that opportunities will vary between urban and rural areas means that sustainable (e.g. public) transport may be less available in rural as opposed to urban locations. The Transport SOCG agreed.. that the proposals comply with Policy ST1 as a result of various factors, including the improvement measures for public transport and walking.

4.25 Other appeal decisions have reconsidered Waverley's land supply position, the latest being land south of Alfold Garden Centre in Alfold² which reconfirmed the land supply position of 4.01 years and which therefore retains the overall shortfall against the five year target. Indeed, an analysis of the council's land supply position set out in the submitted Housing Land Supply Report estimates that there may be a greater shortfall compared to early 2022, estimated to be between 3.34 years and 3.73 years.

4.26 Taking into account the estimated housing need after 19th February 2023, as set out above, the five year land supply target is unlikely to reduce when the Local Plan reaches five years old.

4.27 Within this context, a further consideration is to determine whether paragraph 14 of the NPPF is engaged. Paragraph 14 states that where paragraph 11d applies to housing development, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that **all** of the following apply:

- The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- The neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- The local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- The local planning authority's housing delivery was at least 45% of that required over the previous three years.

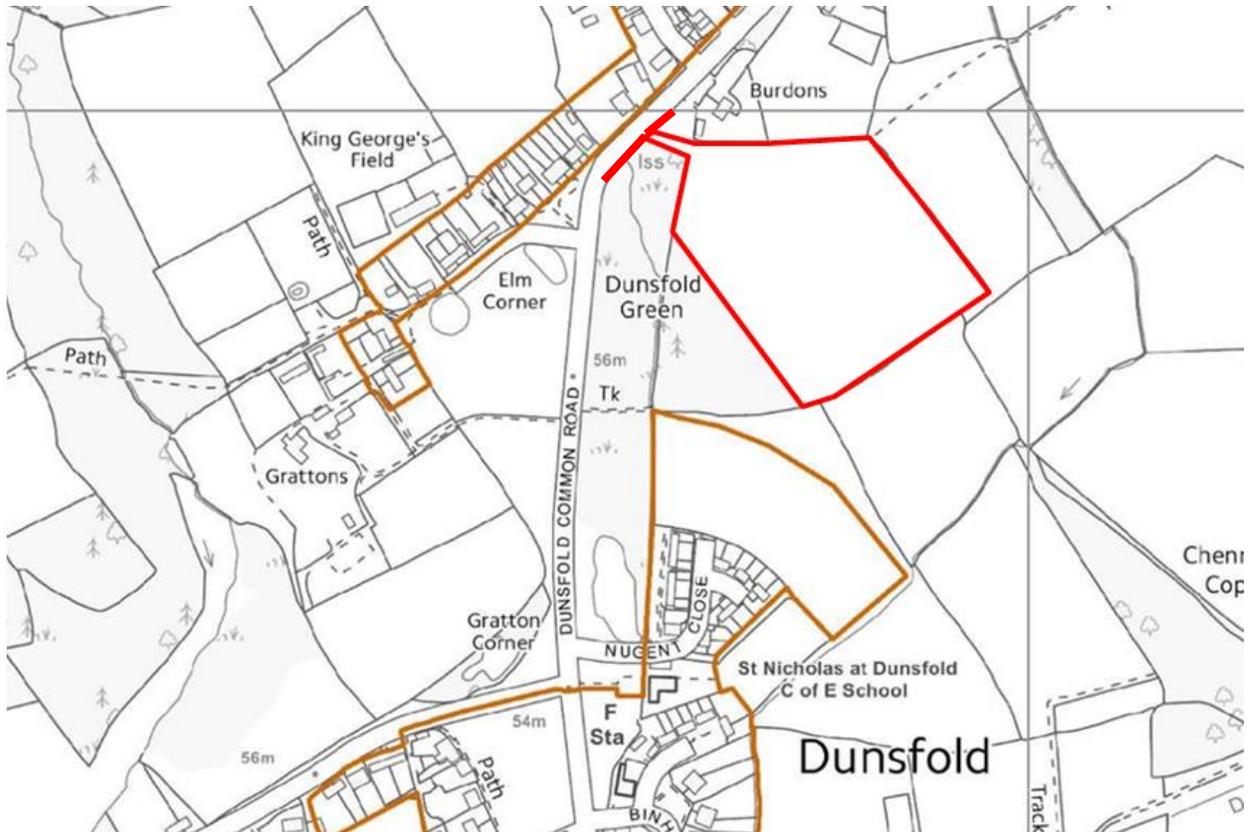
² Appeal Ref: APP/R3650/W/20/3265361 Land south of Alfold Garden Centre, Horsham Road, Alfold Crossways, GU6

- 4.28 Dunsfold Parish Council is in the process of preparing a neighbourhood plan for the parish, having published the Regulation 14 draft version for consultation between 5 August and 3 October 2022. In determining the weight of the emerging neighbourhood plan, the National Planning Practice Guidance confirms that neighbourhood plans come into force as part of the statutory development plan once it has been approved at referendum. The plan has yet to be submitted to Waverley Borough Council for Regulation 16 consultation and it will then require independent examination before it can proceed to referendum. The plan is therefore at an early stage and does not meet the first criteria of paragraph 14.
- 4.29 The principle in favour of sustainable development under Paragraph 11d is therefore engaged.
- 4.30 Furthermore, **Paragraph 79** states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 4.31 **Paragraph 105** states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.

Draft Waverley Local Plan Part 2: Site Allocations and Development Management Policies

- 4.32 The Pre-Submission Draft of the LPP2, published for Regulation 19 consultation in November 2020, has been submitted as part of the Examination. Various modifications have been proposed and considered, with the latest published in September 2022 (reference (LPP2/CD1/26)). Given the status of the Examination the draft development management policies are considered to have increasing weight in the determination of this application. The last hearing took place on 6th September 2022 and a schedule of proposed main modifications was published on 16th September 2022. A decision is awaited.
- 4.33 The application site is shown in relation to the settlement boundary for Dunsfold in **Figure 4.2** below. The boundary is proposed to be extended northwards to encompass the Gratton Chase development, bringing the defined settlement area closer to the site and the separate settlement boundary covering the northern end of the village. An area of public realm has been excluded from the boundary extension but on the ground the site would be seen as immediately adjacent.

Figure 4.2 – Extract of map showing proposed changes to the policies map (Source: WBC) (site shown in red)



4.34 The draft LPP2 recognises the Borough as being predominantly rural with the majority of land falling within the Green Belt, which has a high level of protection in planning terms. **Draft Policy DM15** relates to development in rural areas and expands upon Policy RE1 of the LPP1. It states that development should:

- Not be isolated from everyday services and facilities, while maximising opportunities for walking and cycling and seeking to avoid dependency on private vehicles, taking account of the nature and functional needs of forms of development which are acceptable in rural areas;
- 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;
- Avoid the loss of areas of best and most versatile agricultural land.

4.35 A number of other draft policies are proposed to replace the saved policies of the 2002 Local Plan. The principles of these development policies are largely unchanged, in regards to the general expectations for new development in terms of amenity, environmental protection, landscape, design, layout, public realm, heritage, accessibility and rights of way, all of which have been considered in the development of the indicative proposal.

4.36 The following prescriptive changes have also been noted:

- **Draft Policy DM1** – This policy states that development should maximise opportunities to deliver the minimum biodiversity net gain of 10% as required by the Environment Act 2021, using the most up to date national Biodiversity Metric.
- **Draft Policy DM2** – This policy places an emphasis on the need to maximise energy efficiency and reduce carbon emissions in new development. New dwellings must achieve a reduction in carbon emissions against the Target Emission Rate (TER) in the 2021 Part L of the Buildings Regulations or zero carbon development.
- **Draft Policy DM5** – This policy confirms that new development must meet, as a minimum, the most up to date Nationally Described Space Standards. Where communal amenity space is provided, a minimum of 20sqm per dwelling should be provided (unless balconies are provided, then this would be reduced to 15sqm). Balconies must have a minimum depth of 1.5m and width of 2m.

Draft Dunsfold Neighbourhood Plan (Regulation 14 Consultation Version)

4.37 As discussed previously, Dunsfold Parish Council is in the process of preparing a neighbourhood plan for the parish but, due to its early stage, it holds limited weight in the determination of this application.

4.38 This section identifies those draft policies of strategic relevance to the application site, albeit of limited weight, specifically relating to housing delivery and the proposed Green Gap.

4.39 The proposed Green Gap is set out in **Draft Policy PP03** which seeks to prevent coalescence of Dunsfold with the Dunsfold Park strategic sites, located approximately 600m east of the village. The application site has been included within this draft allocation.

4.40 The Parish Council have elected to identify and allocate sites in the neighbourhood plan to deliver the housing target set for the village in the LPP1 – a minimum of 100 dwellings. Paragraph 5.3 and 5.4 of the draft plan state that 68 of these dwellings have already been delivered or received planning consents and therefore at least 32 homes must be provided in the period up to 2032.

4.41 **Draft Policy H01** identifies a total of five potential housing sites to deliver 35 additional dwellings, bringing the total over the plan period to 103 homes. Of these, include the land immediately south of the site – referenced as Coombebury – which is identified for 12 new dwellings. This land is subject to the appeal previously referenced in this report in section 2.

- 4.42 It is noted that a Housing Needs Assessment, prepared by AECOM, has been produced to inform the preparation of the plan. In reflection of this report, the accompanying text to **Draft Policy H4** states that 70-80% of new homes are recommended to be 2 and 3 bedroom units. There was no identified need for one-bedroom homes other than affordable.
- 4.43 The findings of the Housing Needs Assessment will be considered in the proposed housing mix as a more accurate representation of local needs. The needs of the wider housing market area will also be considered, as referenced below.

West Surrey Strategic Housing Market Assessment (2015)

- 4.44 The West Surrey Strategy Housing Market Assessment (SHMA) has been reviewed to identify an appropriate housing mix for the proposed market and affordable dwellings. These have been referred to in the previous section.
- 4.45 The SHMA indicates that affordability pressures in the housing market area are significant. House prices are substantially above the regional average, with entry level house prices in Waverley at 12.2 times the typical earnings of younger households compared to a ratio of 7.8 nationally.
- 4.46 It also notes that development has slowed considerably since the 2005/6 peak. It states that although across the market area as a whole housing targets have been met over the 2001-13 period, these targets reflect land supply and suitability constraints rather than housing need.

Waverley Parking Guidelines (2013) and Surrey Vehicular & Cycle Parking Guidance (2018)

- 4.47 The parking standards set out in the Waverley Parking Guidelines (2013) and the more recent Surrey Vehicular and Cycle Parking Guidance (2018) are set out below.
- 4.48 The 2013 guidance states that these figures represent the minimum number of spaces expected per dwelling but where space permits it may be appropriate to consider increased provision:

Dwelling Size	Minimum guidelines for out of centre development
1 bedroom	1 space per unit
2 bedroom	2 spaces per unit
3+ bedroom	2.5 spaces per unit

- 4.49 The 2018 County Council guidance as set out below. Additional spaces will still be considered acceptable, if space allows, on the basis that it is unlikely to generate increased travel by car and there is no policy to restrict car ownership.

Dwelling Size	Minimum guidelines for suburban, village or rural development
1 & 2 bedroom flats	1 space per unit
1 & 2 bedroom houses	1.5 spaces per unit
3 bedroom houses	2+ spaces per unit
4+ bedroom houses	2+ spaces per unit

- 4.50 Flats or houses without garages or gardens will be required to provide 1 spaces for 1 or 2 bedroom units, or 2 spaces for 3+ bedroom units.

Planning Infrastructure Contributions (2008)

- 4.51 This document sets out how the local planning authority intended to secure planning contributions through the use of Section 106 agreements, however the document has largely been superseded by the introduction of the Community Infrastructure Levy in 2019. The use of Section 106 will be limited to site-specific mitigation measures which are required to make a development acceptable or affordable.

Affordable Housing SPD (2021)

- 4.52 This document confirms that 30% affordable will be required on all housing development where (inter alia) it involves development in non-designated rural areas of a net increase in 11 dwellings or more. The Council will expect developers to enter into an appropriate Section 106 Agreement covering all aspects of the delivery of affordable housing on the application site.

Surrey Design Guide (2002) and Dunsfold Village Design Statement (2001)

- 4.53 These documents were prepared to promote high quality design in the county and set out guiding principles for new development. The Village Design Statement is more specific to Dunsfold and identifies key principles, design features and quality standards that would be valued in the parish. It notes that there are a wide variety of styles in the village, but the majority are two storey buildings set back from the road with red brick and clay tile roof construction. Roofs are steeply pitched and generally half hipped. Hanging tiles can also be seen. A key characteristic of the village is one of spaciousness.

Policy H4: Density and Size of Dwellings (2003)

4.54 Policy H4 of the 2002 Local Plan has now been superseded by Policy AHN3 of the Local Plan Part 1.

5 PLANNING APPRAISAL

5.1 The issues of relevance in the determination of the application are considered to be as follows:

- Principle of the proposed development
- Sustainability and climate change
- Design and landscape
- Housing mix and tenure
- Ecology
- Trees
- Access and parking
- Common Land and public rights of way
- Amenity and security
- Flood risk and drainage
- Heritage and archaeology
- Planning contributions

5.2 These matters are considered in detail below.

Principle of the proposed development

5.3 This application seeks Outline planning permission for up to 53 residential dwellings on land adjacent to the physical settlement area of southern Dunsfold. The site is also separated from the defined settlement area of northern Dunsfold by Dunsfold Common Road.

5.4 Policy SP2 states that limited development will be allowed in/around villages such as Dunsfold, whilst emphasising the contribution of less constrained villages such as this in meeting local housing needs compared to other parts of the Borough. The site does not lie within the London Metropolitan Green Belt and falls outside of the Surrey Hills AONB.

5.5 A target number of homes for Dunsfold was identified as a minimum of 100 dwellings under Policy ALH1 which reflects the borough wide target of 11,210 net homes in the period between 2013 and 2032, equivalent to a least 590 dwellings a year. The target for Dunsfold does not include windfall sites that will contribute to a separate target of 188 windfall dwellings across the Borough.

- 5.6 The reading of Policy SP2 was recently considered in the nearby village of Alfold in the appeal decision for land west of Loxwood Road, in which the Inspector commented that Policy SP2 does not prescribe any specific cap for housing and any delivery over and above the minimum housing target identified for the area would not represent a breach in policy. Instead, it adheres to the fact that growth in a less constrained settlement is to be supported and is consistently being supported on appeal. The appeal site in that case was positioned adjacent to the built-up area, which is similar to the application site, outside of the Green Belt and AONB.
- 5.7 The same appeal confirms that there is currently a land supply of 4.01 years which has triggered the presumption in favour of sustainable development in the Borough. More recent appeals and an analysis of the Borough's housing land supply position are set out in the Housing Land Supply Report, prepared by RPS Consulting and submitted with this application, suggests that this position has not improved and will not improve when the LPP1 becomes 5 years old in February 2023.
- 5.8 The presumption in favour of sustainable development is therefore engaged and development should be approved unless policies in the NPPF that protect areas³ 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 when assessed against the policies in the NPPF as a whole.
- 5.9 In order to assess the suitability of the site under the presumption in favour of sustainable development, the benefits of the proposal have been listed below:
- The principle of development in and around villages, including Dunsfold, is supported under Policy SP2 of the LLP1. The application site abuts the proposed expansion of the defined settlement area for the southern part of the village and lies immediately opposite the defined settlement area for the northern part of the village. There is also additional residential development outside of this defined area that continues further north on Dunsfold Common Road. The site therefore sits comfortably within this existing residential context, in accordance with saved Policy D2, which is visually and physically separate from the open countryside further east due to retained boundary hedgerows and trees.
 - The site is located outside of the Green Belt, which covers a large proportion of the Borough, and outside of the AONB which is offered the greatest level of protection in the NPPF. The site therefore aligns with the council's strategy, set out in the LPP1, to avoid major development on land of the highest amenity and landscape value. A landscape led approach has nevertheless been taken for the indicative layout in recognition of its position in an AGLV and its semi rural setting.

³ For example, the Metropolitan Green Belt, National Parks or Areas of Outstanding Natural Beauty.

- The majority of the site is not located in any protected environmental site listed in the NPPF, other than proposed upgraded access which runs through a local wildlife site considered later on in this section. The impact of the proposed access upgrades will be mitigated through extensive tree and shrub planting and improved habitat connections with the wider countryside.
- The site comprises a residential dwelling, outbuildings, and equestrian paddocks which together reduce the rural feel of the site compared to the more open countryside further east. The proposal would not take land out of agricultural use in line with saved Policy RD9.
- The site is medium in scale and has no significant constraints that would prevent delivery in the short term by the applicant and developer, Sigma Homes. This would make an important contribution to housing supply in the Borough, given the housing land supply shortage and the absence of an adopted neighbourhood plan.
- The proposed development would supply a total of 16 affordable dwellings in line with adopted Policy AHN1 of the LPP1. The Housing Market Assessment and Housing Needs Assessment for Dunsfold each identify significant affordability pressures with a particular lack of affordable family homes in the local area.
- Existing facilities and transport links are available to meet day to day needs, in accordance with Draft Policy DM15 of the LPP2, which can be accessed via the Common Land running down Dunsfold Common Road. Residents would be able to engage with the local community from the outset and would support local services through increased spending.
- The proposal will offer an extensive amount of public open space to provide new opportunities for habitat creation, on a site which is currently extensively used for equestrian grazing, and to provide a circular right of way for local residents to use beyond the Common Land and public footpath.
- The applicant is also committed to delivering improvements to the Common Land which will include extending the existing pavement south of the site up to the existing bus stop. Other improvements will include the installation of a small bridge over the stream running through the Common Land which users need to jump over to continue along the informal path leading north. Other opportunities might include continued woodland and pond management.
- The proposal is also expected to deliver and encourage wider upgrades necessary for the local foul sewer network through a section 106 legal agreement with Thames Water. The proposal will improve surface water run off from the site through the use of Sustainable Drainage Systems.

- 5.10 It is also prudent to consider the site in the context of the Regulation 14 draft Neighbourhood Plan which, whilst having limited to no weight as this time, seeks to identify sites to meet local housing needs through the allocation of housing sites. The sites selected at this stage are discussed below.
- 5.11 **Wetwood Farm** – This site is proposed to accommodate 7 dwellings, in addition to the 5 dwellings already approved under permitted development. This site is approximately 1km from the settlement boundary and there are no existing footpaths or Common Land available for residents to access local services and shops. It is however similar to the application site in that it is not visible from the road due to intervening vegetation and trees.
- 5.12 **The Orchard** – This site is proposed to accommodate 2 dwellings as part of business hub proposal. This site is classed as brownfield land but lies 770m from the settlement boundary. There are no existing footpaths or Common Land available for residents to access services and shops in the village.
- 5.13 **Springfield** – This site is proposed to accommodate 10 dwellings, in addition to the 8 dwellings granted as a Rural Exception Site. This site is closer to the settlement boundary but is visible from the road. As the crow flies, the site is also nearer to Dunsfold Aerodrome but has been excluded from the proposed Green Gap in the Neighbourhood Plan.
- 5.14 **Coombebury** – This site is proposed to accommodate 12 dwellings and lies immediately south of the application site. This land adjoins the settlement boundary.
- 5.15 These sites are identified below in relation to the application site and the settlement boundary (shown in black). Other than Coombebury, the application site is considered to be far more suitable in its location and position in proximity to the village, better representing sustainable development as encouraged by the NPPF and Local Plan. The majority of these sites would also not meet the minimum threshold at which affordable housing could be sought, in comparison to the proposed development which would offer 16 affordable homes to meet identified local needs.

Figure 5.1 – Proposed Neighbourhood Plan Site Allocations (Regulation 14 Draft) (Base Map: Bing)



- 5.16 In light of the identified land supply shortage, and the need for windfall sites to meet local housing needs, the principle of the proposed development is therefore considered to be acceptable in planning terms and there are no adverse impacts that would significantly and demonstrably outweigh the benefits. Other planning matters relevant to this proposal are discussed below. The proposal is therefore considered to align with the NPPF, Policy SP1 and Policy SP2 of the LPP1.

Sustainability and Climate Change

- 5.17 The proposal is considered to perform the three roles of sustainability as defined by the NPPF and thus will enable the sustainable development of rural areas.
- 5.18 In relation to the social aspect of development, the proposal will introduce new family homes to the local area whose occupants would contribute to the vitality of Dunsfold and its established community, through increased local spending and engagement. The site will also make a clear contribution to the Borough's five year housing land supply shortfall and more importantly supply affordable family homes and homes suitable for occupation by the elderly and less mobile for which there is a significant need.

- 5.19 In relation to the environmental role, the applicants intend to deliver a biodiversity net gain through the development which will include a number of enhancements as recommended by a qualified ecologist. This will improve the habitats within the site for local wildlife through the removal of hardstanding and provision of ponds, additional planting and open space. Existing village services can be accessed via the Common Land or via a continuous made footpath without reliance on the private car. There is also scope to provide a pedestrian connection through the south-west corner of the site.
- 5.20 Whilst a reserved matter the proposal will also meet the criteria set out in Policy CC1 and CC2 of the Local Plan Part 1 and draft Policy DM2. The development will target a minimum 20% reduction in Regulated CO2 emissions [over Part L1 2021] through energy efficiency measures and an air source heat pump led heat network. Flow control devices and water efficient fixtures and fittings will be installed in all dwellings to target a maximum daily water consumption of 110 litres/person/day. Rainwater butts will be installed to reduce the demand on potable water and promote effective use of water supplies. Adequate facilities will be provided for domestic, and construction related waste, including segregated bins for refuse and recycling. Where practical, new building materials will be sourced locally to reduce transportation pollution and support the local economy. New materials will be selected based on their environmental impact and responsible suppliers will be used where possible.
- 5.21 The application site also lies in a low flood risk zone and will benefit from SUDS and water attenuation ponds.
- 5.22 Finally, in relation to the economic role of sustainable development, the construction phase would generate a number of jobs and local trades people would also be required for the maintenance of the dwelling once occupied. Upon occupation, the development would also generate Council Tax payments and employment activity in the area, together with additional expenditure for local businesses and services.
- 5.23 The proposal therefore aligns with the definition of sustainable development, as outlined in the NPPF, along with Policy CC1 and CC2 of the Local Plan Part 1 and draft Policy DM2.

Design and Landscape

- 5.24 The intended design approach will be to reflect the varied but traditional design style seen through the village, as encouraged by the Village's Design Statement and Surrey Design Guide. This will likely include the use of red bricks, hanging tiles with clay tile roofs, incorporating local design features including gables, barn-ends, projecting bays, chimneys and porches.
- 5.25 This design approach will ensure that the proposal reflects the distinctive local character of the village and suits its semi-rural location. Further details are set out within the submitted Design and Access Statement.

5.26 A Landscape and Visual Impact Assessment has been prepared by LDA Design and is submitted with this application. It found that the greatest impact on local landscape character would be felt within the application site. However, whilst this impact is judged to be adverse owing to the loss of greenfield land, the proposed development is stated to:

"...Relate well to, and be characteristic of, the existing built environment and would not affect any of the key characteristics of the wider landscape. The landscape strategy will ensure that proposed development makes a positive contribution to the landscape structure, through retained and enhanced field boundaries; the well wooded character of the landscape, through new tree planting; and access and enjoyment of the landscape through new open spaces and routes."

5.27 Due to the presence of well-established boundary vegetation, which provide a good sense of enclosure, landscape impact would rapidly reduce beyond the site boundaries, resulting in a neutral impact on the Local Character Area – the West Dunsfold Wooded Low Weald.

5.28 From public viewpoints, the greatest impact would be had from the public footpath running along the northern boundary of the site, from which the site is seen as a largely undeveloped green field site. From other public viewpoints, such as from Gratton Chase, Dunsfold Common Road and the route of the footpath further east, there would be limited impacts due to the natural screening provided. Any limited views of the development would be perceived as a natural part of the development area, given the presence of residential development to the north, south and west, without impacting on the sense of spaciousness on the common.

5.29 The site is located approximately 0.8km to the south of the Surrey Hills Area of Outstanding Natural Beauty from which there will be no discernible views and any glimpses of rooflines would be seen in the context of the village. As such there will be no harm on the special qualities of the AONB.

5.30 In the context of the AGLV, given the contained nature of the site and its close relationship with the settlement area, the proposed development will not fundamentally change the features and qualities of the AGLV experienced in the wider area. The overall effects will be confined to the site and these impacts have sought to be mitigated as far as possible in the indicative layout and proposed landscaping strategy which will have a range of added benefits resulting from increase planting and other habitat provision.

5.31 Finally, the proposed development has also been considered in the context of the proposed Green Gap designation set out in the draft Neighbourhood Plan. The LVIA confirms that the proposed development will not result in any visual perception of a reduced 'gap' or sense of coalescence between Dunsfold and Dunsfold Park; and with the proposed development in place there will remain a gap of around 750m, with the vast majority of the farmland and all of the woodland within gap maintained.

5.32 The proposal therefore accords with Policy TD1, RE3 and RE1 of the Local Plan Part 1, and saved Policy D4.

Housing Mix and Tenure

5.33 The indicative layout seeks to provide the following breakdown of affordable and market housing within the site, in line with the findings of the West Surrey Strategic Housing Market Assessment and the Housing Needs Assessment prepared for Dunsfold Parish Council in the preparation of the neighbourhood plan. In reflection of a more local need for more 2 and 3 bedroom dwellings, the number of 1 bedroom and 4 bedroom homes has been reduced in comparison to the Market Assessment target.

Table 5.1 – Proposed Market Housing Mix in comparison with SHMA and Dunsfold Parish Housing Needs Assessment recommendations

TYPE	AMOUNT	MIX	SHMA TARGET ⁴	DUNSFOLD PARISH HOUSING NEEDS ASSESSMENT
1 bedroom	2	5%	9.3%	No defined target but confirms that there is expected to be a <u>significant</u> need for mid-sized homes of two and three bedrooms in Dunsfold to the year 2032.
2 bedroom	10	27%	32.1%	
3 bedroom	21	57%	38.2%	
4 bedroom	4	11%	20.4%	
TOTAL	37	100%	100%	

⁴ Specific to Waverley

Table 5.2 – Proposed Affordable Housing Mix in comparison with SHMA and Dunsfold Parish Housing Needs Assessment recommendations

TYPE	AMOUNT	MIX	SHMA TARGET	DUNSFOLD PARISH HOUSING NEEDS ASSESSMENT
1 bedroom	6	38%	47.3%	As above
2 bedroom	4	25%	29.2%	
3 bedroom	6	37%	21.9%	
4 bedroom	0	0%	1.7%	
TOTAL	16	100%	100%	

5.34 The SHMA indicates that affordability pressures in the housing market area are significant. House prices are substantially above the regional average, with entry level house prices in Waverley at 12.2 times the typical earnings of younger households compared to a ratio of 7.8 nationally. It also notes that development has slowed considerably since the 2005/6 peak. It states that although across the market area as a whole housing targets have been met over the 2001-13 period, these targets reflect land supply and suitability constraints rather than housing need.

5.35 The proposed development will secure 30% affordable housing, totalling 16 new affordable homes, in this high market area, in accordance with Policy AHN1 of the LPP1. This will be significantly above the provision expected in the allocations identified in the draft neighbourhood plan. All dwellings will align with Nationally Described Space Standards in accordance with draft Policy DM5 of the LPP2.

5.36 All homes will meet Building Regulations M4 (2) Category standard: “Accessible and adaptable dwellings” to meet the needs of older people and those with disabilities, in line with Policy AHN3 of the LPP1.

Ecology

5.37 A Preliminary Ecological Appraisal was undertaken on 17th August 2022 in order to identify any ecological constraints.

- 5.38 The appraisal confirmed that the site is not subject to any statutory or non-statutory designations. The closest designation is Chiddingfold Site of Special Scientific Interest (SSSI) located 1.8km to the southwest. The survey area does not support any features that contribute to the designation of the SSSI.
- 5.39 The site is within the 12km wider conservation area of Ebernoe Common Special Area of Conservation which has barbastelle and Bechstein bats listed as qualifying species. There is suitable habitat on site for foraging bats which may be altered/impacted by the proposals and further surveys will be undertaken to ascertain this and to inform an appropriate mitigation strategy.
- 5.40 Further surveys are also scheduled for foraging bats, great crested newts and hazel dormice.
- 5.41 Additional tree and shrub planting within the existing and retained hedgerow trees along the site boundary is proposed and this will include a high proportion of native species and be of local provenance where possible.
- 5.42 An ecological buffer zone will form part of the proposed development. This will incorporate additional native planting to facilitate the creation and enhancement of habitats within the buffer zone.
- 5.43 Three ponds are also proposed within the site which will be designed and landscaped to form new habitats.
- 5.44 In summary, the proposal will retain, protect and enhance features of biodiversity wherever possible, and will make a positive contribution to biodiversity by creating features to enhance the regional ecological network of wildlife corridors and green infrastructure.

Trees

- 5.45 The indicative site layout and proposed access arrangement has been informed by a Tree Survey and subsequent Arboricultural Integration Report, carried out by Oates Woodland. A total of 60 trees were surveyed and were categorized depending on their size, age, physiological and structural condition, overall quality, landscape value and future potential. These comprise Categories A (high quality and value), B (moderate quality and value), C (low quality and value) and U (recommended for removal due to existing condition).
- 5.46 The principal objective of the tree survey was to retain and protect the trees that make the most outstanding positive contribution to the character and appearance of the site and the surrounding landscape. Of the 60 trees surveyed, seven Category C and U trees and the partial removal of a Category U hedge are required. Their removal will not have a detrimental visual impact on the landscape character and appearance of the area.

- 5.47 The design and construction of the proposed access upgrades were carefully considered from the outset due to the presence of the higher quality, retained trees present to the north and south in the Common Land. It has been designed so that its northern edge follows the existing concrete drive, and the surface changes are limited to the southern side.
- 5.48 It is proposed to utilise a cellular confinement system sub-base which is standard practice and has been approved by local planning authorities for more than 20 years given its success in preserving the health of nearby trees and their root systems. The finished wearing course will be permeable to allow water and gases to reach the tree roots. The same approach would be taken within the site where any footpaths and parking bays oversail the roots of any retained trees.
- 5.49 Tree protection measures will be put in place to protect all retained trees during the course of construction.
- 5.50 The proposal therefore aligns with saved Policy D7 which places a focus on important trees and hedgerows.

Access and Parking

- 5.51 The proposed access arrangement has been informed by a ATC speed survey and subsequent Stage 1 Road Safety Audit to ensure that the access design is suitable for local conditions. Details of the access has also been submitted to Surrey County Council as part of a pre-application enquiry. At the time of writing a response has not been received but a copy of it will be provided to the planning authority upon receipt.
- 5.52 Proposed car and cycle parking is a reserved matter but an expected breakdown of spaces has been confirmed in this report and will meet Waverley Borough Council's Parking Guidelines. Electric vehicle charging points would also be provided for all dwellings, including flats. The proposed parking is intended to negate the need for on-street parking and ensure that the development remains full acceptable to waste and emergency vehicles in accordance with Saved Policy M17.
- 5.53 The proposal also seeks to offer improved pedestrian connectivity to the existing pavement which terminates further south of the site, in order to provide all-weather access to the south side of the village and encourage non-car transportation in accordance with the NPPF and Policy ST1. This pavement can also be used by the residents living at Griggs Meadow. A pavement will also be provided to connect to the exiting bus stop to the north.

- 5.54 The Transport Statement, prepared by Motion and submitted with this application, identifies two documents published by the Chartered Institution of Highways and Transportation which identified that 80% of journeys less than 1 mile are made wholly on foot. The same finding was published in the National Travel Survey 2020 (NTS). Local services such as the local GP and recreation ground can be found in the northern part of the village and just a short walk to the west of the site. Additional services such as the village shop and post office are located approximately 0.5 miles to the south and can be accessed on foot and via an existing bus service.
- 5.55 The proposal therefore accords with Policy ST1 of the Local Plan Part 1 and saved Policy D9 and M9.

Common Land and Public Rights of Way

- 5.56 An application has been submitted in tandem under Section 38 of the Commons Act 2006, as amended, for the works required for the upgraded access within Dunsfold Common. The application provides a full review of the proposed works in the context of Section 39 of the 2006 Act and the DEFRA Consents Policy (2015). The application will be determined by the Planning Inspectorate on behalf of the Secretary of State.
- 5.57 The proposed access upgrades are expected to be similar in appearance to the access approved for the Gratton Chase development, which can be seen in its completed form in **Figure 5.1** below. Unlike the application site, the access to Gratton Chase was formed in the location of an informal route through the woodland, as shown in **Figure 5.2**. In comparison, the application site comprises an existing access driveway which will be removed, resurfaced, and widened, as shown in **Figure 5.3**. This proposal will therefore result in an additional benefit of removing exiting concrete surfacing and replacing it with a more suitable access construction in the vicinity of trees as described previously in this section.

Figure 5.1 – Completed Gratton Chase access (Source: Google Street View)

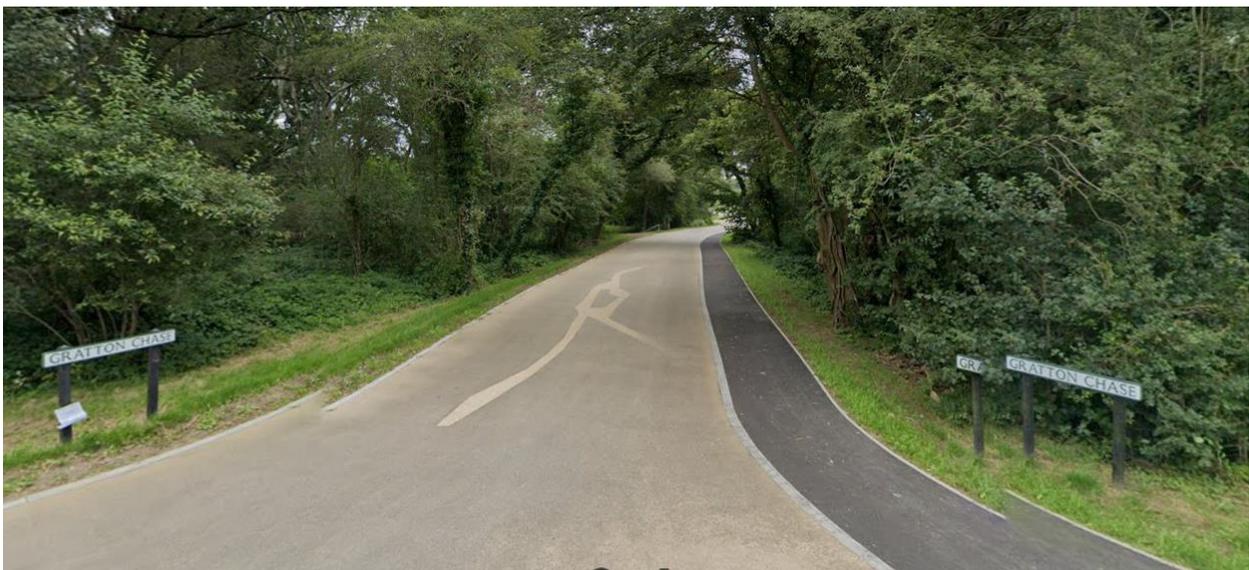


Figure 5.2 – Location of Gratton Chase access pre-development (Source: Google Street View)



Figure 5.3 – Application site as existing and location of proposed widened access



- 5.58 The character of the site is domestic in nature with associated domestic and equestrian vehicular movement up to the property to the rear. The woodland edge begins to the north and south of the site beyond which there is a prevailing woodland character. There will be some impact to this woodland edge as a result of the removal of 5no. Category C and U trees to facilitate the proposed access works. However, this will not change the overall experience of the woodland for commoners and ramblers using the public footpath running east to west.
- 5.59 The tree removal is considered to be mitigated through the extensive landscaping strategy which will involve new native tree and shrub planting within the Common Land and along the eastern boundary which will be managed as part of the proposed development and will improve habitat connectivity from the wider landscape in the longer term. The new planting will also be supplemented by other accompanying habitat enhancement features.
- 5.60 The upgrading of the access will not hinder the ability of local users to walk the public right of way and to access the Common Land further north and south. The main change is that the route would be more formalised and result in an increase in the number of vehicles going into and out of the site. Along with dropped kerbs and tactile paving, these changes have sought to be mitigated through the inclusion of extensive walking route through the perimeter of the site and inclusion of public open space along the Common Land boundary. This will improve recreational opportunities for local people.
- 5.61 A number of other improvements to the Common Land are proposed, which will include extending the existing pavement south of the site up to the exiting bus stop. Other improvements will include the installation of a small bridge over the stream running through the Common Land which users need to jump over to continue along the informal path leading north. Other opportunities might include continued woodland and pond management.
- 5.62 The proposal is therefore accordance with saved Policy LT11 which seeks to safeguard and enhance rights of way.

Amenity and Security

- 5.63 The indicative layout has sought to create a pleasant semi-rural neighbourhood that is in-keeping with the character of the village and adjacent neighbourhoods whilst also retaining strong landscape buffers for habitat creation and integrated amenity space. As a result, the proposed development will promote access and the enjoyment of the countryside for new occupants and for other local residents as an extension to the adjacent Common Land and nearby right of way network.

- 5.64 The indicative layout has been designed to maximise natural surveillance in all parts of the site to provide 'eyes on the street' for pedestrian routes, play areas and visitor parking spaces, in the absence of unnecessary levels of lighting. This will help to reduce fear of crime and will help to establish a sense of community cohesion.
- 5.65 The proposal therefore aligns with Policy LRC1 and ICS1 of the Local Plan Part 1, and saved Policy D8 and C6.

Flood Risk and Drainage

- 5.66 A Flood Risk Assessment and Surface and Foul Water Drainage Strategy have been prepared by Odyssey and are submitted with this application.
- 5.67 It is understood that there are local drainage capacity issues that have resulted in flooding elsewhere in the village. The foul water sewer network is very old, undersized and appears to also receive surface water flows. Whilst not uncommon, surface water flows can be extensive and knowledge of rainfall events and surface water systems have increased the need for separate systems and storage being needed for surface water.
- 5.68 Heavy rainfall events have led to the flooding of the foul water sewer network, due to increased surface water flows, and the local pumping station is unable to function during power cuts which has led to flooding within a few hours. Thames Water are currently providing temporary measures to alleviate flooding with the use of tankers after the event, but this is not a long term nor efficient solution.
- 5.69 The proposed development offers an opportunity to make improvements to the local sewer network.
- 5.70 Surface water will drain separately into the existing drainage ditches surrounding the site. The surface flow from the proposed development will be restricted to mimic the equivalent flow or runoff that the site produced in its un-development greenfield status. Restricting the flows gives rise for the need to store the extra flow or runoff produced and it is proposed to provide this in the form of open storage features such as ponds and swales which will be grassed and/or planted with small plants. These storage features are preferred over concrete or plastic tanks/pipes below ground and are seen as the ideal storage form as they offer water treatment and provide habitat and biodiversity opportunities.
- 5.71 With all rainwater falling on the site captured within the new surface water drainage system, stored and released slowly into the existing ditches, there is a reduction in overland flow to surrounding areas.

- 5.72 Foul water flows will be increased by the proposed development compared to the existing scenario with an approximate 2.5 litres a second flow rate to be connected to the local foul water sewer network. In most scenarios this small flow would be served easily by the local network. However, with Thames Water capacity issues in the local foul water sewer network, upgrades will be required in order to serve the proposed development. A planning condition is expected from Thames Water to ensure that these upgrades are secured along with a Section 106 legal agreement. The timescales for the upgrades are bespoke to each development but are expected to be in the region of 2 years from planning approval.
- 5.73 The planning condition will likely restrict the developer from allowing new dwellings to be occupied until the local sewer upgrades are in place, otherwise they will be in breach of planning consent. Should Thames Water take longer than planned to provide the upgrades, the developer could propose adding a large foul water tank on the site which would collect all flows until such a time that Thames Water have provided the upgrades to the local foul water sewer network. This would be a temporary solution but would provide pressure on Thames Water to programme and implement the necessary upgrades locally. This may involve a battery powered early warning system and a backup generator for the existing pump station, to ensure that in times of power cuts, the pump station continues to work.
- 5.74 Overall, and in accordance with Policy CC4 of the Local Plan Part 1, the proposed development is therefore expected to result in an improvement to local sewer network by separating and controlling surface water drainage through onsite Sustainable Drainage Systems and securing necessary upgrades to the local foul water sewer network.

Heritage and Archaeology

- 5.75 A Built Heritage Statement has been prepared by RPS Consulting and is submitted with the application. The purpose of the report was to determine whether the proposed development would impact on the significance of any nearby heritage assets. The nearest assets are confirmed as the Grade II listed 1 and 2 Burdocks to the north of the site, and a non-designated Building of Local Merit, Dunsfold Grange, located opposite the site entrance to the west of Dunsfold Common Road.
- 5.76 The report makes the following comments:

"The assessment of significance... determined that the Site does not contribute to the significance of the listed building. 1 and 2 Burdocks and the Site currently share a very limited degree of intervisibility, with only the chimneys and ridge line of Burdocks being visible from with the Site and only from selective locations near Coombebury Cottage... The proposed development would include the demolition of the late 20th century Coombebury Cottage and its ancillary buildings and their replacement with Balancing Pond A and informal public open space..

The built elements of the proposals would be positioned further east and 1 and 2 Burdocks would be screened from these proposed buildings by the existing belt of trees and hedge lines that bound its rear garden. The proposals include additional green buffer treatments within the Site, along the boundary line with 1 and 2 Burdocks, which would further ensure a continued enclosure of the listed building to the rear. The Illustrative Masterplan and Design and Access Statement demonstrate how detailed proposals could be brought forward for the Site which would maintain the way in which the listed building is currently experienced and which would not impact upon its significance.

The Site shares limited visibility with Dunsfold Grange, mainly through views via the access track to the Site and does not share any known historical connection with it. [It was determined] that the Site is not considered to contribute to Dunsfold Grange's local interest.

The access to the proposed development would be retained and changes to the track would be limited to those needed to comply with road safety standards. The current limited views onto the Site from Dunsfold Grange, which fall directly onto Coombebury Cottage, would change as a result of the proposed development and would fall onto the balancing pond and open space, which would replace the cottage. These changes would preserve the sense of rurality to the surroundings of the Building of Local Merit.

The Illustrative Masterplan and Design and Access Statement demonstrate how detailed proposals could be brought forward, which would lead to minimal changes to the wider setting of the Building of Local Merit. These proposals and would not change the way in which the building is currently experienced and would not impact on its significance. The building's local interest would be retained."

- 5.77 An Archaeological Desk Based Assessment has also been carried out by Archaeology South East and is submitted with this application. The report confirms that the site has a low potential for archaeological deposits of all periods, based on current evidence, but further unsuspected deposits cannot be ruled out. As such, a programme of archaeological evaluation is recommended, such as a geophysical survey or trial trenching, through a condition attached to any planning consent.
- 5.78 In light of the findings of these reports, the proposal therefore aligns with Policy HA1 of the Local Plan Part 1, saved Policy HE3 and the relevant emerging policies of the Local Plan Part 2.

6 SUMMARY

- 6.1 This Planning and Affordable Housing Statement has been prepared in support of an Outline Planning Application for the demolition of existing buildings and the erection of 53 residential dwellings (Use Class C3) on land at Coombebury Cottage, Dunsfold Common Road, Dunsfold, Surrey, GU8 4NB. All matters are reserved except for access.
- 6.2 An application under Section 38 of the Commons Act 2006, as amended, for associated works to Dunsfold Common has been submitted to the Secretary of State in tandem.
- 6.3 The application site comprises a 3.44 hectare area of land located to the east of Dunsfold Common Road, on the northern side of Dunsfold, which contains an existing residential dwelling, its immediate curtilage and outbuildings, and approximately 3.17 hectares of equestrian land containing stabling facilities, a sand school and fenced paddocks. It is accessed via an existing surface driveway leading from the highway to the west.
- 6.4 Recent appeal decisions have confirmed that Waverley Borough Council does not have a five year housing land supply and therefore the tilted balance in favour of new housing is engaged. In accordance with the NPPF, the council should support speculative development where there are no adverse impacts of approving the application that would significantly and demonstrably outweigh the benefits.
- 6.5 The benefits of the proposal are summarised below and in accordance with adopted local planning policies.

- The principle of development in and around villages, including Dunsfold, is supported in the Local Plan. The application site abuts the proposed expansion of the defined settlement area for the southern part of the village and lies immediately opposite the defined settlement area for the northern part of the village. There is also additional residential development outside of this defined area that continues further north on Dunsfold Common Road. The site therefore sits comfortably within this existing residential context and would be visually and physically contained from the open countryside further east due to retained and enhanced boundary hedgerows and trees.
- The site is located outside of the Green Belt, covering a large proportion of the borough, and outside of the AONB which are offered the greatest level of protection in the NPPF. The site therefore aligns with the council's strategy to avoid major development on land of the highest amenity and landscape value. A landscape led approach has nevertheless been taken for the indicative layout in recognition of its position in an Area of Great Landscape Value and semi rural setting. The proposed material palette will reflect the design features and materials used elsewhere in the village.
- The majority of the site is not located in any protected environmental site listed in the NPPF, other than the proposed upgraded access which runs through Dunsfold Common. The proposals will not reduce the area of Common Land and are not considered to adversely affect people's enjoyment of it.
- The site comprises a residential dwelling, outbuildings, and equestrian paddocks which together reduce the rural feel of the site compared to the more open countryside further east. The proposal would not take land out of agricultural use.
- The site is medium in scale and has no significant constraints that would prevent delivery in the short term by the applicant and developer, Sigma Homes. This would make an important contribution to housing supply in the Borough, given the housing land supply shortage and the absence of an adopted Neighbourhood Plan.
- The proposed development would supply a total of 16 affordable dwellings in line with adopted policy, with a particular focus on affordable family homes. The Housing Market Assessment and Housing Needs Assessment for Dunsfold each identify significant affordability pressures with a particular lack of affordable family homes in the local area.
- Existing facilities and transport links are available to meet day to day needs, which can be accessed via the Common Land running down Dunsfold Common Road. Residents would be able to engage with the local community from the outset and would support local services through increased spending.
- The proposal will offer an extensive amount of public open space to provide new opportunities for habitat creation, on a site which is currently extensively used for equestrian grazing, and to provide a circular right of way for local residents to use as an extension to the Common Land and public footpath.

- The applicant is also committed to delivering improvements to the Common Land which will include extending the existing pavement south of the site up to the exiting bus stop. Other improvements will include the installation of a small bridge over the stream running through the Common Land which users need to jump over to continue along the informal path leading north. Other opportunities might include continued woodland and pond management.
- The proposal is also expected to deliver and encourage wider upgrades necessary for the local foul sewer network through a section 106 legal agreement with Thames Water. The proposal will improve surface water run off from the site through the use of Sustainable Drainage Systems.

6.6 It is therefore hoped that Waverley Borough Council can support the application.

**Batcheller
Monkhouse**



COMMON LAND CONSENT - SUPPORTING STATEMENT

Dunsfold Common
Dunsfold Common Road
Dunsfold
Surrey
GU8 4NB

PREPARED FOR
Sigma Homes Limited

November 2022

Sigma Homes
LOCATION + QUALITY + DESIGN



LDĀDESIGN

motion

Batcheller
Monkhouse



phlorum

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Odyssey
building progress

ASE

 **NuPlanet**
SUSTAINABLE SOLUTIONS

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Appendix A - Common Land Register Map

Appendix B - Site Location Plan, including proposed development at Coombebury Cottage

Appendix C - Proposed Plans

Appendix D - Notice

Appendix E - Consultee Letter

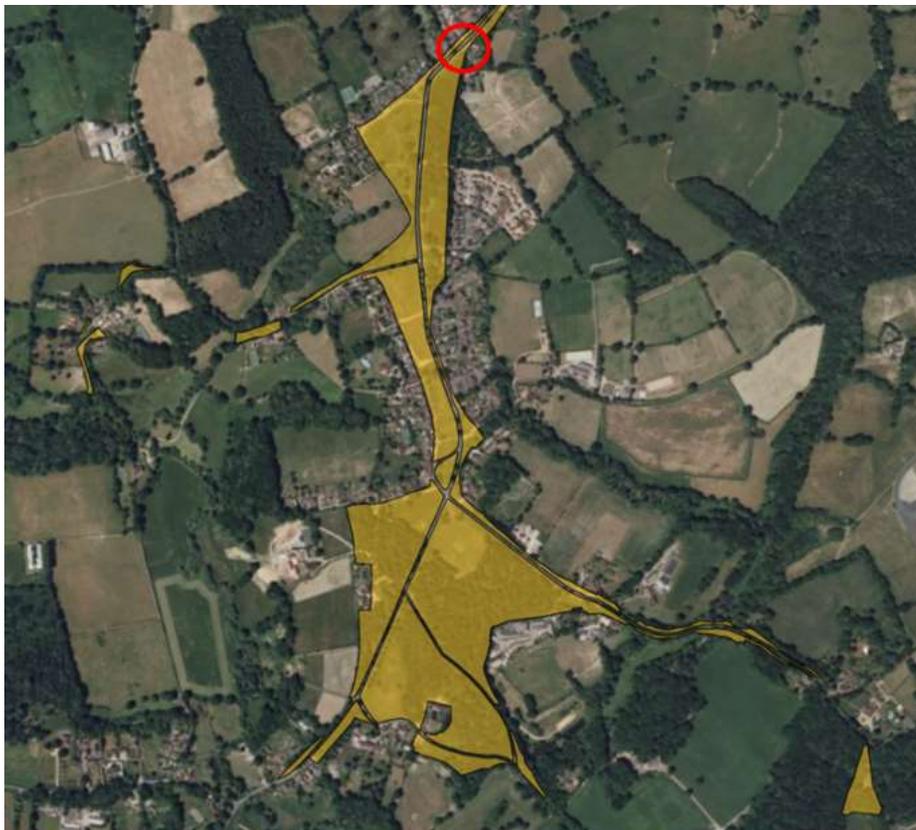
Appendix F - Newspaper Notice

Appendix G - Confirmation of Advertising

1 INTRODUCTION

- 1.1 This Supporting Statement has been prepared to accompany an application submitted under Section 38 of the Commons Act 2006, as amended, for works to land at Dunsfold Common, Dunsfold Common Road, Dunsfold, Surrey. It has been prepared in accordance with the Planning Inspectorate's 'Notes for making an application for consent to construct works on common land' guidance, which was most recently updated in May 2022.
- 1.2 The application relates to an existing access, hereafter referred to as 'the site', located on the northern end of the Registered Common Land which runs through Dunsfold village. The Common Land is highlighted in yellow in **Figure 1.1** below, with the affected area circled in red. The official Common Land Register Map is provided at **Appendix A**.
- 1.3 This application is submitted in tandem with an Outline Planning Application for the demolition of existing buildings at Coombebury Cottage and the erection of up to 53 dwellings, public open space, landscaping and related infrastructure with all matters reserved except for access. The proposed works are associated with the creation of an upgraded access into the site. Further details of the proposed development are provided within this report and enclosed at **Appendix B and C**.

Figure 1.1 – Location of the Common Land (Source: Land App using Bing Imagery)



Application Documents

1.4 The following documentation are enclosed with the submission:

- Application Form
- Health and Safety Questionnaire
- Confirmation of Notification Letter
- Copy of the Commons Register
- Two copies of an up-to-date map showing the works proposed
- This Supporting Statement
- Accompanying Plans
- Landscape and Visual Impact Assessment
- Arboricultural Report and Tree Survey
- Built Heritage Report
- Archaeological Appraisal
- Preliminary Ecological Appraisal

Notification

1.5 In the absence of a main entrance to the Common Land, a site notice has been displayed in three locations on and near to the application site and will be displayed for a minimum of 28 days from date on which it was displayed – Friday 18 November 2022. The location of these notices is shown in **Figure 1.2**. The notice template provided in Annex A of the aforementioned Common Land application guidance has been used and is enclosed at **Appendix D**.

1.6 The applicant has written to the following organisations to notify them of the submission, using the template letter provided in Annex C. A copy is provided at **Appendix E**.

- Waverley Borough Council as the freehold owner;
- Dunsfold Parish Council as a leaseholder, the commons and parish council;
- Coombebury Cottage, given their right of access with or without vehicles;

- Surrey County Council as the registration authority;
 - Natural England;
 - Historic England;
 - Open Spaces Society; and
 - Surrey Archaeological Service
- 1.7 The application has been advertised in the local paper – the Surrey Advertiser – on Friday 18 November 2022 and will be displayed on the website – Get Surrey – for a period of 28 days. The notice template provided in Annex A has also been used and an extract of the advertisement has been enclosed at **Appendix F**.
- 1.8 It is also necessary to provide a copy of the application documentation and plans at a local inspection point for residents and other users of the Common Land to view in person. The applicant has engaged with the Parish Council and local shop however there was unfortunately no suitable location in the village that would allow for open access during business hours. As a result, Cranleigh Library was deemed to be the best acceptable alternative. The library is publicly accessible and can be accessed via the local bus.
- 1.9 Given that the library is not in the village, the notice has been amended to include an email address which will enable residents to request an electronic copy at their convenience.
- 1.10 A copy of the completed Confirmation of Notification letter is provided at **Appendix G**.

Figure 1.2 – Location of the Site Notices



2 SITE DESCRIPTION AND BACKGROUND

- 2.1 This application relates to an area of land on the northern end of Dunsfold which comprises a residential access driveway leading to Coombebury Cottage, together with surrounding amenity grass and trees. The area registered as Common Land is bounded by Dunsfold Common Road to the west and the entrance gate to Coombebury Cottage marks the eastern boundary, as shown in **Figure 2.1** below.
- 2.2 The existing driveway is comprised of at-grade concrete hardstanding with a grass strip either side and woodland beyond. The track is also a public footpath (no. 281) which runs eastwards towards the gate to Coombebury Cottage and diverts to the side of the property before running along the northern boundary to High Loxley Road.
- 2.3 The site is bounded by Coombebury Cottage, outbuildings and equestrian land to the east, which in their entirety extend to 3.44 hectares. This land is subject to an Outline planning submission for up to 53 homes, to which this application relates. To the north and south is broadleaved semi-natural woodland and amenity grass also forming part of Dunsfold Common. To the west is Dunsfold Common Road with the northern built-up area boundary of Dunsfold village immediately beyond.

Figure 2.1 – Google Street View photograph of the existing access

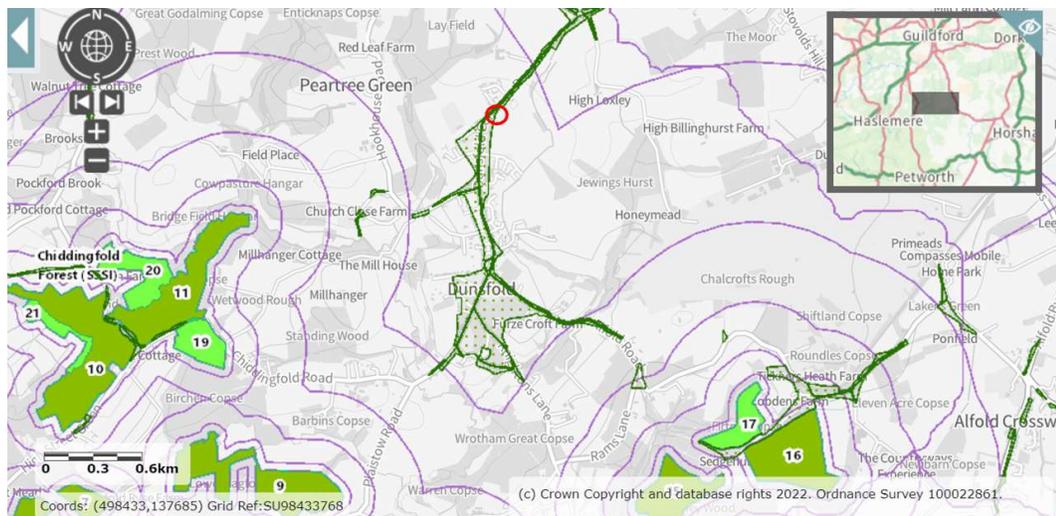




Environmental Designations

- 2.1 The site is located within Flood Zone 1 and therefore has a low risk of flooding in accordance with the Environment Agency's flood maps for planning. The site is located within an Area of Great Landscape Value, but outside of the Green Belt and any Area of Outstanding Natural Beauty.
- 2.4 The site is not located within or in close proximity to any statutory designations, as shown in **Figure 2.2** below. The nearest protected site is the Chiddingfold Forest SSSI which covers areas approximately 2.3km to the south east and 1.65km to the west. The site lies in the SSSI impact risk zone as shown in purple.

Figure 2.2 – Extract of the Natural England's MAGIC mapping software, showing statutory designations



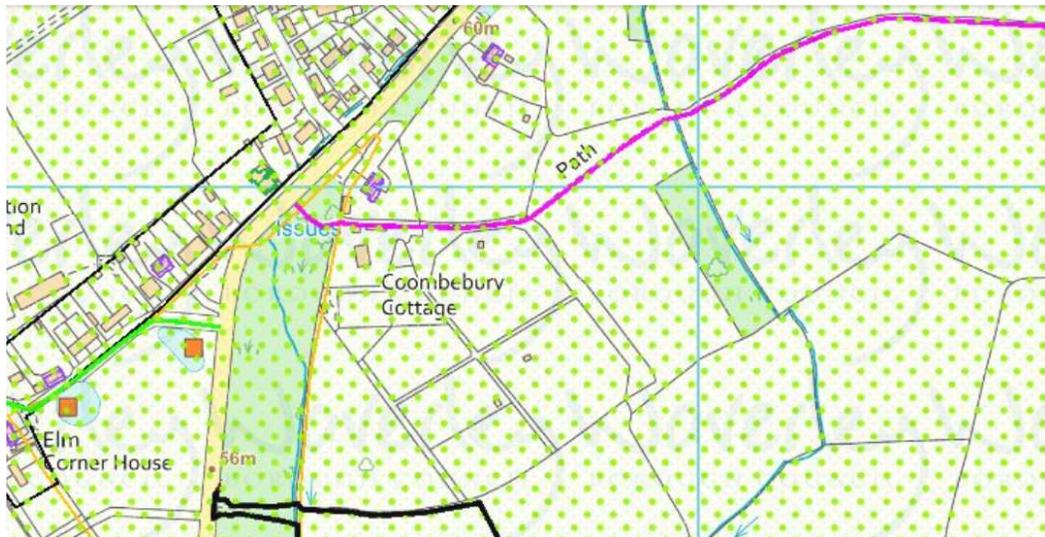
- 2.5 The area of Common Land covering the affected site is identified by MAGIC as Woodpasture and Parkland BAP Priority Habitat which lies on the east and west sides of Dunsfold Common

Road and Priority Habitat (Deciduous Woodland) on the east side, as shown in **Figure 2.3**. The Waverley Local Planning Map shows the site as part of a wider Site of Nature Conservation Importance, as known as a 'local wildlife site', as shown in orange in **Figure 2.4**.

Figure 2.3 - Extract of the Natural England's MAGIC mapping software, showing nearby habitats



Figure 2.4 - Extract of the Waverley Planning Map



Heritage Designations

- 2.6 There are five listed buildings within the vicinity of the site, as shown in **Figure 2.5** below. There are no Scheduled Monuments in the area. The only nationally designated asset in close proximity to the site are the Grade II listed 1 and 2 Burdocks. There is also a Building of Local Merit located opposite the site entrance on Dunsfold Common Road, known as Dunsfold Grange, which is a non-designated heritage asset.

- 2.7 The site does not lie within an Area of High Archaeological Potential or County Sites of Archaeological Importance.

Figure 2.5 – Nearby listed buildings (Base Map: Bing Imagery)



3 LEGISLATIVE BACKGROUND

Commons Act 2006

3.1 Section 38 of the Commons Act 2006, as amended (hereafter referred to as “The Act”), states that a person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which the section applies i.e. Common Land.

3.2 Section 38(2) states that “restricted works” comprise:

- Works which have the effect of preventing or impeding access to or over the land. This includes in particular the erection of fencing; the construction of buildings and other structures; and the digging of ditches and trenches and the building of embankments.
- Works for the resurfacing of land. This includes the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material).

3.3 Section 38(6) sets out works that are not prohibited by this section:

- Works on any land where those works, or works of a description which includes those works, are carried out under a power conferred in relation to that particular land by or under any enactment.
- Works on any land where the works are carried out under a power conferred by or under any enactment applying to common land.
- Works authorised under a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899 without any requirement for any person to consent to the works;
- Works for the installation of electronic communications apparatus for the purposes of an electronic communications code network.

3.4 None of these exceptions apply in this instance.

3.5 Section 39(1) states that in determining an application for consent under subsection (1) of section 38, the appropriate national authority shall have regard to—

- The interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it).
- The interests of the neighbourhood.

- The public interest (clarified in Section 39(2) as including nature conservation, the conservation of the landscape, protection of public rights of access to any area of land, and the protection of archaeological remains and features of historic interest).
- Any other matter considered to be relevant.

3.6 Section 39(3) confirms that consent may be given in relation to all or part of the works, or subject to modifications and conditions as seen appropriate by the national authority.

DEFRA Common Land Consents Policy (2015)

3.7 The Common Land Consents Policy states that the Commons Act 2006 seeks to:

- Safeguard commons for current and future generations to enjoy;
- Ensure that that the special qualities of common land, including its open and unenclosed nature, are properly protected; and
- Improve the contribution of common land to enhancing biodiversity and conserving wildlife.

3.8 It also seeks to ensure that any use of common land or green is consistent with its status so that works take place on common land only where they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact.

3.9 It also confirms in Paragraph 4.3 that the Secretary of State will wish to know what alternatives have been considered to the application proposal.

3.10 The Consents Policy goes on to list the assessment criteria against which all applications will be considered. These criteria have been considered in section 5.

4 PROPOSED WORKS

4.1 The proposed works are associated with an Outline planning application that has been submitted to Waverley Borough Council for the following development proposal:

“Outline application for the demolition of existing buildings and the erection of up to 53 dwellings, public open space, landscaping and related infrastructure with all matters reserved except for access”.

4.2 There is an existing driveway leading from Dunsfold Common Road to Coombebury Cottage, which is proposed to be upgraded into an access road for the proposed new development in order to meet highways standards.

4.3 An extract of the indicative layout is provided in **Figure 4.1**.

Figure 4.1 – Indicative Site Plan (Source: ECE Architects)



4.4 Details of the proposed works are set out below.

Location of the Works

- 4.5 The area of Common Land affected by the proposals extends to 300.5 sqm and stretches from Dunsfold Common Road to the boundary of Coombebury Cottage. It currently comprises an existing concrete residential driveway with strips of amenity grass either side, and grass verge.

Figure 4.2 – Area of Common Land affected by the proposals (hatched black)



Description of the Works

- 4.6 The works proposed to the existing common land area will involve:
- The removal of the existing concrete surfacing and the creation of a 5.5 metre, two-way access road composed of a permeable no-dig Cellweb sub-base with surfacing and kerbing.
 - The creation of a 1.5m wide footway on the southern side of the access for pedestrian right of way.
 - The provision of an uncontrolled tactile crossing point for the new connection to the public footpath, and a tactile crossing at the proposed access.
 - The creation of a 1.5m wide new footway on the east side of Dunsfold Common Road connecting to the existing footway to the south and bus stop to the north.
 - The creation of a defined access radius to facilitate turning onto Dunsfold Common Road.

- The removal of the existing entrance gate to Coombebury Cottage and partial removal of the boundary fence to accommodate the widened access.
- The removal of 5no. trees adjacent to the access which are classed as Category C (low quality and value) trees or Category U (recommended for removal due to existing condition) trees. These trees will be replaced with English Oak, Hawthorn and Hazel within the designated area.

4.7 The works will be permanent.

4.8 The proposed works will take place within the Register Common Land and will not reduce the designated area.

4.9 No works as proposed and as described in this report have been undertaken to date.

Materials

4.10 The exiting concrete hardstanding will be removed and replaced with a permeable no-dig Cellweb sub-base, with surfacing, kerbing and tactile paving.

Protecting, Maintaining, and Improving the Common Land

4.11 From the outset, the design team has worked hard to draw up plans that would have as minimal impact on the Common Land as possible. This led to the development of three key objectives.

- **Objective 1** – To identify a method of construction that would ensure that the underlying root network of nearby trees is not impacted by the proposed works and ensures their ongoing health.
- **Objective 2** – To limit any tree and vegetation removal to those trees as far as possible.
- **Objective 3** – To protect and enhance the experience of the right of way and Common Land for active users.

4.12 These objectives are discussed in turn below.

Objective 1 – Access Construction

- 4.13 The existing access road has been chosen as the best option access for the site as it will minimise the area of new carriageway required and minimise the extent of works to the Common Land.
- 4.14 The design and construction of the proposed access upgrades were carefully considered from the outset due to the presence of trees to the north and south in the Common Land. It has been designed so that its northern edge follows the existing concrete drive, and the surface changes are limited to the southern side.
- 4.15 It is proposed to utilise a cellular confinement system sub-base which is standard practice and has been approved by local planning authorities for more than 20 years given its success in preserving the health of nearby trees and their root systems. The finished wearing course will be permeable to allow water and gases to reach the tree roots. The same construction approach has been taken for other recent accesses elsewhere in Dunsfold Common.
- 4.16 The design approach can be compared to the existing driveway which is composed of concrete stretching some 40 metres through a wooded area. The proposed access will cover a greater area of ground than the existing driveway, to meet highway standards, but there will be an overall reduction in impermeable surface.

Objective 2 – Vegetation Removal

- 4.17 To mitigate the loss of the 5 Category C and U trees for the proposed access, it is proposed to further enhance the quality of the Common Land as Priority Habitat and a local wildlife site through the provision of new planting along the site boundary and along the edges of the new access. Replacement planting will include English Oak, Hazel and Hawthorn.
- 4.18 Within the development site, new planting would reinforce the boundary line in a location which is currently occupied by stabling facilities, mown garden land and a large area of hardstanding used as a driveway which will make limited contribution to the health of the common area. Enhancements will include native tree and shrub species and the introduction of bat, bird and hedgerow boxes, log piles and other habitat creation measures which would be informed by the ecological appraisal currently being prepared.
- 4.19 The Outline planning submission also includes an extensive area of green space lining the perimeter of the site, including infill planting to further enhance the established tree line. The landscaping strategy will improve access routes from the agricultural land further east into the Common Land as a local wildlife site.

Objective 3 – User Experience

- 4.20 The upgrading of the access will not hinder the ability of local users to walk the public right of way and to access the Common Land further north and south. The main change is that the route would be more formalised and result in an increase in the number of vehicles going into and out of the site.
- 4.21 Mitigation is proposed to provide a tangible enhancement to the Common Land by offering an extended circular walking route leading from the Common Land area. The route extends around the edge of the development and includes ponds, biodiversity enhancement areas and play areas.
- 4.22 Within the Common Land, it is also proposed to provide improvements to the informal walkway running through the adjacent woodland which will include a small bridge across the stream running through the Common Land. Currently users must jump over this stream to continue northwards and as a result an informal path has been created over the years to avoid the stream. The informal path terminates on a verge by Dunsfold Common Road where it is necessary to cross over the road to continue along the footway. The bridge will enable users to continue northwards through the Common Land.
- 4.23 For those people still wishing to use the informal path, the proposed new section of footway between the site access and the existing footway on the east side of Dunsfold Common Road will provide the means to travel northwards using an all-weather surface, suitable for buggies and wheelchairs. This footway will also extend north of the access to connect to the existing bus stop, but will extend no further to avoid impacting on the setting of 1 and 2 Burdocks.
- 4.24 There is also the potential to offer a pathway through the southern boundary of the site to connect to the adjacent Gratton Chase development, and thus provide an off-route pedestrian route from the northern to southern part of the village.
- 4.25 The applicant is also open to contributing towards the planned woodland walk project which seeks to improve an existing informal route through the woodland.

Consideration of Alternatives

- 4.26 The site is currently accessed via the entrance to Coombebury Cottage and it is therefore the only suitable location for the proposed works. There are no other access routes from the main road and nor was it possible to consider any other options without requiring significant tree removal and destruction of habitat. Neighbouring land is also not under the applicant's control.

5 PRE-APPLICATION CONSULTATION

- 5.1 In advance of this application, a draft iteration of the application proposal and report was issued to key consultees comprising Surrey County Council, Waverley Borough Council, Dunsfold Parish Council and the Open Spaces Society, in order to ascertain whether there were any significant issues and to ensure that any other points raised would be addressed in the final submission.
- 5.2 Comments were received from Dunsfold Parish Council and the Open Spaces Society. Waverley Borough Council (Countryside Access Team) confirmed that they had no comments to make on the proposal.
- 5.3 Dunsfold Parish Council made a number of comments which have, where required, been summarised and responded to below. Comments were also made on the principle of housing site; however, this is a planning matter to be addressed through the outline planning application and will not be discussed further.
- The Parish Council confirmed that they are the tenant of the Common.
 - The Parish Council noted that the Common Land Consent application for the adjacent site north of Gratton Chase was refused because it was progressed in advance of the required planning consent. Whilst the applicant intends to submit the two applications concurrently, there is no requirement for Common Land Consent to be granted in advance of the planning application. Works to the Common Land would only progress if planning permission for the wider development is granted and therefore the benefits of the proposed development delivered.
 - The Parish Council requested that any planting proposal within the Common Land is approved by the Commons Committee of the Parish Council and the Tree and Woodland Officer at Waverley Borough Council.
 - The Parish Council raised concerns about the safety of the access. A detailed assessment on the safety of the proposed access will be included within outline planning application. The proposed access arrangement has been informed by a ATC speed survey and subsequent Stage 1 Road Safety Audit to ensure that the access design is suitable for local conditions. Details of the access has also been submitted to Surrey County Council as part of a pre-application enquiry.
 - Concerns were raised about the impact of the proposed footway extension north of the access and the impact on the nearby listed buildings. The proposed footway north of the

access is proposed to end at the bus stop located to the south of Burdock cottages and would extend no further to the north.

- Comments were made suggesting that there would be a reduction in the designated. This application proposes works to upgrade the access but no part of access will be taken out of the Common Land designation. The extent of the area of Common would remain as existing.
- Comments were made about the suitability of the access and its construction in comparison to the new development at Miller Lane, south of the village. The proposed access construction seeks to introduce a more suitable surfacing in the vicinity of trees compared to the existing concrete. The proposed access construction reflects the Miller Lane development which also used geocell membrane for the sections of the access that run over the designated Common in proximity to the adjacent boundary trees.
- Comments were made about the necessity for extending the footway along the east side of Dunsfold Common Road. The proposed extension is intended to improve access along the east side of the Common during adverse weather conditions and particularly for wheel chairs and push chairs. The applicant is also open to contributing to the planned improvements to the woodland walk through this part of the Common, for those looking to use the existing informal route through the trees.
- Comments were made about the future protection of public realm outside of the designated Common Land. The proposed public open space would be maintained by a management company and would be privately funded, thereby removing responsibility for the parish and borough councils. It is likely that the public amenity space will be protected via legal agreement or planning condition to secure use for the wider community in perpetuity and these terms would be made clear at the point of any property purchase. The proposed offering would be vastly different to a normal housing development due to the extensive area of land set aside.

5.4 The Open Spaces Society responded via email commenting that the need for an upgraded access across the Common Land for the proposed development was accepted but the process under which the application was being submitted was disputed.

5.5 The Inspector in their decision on a nearby application for Common Land Consent, relating to land on the southern side of the village at Miller Lane (reference COM/3203592), confirmed that a Section 28 application was suitable for road access. An extract of that decision is included below:

“OSS contends that an application under S16, and not S38, of the 2006 Act to deregister and exchange common land should have been made as this would allow for the provision of replacement land to offset the loss of green space to hard surfaced road. However, granting consent for the works will not lead to a reduction in the stock of common land - the application land will remain registered common. Whilst it may be that a S16 application could have been made, the applicant applied under S38 and has given reasons for not instead making a S16 application. Furthermore, common land legislation does not preclude the granting of consent for the proposed works under the provisions of S38. There is no sound reason for declining to determine the application which has been decided on its merits.

Defra’s policy advises that ‘where it is proposed to construct or improve a vehicular way across a common... such an application may be consistent with the continuing use of the land as common land, even where the vehicular way is entirely for private benefit, because the construction will not in itself prevent public access or access for commoners’ animals... The Secretary of State takes the view that, in some circumstances, a paved vehicular way may be the only practical means of achieving access to land adjacent to the common’. OSS contends that this policy is intended to apply to private driveways and does not extend to new public roads across a common. I do not share this view because the policy does not preclude the construction of vehicular ways that are not for private benefit.’

- 5.6 On that basis, whilst the applicant is grateful for the comments provided by the Open Spaces Society, the application is submitted under Section 38 of the Commons Act 2006 consistent with other housing developments in the local area.
- 5.7 The Open Spaces Society also welcomed the significant amount of amenity space proposed to be included with the accompanying outline planning application. However, it was requested that part of this land was provided as an extension to the designated Common Area. This request is not reflected in the final plans as it would extend the area of land to be maintained by the Parish Council. It is considered more appropriate to fund this privately with public use secured through a condition or agreement on the outline planning application.

6 ASSESSMENT

6.1 This section provides a response to each of the assessment criteria identified in Section 39 of the 2006 Act and the DEFRA Consents Policy (2015). These are as follows:

- The interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- The interests of the neighbourhood;
- The public interest, namely:
 - Nature conservation;
 - Conservation of the landscape;
 - Protection of public rights of access to any area of land; and
 - Protection of archaeological remains and features of historic interest.
- Any other matters considered to be relevant.

6.2 These considerations are set out in turn below.

The interests of those occupying or having rights over the land

6.3 There are no rights of common listed on the Common Land Register for this particular part of the Common Land, other than the right to pass over the land with or without vehicles to access Coombebury Cottage, claimed in 1989. As Coombebury Cottage forms part of the application this right of access would become obsolete. As such there would be no interference with commoners occupying or having rights over this particular parcel of land as a result of this application and no financial loss.

6.4 As noted above, the site is currently accessed via the entrance to Coombebury Cottage and it is therefore the only suitable location for the proposed works. There are no other access routes from the main road and nor was it possible to consider any other options without requiring significant tree removal and destruction of habitat.

6.5 There are general rights for the general public to use and enjoy the common land. These rights are considered in more detail below.

The interests of the neighbourhood

- 6.6 The DEFRA Consents Policy confirms that the issues to be considered include whether the construction of the works means that local people will be prevented from using the common in the way they are used to and whether they would interfere with the future use and enjoyment of the land as a whole. It is also necessary to consider whether there are any positive benefits that would add to the neighbourhood.
- 6.7 Impacts in this context have been identified as construction phase impacts and operational phase impacts.

Temporary Impact: Construction Phase

- 6.8 It is acknowledged that there will be a temporary impact on the right of way during construction works, which will require a temporary diversion and a general impact on amenity on this part of the Common Land as a result of construction vehicles and construction works. This impact will be experienced by those using the public footpath running from Dunsfold Common Road eastwards.
- 6.9 It is proposed to mitigate this impact by seeking a temporary diversion of the right of way. For users approaching from the south the path is likely to be diverted along the existing informal footpath that emerges on Dunsfold Common Road. The new section of pavement will be in place for people to continue their journey northwards towards the existing access. People approaching from the north will be diverted to Dunsfold Common Road.
- 6.10 It is also acknowledged that there will be an increase in larger vehicle movements, ie construction and delivery vehicles, along the access whilst the housing is built. This impact would unfortunately be unavoidable but it would be temporary – as with any new development - and would be managed through a Construction Management Plan prepared in compliance with the Considerate Contractors scheme.

Permanent Impact: Operational Phase

- 6.11 In the longer term, it is acknowledged that that there will be some impact on the character of the site through the upgrading of the access, which means that the route will no longer be associated with a single dwelling, despite remaining in residential use, and an increase in traffic movements will result. Due to the presence of existing hardstanding and domestic access use, commoners are not expected to loiter around this area of the common as it would not be seen as a destination or comfortable location to stop and rest.

6.12 However, it is considered that this impact can be mitigated and reduced to a negligible level, and the experience of the Common Land generally improved upon for the wider neighbourhood, through a number of means. These include as follows:

- The adjacent development site seeks to introduce a new circular walking route leading from the Common Land. The walking route would be approximately 650m long. The proposals include a pond close to the access which will provide an attractive 'turning' point, or destination to rest before making the return journey back through the common. The circular route around the edge of the development will also provide an alternative walking route throughout the year, in particular during the wetter months when the Common Land can be more difficult to navigate. Currently the land at Coombebury Cottage is in private ownership and there is no opportunity for residents to sit and use the driveway recreationally, other than for access purposes.
- Within the Common Land, it is also proposed to provide a small bridge across the stream running through the Common Land. Currently users must jump over this stream to continue northwards and as a result an informal path has been created over the years to avoid the stream. The informal path terminates on a verge by Dunsfold Common Road where it is necessary to cross over the road to continue along the footway. The bridge will enable users to continue northwards through the Common Land.
- For those people still wishing to use the informal path, the proposed new section of footway between the site access and the existing footway on the east side of Dunsfold Common Road will provide the means to travel northwards using an all-weather surface, suitable for buggies and wheelchairs. This footway will also extend north of the access to connect to the existing bus stop, but will extend no further to avoid impacting on the setting of 1 and 2 Burdocks.

6.13 The measures above are proposed to improve access options, and ease of access, through the northern part of Dunsfold Common. These works will positively benefit the local neighbourhood.

6.14 For those people continuing northwards through the Common Land, recent amendments to the Highway Code means that when people are waiting to cross a junction, any vehicle looking to turn into the junction must give that person right of way. This means that it will be necessary for any vehicle turning into the development site to stop and wait for pedestrians to cross.

6.15 The proposed access will remain as part of the Common Land and therefore the designated area will not reduce as a result. No fencing or lighting is proposed to be erected along this route. The way in which this part of the common land is primarily used – ie for access along the public footpath – will not change as a result of application.

Public Interest

Nature Conservation

- 6.16 A Preliminary Ecological Appraisal has been undertaken by Phlorum and is submitted with this application. The appraisal identified the site as a local wildlife site and a Priority Habitat for deciduous woodland, wood pasture and parkland, with the concrete driveway leading to Coombebury Cottage and adjacent areas of amenity grass. A log pile was also present that appears to have been in existence for some time.
- 6.17 The site was assessed for its suitability for protected species. However, due to the nature of the site, these habitat opportunities are principally focussed on the habitats to the north and south of access, rather than the driveway itself. Further surveys will nevertheless be undertaken.
- 6.18 The widening of the access will require the removal of 5no. Category C (low quality and value) and Category U (recommended for removal) trees. One of these trees are two Oaks, of which one is heavily suppressed, and its removal would benefit the better-quality oak nearby, and the other is dead. Another is an Ash tree affected by Ash dieback disease. The remaining two trees are hawthorn and are also dead or nearly dead.
- 6.19 It is proposed to include replacement trees within the designated area with native species including Oak, Hawthorn and Hazel. Other enhancements could include native tree and shrub species and the introduction of bat, bird and hedgerow boxes, log piles and other habitat creation measures.
- 6.20 In addition, whilst outside boundary of the designated area, buffer planting is proposed within the development site in order to improve what is currently a sudden end to the designated area when the land becomes residential and equestrian in nature, with associated hardstanding and buildings. This will thus improve habitat connectivity from the wider landscape in the longer term.

Conservation of the Landscape

- 6.21 A Landscape and Visual Impact Assessment has been prepared by LDA Design and is submitted with this application. This report considers the entirety of the development proposed at Coombebury Cottage, including the works to the Common Land.
- 6.22 The report states that the proposal, including the upgraded access, will relate well to, and will be characteristic of, the existing built environment and would not affect any of the key characteristics of the wider landscape and AGLV.

- 6.23 The proposed access upgrades will be contained to the immediate site which is visually contained by the wider wooded area. The main change will be the localised upgrading and formalisation of the access compared to what is currently domestic in character and this impact will be mitigated through the measures listed above. These changes will be experienced in front of the access but would be read in the context of the surrounding residential development. The proposal will also have negligible impact on the woodland character experienced further north and west of the access as these parts of the common would remain unchanged.
- 6.24 The access proposal can be compared to the field gate on the south side of the village, which has been upgraded into a two-way entrance road to the Miller Lane development. In the decision for the accompanying Common Land Consent application (reference: COM/3203592), the Inspector commented that they did not consider the access road to have an unacceptably urbanising impact despite its largely rural setting. As shown in Figure 5.1 below, that access was outside of the residential context of the village.

Figure 6.1 – Google Street View photograph of original access to the Miller Lane development



- 6.25 The proposal is limited to the location of an existing residential driveway and works are limited to only those necessary to meet highway standards. The potential impact on the common has been central in selecting the final design, composition and position of the access road.
- 6.26 The proposed access upgrades are expected to be similar in appearance to the access approved for the Gratton Chase development, which can be seen in its completed form in Figure 6.2 below. Unlike the application site, the access to Gratton Chase was formed in the location of an informal route through the woodland, as shown in Figure 6.3. In comparison, the application site comprises an existing access driveway. This proposal will therefore result in an

additional benefit of removing existing concrete surfacing and replacing it with a more suitable access construction in the vicinity of trees as described previously in this section.

- 6.27 The AONB boundary lies approximately 800m to the north of the site and due to this distance and scale of works proposed to the Common Land the proposal will have no impact on its setting.

Figure 6.2 – Google Street View photograph of the Gratton Chase access as built



Figure 6.3 – Google Street View photograph of the Gratton Chase access prior to construction



Protection of public rights of access to any area of land

- 6.28 As set out above, there will be a temporary impact on the right of way over the existing driveway during construction which will require the route to be diverted temporarily through the informal footpath running through the adjacent woodland. The right of way will be re-established upon completion of the works. Pedestrian would be able to travel along the new footway along the

southern side of the access and would cross over via tactile paving. No barriers such as fencing will be erected that would hinder access in any way.

Protection of archaeological remains and features of historic interest.

6.29 There is one nearby listed asset located near to the site - 1 and 2 Burdocks (Grade II listed) – and one Building of Local Merit opposite the entrance – Dunsfold Grange.

6.30 The Built Heritage Statement, submitted with this application, describes 1 and 2 Burdocks as a 17th century building with 18th, 19th and 20th century additions. It is a timber framed structure of a red and blue brick construction that was originally one building and later subdivided into two cottages. The statement notes that the building has architectural and historic interest and is predominantly appreciated from Dunsfold Common Road where it is seen nestled within its private grounds. These grounds are deemed to comprise its immediate setting. In relation to its wider setting, the Built Heritage Statement notes that:

“The wider setting has undergone significant change over time. Dunsfold Common Road has been modernised and fields which used to lie opposite the listed building on the north side of Dunsfold Common Road were replaced by 20th century residential developments (Griggs Meadow). These elements of the setting slightly detract from Burdock’s special interest. Coombebury Cottage [and access] was constructed immediately to the south of the listed building between 1961 and 1973 and replaced the former allotment gardens, which in turn replaced agricultural fields. These elements of the setting are not considered to contribute to the listed building’s special interest as they do not assist in the interpretation of the building as a historic rural/agricultural building.

6.31 Although the site forms part of the listed building’s historic landscape, it is only appreciable from cartographic and aerial views, due to the well-established green screening. This screening ends beyond the immediate boundaries into the woodland north of the access, within the designated Common Land. The proposed works are therefore not considered to impact on its significance.

6.32 The Built Heritage Statement describes Dunsfold Grange as a 17th to 18th century house. It derives its significance primarily from its historic interest as one of the earliest farms in Dunsfold Green. The statement goes on to consider the contribution that the building’s setting makes to its significance. It notes:

“The building once served as a farmhouse to Dunsfold Farm but was converted to residential use. The former ancillary farm buildings were demolished by the early 20th century and the building’s former use is no longer easily legible without reference to literature or cartographic sources. The building’s immediate setting, which comprises its private gardens, contributes to the rural character of the building; however, it does not assist with the legibility of the building as a former farmhouse, as the gardens purely serve a residential function and none of the former ancillary farm buildings or yard survive.”

The building's wider surrounds have been much altered and include late 20th century additions, including Griggs Meadow and Coombebury Cottage. These elements of the building's setting do not contribute to its local interest."

- 6.33 Given the extensive changes that have taken place around Dunsfold Grange, and the established domestic nature of Coombebury Cottage and its access, the proposal is not considered to impact on the building's historic significance. The existing views onto the Common Land from Dunsfold Grange are likely to include Coombebury Cottage, which would change as a result of the proposed development as a result of the replacement of the existing dwelling with a pond and open space. These changes would help to improve the sense of rurality.
- 6.34 The site does not lie within an Area of High Archaeological Potential or County Site of Archaeological Importance.
- 6.35 An Archaeological Desk Based Assessment has nevertheless been carried out by Archaeology South East and is submitted with this application. The report confirms that the site, including the wider development site, has a low potential for archaeological deposits of all periods, based on current evidence, but further unsuspected deposits cannot be ruled out. As such, a programme of archaeological evaluation is recommended, such as a geophysical survey or trial trenching, through a condition attached to any planning consent. Should any archaeological deposits be found during this exercise, an archaeological watching brief is likely to be required during which the construction of the access can be monitored.

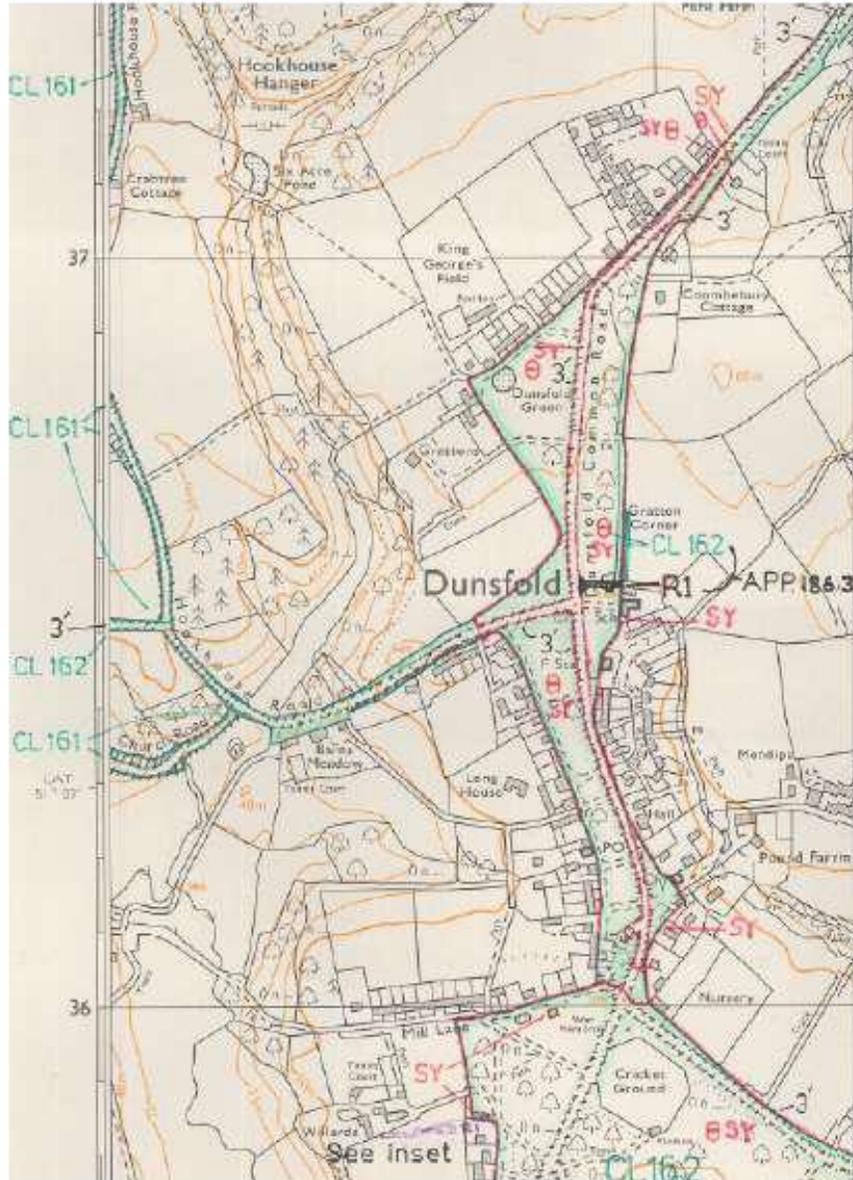
Appendix A – Common Land Register Map

Common Land Unit CL 162 Map

sheet 79

Plan not to scale

Date copy made: 11/07/2022

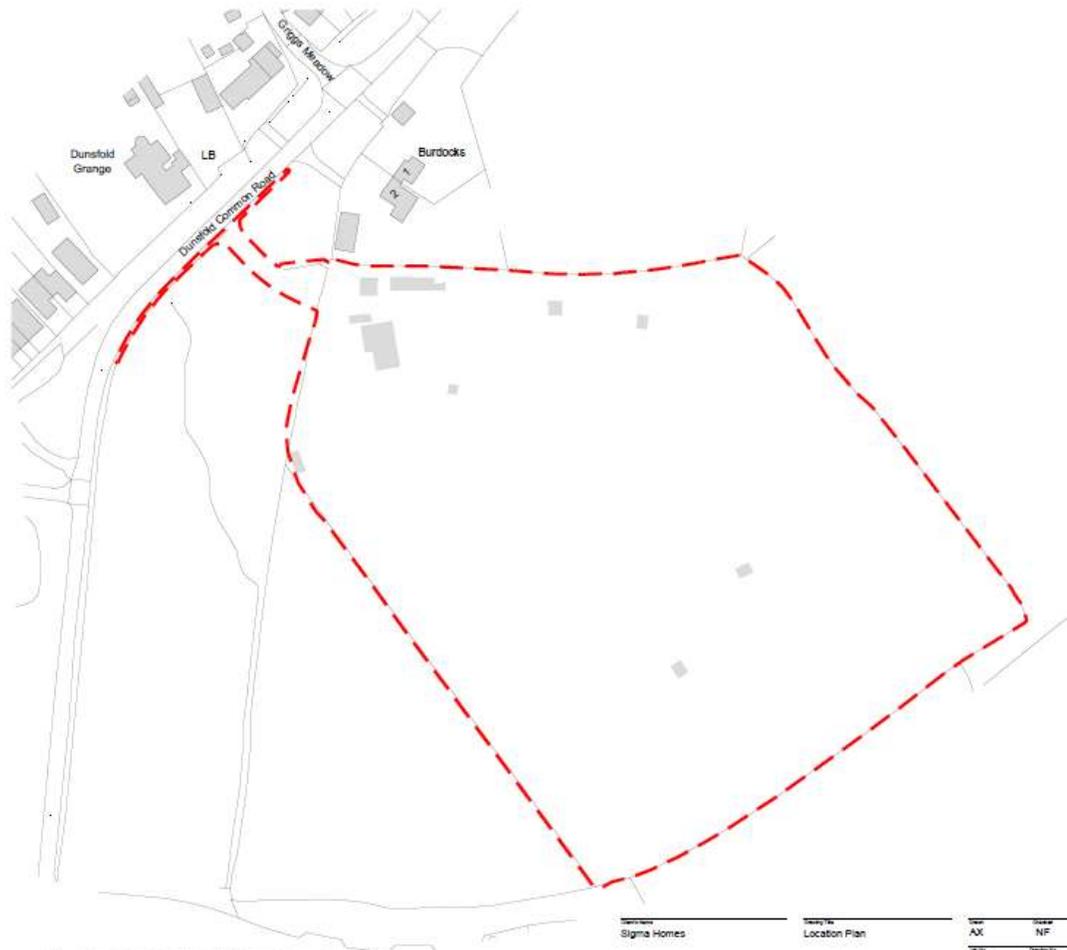


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Surrey County Council
Registration Authority
Commons Registration Act 1965

**Appendix B – Site Location Plan, including proposed development at Coombebury Cottage
(ECE Architects)**



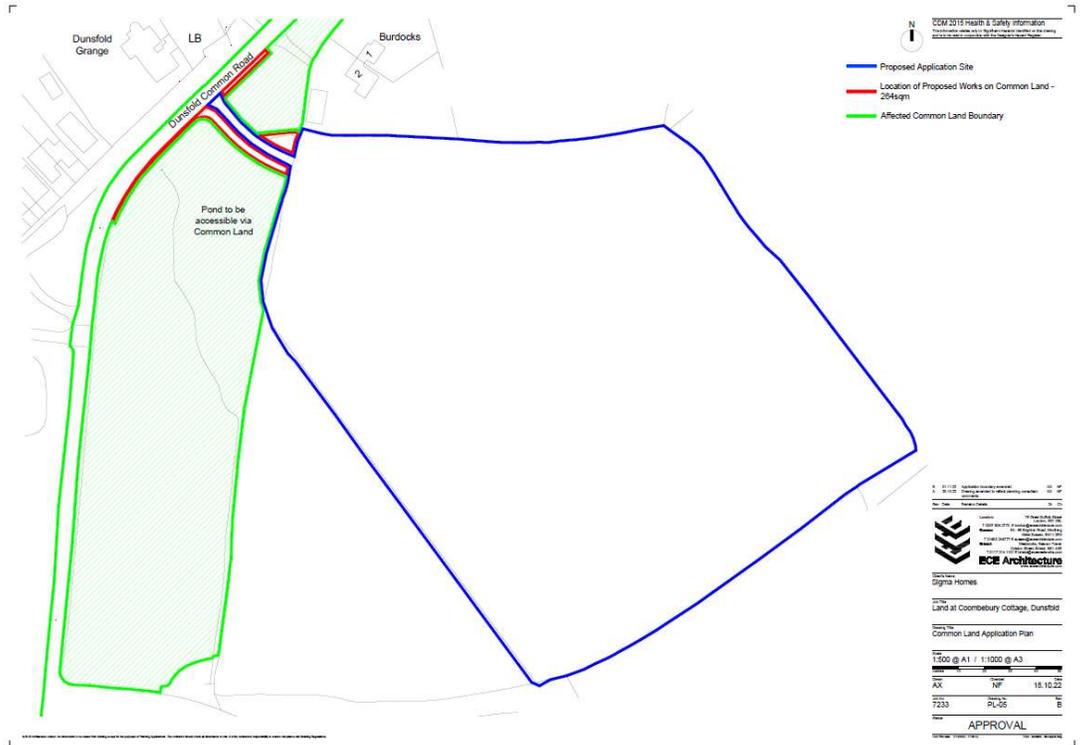
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--- Proposed Application Boundary

© ECE Architects Limited. No dimensions to be used from existing aerial for the purposes of planning applications. The contractor shall make all enquiries as to the correct procedure to be followed in connection with building regulations.

Client:	Sigma Homes	Project No:	Location Plan	Date:	AX	Issue:	NF	13.09.22	
Site:	Land at Coombebury Cottage, Dunsfold	Scale:	1:1250 @ A3	Drawn by:	7233	Checked by:	PL-01	Rev:	B
APPROVAL									

Appendix C – Proposed Plans





Appendix D – Notice

DUNSFOLD COMMON

Sigma Homes has applied to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Commons Act 2006 to carry out restricted works on Dunsfold Common. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The proposed works are: the removal of existing concrete surfacing and the creation of a 5.5m two-way access road composed of a permeable no-dig cellweb sub-base with surfacing and kerbing; the creation of a pedestrian footway on the southern side of the access road with associated tree removal; the provision of uncontrolled tactile crossings; the extension of the existing footway on the edge of Dunsfold Common Road; the removal of the existing entrance gate to Coombebury Cottage; and the partial removal of the boundary fence.

The works will be located at the existing driveway to Coombebury Cottage, Dunsfold Common Road, Dunsfold.

A copy of the application form and accompanying documents can be inspected at Cranleigh Library, High Street, Cranleigh, Surrey, GU6 8AE, during normal office hours until Monday 19 December 2022. A copy of the application form and accompanying documents may be obtained by writing to Batcheller Monkhouse, New Bartram House, Unit 4-5 Swan Court, Pulborough, West Sussex, RH20 1RL (or via email at planning@batchellermonkhouse.com).

Any representations should be sent in writing ON or BEFORE that date to:

The Planning Inspectorate,
Commons Team 3A,
Temple Quay House,
Temple Quay,
Bristol,
BS1 6PN

or commonlandcasework@planninginspectorate.gov.uk.

Representations sent to The Planning Inspectorate cannot be treated as confidential. They will be copied to the applicant and possibly to other interested parties. To find out more about how the Planning Inspectorate uses and manages personal data, please go to the privacy notice which can be found at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Sigma Homes Limited
44-46 Springfield Road
Horsham
West Sussex
RH12 2PD

18 November 2022

Appendix E – Consultee Letter

To whom it may concern

Commons Act 2006 – Section 38 Dunsfold Common, Dunsfold Common Road, Dunsfold, Surrey

We are applying to the Secretary of State for Environment, Food and Rural Affairs (Defra) for consent to construct works on Dunsfold Common under section 38 of the Commons Act 2006. The Planning Inspectorate will determine the application on behalf of Defra.

We are required to give you notice of our proposals, and we are sending you a copy of the attached notice in order to comply with that requirement.

Under section 38, we need Defra’s consent to carry out any restricted works on **land registered as common land** under the Commons Registration Act 1965 or the Commons Act 2006 (and on certain other land specified in section 38).

Restricted works are any that prevent or impede access to or over the land. They include fencing, buildings, structures, ditches, trenches, embankments and other works, where the effect of those works is to prevent or impede access. They also include, in every case, new tarmac (or similar) surfaces, such as for a new car park or access road.

Defra’s decision will be based on the merits of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the Commons Act 2006. These are:

- a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- b) the interests of the neighbourhood;
- c) the public interest, which includes the public interest in:
 - nature conservation
 - the conservation of the landscape
 - the protection of public rights of access to any area of land, and
 - the protection of archaeological remains and features of historic interest;
- d) any other matter considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of common land is not diminished. This will enable the diversity, variety, and overall extent, of common land to be safeguarded.

Any representations about the proposal should be sent to the Planning Inspectorate by the closing date specified in the notice.

Yours sincerely,

Enc.

Notice
Common Land Statement
Plans

APPENDIX F – Local Paper Notice Extract

DUNSFOLD COMMON

Sigma Homes has applied to the Secretary of State for Environment, Food and Rural Affairs for consent under section 38 of the Commons Act 2006 to carry out restricted works on Dunsfold Common. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The proposed works are: the removal of existing concrete surfacing and the creation of a 5.5m two-way access road composed of a permeable no-dig cellweb sub-base with surfacing and kerbing; the creation of a pedestrian footway on the southern side of the access road with associated tree removal; the provision of uncontrolled tactile crossings; the extension of the existing footway on the edge of Dunsfold Common Road; the removal of the existing entrance gate to Coombebury Cottage; and the partial removal of the boundary fence.

The works will be located at the existing driveway to Coombebury Cottage, Dunsfold Common Road, Dunsfold.

A copy of the application form and accompanying documents can be inspected at Cranleigh Library, High Street, Cranleigh, Surrey, GU6 8AE, during normal office hours until Monday 19 December 2022. A copy of the application form and accompanying documents may be obtained by writing to Batcheller Monkhouse, New Bartram House, Unit 4-5 Swan Court, Pulborough, West Sussex, RH20 1RL (or via email at planning@batchellermonkhouse.com).

Any representations should be sent in writing ON or BEFORE that date to:

The Planning Inspectorate,
Commons Team 3A,

Temple Quay House, Temple Quay, Bristol, BS1 6PN
or commonlandcasework@planninginspectorate.gov.uk.

Representations sent to The Planning Inspectorate **cannot be treated as confidential**. They will be copied to the applicant and possibly to other interested parties. To find out more about how the Planning Inspectorate uses and manages personal data, please go to the privacy notice which can be found at:

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Sigma Homes Limited
44-46 Springfield Road,
Horsham, West Sussex RH12 2PD
18 November 2022

APPENDIX G – Confirmation of Publicity

**Batcheller
Monkhouse**



Friday 18 November

New Bartram House, 3-5 Swan Court
Station Road, Pulborough
RH20 1RL

01798 877555
planning@batchellermonkhouse.com

To whom it may concern

Commons Act 2006 – Section 38 Application

Date of Application – Friday 18 November 2022

Name of Common - Dunsfold Common, Dunsfold Common Road, Dunsfold, Surrey

I confirm that:

A. I have published notice of the application in the Surrey Advertiser on Friday 18 November 2022 and the notice will be displayed on the Get Surrey website for a period of 28 days. A copy of the extract from the newspaper is enclosed.

B. I have sent a letter based on the one at Annex C to all those listed in Section I of the application form. A copy of the letter sent is attached. Those consulted were as follows:

- **Waverley Borough Council, as the freehold owner of the land**

Waverley Borough Council
Parks and Countryside Team
The Bury
Godalming
Surrey
GU7 1HR

- **Dunsfold Parish Council, as the leaseholder, Parish Council and Commons Council**

Dunsfold Parish Council
Unit 3
The Orchard
Chiddingfold Road
Dunsfold
GU8 4PB

- **Coombebury Cottage, as having right of access through the site**

Coombebury Cottage
Dunsfold Common Road
Dunsfold

Chartered Surveyors, Chartered Town Planners, Estate and Letting Agents
Offices in Baitke, Haywards Heath, Pulborough and Tonbridge Wells
Full list of Partners at batchellermonkhouse.com





Surrey
GU8 4NB

- **Surrey County Council, as the Registration Authority**

Surrey County Council
Countryside Access Team
Whitebeam Lodge
Merrow Depot
Merrow Lane
Guildford
GU4 7BQ

- **Natural England**

enquiries@naturalengland.org.uk

- **Historic England**

Historic England
4th Floor
Cannon Bridge House
25 Dowgate Hill
London
EC4R 2YA

- **Open Spaces Society**

office2@oss.org.uk

- **Surrey County Council Archaeological Service**

Surrey Archaeological Service
Historic Environment Planning
Surrey County Council
Quadrant Court
35 Guildford Road
Woking
GU22 7QQ

C. I posted a notice of the application at the principal places of entry on the part of the common land on which the works are proposed on Friday 18 November and I will maintain them there until the end of the objection period.

D. I have placed a copy of the complete application, including the notice and map, at the inspection point given in the notice. These documents will remain there until the end of the objection period.



Yours sincerely,

A handwritten signature in blue ink that reads "Clare Bartlett".

Clare Bartlett MRTPI PIEMA
On behalf of the applicant, Sigma Homes

enc site notice
 extract of newspaper notice
 notice letter issued to consultees



Appeal Decision

Inquiry Held on 7-10, 14 and 15 December 2021

Site visit made on 15 December 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/R3650/W/21/3278196

Land west of Loxwood Road, Alford, Surrey, GU6 8HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Merchant Seamans War Memorial Society and Thakeham Homes Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1684, dated 30 October 2020, was refused by notice dated 5 March 2021.
 - The development proposed is the demolition of Hollyoak and erection of 99 dwellings (including 30% affordable provision) and associated highways and landscape works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20 at land west of Loxwood Road, Alford, Surrey in accordance with the terms of the application, Ref WA/2020/1684, dated 30 October 2020, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. After the permission was refused the Appellants proposed an amendment to the description of the proposed development to include a reference to the removal of an oak tree subject to Tree Preservation Order 20/20. The revised wording is as follows:

"Demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20".

The Council raised no objection to this. Therefore, I shall determine this appeal on the basis of the revised description of the proposed development.

3. In addition to the Landscape Strategy that was submitted with the application,¹ the Appellants submitted some minor amendments to the Landscape Strategy comprising further planting along the western and northern boundaries of the appeal site. This would take the form of a native species hedgerow on the western boundary and a belt of native shrub planting and native trees along the

¹ Landscape Strategy - Ref 657-01- Landscape Collective, October 2020

northern boundary. The main parties agreed that the Revised Landscape Strategy (Drawing No 657/01A)² would not materially change the proposal and no one would be prejudiced because they might have been denied an opportunity to comment. Therefore, I have taken the Revised Landscape Strategy into account in the determination of this case.

4. The following Statements of Common Ground (SoCG) were submitted to the Inquiry:
 - General SoCG;
 - Housing Land Supply SoCG; and
 - Transport and Highways Matters SoCG with Surrey County Council (SCC).
5. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is set out in Section 10 of the General SoCG³ and a full list of the core documents forming part of the consideration of this appeal is also set out in Section 10 of the General SoCG.⁴
6. I held a Case Management Conference (CMC) online on 7 October 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry, conditions, planning obligations, core documents, plans, the timetable for submission of documents and other procedural matters.
7. At the Inquiry a Planning Obligation was submitted.⁵ The Planning Obligation is made by an Agreement between the Appellants, Waverley BC and SCC under s106 of the TCPA 1990. The s106 Agreement secures: 30 affordable housing units on site; the maintenance of play space; the maintenance of Sustainable urban Drainage Systems (SuDS); the maintenance of open space; the provision of a Demand Responsive Bus Service; the provision of highway improvement contributions and the provision and monitoring of a travel plan. The s106 Agreement is signed and dated 22 December 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement⁶ was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
8. Following the submission of the Planning Obligation at the Inquiry, and the earlier submission by the Appellants of a noise impact assessment that considered the likely effects of the proposed development on properties either side of Hollyoak, the fourth and fifth reasons for refusal (RfR) contained in the Council's decision notice of 5 March 2021 were not pursued at the Inquiry.
9. The appeal proposal was screened for Environmental Impact Assessment (EIA) by the Council, and it was determined that EIA was not required. I agree with the negative screening that was undertaken by the Council.

² Appendix 2 of Joanna Ede's proof of evidence

³ CD 9.4. The parties are agreed that Plan SK_001 which relates to the existing elevations and floorplans of Hollyoak, which is proposed to be demolished as part of the appeal proposals, is also relevant and should be taken into account in the decision.

⁴ Ibid

⁵ APP13

⁶ LPA7

Main Issues

10. In the light of the above I consider the main issues are:
- (i) *Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy;*
 - (ii) *The effect of the proposed development on the character and appearance of the area; and*
 - (ii) *Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged.*

Reasons

Planning Policy Context

11. The appeal site comprises 5.91 hectares of land to the west of Loxwood Road, Alford. The site sits behind the existing line of dwelling houses along Loxwood Road and would be served via the creation of a new access road onto Loxwood Road. The appeal site is outside of but adjoining the settlement boundary. The appeal site predominantly comprises agricultural land (Grade 3b), with the exception of a single property, named Hollyoak, which fronts Loxwood Road, and a portion of highway land along Loxwood Road. The topography of the appeal site is generally flat. An oak tree (T93) to the rear of Hollyoak is subject to a Tree Preservation Order 20/20.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan for the appeal site comprises the policies of the Waverley Local Plan Part 1 (2018) (LPP1);⁷ and the saved policies of the Waverley Borough Local Plan (2002) (Saved Policies 2007) (the 2002LP).⁸
13. The development plan policies that are relevant to this appeal are agreed by the main parties and are set out in the General SoCG⁹ at paragraph 6.3. There is no need for me to repeat these policies here.
14. The Council is in the process of preparing a new Local Plan, but this is at a very early stage. The Waverley Borough Council Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) was formally submitted for examination by the SoS on 22 December 2021. It therefore has limited weight at the present time.
15. The Alford Parish Council has undertaken to prepare a Neighbourhood Plan (the Alford Neighbourhood Plan) (ANP). A consultation draft has not yet been prepared. It is currently expected that the plan will move to Regulation 14 stage in Spring 2022. It therefore has limited weight at the present time.
16. At the Inquiry there was some debate as to what constituted the most important policies, whether they are out-of-date and the weight that should be attached to each policy. Paragraph 11 d) of the NPPF is precise in its language

⁷ CD4.1

⁸ CD4.4

⁹ CD9.4

Its reference to 'application' rather than 'appeal' means it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. However, "most important" policies do not mean "all relevant" policies and it is a matter of judgement for the decision maker to decide what these may be. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration.

17. There was no agreement between the main parties as to what constituted the most important policies in this case. I consider that most of the policies referred to in the reasons for refusal fall within this category. I also consider that Policy ST1 (Sustainable Transport) which is not quoted in the reasons for refusal should be considered most important for the determination of this appeal.
18. The most important policies to this application proposal are thus as follows:
 - LPP1: Policies SP2, ALH1, ST1, RE1, RE3, TD1, NE1 and NE2,
 - 2002LP: Policies D1, D4 and D7.
19. Other policies, although not considered the most important, are still of some relevance:
 - LPP1: SP1, ICS1, AHN1, AHN3, CC2, CC4 and LRC1
20. As to whether the basket of most important policies as a whole is out-of-date in the context of paragraph 11 d) of the NPPF and the weight that should be attached to each policy are matters that I shall return to later in this decision.

First Issue - Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy

21. LPP1 Policy SP2 sets out the Council's spatial strategy for the area. In order to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner, it seeks to focus the majority of development within four main settlements, with moderate and limited levels of development directed at second and third tier villages.
22. Alford falls to be considered as an 'other village' within the third tier of the settlement hierarchy. This positively worded policy is permissive of limited levels of development in and around 'other villages'. The appeal site is outside of the settlement boundary, albeit adjacent to it, in an area known as Alford Crossways. The policy goes on to recognise that those villages not within the Surrey Hills AONB or Green Belt offer more scope for growth. The appeal site does not lie within either of these areas but is considered to be countryside beyond the Green Belt.
23. The scope of limited levels of development in villages like Alford, as proposed in Policy SP2, needs to be understood in the context of Alford being a less constrained settlement. It is also in contrast to the 'modest growth' to meet 'local needs' for all villages except for those specified in Policy SP2.
24. LPP1 Policy SP2 does not define 'limited growth'. However, LPP1 Policy ALH1 distributes the amount and location of housing, identifying that at least 11,210 net additional homes are required in the period 2013 to 2032 (equivalent to at least 590 dwellings a year). Furthermore, it indicates that within the plan period

2013 to 2032 the parish of Alford is required to accommodate a minimum number of 125 homes. Whilst the policy does not establish a ceiling on the number of new dwellings to be accommodated, I accept that it does not allow for unlimited development.

25. The fact that the minimum number of 125 new homes in Alford has already been exceeded by completions and commitments (and the related fact that the size of Alford is doubling as a result of recent consents) is therefore not indicative of a policy breach. It adheres to the fact that growth in a less constrained settlement is to be supported and is consistently being supported on appeal. In my view, the number of homes in Alford that would arise from adding this appeal scheme (99 units) to the existing completions and commitments is neither "excessive" nor "disproportionate" in the words of the LPP1 Examining Inspector at paragraph 128 of his report.¹⁰ It is a question of looking at each application on a case by case basis.
26. As I perceive it there is no cap imposed in the Policy ALH1. If the Examining Inspector or the Council had wanted to impose a cap in LPP1 they could have done so in the policy. Reading the policy objectively, it must be therefore assumed that there was a positive decision not to impose a cap. Indeed, it appears from the Sustainability Appraisal (SA)¹¹ undertaken for LPP1 that the 125 homes figure for Alford is not a product of the number of "suitable" sites for development but is instead a fairly arbitrary number to reflect the facilities and services in the village.¹² It was taken as a "given" and it is worrying that reasonable alternatives with a higher minimum figure attributed to Alford were therefore not assessed by the SA. It is noteworthy that the SA does recognise that the village "stands out somewhat from the other smaller villages in that there are relatively few environmental constraints."¹³
27. The LPP1 expects delivery to be achieved in accordance with Policy ALH1 through decisions on planning applications, the detailed application of the Local Plan (LPP1 and LPP2) and Neighbourhood Plans. There is currently no Neighbourhood Plan in place for the area and LPP2 is at an early stage. Neither document has progressed sufficiently to be attributed any more than limited weight. Therefore, as the Inspector found in the Land East of Loxwood Road decision,¹⁴ planning applications are currently the primary route for delivering housing in the area. The position on LPP2 and ANP has not changed significantly since that decision.
28. For all of these reasons, there is nothing in Policy SP2 or ALH1 to preclude this nature and scale of development. There is no actual text in either policy which would be breached by the development. Indeed, there is positive support for the principle of development on this site given the relatively unconstrained nature of Alford. The proposals would comply with Policy SP2 and ALH1 bearing in mind that the spatial strategy's key aim is to meet development needs whilst protecting areas of the highest importance (including Green Belt, AONB and AGLV, the Thames Basin Heaths SPA). This is precisely what this scheme does.

¹⁰ CD4.2

¹¹ APP12

¹² LPA2 SA Extract paragraph 6.3.17

¹³ Ibid

¹⁴ CD6.2 paragraph 12

29. The Council relies on the 2017 Springbok Radcliffe Estate decision,¹⁵ but this was a completely different scale of development in a different planning policy context. It comprised 455 homes, a care home and other facilities, on its own in a single scheme which could not be described as “limited” development “commensurate with” the spatial strategy and settlement hierarchy whereas the appeal scheme clearly can. They are clearly completely distinguishable.
30. The Council in RfR1 also contend that policies ALH1 and SP2 would be breached due to the future occupants of the development having limited access to local services and facilities and unduly relying on the private car. Policies ALH1 and SP2 are silent on these matters. However, I note that Policy ST1, requires development schemes (among other things) to be located where opportunities for sustainable transport modes can be maximised, reflecting the amount of movement generated and the nature and location of the site. Importantly, the policy expressly recognises that “solutions and measures will vary from urban to rural locations”.
31. The same pragmatic approach to what can realistically be provided in a rural location is found in the NPPF. Paragraph 105 expressly notes that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”. NPPF paragraph 110(a) requires “appropriate” opportunities to promote sustainable transport modes be taken up, “given the type of development and its location”.
32. I note the Council does not dispute that, given the location of the proposed development, opportunities for sustainable transport modes have been maximised. Instead, it is argued that the location itself is not “sustainable”, with the sustainable transport alternatives not being as attractive as the private car, with the result that the majority of residents would still use the car instead of such alternatives. However, neither Policy ST1 nor any other local or national policy requires a development to be in a “sustainable location”, albeit Policy SP2 does require development needs to be met in a “sustainable manner” which includes “limited” development in Alfold. There is no local or national policy requiring the sustainable transport modes available to future residents to be as attractive as the private car. Instead, what is required is a “genuine choice of transport modes.”¹⁶ There is no local or national policy which requires the majority of residents to use sustainable alternatives to the private car.
33. Instead, local and national policy assesses the sustainability of the transport offer *in the context of the location* and asks whether appropriate opportunities to promote sustainable transport have been taken up. If, given the location, they have been, then the proposal is policy compliant. There is no free-standing requirement (contrary to the Council’s approach) to consider the sustainability of the location in the first place. Instead, that location is taken into account in assessing compliance with sustainable transport policy.
34. Plainly Alfold cannot match the sustainability of locations such as Guildford or Cranleigh. Nevertheless, the existing conditions (in terms of local services and sustainable transport options) demonstrate that Alfold does have a reasonable range of services and facilities, namely a petrol station and associated M & S

¹⁵ CD6.1

¹⁶ NPPF paragraph 105

convenience store, a part-time Post Office, a business centre providing some employment uses, churches, public houses and a veterinary surgery.

35. I accept that the bus services are limited but Alfold has a better than average provision for a rural village. Although Bus 69 is limited, Bus 42, serving Cranleigh, Godalming and Guildford, runs eight times per weekday in both directions, with two buses leaving Alfold Crossways before 0800 hours and the last bus leaving Guildford at 1715 hours. This would enable someone to commute to work in Guildford for a standard 0900 -1700 hour job. The journey would take 50 minutes from Alfold to Guildford, which is a reasonable commuting time. The bus stops are right outside the appeal site, so future residents would be well placed to use this service. At the Inquiry the Appellants also referred to the community transport service known as The Hoppa Shopper, and a bus provided by SCC for secondary school pupils travelling from Alfold Crossways to Glebelands School in Cranleigh.
36. From the evidence submitted I note that there are five railway stations all around 15km from the site. Although the Council is critical of this provision equivalent distances have not stopped the Council from promoting the strategic allocation of Dunsfold Park Garden Village.
37. As for cycling, it is agreed with the Local Highway Authority (SCC), that cycling is a potential sustainable transport mode for some, e.g. with Cranleigh a 24 minute cycle ride away. The appeal site is only a few minutes bike-ride away from the Surrey Cycleway, which runs west to east through Alford Crossways on Dunsfold Road, A281 Alford Bypass and Wildwood Lane. Moreover, the topography of the area is relatively flat and therefore conducive to cycling.
38. Overall, the services and facilities available are commensurate with the scale of Alfold and the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, the Appellants have proposed a range of measures to improve the current situation and promote the use of sustainable modes of travel. The package of proposed measures agreed with SCC would ensure that sustainable transport modes are maximised given the location and scale of development.
39. First, there would be a contribution of £400,000 towards a Demand Responsive Bus Service (DRBS) to serve the appeal scheme and the local area. This would secure five years of the service to add on to the five years already to be provided by the scheme approved on Land East of Loxwood Road, making 10 years of provision in total. The Inspector in that decision¹⁷ was satisfied that the five years of DRBS funding would enable provision to be made pending the sustainable transport package, including regular bus services, being provided by the Dunsfold Park development. From the evidence that is before me it is now clear that there will be significant delays to this scheme. However, a doubling of the DRBS period to 10 years would cater for the longer anticipated timescale. The DRBS would improve the frequency/availability of the services available and could be used to access larger settlements or the surrounding railway stations.
40. Although the Council described the DRBS as a “glorified taxi service” I note that DRBS has the strong support of SCC,¹⁸ who have received Central Government

¹⁷ CD6.2 paragraph 23

¹⁸ Stephanie Howard’s proof of evidence paragraph 5.8.7

funding to provide DRBS in Mole Valley and are currently preparing a funding bid for DRBS in Tandridge, Waverley and Guildford.

41. Moreover, the LPP1 states that “the Council will encourage travel choice in the rural areas through initiatives such as demand responsive bus services.”¹⁹ The key point is that the DRBS would encourage a departure from reliance on the private car, and so it is surprising for the Council to be so hostile to it.
42. In addition to the DRBS contribution, the appeal scheme would secure by s.278 Agreement 2 new bus shelters on Loxwood Road, together with footways and an informal pedestrian crossing. There would also be a new pedestrian route connecting the site to public footpath 415a, and commitment to the Residential Travel Plan,²⁰ which SCC agrees would reduce reliance on private vehicles.
43. The scheme would also benefit from improvements secured by the East of Loxwood Road scheme to the footway along Horsham Road (A281), to enhance the safety and attractiveness of the route to the M & S at the petrol station. SCC has committed to delivering a footpath between Dunsfold Aerodrome and Alfold (not conditional on the Dunsfold Park development) which would improve the attractiveness of this route for future residents of the appeal scheme.²¹
44. With the support of these measures, the Appellants put forward targets in Table 4-1 of the Residential Travel Plan,²² which would see a 6% modal shift from single occupancy car drivers over a five-year period. I consider these targets to be realistic in nature because they have been approved by SCC. The Council has not submitted any evidence in that regard, and I am aware that when it comes to agreeing modal shift targets in travel plans, it is the Local Highway Authority (SCC), not the Council, who have the relevant expertise.
45. Further, I note that the Appellants submitted evidence which demonstrates access to suitable services and facilities without undue reliance on the private car in relation to public transport, leisure and community facilities, retail, health, education and employment.²³
46. Finally, in terms of this issue, I appreciate that in relation to the Dunsfold Park development, the sustainability of Alfold as a location is not dependent on Dunsfold Park, albeit it would dramatically improve the level of services and facilities close-by for future residents.
47. Drawing all of these threads together, I consider that the development would maximise the sustainable transport options available in this rural area and that there is a realistic prospect that residents could utilise sustainable modes of travel if they wish to do so. The measures proposed would encourage and facilitate such use and there need not be reliance entirely on private vehicles for travel. Whilst I accept that the appeal site is not the most accessible compared with urban sites and that opportunities for sustainable travel patterns would remain limited after the development, they are nevertheless sufficient for the scale of development proposed in this case. Furthermore, it is clear to me that the increased population arising from the development would support the local services. There would be no conflict with Policies SP2, ALH1 and ST1 of LPP1.

¹⁹ CD4.1 paragraph 7.11

²⁰ CD2.6

²¹ Plan 7 in Plans and Appendices to Stephanie Howard’s proof of evidence

²² CD2.6 page 14

²³ Section 8 of Stephanie Howard’s proof of evidence

48. I conclude on the first main issue that the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy.

Second Issue - The effect of the proposed development on the character and appearance of the area

49. At my site visit I saw that the appeal site lies adjacent to the existing settlement edge of Alford Crossways and wholly within the parish of Alfold. It comprises an irregular shaped arable field and a single residential property with private garden (known as 'Hollyoak') which is accessed from Loxwood Road. The site has a close relationship to the existing settlement of Alfold due to its central position in the village, physical connection and adjacency with the existing village edge along Loxwood Road, similar topography and its visual association and connectivity with the village sports ground.
50. Within the Surrey Landscape Character Assessment, the appeal site forms part of the Dunsfold to Pollingfold Wooded Low Weald LCA which is a generally flat and rural landscape with a mix of arable and pastoral fields, woodland blocks and mature hedgerows and tree belts. It includes the villages of Alfold and Alfold Crossways but elsewhere, settlement is limited. The appeal site is broadly representative of the general character of the LCA. Human influences are present in the landscape surrounding the site including nearby roads, residential development within Alfold Crossways, the sports facilities including floodlighting at the Alfold Sports and Recreation Ground and further afield, Dunsfold Aerodrome.
51. There is no dispute between the parties that the appeal site forms part of an area of ordinary landscape value which also lies outside the Green Belt. Some 77% of Waverley Borough is designated as the Surrey Hills Area of Outstanding Natural Beauty (AONB) and/or Area of Great Landscape Value (AGLV) and 61% lies within the Green Belt. However, the appeal site lies outside the Green Belt and does not form part of either the AONB or AGLV nor does it contribute to their special qualities or scenic beauty. The appeal site is therefore of notably lower value and sensitivity than most other parts of Waverley Borough.²⁴ It is common ground that it is not a "valued landscape" in the context of the NPPF.²⁵ The parties agree that the landscape sensitivity of the site is medium whereas the majority of the Borough is of higher landscape sensitivity.
52. At my site visit I saw that the appeal site has a relatively strong sense of enclosure and low level of intervisibility with the wider area, due to the presence of surrounding mature woodland blocks and the existing development edge on the west side of Loxwood Road. The scenic quality of the site is

²⁴ Joanna Ede's proof of evidence paragraph 1.5

²⁵ Paragraph 174(a)

relatively low, given that it is simply a flat open arable field with no significant landscape features.

53. The principal publicly accessible viewpoints from which the appeal site is visible are public footpath 415a to the north of the site and from parts of the Alfold Sports and Recreation to the south. From the public footpath there are open views east and south east towards Alfold Crossways. The appeal site is visible in the middle distance of these views, seen as an open arable field, with the rear of properties on Loxwood Road and their garden boundary fences seen beyond. From parts of the Alfold Sports and Recreation Ground, particularly from the training pitch on the western side there are views towards the appeal site with woodland seen beyond. Pedestrians and road users on Loxwood Road next to the sports ground would have middle distance views through an existing and well vegetated northern boundary to the site.
54. The appeal proposal seeks full planning permission for a proposed residential development of 99 units with associated access and landscaping. I note that the development of the scheme proposals has been landscape-led; the layout and design of the development and the supporting landscape strategy incorporate a number of measures to reflect the character of the local area and mitigate potential landscape and visual effects of the proposals.²⁶ In my view the detailed landscape strategy (Dwg. No. 657/01A) is deliverable and would integrate with the landscape structure of the area.
55. With regard to landscape effects, the proposed development would allow the retention of the key landscape features within and adjoining the site which currently contribute to the local landscape character and visual amenity. These include: a line of mature oak trees along the northern boundary of the site; a ditch along the northern boundary of the site; a small woodland block adjoining the south-western boundary of the site; a tree belt adjacent to the southern site boundary; mature trees and garden boundary vegetation along the eastern boundary of the site. The retention and enhancement of these existing landscape features would be a beneficial effect. Furthermore, the introduction of new tree and shrub planting across the development area within proposed open spaces, along the internal roads and in private gardens would also be beneficial to the character of the site.
56. I accept that the proposed development would result in the loss of a section of open and undeveloped countryside. Plainly the introduction of new dwellings would reduce the sense of openness in the immediate locality. However, the intrinsic character and beauty of the wider countryside would not be unduly harmed by the scheme. There would be an adverse effect on the site itself of medium magnitude, reducing to medium-low over time as the proposed landscape framework matures. The introduction of the enhanced landscaping

²⁶ See CD2.2 Design and Access Statement

and ecological improvements would safeguard the rural character of the area for the long term. The site is of relatively low landscape and visual sensitivity and the proposed development would result in limited and localised harm to the intrinsic character and beauty of the countryside. Consequently, conflict with Policy RE1 carries little weight in the planning balance.

57. The Council argues that the proposal would comprise a major encroachment into the countryside. I disagree. The impact of the proposals on the character of the wider Dunsfold to Pollingfold Wooded Low Weald LCA would be of very low magnitude and the type of effect would be neutral, with no overall improvement or deterioration in the character of the surrounding landscape. The development would form an extension to the existing village of an appropriate scale and character and would integrate with the existing and emerging character of Alfold Crossways. The identified key characteristics of the local landscape character would also be preserved, and the proposed landscape framework would introduce some beneficial changes to landscape character.
58. Policy RE3 of LPP1 requires new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located and has specific requirements for protection to the Surrey Hills AONB and the AGLV. In my view the appeal proposals have been carefully developed to respect and respond appropriately to the local landscape character surrounding the site and would not affect the landscape character of either the AONB or the AGLV. I note that the DAS²⁷ provides further details on how the scheme has responded to local context. The appeal proposals would comply with Policy RE3 of LPP1.
59. With regard to Policy TD1 of LPP1 this policy seeks to ensure that the character and amenity of the Borough are protected by five criteria set out in the policy. The Council does not object to the appeal proposals on design grounds and in my view the proposals promote good design which would lead to a high quality development. Policy D4 of the 2002LP relates to design and layout which are not disputed matters. The appeal proposals would comply with Policy TD1 of the LPP1 and with Policy D4 of the 2002LP.
60. In terms of visual effects, due to the existing enclosure of the site by vegetation and existing built development together with the additional enclosure which would be provided by proposed planting, few views or visual receptors would be significantly changed by the proposed development. Notably, there would be no significant changes to the views and general visual amenity experienced by people travelling through the village. The key views and visual receptors that would be significantly changed by the proposed development are those from: private residential properties on west side of Loxwood Road; PRoW Alfold 415a; and Alfold Sports and Recreation Ground.

²⁷ CD2.2

61. I consider that overall the visual impact would be medium/low given that: (i) the site and the footpath are separated by two open fields which places users 400- 500 metres away, and so users of the footpath would still get the sensation of walking through open countryside even with the development in situ; (ii) the proposed boundary planting for the scheme, including hedgerow and large maturing trees, together with public open space, would mean that the dwellings are visible but filtered by the vegetation; (iii) the boundary planting is outside of individual gardens, and on public areas that would be maintained by a management company, so there would be no risk of it being subject to pressures by future residents; (iv) visibility of the settlement edge of Alfold is already a characteristic of the view as the properties on Loxwood Road and Dunsfold Road are already visible from the footpath; and (v) the proposed development would also be seen in conjunction with the recreation ground which includes floodlights and built form.
62. As to views from the Alfold Sports and Recreation Ground, I saw that the proposed development edge would be set well away from the edge of the ground, with an open arable field retained between them. The views would still have the outlook of open fields and woodland blocks to the north and north-west. Indeed, there would be large parts of the recreation ground where the appeal site would not be visible. I accept that the views from the neighbouring properties on Loxwood Road would inevitably change, but in my view the separation distances are very good, with 55-80m between properties, and vegetation in the intervening area.
63. With regard to Policy D1 of the 2002LP the appeal proposals would not result in loss or damage to an area of landscape value and therefore would comply with part (a). Similarly, with regard to part (b) which requires development proposals not to harm the visual character and distinctiveness of a locality, I consider the visibility of the proposals from the surrounding area would be very limited and, from the few areas where it would be visible, the proposals would not appear incongruent or out of scale with the existing edge of Alfold which is seen in these views. There would be no conflict with Policy D1 of the 2002LP.
64. With regard to the previous appeal decision for the Springbok Radcliffe Estate,²⁸ it is clear to me that the former refused scheme was a materially very different proposal to what is proposed under the current appeal scheme. Plainly the current appeal scheme has responded to and taken on board the Inspector's concerns. I note the following differences between the two schemes: (i) the footprint of development was 6 times bigger; (ii) the 2017 scheme was much closer to the nearby AGLV and some of it actually fell within the AGLV; and (iii) the scale and diversity of the proposed development was much greater.

²⁸ CD6.1

65. There were some relevant conclusions on landscape impact in the Springbok Radcliffe Estate decision: not a valued landscape;²⁹ containment by surrounding woodland would “lessen the impact of the new built form;”³⁰ Alfold Crossways is “not purely linear in form”, and the Inspector did “not consider that consistency with a linear form is an important parameter against which proposals should be assessed.”³¹ Although he concluded a major adverse change to views from footpath 415a,³² this was due to the residential development extending right up to the footpath itself, rather than being separated by two fields as here.
66. The Council contends that the loss of the protected oak tree, T93 in the Appellants’ Arboricultural Impact Assessment, would harm the amenity of the village. It is argued that the tree is a healthy specimen with potentially many decades of life left. When compared with other A-grade trees of a similar size and condition in the Appellants revised tree schedule (e.g.T5, T6, T85 and T87) it is claimed that its quality is not materially less, and it is right that it should be of the same grade.
67. In respect of trees, saved Policy D7 of the 2002LP³³ restricts development that would result in the loss of a protected tree. I accept there would be limited conflict with this policy. However, the more recent Policy NE2 of LPP1³⁴ provides that the Council will seek “where appropriate” to maintain and enhance existing trees. I note that the Inspector in the East of Loxwood Road decision³⁵ found no conflict with the latter policy in that case, noting that the limited harm arising from the loss of a single TPO tree would be “very limited and largely compensated by the replacement tree planting proposed”.
68. In the present case the appeal scheme requires the removal of three trees, one of which is the subject of a TPO made after the planning application was submitted. The tree removal is necessitated in order to create the access to the site for the development. I note that there is no alternative suitable access proposed which would avoid a need for tree loss. I note also from my site visit that there is quite limited visibility of T93 from public places given the various obstacles in the way. I saw that it is only visible above and between the roofs of houses on Loxwood Road. I accept that the tree could be depicted with difficulty as an individual tree from the road, particularly when in a car, that the views are fleeting, and that it has very limited amenity value. In my view the loss would not impact on the reasonable enjoyment of the public.
69. From the evidence that is before me and from my site visit, I consider that T93 should be categorised B. Its downgrading from category A must reflect the

²⁹ CD6.1 paragraph 39

³⁰ CD6.1 paragraph 45

³¹ CD6.1 paragraph 48

³² CD6.1 paragraph 54

³³ CD4.4 page 20

³⁴ CD4.1 page 146

³⁵ CD6.2 paragraph 32

unsympathetic past management³⁶ by the utility company who need to carry out pruning to protect the electricity cables running next to the tree canopy every 5-7 years. The Council focuses on the life expectancy of the tree and ignores this significant constraint on the tree.

70. Importantly, the appeal scheme would retain 75 of the 78 trees currently on the site, which equates to 96.4% of the existing trees.³⁷ The scheme would also plant an additional 198 trees.³⁸ These include 13 large canopy native species, including one being planted very close to where T93 would be lost. The Council confirmed that it had no objection in principle to the revised landscape strategy. In my view what is proposed in the revised landscape strategy would go well beyond what would normally be expected by way of mitigation. I agree that the proposed commitment to replace any failed trees within the first five years would be reasonable and standard.
71. Plainly the appeal scheme would comply with Policy NE2. It would not be appropriate for T93 to be retained given the necessity of removal to make way for the access, the considerable retention of trees, and the proposed planting. Policy NE2 is directed at looking at the appropriateness of retaining a tree overall, bearing in mind the whole tree retention and planting proposal and the need for removal by a proposal. Clearly mitigation is a relevant factor in the consideration of whether it is appropriate to remove a tree under Policy NE2.
72. Policies NE1 and NE2 of LPP1 relate to biodiversity and green infrastructure. The landscape proposals for the development would clearly comply with both of these policies. They deliver a strong landscape framework which would make a positive contribution to the local green infrastructure by improving the watercourse along the northern boundary with the introduction of new planting and creating new habitats and increasing the tree cover within the site. A separate report has been provided by Ecology Solutions³⁹ which demonstrates that the proposals would deliver a significant biodiversity net gain (19.5%).
73. On the second issue I consider that the proposed development would have some localised and limited landscape and visual effects. It would result in limited harm to the intrinsic character and beauty of the countryside and there would be a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, the proposal would be in compliance with Policies RE3, TD1, NE1 and NE2 of the LPP1 and Policies D1 and D4 of the 2002LP. The adverse effects would be localised and limited and due to the ordinary nature of the landscape and the strong visual containment of the site. I conclude on the second issue that the proposed development would not cause unacceptable harm to the character and appearance of the area.

³⁶ See the Cascade Chart at Appendix 3 to the AIA at Appendix 1 to Peter Wharton's proof of evidence

³⁷ Peter Wharton's proof of evidence paragraph 5.4.3 and 5.51

³⁸ Peter Wharton's proof of evidence paragraph 5.7.2 and Joanna Ede's Appendix 2

³⁹ Appendix 3 to Joanna Ede's proof of evidence

Third Issue - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged

74. Paragraph 74 of the NPPF sets the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
75. The parties are agreed that the LPP1 was adopted in February 2018. Policy ALH1 of the LPP1 confirms a housing requirement equivalent to 590 dwellings per annum. This results in a base requirement of 2,950 homes. It is also agreed that the correct base for the calculation of five year housing land supply, for the purposes of this appeal is 1 April 2021. The five year period is, therefore, 1 April 2021 to 31 March 2026. The appropriate buffer in the calculation of the five year supply is agreed to be 5%.⁴⁰
76. The most up-to-date position on five year housing land supply records agreement that the plan period completions for the purposes of calculating housing land supply are 3,422 homes, against a requirement of 4,720. That results in a shortfall in delivery to April 2021 of 1,298 homes. I accept that the contribution from Use Class C2 completions during the plan period can be included in the five year supply calculation in accordance with PPG advice.⁴¹ The contribution from communal accommodation development is calculated by dividing the additional bedspaces by 1.8. The parties are agreed that the five year requirement is 4,248 homes, including the steps taken in the SoCG-Housing Land Supply.⁴²
77. The parties disagree about the supply of deliverable sites. The final respective position of the Appellants and the Council on disputed sites is set out in a Final 5YHLS Position Statement⁴³ and the revised HLS Scott Schedule.⁴⁴ I have also taken into account the Supplemental 5YHLS Position Statement⁴⁵ prepared by the Appellants and the Update Note⁴⁶ prepared by the Council.
78. The definition of 'deliverable' is set out within Annexe 2 of the NPPF, which states:

"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

(a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

⁴⁰ CD9.11 Statement of Common Ground Housing Land Supply

⁴¹ See Paragraph: 035 Reference ID: 68-035-20190722 & Paragraph: 016a Reference ID: 63-016a-20190626

⁴² APP9 paragraph 2

⁴³ APP9

⁴⁴ APP10

⁴⁵ APP11

⁴⁶ LPA5

(b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*".

79. PPG advice was published on 22 July 2019 on 'Housing supply and delivery' and this includes a section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

*"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*⁴⁷

80. I do not consider that the above categories (a) and (b) are a 'closed list' i.e. only sites that fall within the two categories could be considered to be deliverable. I have therefore considered the Council's supply in light of whether the sites are available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years. It is relevant that for category (b) a site can only be considered deliverable where it is clear that it *will* deliver. Consideration of what constitutes 'clear evidence' is set out in further detail in the PPG.⁴⁸
81. Paragraph 3 of the Final 5YHLS Position Statement helpfully sets out the main sites where the parties differ. With regard to Land at Dunsfold Park the Council confirms that the Dunsfold SPD is due to be adopted in February 2022 and that initial phases could come forward alongside the temporary uses on the site. I accept that the new landowner could implement the existing consent, but I consider it is more likely that an amended outline application would be required. Moreover, there is no evidence of housebuilder involvement, submission of reserved matters or any evidence of progress in this direction. The Council has not provided a realistic assessment of the factors involved in delivery of this site, such as the timetable and likely progress towards completions. Dunsfold Park should not be considered deliverable due to the lack of clear evidence.
82. With regard to Land at Centrum Business Park, Farnham I note from the Council's additional information that the Council Estates Team is not involved in the redevelopment of the site, so there is no clear information as to: (i) whether there are multiple landowners; (ii) whether the landowners are coordinated; and (iii) what the lease/ownership arrangements are for the current occupiers. In my view, the site is not currently available for development given the existing active occupiers. There is no planning application on the site. There is no clear evidence to suggest that there is a realistic prospect that homes would be delivered on this site within five years.
83. With regard to Land at Ockford Water, it is clear from the Council's additional information that the site does not currently benefit from planning permission and there is uncertainty as to the acceptability of the current application on the site. There are fundamental development management issues to be resolved. On this basis there is no clear evidence that housing completions would be achieved on this site within the five year period.

⁴⁷ PPG Paragraph: 007 Reference ID: 68-007-20190722

⁴⁸ Ibid

84. With regard to Land at Barons of Hindhead I note that the site is a draft allocation in the draft LPP2 and is subject to a full application for 38 dwellings. However, the site directly adjoins the Devils Punch Bowl which is a National Trust run site in the AONB. There are concerns about overdevelopment of the site, including the proposed design, layout and massing. There are also questions about viability and affordable housing provision. There is no clear evidence to suggest that this site would deliver homes in the next five years.
85. With regard to Land to the rear of 101 High Street, Cranleigh I accept from the Council's additional information that there is some progress on this site. However, the Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance to demonstrate there is a realistic prospect of delivery in the five year period. There is no clear evidence as to its deliverability, which is still subject to the submission and positive determination of a planning application.
86. With regard to Land at Wey Hill, Haslemere I note from the Council's additional information that some of the former uses on the site (the Guides and the St John's Ambulance) have already been relocated to new premises within Haslemere. I accept that the site is allocated in the draft LPP2 for residential development. However, the Council's additional information provides no reassurance that the other existing uses on the site can be moved stating only that: "Negotiations with the other existing uses on the site will be taking place to facilitate the redevelopment of the site." The Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance. There is no clear evidence to suggest the site is available, offers a suitable location for development, or is achievable. The site should not be considered deliverable due to lack of clear evidence.
87. It is not necessary for me to go through all of the disputed sites in paragraph 3 of the Final 5YHLS Position Statement (APP9) and the revised HLS Scott Schedule (APP10). I am satisfied that all of the disputed sites set out at paragraph 3 of APP9 should not be considered deliverable in the next five years for the reasons given in the Appellants' analysis and commentary in APP10 which is preferred. There is no clear evidence before me that would suggest that any of the disputed sites would deliver the completions suggested by the Council in the next five years.
88. With regard to the dispute between the Appellants and the Council on small sites provision, I consider the key question is whether, as at the base date of 1 April 2021, the small sites were properly included in the Council's list of sites. If the up to date evidence shows that they were, the fact that at a later date a small site permission expired is no reason not to count it as part of the supply (just as one ignores the appearance of new sites that were not part of the supply at the base date). Given the need to choose a base date at some point in the past to make the exercise workable some anomalies are bound to arise but provided there was an extant permission at the base date I consider that a small site is properly included in the supply unless there is clear evidence that as at the base date the site would not be developed. Accordingly, I accept the Council's estimate on small sites provision.
89. It follows that Table 3 of the Final 5YHLS Position Statement is the most realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. The supply position

identified in Table 3 is consistent with national policy, case law, appeal decisions and informed by assessment of the technical complexities of delivering development sites including lead-in times. The sites that the Council includes within the supply cannot be justified applying the current definition of deliverable. The Council's supply figure of 4,660 dwellings in Table 3 should be reduced to give a more robust total supply figure of 3,575 dwellings for the five year period. Although the Council maintains there is a 5.22 year supply, in my view, there is a housing land supply equivalent to **4.01** years.

90. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. I conclude on the third issue that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged.

Planning Obligations

91. The NPPF indicates that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.⁴⁹
92. The s106 Agreement secures provision for 30 affordable housing units on site which is necessary to secure compliance with Policy AHN1 of the LPP1. It also secures the maintenance of play space, SuDS and open space which are necessary in order to make the development acceptable in planning terms and which are directly related to the development. In addition, the s106 Agreement secures financial contributions to fund the DRBS; traffic calming measures and travel plan monitoring which are necessary to address the impacts of the development, to secure compliance with Policy ST1 of LPP1 and the NPPF.
93. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations. As such I have taken them into account in the decision.

Other Matters

94. I have taken into account all other matters raised including the concerns raised on behalf of Alford Parish Council and the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. Many of the matters raised such as the scale of the proposed development, the loss of rural character and open countryside, over reliance on the private car and loss of trees are points which I have already dealt with under the main issues.
95. Concerns were raised that the development would present a flood risk. However, the proposal was accompanied by a Flood Risk Assessment (FRA)⁵⁰ and details of SuDS which include an attenuation basin in the north western part of the site. The site falls within flood zone 1 and thus has the lowest probability of flooding and accords with the sequential approach to new

⁴⁹ NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵⁰ CD1.5

development sought by the NPPF. The Local Lead Flood Authority has assessed the proposal and found it to be acceptable subject to planning conditions. Given their assessment and the conclusions of the FRA, I consider that the development is unlikely to result in additional flood risk for adjacent land or unsafe conditions for future occupiers.

96. Concerns were also raised about foul drainage in Alfold. Thames Water has recommended suitably worded conditions to secure the provision of pre-commencement details of additional water supply and foul water infrastructure or an infrastructure delivery plan. In my view these planning conditions address these concerns in a satisfactory manner.
97. A number of objectors raised concerns about highway safety and traffic. However, I note that a package of mitigation to ensure that the appeal scheme is acceptable in relation to highway and transport matters has been agreed between the Appellants and the Highway Authority (SCC). This is set out in the Transport Assessment⁵¹ and in the Transport and Highways Matters SoCG.⁵² Following the implementation of the mitigation measures to improve access to sustainable transport and to local services and facilities, and the payment of the financial contributions agreed with SCC and set out in the SoCG,⁵³ the residual cumulative impacts of the appeal scheme on the local road network would be negligible and could not be considered to be severe in the context of paragraph 111 of the NPPF.
98. Some of the objections relate to the impact on local ecology. It is agreed in the General SoCG⁵⁴ that the appeal proposals would deliver a biodiversity net gain. A biodiversity net gain assessment was previously carried out by EAD Ecology and is detailed within the Ecological Impact Assessment for the site.⁵⁵ Following the revised landscape strategy a revised calculation was undertaken which shows the proposals would deliver a significant biodiversity net gain of 19.5%. It was also agreed that, based on the submitted ecological report, were planning permission to be granted, suitably worded planning conditions could mitigate and compensate for any harm upon protected species and that the proposal is acceptable in this regard.⁵⁶
99. At the Inquiry reference was made to numerous appeal decisions. I have taken these into account as appropriate in coming to my decision in this case.

Planning Balance

100. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have identified the most important policies for determining this application. Of these I found that the proposed development would give rise to a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, I conclude that the proposed development would be in accordance with the development plan when taken as a whole, in particular Policies SP2, ALH1, ST1, RE3, TD1, NE1 and NE2 of the LPP1 and policies D1 and D4 of the 2002LP. There are no material considerations which, applying

⁵¹ CD1.11 Section 7

⁵² CD9.5 Section 8.1

⁵³ Ibid

⁵⁴ CD9.4 paragraph 7.9

⁵⁵ CD1.3 October 2020

⁵⁶ CD9.4 paragraph 7.9

section 38(6) of the 2004 Act, would justify a departure from granting planning permission in accordance with the development plan.

101. In any event I have found that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged. In my view there is a housing land supply equivalent to **4.01** years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. Given that there are no policies in the NPPF which, if applied, would provide a “clear reason for refusing the development” under paragraph 11 d), it follows from the “out-of-date” nature of the most important policies that the tilted balance applies.⁵⁷
102. I consider that the basket of the most important policies are also “out-of- date” because the development plan is incomplete with the absence of the LPP2 and the ANP, which were clearly required by the LPP1 Inspector to be progressed quickly following adoption of the LPP1. The development plan is consequently silent on non-strategic allocations⁵⁸ that are required to meet the full housing requirement, and a complete delivery strategy for the Borough is absent.
103. I have concluded that the most important policies are consistent with the NPPF and that due weight should be given to them in accordance with the advice in paragraph 219 of the NPPF. However, the weight attributed to these policies must be reduced (limited weight in my view) given the failure to bring forward the delivery of sufficient homes within the Borough in order to meet the total requirement of at least 590 dwellings per year, or to meet the needs of their residents for both market and affordable housing. Since the adoption of the LPP1 in February 2018 the lack of progress in bringing forward the LPP2 and/or the ANP has been disappointing and has only served to compound this failure.
104. The harms do not come close to “significantly and demonstrably” outweighing the benefits in this case. The alleged harms in this case are very limited. It is common ground that there would be: no harm to residential amenity as previously alleged in RfR4;⁵⁹ no heritage impacts;⁶⁰ no ecological impacts;⁶¹ no drainage issues or flood risk;⁶² no air quality impacts which would warrant refusal of planning permission;⁶³ no severe impact on highways in terms of capacity/congestion, and no unacceptable impact on highway safety;⁶⁴ there would be no Green Belt harm, and there would be no harm to the Surrey Hills AONB, or to an AGLV.
105. As to the harms alleged by the Council, I consider that the landscape and visual impacts are significantly overstated and limited to localised harm typical of any development of greenfield land on the edge of a settlement. I attach limited weight to this localised harm. There would be limited conflict with Policy RE1 which must be considered in the context of the very rare absence of significant landscape constraints on this site, in comparison with most of the rest of the Borough. The Council also accepted that the impacts have reduced as a result

⁵⁷ CD9.4 paragraph 7.22

⁵⁸ Sites of less than 100 dwellings in size

⁵⁹ CD9.4 paragraph 7.4

⁶⁰ CD9.4 paragraph 7.6

⁶¹ CD9.4 paragraph 7.9

⁶² CD9.4 paragraph 7.10

⁶³ CD9.4 paragraph 7.12

⁶⁴ CD9.4 paragraph 7.18 and CD9.5 paragraphs 4.1.3 and 8.2.1

of the revised landscape strategy. There would be limited conflict with Policy D7 as the tree impacts are limited and outweighed by the benefits in terms of tree planting by the scheme overall.

106. There would be no harm arising from any conflict with the spatial strategy because there is no such conflict. Indeed, the spatial strategy policies (SP2, ALH1 and RE1) can only be given limited weight as they are “out-of-date,” such that they no longer reflect and adequately cater for the development needs of the Borough. The restriction on development in the countryside in Policy RE1 needs to be read in conjunction with the facts that (a) policies SP2 and ALH1 expressly recognise the need for development in “and around” settlements, and (b) the settlement boundaries are based on the 1994 Surrey Structure Plan.
107. The extent of the shortfall in 5 YHLS does not affect the operation of footnote 8 and its triggering of paragraph 11 d). However, the degree of shortfall will inform the weight to be given to the delivery of new housing in general alongside other factors such as how long the shortfall is likely to persist, the steps being taken to address it and the contribution that would be made by the development in question. The larger the shortfall is, then logically the less weight should be given to any conflict with the spatial strategy policies (SP2, ALH1 and RE1).⁶⁵ The shortfall of 885 dwellings which I have identified is significant and substantial.
108. From the evidence that is before me, not enough is being done by the Council to address the shortfall, given the over-reliance on the ANP, the considerable delays in LPP2, the inadequacies in the draft LPP2 as only providing an (inaccurate) “factual update” in Alfold rather than positively assessing the suitability of Alfold as a location for growth, and the lack of a 5YHLS.
109. There would be no harm arising from undue reliance on the private car because opportunities for sustainable transport modes have been maximised by the appeal scheme, given the rural location. There are adequate services and facilities which can be accessed without needing a car.
110. There would be a number of benefits of the appeal scheme which were put forward by the Appellants. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.
111. The following benefits would arise: (i) the provision of 69 market homes, in the context of the significant 5YHLS shortfall, should be given substantial weight. This is a significant benefit of the scheme; (ii) the policy-compliant provision of 30 affordable homes, given the Council’s acknowledgment of the “pressing need” ⁶⁶ (substantial weight); (iii) the proposed development would support the local services through increased custom at local shops and pubs (moderate weight); (iv) the scheme would also provide relocated and enhanced bus stop infrastructure, and a financial contribution to enable SCC to provide a DRBS to Alfold and the surrounding area (substantial weight); (v) a new permissive footpath connecting the site to footpath 415a would be secured by condition (moderate weight); (vi) improved tree cover from the planting of 198 new trees would be a significant benefit of the scheme, as is the introduction of planting and species rich meadows and grassland to result in a significant 19.5%

⁶⁵ CD7.2 paragraph 47 Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808

⁶⁶ LPP1 paragraph 2.42

biodiversity net gain from the development (substantial weight);⁶⁷ (vii) although no enabling case is made, the Appellants contend that a relevant additional benefit of the scheme is that allowing the appeal would provide the Care Ashore charity, who own the land, with funds to secure improvements to the vital support they provide to former navy servicemen (moderate weight) which reflects the weighting given to this by the Inspector in the Springbok Radcliffe Estate appeal decision; and (viii) there would be economic benefits arising from the construction of 99 new homes (moderate weight).

112. Overall, I consider that the weight to be attached to the benefits should be substantial. The Council accepted that significant weight should be given to the benefits overall, cumulatively. The Appellants also indicated that they would “get on the site as soon as possible and contribute to addressing the shortfall”. Importantly, I note that Thakeham Homes are a local developer, with a proven track record, who would actually deliver the site. Given the comparison against the uncertainties over ownership and development of Dunsfold Park, this is a further substantial benefit for this appeal scheme.
113. There is an acute and unmet need for market and affordable housing in this Borough and that need must be met now. Much of the land is constrained by AONB, AGLV or Green Belt designation. The appeal site is a rare resource in Waverley BC area: a non-designated piece of land adjacent to a sustainable settlement which can be developed for housing. In summary, whether on the basis of compliance with the development plan or applying the tilted balance or indeed on a straight balance, the case for the appeal scheme is compelling. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

Planning Conditions

114. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 55 and 56 of the NPPF and the Government’s PPG on the Use of Planning Conditions. The Appellants have agreed to all of the suggested conditions except for a condition which seeks to restrict national permitted development rights. The Appellants have also given consent in writing to all of the suggested pre-commencement conditions as required by Section 100ZA(5) of the Town and Country Planning Act 1990.
115. Condition 1 relates to required time limits and Conditions 2 and 23 are necessary to protect retained trees. Condition 3 is necessary to ensure that the final drainage design does not increase flood risk. Condition 4 is necessary to prevent harm to protected species and to make sure that there is suitable provision for biodiversity. Condition 5 is necessary to ensure safe access is provided and maintained for pedestrians. Condition 6 is necessary in the interests of highway safety, to ensure that the development is not unneighbourly and is not harmful to biodiversity. Condition 7 is required to ensure that the development does not cause harm to badgers which may be present on the site.
116. Condition 8 is required to safeguard heritage assets of archaeological interest. Condition 9 on sample materials and Condition 10 on landscaping are required in the interests of visual amenity. Conditions 11, 12 ,13 and 14 are required in

⁶⁷ This is nearly double the new legal requirement in Schedule 7A to the Town and Country Planning Act 1990 for a 10% gain (inserted by Schedule 14 to the Environment Act 2021).

the interests of highway safety, to ensure that electric vehicle charging is provided and to ensure that the development facilitates access to sustainable transport modes. Condition 15 is necessary to ensure appropriate provision is made for waste and recycling. Condition 16 is necessary having regard to local water pressure concerns to ensure that appropriate infrastructure is provided for the development.

117. Condition 17 is necessary to ensure adequate access to play opportunities. Condition 18 is necessary to ensure high standards of sustainable design and construction. Condition 19 is required to ensure the proper provision of the drainage system. Condition 20 is required to ensure that the development encourages the use of sustainable transport modes. Condition 21 is required to ensure sustainable construction and design. Condition 22 is required to protect the occupants of nearby residential properties from noise disturbance. Condition 24 is required to ensure that there is no harm to protected species. Condition 25 is necessary for the avoidance of doubt.
118. The Council suggests an additional condition should be imposed which would remove permitted development rights from the dwellings subject to the appeal. However, the NPPF and the PPG are both clear that such conditions should only be imposed in exceptional circumstances.⁶⁸ No detailed justification has been provided in this case and I can see no reason why such a condition should be necessary in this instance.

Overall conclusion

119. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

⁶⁸ NPPF paragraph 54 and PPG Use of Planning Conditions Paragraph: 017 Reference ID: 21a-017-20190723

SCHEDULE OF PLANNING CONDITIONS (1-25)

Time limit condition

- 1) The development hereby permitted shall be begun within three years of the date of this permission.

Pre-commencement conditions requiring details to be submitted

- 2) Prior to the commencement of the development (including the movement of plant, machinery and bring materials on to site), an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details which shall include in full compliance with the recommendation in BS5837:2012 for the protection of all retained trees (above and below ground):
 - A schedule of site supervision for safe retention of all retained trees and any associated works,
 - Tree protective fencing measures and protection plan
 - Details of all work within the RPAs of retained on-site trees, particularly in relation to hard surfacing and below ground services/utilities.
- 3) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - (a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates shall comply with the approved FRA and storage volumes shall be provided using a maximum discharge rate of 6.1 l/s/ha applied to the positively drained areas of the site only.
 - (b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers). Details should be provided for the proposed swales/SuDS planters, permeable paving and attenuation basin.

- (c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected. The plan should include how exceedance flows from the adjacent ordinary watercourse will be managed.
 - (d) Details of drainage management responsibilities and maintenance regimes for the drainage system. This should include riparian responsibilities for the adjacent ordinary watercourse.
 - (e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 4) Prior to the commencement of the development a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in Section 4 Avoidance, mitigation, compensation and enhancement of the Ecology Report and should include adequate details of the following:

- Mitigation measures for the loss of Lapwing breeding habitat
- Habitat management and enhancement for Reptiles (as set out in the Reptiles section above) - Aims and objectives of management
- Appropriate management options to achieve aims and objectives
- Prescriptions for management actions
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity
- Details of the body or organisation responsible for implementation of the LEMP
- Ongoing monitoring and remedial measures
- Details of legal/funding mechanisms.
- A Sensitive Lighting Management Plan, covering both the construction and operational phases. The Plan shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"

The development shall be implemented wholly in accordance with the approved document.

- 5) No vehicle shall access the site (except vehicles required for clearance and preparatory works) unless and until the proposed vehicular, pedestrian and cycle access to Loxwood Road hereby approved has been implemented in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

- 6) No development shall commence until a Construction Transport and Environmental Management Plan, to include details of:
- (a) the parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) measures to prevent the deposit of materials on the highway
 - (h) on-site turning for construction vehicles
 - (i) an indicative programme for carrying out of the works
 - (j) measures to minimise and control noise (including vibration) and dust during the demolition and construction phases
 - (k) details of any floodlighting
 - (l) details of measures to prevent harm to protected habitats and species, including retained woodland and grassland habitat and ditches.

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented fully in accordance with the approved details.

- 7) Within one month prior to the commencement of the development, a site walkover by a qualified ecologist shall be undertaken to confirm the absence of badger presence on site. Should a new presence be identified, no works which may disturb the badgers shall take place unless and until a badger impact mitigation strategy has been submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall take place until the Applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been previously submitted to and approved in writing by the Local Planning Authority.

Conditions requiring details to be submitted and approved during the construction phase of the development

- 9) Prior to the construction of the external surfaces of the buildings, samples of the materials (including windows and roof tiles) to be used within the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall commence above damp proof course level until a detailed landscaping scheme, including the retention of existing landscape features, has been submitted to and approved in writing by the Local Planning Authority in

accordance with the Revised Landscape Strategy (Plan 657 01 A; Outline specification; and Typical planting schedule). The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. Prior to the first occupation of the development, a tree planting strategy and methodology must be submitted and approved in writing following the guidance of British Standard 8545:2014 Trees: from nursery to independence in the landscape: Recommendations and Tree Species Selection for Green Infrastructure to ensure successful planting and establishment of all newly planted trees across the site. All hard and soft landscaping work shall be completed in full accordance with the approved scheme and implementation programme. Thereafter all trees and shrubs shall be retained and any planting which is damaged, becomes seriously diseased or dies within a 5 year period shall be replaced with planting in accordance with the approved details.

Conditions requiring details to be submitted and approved prior to occupation of the development

11) Each dwelling hereby approved shall not be first occupied unless and until that dwelling has been provided with:

- space which has been laid out within the site for that dwelling for vehicles to be parked and to turn so that they may enter and leave the site in forward gear, in accordance with the approved plans.
- covered secure cycle parking in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority.

Thereafter the car and cycle parking and turning areas shall be retained and maintained for their designated purpose for the lifetime of the development.

12) The development hereby approved shall not be occupied unless and until each of the proposed dwellings and 20% of available visitor bays are provided with a fast charge electric vehicle socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be retained and maintained for the lifetime of the development.

13) The following package of measures shall be implemented, at the Applicant's expense, through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development:-

- Implementation of two new bus shelters on Loxwood Road, including real time passenger information (RTPI) displays, bus cages, bus stop flags, poles, timetable cases, a footway connecting the site to the northern bus shelter, and the provision of an informal pedestrian crossing with tactile paving.
- 14) Prior to the first occupation of any dwelling hereby consented, details of a permissive footpath connecting the west of the site to Public Footpath 415a shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The route shall then be provided in accordance with the approved details within such timescales as approved and maintained thereafter for the lifetime of the development. The route shall remain fully publicly accessible at all times other than when routine maintenance is being carried out.
- 15) Prior to the first occupation of the development, a detailed scheme for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the siting and appearance of refuse and recycling storage for each dwelling, alongside details of the size and number of bins to be provided. The refuse and recycling provisions, including the provision of bins as specified, shall be made in accordance with the agreed scheme prior to the first occupation of the dwellings. Thereafter, they shall be retained in accordance with the approved details for the lifetime of the development.
- 16) The development shall not be occupied until written confirmation to the Local Planning Authority has been provided and approved to demonstrate that either:-
- (i) All upgrades required to accommodate the additional flows in to (freshwater) and out of (wastewater) the development have been completed; or-
 - (ii) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 17) Prior to the first occupation of any dwelling hereby consented, full details of the proposed Local Equipped Area of Play and Local Area of Play shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The areas, including all identified play equipment, shall then be provided in accordance with the approved details within such timescales as approved. Thereafter, the equipment provided shall be retained and maintained in working order for the lifetime of the

development, accessible at all times other than when routine maintenance is taking place.

- 18) Prior to the first occupation of the development, details of a Water Use Strategy shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that water use would not exceed 110l per person per day. The development shall be completed fully in accordance with the approved details.
- 19) Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority in relation to that phase. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 20) Within three months of occupation of the 50th dwelling, a Travel Plan shall be submitted for the written approval of the Local Planning Authority, in consultation with the County Highway Authority, in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the Framework Travel Plan, dated January 2021. The baseline shall be undertaken at 50% occupation. Upon approval the Travel Plan shall be shared with all first occupiers of the development and measures taken to promote the Travel Plan in accordance with specifications contained within it.

Condition requiring provisions to be made prior to occupation

- 21) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use.

Compliance conditions

- 22) No machinery or plant shall be operated, no demolition or construction processes carried out and no deliveries taken at or dispatched from the site except between the hours 08:00–18:00 Monday to Friday, 08:00 – 13:00 on a Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23) The approved development will be undertaken in accordance with the advice, conclusions and recommendations as set out within the submitted Arboricultural Impact Assessment, dated January 2021 (ref 201014 1068 AIA V1d - Part 1-5).
- 24) The development shall be implemented fully in accordance with all identified mitigation, compensation and precautionary working methodologies identified

within the accompanying Ecological Impact Assessment by EAD Ecology dated October 2020.

- 25) The plan numbers to which this permission relates are SK_001; T034_P1001; 1002; 1003; 1010; 1011; 1050; 1051; 1100; 1101; 1102; 1103; 1104; 1105; 1106; 1107; 1108; 1109; 1110; 1111; 1112; 1113; 1114; 1115; 1116; 1117; 1118; 1119; 1120; 1121; 1122; 1123; 1124; 1125; 1126; 1127; 1128; 1129; 1130; 1131; 1132; 1133; 1134; 1135; 1136; 1137; 1138.

The development shall be carried out in accordance with the approved plans.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Green of Counsel	Instructed by the Solicitor to the Council
<i>He called:</i>	
Katherine Dove MPlan MRTPI	Principal Planning Officer
Ian Brewster Fd Arboriculture	Tree and Landscape Officer
John-Paul Friend BA (Hons) Dip LA CMLI	Director of LVIA Ltd
Kate Edwards MA MRTPI	Principal Planning Officer
Barry Devlin (S106 only)	Planning Solicitor

FOR THE APPELLANT:

Sasha White QC Mathew Fraser of Counsel	Both instructed by Thakeham Homes Ltd
<i>They called</i>	
Jonathan Dodd BA (Hons) MPlan MRTPI	Associate Director, Turleys
Peter Wharton BSc (Hons) FArborA MICFor	Director, Wharton Natural Infrastructure
Joanna Ede BA (Hons) MA DipLD CMLI	Director, Turleys
Stephanie Howard BSc (Hons) MSc CTPP MCIHT CMILT	Technical Director, WSP
Tim Burden BSc (Hons) MSc MRTPI	Director, Turleys

Interested Person

Mary Brown MBA MSc	Local Resident
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DOCUMENTS SUBMITTED AT THE INQUIRY:

Local Planning Authority Documents

LPA1	Opening Statement
LPA2	Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Page 24
LPA3	Table showing locations within Alford Parish of completed and consented schemes 2013 to April 2021
LPA4	Email and plan from Ian Brewster dated 10 December 2021
LPA5	Five-Year Housing Land Supply Update Note December 2021 including plans of

- LPA6 Dunsfold Aerodrome and Officer report for planning application WA/2021/01450 Document regarding outstanding planning permissions on small sites comparing aerial photography with site plans
- LPA7 CIL Compliance Statement
- LPA8 Conditions
- LPA9 Pre-Submission Waverley BLP Part 1: Strategic Policies and Sites. Schedule of Main Modifications
- LPA10 Closing Submissions

Appellants' Documents

- APP1 Waverley Borough Council February 2018 Adopted Policies Maps West and East
- APP2 Extracts from West Surrey SHMA Report September 2018 G L Hearn Limited
- APP3 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 3.12.21
- APP4 Email from Katherine Dove to Jonathan Dodd dated 3.12.21 re completions
- APP5 Opening Statement
- APP6 Extracts from GLVIA Third Edition
- APP7 Waverley BC Committee Report re WA/2015/2261
- APP8 Waverley BC Committee Report re WA/2019/0745
- APP9 Final 5YHLS Position Statement
- APP10 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 12.12.21
- APP11 Supplemental 5YHLS Position Statement
- APP12 Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Pages 24 & 25
- APP13 Section 106 Agreement
- APP14 Email from Tim Burden dated 14.12.21 re pre-commencement conditions
- APP15 Closing Submissions

Interested Persons Documents

- IP1 Statement by Mary Brown



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO/629/2022

In the matter of an application for judicial review

THE QUEEN

on the application of

WAVERLEY BOROUGH COUNCIL

Claimant

-and-

**(1) SECRETARY OF STATE FOR LEVELLING UP, HOUSING AND
COMMUNITIES**

(2) MERCHANT SEAMANS WAR MEMORIAL SOCIETY

(3) THAKEHAM HOMES LIMITED

Defendants

**Notification of the Judge's decision on the application for permission to
apply for judicial review (CPR 54.11, 54.12)**

Following consideration of the documents lodged by the claimant and the
acknowledgements of service filed by the first defendant and the third
defendant

ORDER by the Honourable Mr Justice Lane

1. The application for permission to apply for judicial review is refused.
2. The first defendant's costs of preparing his acknowledgement of service are to be paid by the claimant to the first defendant, summarily assessed in the sum of £ £4,635.00.
3. The third defendant's costs of preparing its acknowledgment of service are to be paid by the claimant to the third defendant, summarily assessed in the sum of £7,756.00.
4. Paragraph 2 above is a final costs order unless within 14 days of the date of this Order the claimant files with the Court and serves on the first defendant a notice of objection setting out the reasons why it should not be required to pay costs (either as required by the costs order, or at all). If the claimant files and serves notice of objection, the first defendant may, within 14 days of the date it is served, file and serve submissions in response. The claimant may, within 7 days of the date on which the first defendant's response is served, file and serve submissions in reply.

Ground 2

5. The inspector was unarguably entitled (indeed required) to consider the actual application for 99 homes, whilst also considering the cumulative position, by reference to existing completions and commitments. The inspector's conclusion that the 99 units would not be "excessive" or "disproportionate" was unarguably a matter for his planning judgment.

Ground 3

6. There is no arguable inconsistency in the approach taken by the present inspector, compared with that in other appeal decisions. Each decision was applying policies to the facts of the particular proposal, which is what was unarguably done in the present case.

Ground 4

7. The inspector was unarguably right to find that neither policy ST1 nor any other local or national policy requires a development to be in "a sustainable location.". Paragraph 105 of the NPPF speaks of development being focussed on locations "which are or can be made sustainable". The fact that opportunities will vary between urban and rural areas means that sustainable (eg public) transport may be less available in rural as opposed to urban locations. The Transport SOCG agreed between the third defendant and Surrey County Council as local highway authority recorded at 4.2.6 that the proposals comply with policy ST1 as a result of various factors, including the improvement measures for public transport and walking. The point now taken against the present inspector's report was not taken by the claimant against the decision in the East of Lockwood Road appeal.
8. It is not arguable that, by using the words "silent" and "absent", the inspector wrongly applied the 2021 NPPF. See also the third defendant's grounds at paragraph 34(2) to (4).. Whether policies are out of date involves an exercise of planning judgment, which therefore cannot arguably be impugned, save on the grounds of public law error, of which there is, again, no indication.
9. LPP1 required the quick production of LPP2 (and the Neighbourhood Plan), which failed to materialise. It was not just a question of LPP1 anticipating LPP2.
10. It is plain that the first defendant was able to draw on the summary grounds of the third defendant, thereby limiting the time and expense that the first defendant would otherwise have needed to expend. For this reason, both sets of costs are, in my view, reasonably recoverable from the claimant.

Signed: Mr Justice Lane

Dated: 24 March 2022

5. The directions at paragraph 4 apply whether or not the claimant seeks reconsideration of the decision to refuse permission to apply for judicial review.
 - (a) If an application for reconsideration is made, the Judge who hears that application will consider the written representations filed pursuant to paragraph 4 above together with such further oral submissions as may be permitted, and decide what costs order if any, should be made.
 - (b) If no application for reconsideration is made or if an application is made but withdrawn, the written representations filed pursuant to paragraph 4 above will be referred to a Judge and what order for costs if any, should be made will be decided without further hearing.
6. Paragraphs 4 and 5 above apply in respect of the order made in paragraph 3 above in favour of the third defendant as they apply in respect of the order made in paragraph 2 above in favour of the first defendant..

Reasons

Ground 1

1. It is unarguable that the true nature of the claimant's criticism of the inspector's approach to policies SP2 and ALH1 is about his application of those policies to the facts of the present case, rather than about his interpretation of the policies. The claimant can point to nothing in the words of those policies that is contrary to anything said in the inspector's report. He unarguably approached the issue of development in Alfold in line with what the policies have to say about that village; in particular, that it is within an area that offers "more scope for growth" than the Surrey Hills AONB/Green Belt and that the village has a "relatively unconstrained" character. The inspector, however, recognised that development opportunities in Alfold were nevertheless "limited". The inspector had regard to the fact that Alfold sits within the third tier of the settlement hierarchy contained in the policy.
2. The inspector was unarguably entitled to find that the 125 homes figure was "a fairly arbitrary number". His statement that there was no cap imposed by policy ALH1 was entirely correct, as a matter of fact.
3. Importantly, the inspector's decision is consistent with that of the inspector in the appeal concerning Land East of Loxwood Road, which the claimant did not challenge.
4. In view of the above, ground 1 can succeed only if there is some public law error on the part of the present inspector. There is none.