

Hannah Keyte

Subject: RE: APP/R3650/W/23/3327643 Appeal by Redwood South West Ltd, 111 dwellings on land off Midhurst Road at Scotland Park, Midhurst Road, Haslemere

From: Clive Smith [REDACTED]

Sent: 11 March 2025 15:56

To: holly.dutton@planninginspectorate.gov.uk <holly.hutton@planninginspectorate.gov.uk>

Subject: APP/R3650/W/23/3327643 Appeal by Redwood South West Ltd, 111 dwellings on land off Midhurst Road at Scotland Park, Midhurst Road, Haslemere

Dear Ms. Dutton,

I understand there is to be a second Public Inquiry commencing on 8 April 2025 following a successful High Court challenge to the previous Inspector's decision dismissing the appeal. I should be grateful if this submission could be circulated by the Inspectorate to the relevant Rule 6 Parties and made available to the new Inspector.

In my judgement and long planning experience I was surprised that a second public inquiry has been considered necessary following an administrative error by the Planning Inspectorate that has no bearing or does not drive to the heart of the planning merits of the previous Inspector's decision. On behalf of the Surrey Hills National Landscape Board it is concerning that this second Inquiry is resulting in substantial public expenditure and is again troubling to the many Haslemere residents and involving some in yet additional time and expenditure.

The planning issue now seems to be whether the previous Inspector's decision was flawed as it did not take into account a fundamental relevant planning consideration or was perverse that may have resulted in a different decision. It also seems that the current Inspector can consider more recent Central Government planning advice and/or changes to planning legislation relevant to this particular appeal proposal.

On the one hand, the Government is concerned that too few homes are being permitted and is seeking to enable there to be more, including in Green Belts. On the other hand, and of overriding importance in this case, nowhere has the Government suggested the relaxation of strict planning policies protecting the best landscapes in the country, including National Landscapes, to enable there to be more housing. No changes have been made to NPPF paragraphs 189 and 190 relating to great weight being given to conserving and enhancing the natural beauty of National Landscapes, being the most relevant and important Government planning policies for the determination of this appeal. Neither has the fundamental NPPF paragraph 11d)i been relaxed. For in this case the Courts have held that if there is harm to an AONB/National Landscape any lack of a 5-year housing land supply does not engage the tilted balance in favour of granting permission.

It is unnecessary for me to go into the details of the cases for the appellants and Local Planning Authority as the fundamental justification for dismissing this particular appeal is so clear and compelling and the previous Inspector had already assessed and concluded upon it.

It is worth recounting the firm conclusions of the previous Inspector.

At paragraph 178 the Inspector concluded there would be fundamental and serious harm to the Surrey Hills Area of Outstanding Natural Beauty, now termed National Landscape.

He also stated "in my view exceptional circumstances have not been demonstrated. Collectively the benefits of the scheme are not sufficiently compelling to justify the harm that would result. Allowing the appeal would not be in the public interest."

In paragraph 180 the Inspector stated: " Whilst there is no 5YHLS, inherent in my reasoning above is that there is nonetheless "clear reason" for refusing permission with reference to NPPF paragraph 11d)i."

At the time of the previous Inquiry the Levelling-Up and Regeneration Act of December 2023 had only just come into existence and being so new it was difficult for the Inspector to take it into account. However, he did comment upon it at paragraph 26. He commented there had not been at that time any Court cases. Since then, there has been the Dedham Vale court case emphasising the importance of the new duty placed upon the planning decision maker under Section 245 of the Act (often known as LURA).

The new duty is an active duty imposed upon those determining planning applications and appeals that they *"must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty"*.

In December 2024 Defra issued "Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes." Defra would not have published that guidance had the Government had any intention of relaxing the protection given to National Landscapes. Instead, the guidance reinforces the importance of decision makers, not applicants, ensuring that their decision should seek to further the purpose of conserving and enhancing the natural beauty of the AONB. I have underlined the word "and" because it is not just sufficient to avoid harm to a National Landscape/AONB but actually seek its enhancement through the proposed development. The link to the guidance is below.

<https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes>

In this case amongst the many requirements placed upon the new Inspector, being the relevant authority, are that:

"The duty is an active duty, not passive, which means:

- a relevant authority should take appropriate, reasonable and proportionate steps to explore measures which further the statutory purposes of Protected Landscape
- as far as reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes'

and so it goes on. With regard to proportionate steps, the scale of this proposed development is the largest ever proposed across the entire the Surrey Hills AONB/National Landscape in my 16 years in this part time role following my retirement as Head of Planning at Mole Valley District Council, also a constituent Surrey Hills Planning Authority. I am also aware that the Planning Inspectorate is anxious to avoid legal challenges to its decisions that have not properly taken into account the active duty of this new Act.



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