

Rule 6 Opening Statement

Introduction

Good morning, Sir. My name is Howard Brown, and I represent the Rule 6 Party as its Advocate. I am a lay person and not a lawyer. I should also point out that I have never been an Advocate at a planning inquiry before.

We, as the Rule 6 Party, support the general position of Waverley Borough Council as the Local Planning Authority with respect to the Appellant's planning application.

That is to say that we object to the proposed development.

It is also the case that we support the reasonings of the previous Inspector who concluded that the proposed development's harm to the National Landscape was not outweighed by its purported benefits. Having said that, we seek to assist in this inquiry by providing some balance in the cases being made, by presenting the community's perspective on the demonstrable, irreversible and negative impact of this development on our town and its surrounding landscape. We bring invaluable local knowledge—first-hand, on-the-ground evidence—showing how deeply the community values this countryside designated as National Landscape and how the purported public benefits presented by the Appellant do not even remotely outweigh the damage to that countryside.

We are here because we care.

We care about the local ecology, the landscape, and the people who live and work in Haslemere.

Rule 6 Representation

As a self-represented group, without formal legal counsel, I serve as the Advocate of the Rule 6 Party, being chair of one of its constituent member organisations. I am very familiar with the landscape concerned as I am a local resident and live off Scotland Lane, although I am not adjacent to the area of proposed housing itself.

The Rule 6 members are four local organisations:

- Haslemere Town Council, which comprises of elected parish councillors representing approximately 17,300 residents. Among its purposes, the Town Council provides input to planning and development matters, as well as furthering the public interest for the benefit of the town and its residents.
- Haslemere Vision (in particular its Biodiversity Group) has no formal membership list. It is a local organisation comprising local residents together with representation from various local stakeholder groups, including the Town Council. It was originally constituted to consult on and develop Haslemere's Neighbourhood Plan. It is a not-for-profit company limited by guarantee. Since the adoption of the Neighbourhood Plan, the group has mainly focused on active travel and biodiversity initiatives.
- HSRA has 291 locally resident members (note that this is an increase since the first appeal and the submission of the Statement of Case). It is an unincorporated association and it has a particular focus on the protection of Haslemere's green spaces, notably in the south of the town, as well as other matters of interest to local residents.
- The Haslemere Society has 415 members. It is a Civic Society, registered charity and a member of Civic Trust. It was established in 1884 [141yrs] by Sir Robert Hunter (one of the three co-founders of the National Trust), to organise concerted action for the improvement, protection and preservation of rural scenery or features of local interest in the town and villages within the Haslemere area.

These organisations comprise of different membership groups. In fact there are only **33 names** overlapping across these groups' memberships, demonstrating distinct demographics and representation across different areas. Haslemere is a community with deep, cross-cutting networks, ensuring genuine representation in this Inquiry. The Rule 6 Group is a true community voice, reacting to local concerns with sincerity and transparency.

Community Opposition and Historical Context

Public opposition to this proposal is undeniable. There are **505** written objections, in addition to 244 objections (183 listed in the Inspector's report) from the first appeal. The previous appeal's administrative error should not negate the weight of objection points raised by the first inspector, the statutory bodies or the general public - particularly those emphasizing landscape damage.

Anonymised data¹ confirms the majority of Rule 6 individual group members have submitted written objections to the development. This is a clear and sustained community objection.

Public Engagement

The depth of community concern is reflected in the objections and today's public gallery. The original 240 virtual attendees in January 2024 are also a key consideration. It is not just an issue of planning policy—it is about real people, real landscapes, and real damage. Objections include those from:

- Two Members of Parliament Mr A Griffith² MP & local MP G Stafford³.
- Statutory bodies, including Surrey Hills National Landscape and Natural England which have raised primary objections. Despite the appellant's claims, Natural England's position does not support this development (NE [3] Dec 2024).

¹ R6 has 707 members. There are 505 objections and 270 members submitted statements.

² On Behalf of Lynchmere Parish Council

³ Representing Farnham and Bordon

Landscape

The Rule 6 Party asserts that there are **no exceptional circumstances** as required under NPPF (2024) **clause 190** and that granting permission to the Appellant's application would not be in the public interest; in contrast, the impact of the proposed major development will be demonstrable, permanent and cause significant harm to the National Landscape. It will also have a significant negative impact upon the site's biodiversity.

Haslemere has a current and valid Neighbourhood Plan, which is applicable to local development up to **2032**. The proposed major development is contrary to the policies in the plan and lies wholly outside the town's designated Settlement Boundary as defined in the Neighbourhood Plan and in the LPA's Local Plan (LPP2).

Although the Rule 6 Party will not be providing a professional landscape expert – we defer largely to the LPA's submissions and evidence in this context – we shall be providing evidence of the value of the landscape to the community. This is very important given the question of loss of amenity to the community that is currently provided by the high quality and protected landscape on which the development will be built. Mr. Chris Harrison will be the Rule 6 Party's witness to the Community Value of the Landscape. This will comprise of evidence as to the amenity value for the public (including the townspeople of Haslemere and surrounding villages) of the National Landscape (AONB) area.

Sir, you are invited to give significant weight to this evidence, albeit that it is qualitative in nature. Its importance is in the balancing of what is in the public interest in your decision. One point I would like to make at the outset is with respect to the private ownership of the site. The Appellant states in Appeal Core Documents – CD2.7 (Savills Covering Letter), that – quote – "In terms of landscape, the Application Site is currently in private use and offers no existing public benefits." – end quote – The fact that the site is in private use does not mean that there are "no existing benefits". The countryside's benefits are not limited to those who stand in a specific place, whether a pasture, a wood or a forest. Rather, the benefits are both to those who stand in the place and those who view the place from outside. In the case of the proposed development site, it is precisely the benefits of the countryside as part of Haslemere's special landscape character that will be impacted, as enjoyed by the community as its members drive, walk, run, cycle or quietly sit in the surroundings of the site itself. Furthermore, the protected designation of land as National Landscape does not depend on whether it is privately owned and used or not.

The Site and Environmental Impact

Very little has changed since the first appeal, except for the strengthening of land protection under the NPPF. The site now holds the highest level of government and planning protection to prevent urban sprawl. Development should remain within the settlement boundary and near transport hubs—not on protected landscapes.

We support the right homes in the right places. This is neither.

Since the initial objections, the landscape has undergone two significant changes:

- Following the submission of Rule 6's Ecology Statement, the non-indigenous screening vegetation on the north boundary was removed, exposing the site and disrupting its tranquillity. Sadly, the Pen, a 2m fencing deer trap remains surrounding the site.
- Key trees along Midhurst Road, protected by a Tree Preservation Order (TPO), were felled immediately before this appeal has been determined. The TPO stated the tree removal would cause significant harm to the amenity view.

As regards biodiversity, the Rule 6 Party argues that the figures asserted by the Appellant with respect to the Biodiversity Net Gain (BNG), arising from the proposed development, may not be dependable. Reference is made to the conclusions of the expert Prof. Tom Oliver, submitted in the papers.

It is with regret that, as the Inspector is aware, Prof. Oliver is unable to attend the Inquiry for reasons shared with the Inspector. However, Prof. Oliver is prepared to provide further written information should the Inspector request it, in particular if needed as a result of the exchanges that take place during the course of this Inquiry.

Nevertheless, the Rule 6 Party shall provide evidence through the participation of Dr. Philippa Guest, who – although not a professional expert in biodiversity – has relevant expertise and experience in the field of ecology.

Key Concerns from Public:

In the interest of assisting the Inspector, I would take the opportunity briefly to draw to your attention other areas of concern raised by local residents and members of the public beyond the environmental harm from this proposed development. The public has raised key concerns about:

- **Road Safety Risks:** Junction flooding and road safety including speed measurements have been documented in submitted reports.
- **Water Supply Issues:** Local potable water shortages already require bowser deliveries, proving infrastructure is inadequate.
- **Affordability:** Homes in this development would require local key workers on average income to obtain a [90%] mortgage at approximately 19x salary—far beyond the reach of all⁴.

⁴ Figures based on key worker from www.payscale.com £38,000: Elivia Homes 2025 @ £775,000 = 19x less deposit.

- **Footpath 597:** The proposed relocation of Footpath 597 is a further issue raised by local residents. Moving a historic footpath between two roads severs its natural connection with the National Landscape and reduces its tranquillity. Upgrading it to a bridleway is poorly thought out as it directs horses and riders straight into 40mph traffic. We would invite you, Sir, to review this aspect of the proposal specifically during your site visit. Additionally at the southern end of the footpath, the associated car park at the proposed junction lacks the capacity needed for the expected visitors.
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Balancing the Public Interest

A starting point for evaluating the public interest is to ask what the public want who are most directly affected. A survey of Haslemere's public in 2016, conducted as part of the town's Neighbourhood Plan consultation, showed that over 90% did not want major housing developments on greenfield land outside the settlement boundary. And even lower income families who needed affordable housing were not in favour as they needed housing nearer to the town centre, schools and shops.

As an aside, I would note that the statutory protection afforded to National Landscapes is equivalent to the protection given to National Parks and that the public interest in preserving them from largescale housing developments is reflected in the statements by the current Prime Minister and the Secretary of State for Housing. They advocate building on brownfield and so-called greyfield sites but not on National Parks or, by implication, National Landscapes, because the preservation of that protected countryside is a dominant public interest.

The Appellant emphasises that 78% of his land is being offered to the community as green space – but it is already green! Surely, the relevant percentage to focus on is that the site is today, 100% National Landscape green space. In other words, the Appellant's case is that eradicating 22% of the beautiful countryside at Scotland Park is made up for by the fact that 78% of it is not eradicated and has some new plantations on it! How is that in the public interest?

Subsequent to the consultation mentioned above, Haslemere's public supported Local Plan development site allocations, which did not allocate land at the Scotland Park site. The fact that the Appellant points to a nearby village (Chiddingfold) as having allocated National Landscape land at Queen's Mead for development is neither here nor there – if the Chiddingfold community saw a public interest in doing so, fine. Haslemere has evaluated its public interest and seen no public good in allocating the land under this proposal for development.

Let me turn to my last point on public interest. The Appellant makes the case that provision of, first - access to the South Downs National Park and to green space on the site, secondly provision of a forest school facility and thirdly provision of a scout hut, are benefits for the community. The Rule 6 Party submits that these purported benefits are not as significant as presented by the Appellant. They are not a package of “exceptional benefits” at all and should receive either no or, at most, neutral weight in any consideration. This is simply because they are not needed – as you will see on your site visit, Sir, there is already ample access to countryside in the vicinity. **Savills indicate** on their own website when selling properties in the town that there are several forest schools locally and access to the countryside; and there are a large number of scouting facilities in the county”

The LPA will address specifics of provision in Haslemere itself.

Conclusion

The Rule 6 Party is here to support the LPA and the appeal process. We seek to provide a local voice for consideration by you, Sir, the Inspector, as you apply policy to the circumstances of this application.

Our lay understanding of the NPPF is that there is a rebuttable presumption to refuse development on National Landscape land and that it can only be rebutted if there are, first, exceptional circumstances and secondly, there is a public interest in allowing the development.

Objectors to this application and the LPA do not accept that the Appellant has made a case of exceptional circumstances. It is the Rule 6 Party's firmly held position that, whatever the planning position on exceptional circumstances, it is not in the public interest to proceed with the development. The cost of the harm to, and loss of the benefits derived from, this protected landscape, its special character and visual amenity, are not outweighed by the purported benefits of the development proposal put forward by the Appellant.

We urge the Inspector to give appropriate weight to these valid community concerns. This development is not about meeting local housing needs—it is about profit. An opportunistic developer is forcing executive homes onto protected land, causing demonstrable and irreversible harm.

Yes, housing is needed. But it must be balanced. This proposal is not.

Thank you.