



## Appeal Decision

Inquiry Held on 16 December, 20-23 December 2021 and 6-7 January 2022

Site visit made on 11 January 2022

**by Helen B Hockenhull BA (Hons) B. PI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> February 2022**

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**Appeal Ref: APP/R3650/W/21/3280136**

**Land off Scotland Lane, Scotland Lane, Haslemere GU27 3AN**

- 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 Redwood (South West) Limited against the decision of Waverley Borough Council.
  - The application Ref WA/2020/1213, dated 28 July 2020, was refused by notice dated 23 July 2021.
  - The development proposed is the erection of a residential development including associated parking, landscaping, open space and infrastructure.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a residential development including associated parking, landscaping, open space and infrastructure on Land off Scotland Lane, Scotland Lane, Haslemere GU27 3AN in accordance with the terms of the application, Ref WA/2020/1213, dated 28 July 2020, and subject to the conditions in the attached schedule.

### Procedural Matters

2. A draft planning obligation by way of an agreement made under section 106 of the Town and Country Planning Act 1990 (s106) between the Appellant and the Council was submitted at the Inquiry. A signed and dated version was submitted after the event. The obligation relates to the provision of affordable housing, the management of public open space, play space and sustainable urban drainage as well as the management of the permissive path and circular walks.
3. The Council and the Appellant provided Statements of Common Ground (SoCG) with regard to planning matters and housing land supply. A revised SoCG regarding housing land supply was agreed and submitted to the Inquiry during the event. A further SoCG was provided on 5 January 2022 in response to comments made by Councillor Hyman with regard to the Wealden Heaths II Special Protection Area (SPA) and the requirement for Appropriate Assessment.
4. The Council refused planning permission citing four reasons. It is agreed between the parties that all matters relating to reasons 2, 3 and 4, regarding ecology, highways and the piecemeal approach to development, have been

addressed with the submission of additional information. As there remain no differences between the Council and Appellant on these matters, I do not deal with them as main issues. However, as ecology and highway issues remain of concern to several residents, I have addressed them in other matters.

5. After the Inquiry closed, an appeal decision was issued for a proposed residential development at Loxwood Road, Alford<sup>1</sup>. The main parties were asked for comments on whether this decision had any implications for their respective cases. I have taken these comments into account.

### **Main Issues**

6. In light of the above, I consider the main issues to be as follows:
  - the effect of the proposal on the character and appearance of the Area of Great Landscape Value, the wider countryside, the setting of the Surrey Hills Area of Outstanding Natural beauty and the character and appearance of Museum Hill and Old Haslemere Road;
  - whether the Council can demonstrate a five-year supply of deliverable housing land against the housing requirement;
  - whether the proposal would preserve the setting of the Grade II listed buildings at Red Court.

### **Reasons**

#### Policy Context

7. The appeal site comprises an area of around 4.9 ha to the south of Scotland Lane, Haslemere. The site lies in open countryside outside but adjoining the settlement boundary of Haslemere. It is also defined as within an Area of Great Landscape Value (AGLV) and within the setting of the Surrey Hills Area of Outstanding Natural Beauty (AONB).
8. The development plan for the area comprises the Waverley Local Plan Part 1 adopted in 2018 (LPP1) and the Waverley Borough Local Plan 2002 (Saved Policies 2007). It also includes the Haslemere Neighbourhood Plan 2013-2032 which was made in November 2021. The development plan policies applicable to this appeal are agreed by the main parties in the SoCG.
9. The Council is also in the process of preparing the Waverley Borough Council Local Plan Part 2: Site Allocation's and Development Management Policies (LPP2) which was formally submitted for examination to the Secretary of State on 22 December 2021. Whilst this document is well advanced, I am aware of a number of objections to it, such that I afford it limited weight in this appeal.
10. I am aware that the site has been promoted for development by the Appellant for some time and that it formed a draft allocation in earlier versions of LPP2. In the submission version of the document, the allocation has been removed.

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<sup>1</sup> APP/R3650/W/21/3278196

## **Character and appearance**

### *Landscape Character*

11. The appeal site consists of four field enclosures consisting of grassland, woodland and paddocks. The site lies on a north facing ridge rising from Scotland Lane and is currently accessed by a narrow private track at the northeast corner of the site. The site has a wooded edge to Scotland Lane and is bound by existing residential development to the north and further properties on Scotland Close to the west. Red Court and Red Court Lodge, both Grade II listed buildings, lie to the south.
12. The site lies within National Character Area 120 Wealden Greensand. This is characterised by an undulating and organic landform, with semi natural habitats including lowland heath, small or medium fields in irregular patterns bounded by hedgerows, pastoral and arable land set within a wooded framework and large houses within extensive parks and gardens. Whilst this is a high-level assessment, I consider the site is representative of this Character Area.
13. The Surrey Landscape Character Assessment provides a more detailed analysis, describing the site as within the Hindhead Wooded Greensand Hills Landscape Character Area (LCA). This wraps around Haslemere and has key characteristics of a complex topography forming steep ridges, heavily wooded continuous blocks of woodland with pockets of heathland, smaller scale pastoral fields bounded by hedgerows, peaceful and remote due to its enclosed nature and limited access. Whilst I agree with the Appellant that the appeal site does not include heathland, it is not uncommon that an individual site does not include all characteristics of a particular LCA. My assessment is that the wooded pasture character is clearly evident on the site and the topography is complex with steep slopes and a north facing ridge. I observed on my site visit, that despite its proximity to Haslemere the site is relatively peaceful and feels remote. I therefore conclude that it is representative of this LCA.

### *Valued Landscape*

14. The Council and the Haslemere Rule 6 Alliance argue that the appeal site forms a valued landscape, though this was not mentioned in the reasons for refusal, or in the Council's report to committee.
15. Paragraph 174 a) of the National Planning Policy Framework (the Framework) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
16. It is common ground that the criteria in GLVIA3<sup>2</sup> and the Landscape Institute Technical Guidance Note TGN 02/21 should be used to assess whether the site should be considered as a valued landscape. The Council and the Appellant use Table 5.1 in GLVIA3 whilst Haslemere Rule 6 Alliance use the Technical Guidance Note. They are very similar, using slightly different terms only. For the purposes of my decision, I use the criteria in GLVIA3.

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<sup>2</sup> Guidelines for Landscape and Visual Impact Assessment Version 3, 2013

17. In terms of landscape quality, this is a measure of condition. The site has not been managed appropriately for a number of years, leading to the invasion of Japanese Knotweed and the dense spindly plantation woodland. I agree with the main parties that the landscape condition is medium. Turning to scenic quality, this is a term used to describe landscapes that appeal to the senses, primarily the visual senses. The site is well contained with views limited to close range locations. It does not therefore in my view satisfy this criterion.
18. In terms of rarity, whilst I accept that the site is characteristic of the Hindhead Wooded Greensand Hills LCA, which itself is limited in extent, enclosing the town of Haslemere, there is no evidence before me to suggest the site contains any individual features or elements that are rare. With regard to representativeness, whilst the site is representative of the LCA, I have not been advised of any particular character and /or feature of elements which are considered particularly important examples. Accordingly, this criterion is not satisfied.
19. Turning to conservation interest, the site is not subject to any ecological designations. It forms improved pasture and birch plantation. Ecological surveys have indicated that the site has some ecological value but there are no ecological constraints and there are no objections to the site's development by Natural England or Surrey Wildlife Trust. I concur with the Council that the site has moderate ecological interest.
20. The appeal site has no known cultural heritage and makes no cultural associations. Furthermore, it has no recreational value as this site currently has no public access. The Haslemere Rule 6 Alliance argued that this site did have some recreational value as walking along Scotland Lane to and from the wider countryside it would be passed adding to the enjoyment of the walk. This does not provide sufficient recreational value in the terms of the GLVIA criteria.
21. With regard to perceptual aspects, all parties agree the site is not 'wild'. I have no reason to disagree. In terms of tranquillity, the site is adjacent to the urban edge with residential development affecting the sense of tranquillity. Towards the southern boundaries of the site, at a greater distance from existing built form, a higher level of tranquillity is experienced. This is however typical of any site in this context and does not elevate the site to a valued landscape.
22. An additional criterion set out in the Landscape Institutes Technical Guidance Note is that of 'function'. The site does not in my view perform a clearly identifiable and valuable function. It is not part of an active agricultural holding, and it has a limited function in the visual setting of the AONB, a matter I will return to later. Whilst it provides a setting to Scotland Lane, the retention of boundary hedgerows will maintain this aspect of the site.
23. The identification of landscape value needs to be applied proportionately ensuring that the identification of a valued landscape is not overused<sup>3</sup>. Case law has confirmed that a valued landscape is a landscape that is more than

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<sup>3</sup> Landscape Institute Technical Guidance Note 2/21 p43

mere countryside but is landscape that has physical attributes which take it 'out of ordinary'<sup>4</sup>

24. I acknowledge that the site is valued by the local community and forms an area of attractive countryside. However, in my view, whilst the appeal site has a medium landscape quality and some ecological value, it does not meet the majority of the above criteria. I am not therefore persuaded that it forms a valued landscape.

*Impact on the setting of the AONB*

25. Paragraph 176 of the Framework states that development in the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Policy RE3 of the LPP1 requires new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located. Part (i) of the policy concerns the Surrey Hills AONB and states that the setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB. Policy P6 of the Surrey Hills AONB Management Plan 2020-2025 reiterates this policy requirement, that development spoiling the setting of the AONB by harming public views into or from the AONB will be resisted.
26. The Appellant argues that there are no public views of the site from within the AONB. The Council's landscape witness agreed with this on cross examination. The Haslemere Rule 6 Alliance witness expressed uncertainty about whether the development would be able to be viewed on the skyline, particularly from Valewood Park to the south. I share the concern that the evidence does not clearly demonstrate this. However, at worst, the rooflines of houses on the northern boundary of the site would be visible above the tree line. However, this would be in the same view as the buildings at Red Court. In this context, I consider that should there be any visibility, it would have a negligible impact and cause no harm to public views. Accordingly, in this regard the appeal scheme would not conflict with LPP1 Policy RE3 (i) or with paragraph 176 of the Framework.
27. The Council has argued that the impact on the setting of the AONB does not only result from harm to public views but as Planning Practice Guidance (PPG)<sup>5</sup> states, significant harm may occur through poorly located development in the setting of an AONB where the landscape character of land within and adjoining the designated area is complementary. I acknowledge that the appeal site falls within the same LCA as the adjoining AONB, the Wooded Greensand Hills. However, the site lies on the southern edge of Haslemere and is bounded by residential development on two sides. In spatial terms it therefore forms a logical extension to the settlement. I have already found that the scheme causes no harm to public views from or into the AONB. I am therefore not persuaded that the development can be described as poorly located.
28. I note that in 2013 a study was undertaken commissioned by Surrey County Council on behalf of Surrey Planning Officers Association and the Surrey Hills AONB Board, to assess the natural beauty of the Surrey Hills AONB. The site

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<sup>4</sup> Hewitt, R (on the application of) v Oldham Metropolitan Borough Council & Anor [2020] EWHC 3405 (Admin)

<sup>5</sup> PPG Natural Environment (8) paragraph:042 Reference ID:8-042-20190721

is identified as a site for potential future inclusion in the AONB. Natural England have recently launched a boundary review. It is not possible to know at this stage, that this 2013 study will be relied on to inform the review. It may well be that further survey work is undertaken. The Planning Advisor to the AONB Board suggested that it is highly likely that the site would become AONB if the appeal is dismissed. Whilst the identification of the site is a material consideration, the outcome of the AONB review is currently unknown, the process is likely to take some time.

*Impact on AGLV and surrounding countryside*

29. LPP1 Policy RE1 seeks to recognise the character and quality of the countryside, consistent with paragraph 174 (b) of the Framework. LPP1 Policy R3 relates to landscape character. The overarching requirement is for new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located. The policy then provides further guidance for specific areas. Part (ii) relates to AGLV. It states that the same principles for protecting the AONB, will apply in the AGLV, whilst recognising that the protection of the AGLV is commensurate with its status as a local landscape designation. The interpretation of this policy was the subject of considerable debate at the Inquiry.
30. The Council argue the decision maker should protect and enhance the character and qualities of the AGLV but bearing in mind that the AGLV is a local designation, that protection should be at a lower level. The Appellant suggests that because the appeal site is in the setting of the AONB, a decision maker should apply the second sentence of Policy RE3 (i), which protects the setting of the AONB where development outside its boundaries harm public views from or into the AONB.
31. I have considered all parties views and can see some logic in both arguments. However, in my judgment the Council's approach is the correct one. By applying a lesser level of protection, it is consistent with the Framework and distinguishes the hierarchy of international, national and locally designated sites. If the Appellant's approach were to be followed, assuming a situation where there was no conflict with RE3(i) then in applying the same principles, there could also be no conflict with RE3(ii). However, it is quite feasible that a scheme could cause no harm to the setting of the AONB but could cause harm to the AGLV in which it is located. Therefore, the same principles of protection should be applied to the appeal site as in the AONB but taking account of its status as a local landscape designation.
32. The section of AGLV in which the appeal site is located, forms a sliver of land at the southeast boundary of Haslemere and acts as a buffer to the AONB. The Appellant analysed the landscape types within it. The Council has criticised this analysis as it looks at land uses not landscape types. Land use however directly affects the character of an area. The area has a mixed land use, with existing high density residential development, woodland, fields and also large dwellings set in spacious plots. This establishes that residential development already exists in the AGLV. Accordingly, it follows that the development proposed would not in principle form a land use out of character in this area.

33. The appeal site has been the subject of a number of landscape assessments. The Council's Landscape Study – Part 2 Haslemere and Godalming 2014 found that the site had some landscape qualities, that it made a medium contribution to the settlement setting, had a moderate visual prominence, low intervisibility, moderate landscape sensitivity and medium landscape value.
34. The Council produced a Landscape and Visual High-Level Review of proposed allocated sites as part of its preparation for the LPP2 in October 2020. This stated that the appeal site had a lower level of intervisibility and was visually well contained. It described the sites sensitivity to change as low to medium due to the difference in character between the site and the wider area and the proximity of the site to existing residential development. The landscape value was judged to be medium, and it was considered that the site could accommodate housing within a retained landscape structure. It stated that the development of the site would not be of significant impact in the context of the settlement edge. The Council's Land Availability Assessment in November 2020 refers to this Landscape Study and concluded that the site is potentially suitable for development.
35. The Council has disagreed with these findings arguing that the site has a high landscape sensitivity on the basis of its high value and high susceptibility to residential development. The Council points out that the 2020 Study is a high-level review and a detailed site assessment was not undertaken. This is evident because reference is made to coniferous plantation which no longer exists. Despite this anomaly, the Study was prepared for a particular purpose and inevitably was more of an overview to assess the principle of whether a site was suitable for development. I have no evidence before me to suggest that the Study was not robust or undertaken in a professional way or that its conclusions are unreliable. The Council continues to rely on it as evidence to support the LPP2. It has value in assessing landscape sensitivity and capacity and I concur with its findings.
36. Turning to the impact of the development on the site itself, I shall first consider topography. The site is situated on a north facing slope, rising steeply towards the southern boundary. The land to the south beyond the site, around Red Court, marks the top of the hill. Scotland Lane has the character of a sunken lane, set approximately 1-1.5 metres below the level of the site.
37. In order to accommodate the appeal scheme, some dwellings would require the creation of a level platform, reprofiling of the ground levels and the provision of retaining walls. Whilst this would change the topography of the site in certain places, the overall profile would remain. Dwellings set within sloping ground is not uncommon in the local area and characteristic of the locality.
38. The proposed attenuation ponds set within the slope in the northwestern part of the site would require an element of cut and fill. This would change the topographical profile of this part of the site with a steeper grass slope, however the overall profile of the hill would remain. This would not be uncharacteristic of the area. Furthermore, the ponds would be viewed in the context of the open space area and the retained and additional planting

which would create an element of layering through which views of the features would be filtered.

39. The Appellant has prepared an Arboricultural Impact Assessment which identifies the existing tree stock on the site and highlights those which would need to be removed to facilitate the scheme. The proposed scheme would retain all Category A trees, the trees of the best quality but result in the loss of a number of individual Category B and C trees. It would also be necessary to remove large parts of groups of trees, in particular Groups 17 and 21, which predominantly form Category B trees.
40. The Appellant points out that the Forestry Commission have undertaken a site visit and raised no objection to the removal of the trees. The Commission advise that the majority of the woodland to the east of the site is young and not mature woodland. They comment that there is a regrettable loss of a small number of mature trees within this woodland but note their value has been compromised as a result of their isolated position. They note that more and larger trees are to be retained. With regard to trees on the west of the site, the Commission comments that they are fairly young specimens neither mature woodland or high quality habitat.
41. The Appellant has further justified the loss of the majority of trees within G17 and G21. The lack of positive management of these trees over time has meant that the dominant birch trees have become dense, spindly and tall. This I observed on site. The woodland has also become infested with Japanese Knotweed. There is a risk that thinning, and coppicing would increase light to the woodland floor encouraging the Knotweed to spread. I heard evidence that the Knotweed could be treated without the removal of the trees, though care would be needed to be taken to ensure that the herbicides used did not adversely affect them. Whilst this may be the case, it would be likely to take longer to achieve, and may not be totally successful in any event. I note that the Appellant has carried out spraying in other parts of the site which has been unsuccessful, necessitating a specialist firm to be brought in to use a sifting technique to remove the roots. This alternative method would not be suitable in the woodland, and this adds weight to the Appellant's position.
42. In light of the above, I accept the justification for the removal of the majority of Group 17 and 21. The scheme retains trees of merit and would therefore comply with LPP1 Policy NE2 and saved 2002 LP Policies D6 and D7 which seek to protect significant trees and group of trees in new developments. Nevertheless, this level of tree removal would inevitably have a major adverse impact on the character of the site.
43. The scheme proposes the retention of many of the boundary trees and hedgerows with supplementary planting including buffer planting to maintain the screening to the site from Scotland Lane. The Appellant indicates that the design of the scheme seeks to retain the field boundaries within the site. I note in particular that the hedgerow to the rear of Plots 48-45 is proposed to be retained. However, this would form a rear boundary between residential plots which, in my view, because of its limited visibility, would not be appreciated as a former field boundary. Furthermore, there would be a risk of its diminution or loss due to lack of appropriate maintenance by



future houseowners. Overall, my view is that the scheme does not effectively achieve this objective.

44. The proposed access to the site would be taken at the same position as the existing private access. It would however require improvement through widening, footways and improved visibility splays. This would increase the visibility of the site from external views. The Council raises concern that this would change the character from a developed well wooded site to a residential area. However, it is proposed that the access road would curve quickly as it proceeds into the site. This means that views of the proposed dwellings from the site access would be restricted. Whilst there would be some change in character as the access would be widened, taking account of the retained trees and new planting, the character would be one of a residential development set back from the road with filtered views through vegetation. This would be in keeping with similar developments in the area, for example the entrance to Red Court. A widened access off Scotland Lane with residential development beyond would also not appear out of character having regard to the existing accesses to Scotland Close, Chiltern Close and Old Haslemere Road.
45. Given the above, I consider that the proposed development would have a major adverse impact on the character of the site. Due to the lack of intervisibility and the fact that the site is visibly well contained, this impact would be localised, however, it would still fail to recognise the intrinsic character and beauty of the countryside and protect the character and qualities of the AGLV. Therefore, the appeal scheme conflicts with paragraph 174 (b) of the Framework and LPP1 Policies RE1 and RE3(ii).

### *Visual Impacts*

46. It is common ground between the parties that much of the landscape beyond the immediate environs of the appeal site would be visually unaffected. The main visual impact of the development would be for users of Scotland Lane and for residents on Scotland Close.
47. Turning to the impact for users of Scotland Lane, the lane is set at a lower level to the appeal site. The bank along the northern boundary of the site, together with existing trees and hedgerow, result in users of the lane experiencing very limited glimpsed views into the site through the existing boundary vegetation. Views would be much more readily achieved in the winter months. Should the development proceed, users of the road would be likely to see partial views of the roofs and upper sections of the dwellings. Landscaping would provide some mitigation but would not completely screen the development, resulting in an adverse impact.
48. There are distinct gaps in the vegetation particularly to the north western section of the site. This area is proposed to form open space with a play area and wildflower meadow as well as accommodating attenuation ponds. Due to the topography of the site the proposed dwellings to the south of this area would be at a higher level and would be particularly prominent when viewed from the lane or the existing residential properties opposite. Whilst trees on the northern site boundary would filter views to an extent, the presence of built development would have an adverse impact on the visual amenity of the area. I acknowledge that should the appeal be allowed; the details of the landscaping scheme would be conditioned. Consequently, a scheme could be

agreed which provided additional planting and screening along this part of the boundary to further mitigate this impact.

49. Views experienced by residents of Scotland Close would be significantly altered by the development. The proposed additional planting on the site boundary together with separation distances would assist to provide filtered views but would not overcome the adverse impact to visual amenity.
50. From viewpoints along Park Road to the north of the site, there are limited glimpsed views between houses. The most significant visual impact would be from the loss of trees but the presence of further trees beyond would result in a very minor adverse impact.
51. Looking from the recreation ground, conifer trees within the site can be viewed behind trees on the boundary of the playing fields. Their removal would also in my view result in a very minor adverse visual impact.
52. The Appellant and the Council have differing views on the visual effects of the development. The Council considers that at Year 1 more viewpoints would experience a major adverse impact whilst the Appellant considers they would be moderate adverse. This difference is partly explained by the fact that the Council views the site as a valued landscape attributing a higher sensitivity. The Haslemere Rule 6 Alliance make a similar assessment to the Council.
53. The Appellant and the Alliance then consider the impact at Year 10, the Council at Year 5. At Year 5, the Council's view remains unchanged. An assessment at Year 10 would in view be more appropriate to give time for the landscaping to establish. The effects at Year 10 would clearly be reduced. Following my assessment of the harm and the sites sensitivity, I agree with the Appellant's view that the impact would at the most affected viewpoints, be moderate adverse reducing to minor adverse.

#### *Impact on Old Haslemere Road/ Museum Hill*

54. In the interests of highway safety, and to provide a safe route to Haslemere town centre for pedestrians, the Highway Authority require a number of improvements to be made. These include the provision of a 2-metre-wide footpath from the site extending along Old Haslemere Road and a 1.2-metre-wide virtual footpath through the lower and narrower section of the road. This would then continue along Museum Hill before reverting back to a constructed footway to join the footpath on Petworth Road.
55. The 2-metre footway would be provided within existing grassed verges in the adopted highway. The character of Old Haslemere Road is one of a semi-rural lane. The grass verges on the west side of the road towards its southern end are wide, approximately 4 to 5 metres, and give the lane a feeling of spaciousness and contribute positively to its character. These verges reduce in width as one progresses towards the town centre particularly to the north of Park Road. The provision of a footway in the wider sections of verge would retain around 2 -3 metres of grass. However, where it narrows much less would be retained. Whilst the open character of the lane would be maintained at its southernmost end, this would not be the case for the whole length. The introduction of additional hard surfacing would adversely affect the verdant character of the lane.

56. In the latter section of Old Haslemere Road where it is much narrower, a virtual footway is proposed. This would comprise a hatched area marked out in the roadway which would signal to drivers that the surface was shared with pedestrians. Whilst this would not result in the loss of any vegetation, it would have an urbanising impact on the character of the lane, changing it from a semi-rural route to a road with a more urban character.
57. Museum Hill is effectively a single-track road with car parking on the eastern side of the highway reducing its width. In contrast to Old Haslemere Road, it has a suburban character with some areas of narrow grass verge and banking along its length. It is proposed to provide a virtual footway along this section of road until the blind bend where a 2-metre-wide footway would be provided in an area of grass verge. A further 2 metre footway would be provided in the grass verge on the approach to the junction with Petworth Road.
58. As a result of the narrowness of the grass verges along Museum Hill they would need to be completely removed and replaced with hard surfacing. The virtual footway in this location would, like Old Haslemere Road, have an urbanising effect. Consequently, these improvements would have a negative impact on the character and appearance of the area.
59. The far end of Museum Hill is located within Haslemere Conservation Area. I noted on my site visit that the grass verge in this location is narrow, poorly maintained and contributes little to the character and appearance of the area. Its replacement with a hard surface of an appropriate material would not be inappropriate, in keeping with other footpaths in the conservation area.
60. Given the above, I conclude that the proposed pedestrian improvements would cause harm to the character and appearance of the area. This harm has to be weighed against the benefits of the scheme in terms of pedestrian safety, which I shall address in the planning balance.

#### *Conclusion on character and appearance*

61. The site occupies the northern face of a ridge facing away from the Surrey Hills AONB, is visually well contained and lacks intervisibility. I have found that the proposal would comply with LPP1 Policy RE3(i) as it causes no harm to public views from or into the AONB. However, it causes localised harm to the character and appearance of the area in which the site is located and would cause moderate adverse visual effects. Overall, it would cause harm to the character and appearance of the area, failing to recognise the intrinsic character and beauty of the countryside and the character and qualities of the AGLV, in conflict with paragraph 174 (b) of the Framework and LPP1 Policies RE1 and RE3 (ii).

#### **Housing Land supply**

62. In the revised Housing Land Supply SoCG, signed by the Council and the Appellant, it is agreed that the correct period for the purposes of assessing 5-year housing land supply (5yhls) is 1 April 21–31 March 2026, that the housing requirement is 590 dwellings per year and that a buffer of 5 % should be applied.

63. The parties disagree on the total five-year housing requirement (including the buffer and the shortfall). This is due to discrepancies that have come to light regarding completions. An additional 246 completions have been identified from monitoring years 2017/18, 2018/19 and 2019/20, resulting in a total number of completions of 3439. This has arisen as the Council has undertaken a review including consideration of Building Control and Council Tax data. There was also found to be an issue with residential institutions (C2 uses) not being included in the data.
64. I acknowledge that the previous data has been relied on to inform the Annual Monitoring Report and has been passed to Government for the Housing Delivery Test assessment. However, it is in my view appropriate for the Council to highlight the issue and correct its data. Not to do so, would compound the error. On that basis I find that the 5-year housing requirement should be 4460 dwellings.
65. The Appellant challenges the deliverability of 16 sites in the Council's supply, arguing that the Council's estimate has been persistently optimistic. I note that the Council used to rely on the Troy Planning Note to assess deliverability, but this was criticised in the Lower Weybourne Lane appeal<sup>6</sup>. The Council no longer relies on this, preferring to contact developers for their advice and then sense checking and critically analysing their estimates, changing delivery expectations where considered appropriate. I have insufficient evidence before me to indicate if this approach is ineffective or whether the Council is continuing to overestimate as the change of approach is very recent.
66. Turning to the individual sites in dispute, the parties correctly apply the definition of deliverability as set out in the glossary to the Framework and identify Category A and Category B sites. Category A sites should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. Category B sites are those sites that should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
67. Planning Practice Guidance (PPG)<sup>7</sup> provides some indication of what would be considered to form robust clear evidence. I use this in my assessment below.
68. The Woolmead, Farnham, has full planning permission for 138 dwellings. A variation of the consent to reduce the size of the basement was granted on appeal in May 2021. The developer argued this was required to make the scheme viable. Whilst the parties agree the site is deliverable, the Appellant considers the lead in time will be longer than anticipated by the Council and pushes back delivery one year, removing 38 units from the five-year supply. The Council consider 20 dwellings would be achievable in 2022/23 with 40 dwellings per year thereafter. The developer shows a clear intention to develop the site and there is no clear evidence that the predicted delivery would be unachievable. I therefore retain the site in the supply.
69. The site at 34 Kings Road, Haslemere has planning permission for 5 dwellings. However, an alternative scheme for an additional single dwelling

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<sup>6</sup> Appeal Ref: APP/R3650/W/20/3262641 Land at Lower Weybourne Lane, Badshot Lea, Farnham, GU9 9LQ

<sup>7</sup> Paragraph: 007 Reference ID: 68-007-20190722

has been submitted and is pending determination. Viability issues have been raised in respect of the 5-unit scheme. I agree with the Appellant that there is clear evidence that the scheme will not deliver, and I therefore remove 4 dwellings from the supply.

70. Turning to Dunsfold Park, this forms an allocation in LPP1 for 2600 dwellings. The site has a hybrid consent including outline planning permission for 1800 dwellings. The proposal for a Garden Village, includes care home accommodation, a local centre, primary school, health centre, community centre and open space. Homes England funding has been achieved to support delivery. The Appellant considers the site will not contribute towards the five-year housing supply whilst the Council predict 50 dwellings in 2023/24 rising to 200 dwellings per annum thereafter.
71. I note that planning permission has been granted for the access road and that reserved matters consent has been granted for the roundabout. It is anticipated that these works will commence in 2022, though no firm start date was provided to the Inquiry. There have been delays with the site coming forward as the landowner has sought to sell the site. I understand there is a preferred bidder keen to make progress, but that party is an investment company and not a housebuilder. A developer partner would need to be sought once the acquisition has taken place. The Council advise that the Supplementary Planning Document (SPD) for the site is likely to be adopted in February 2022. I consider it most likely that the preferred bidder and developer partner would not wish to progress with the current outline consent but would seek an amended consent having regard to the SPD. Such matters would take time to resolve.
72. I accept that development could start on the site while temporary uses remain. I also acknowledge that the site benefits from an implementable outline consent, however as discussed above, there is no evidence that the subsequent reserved matters application would be progressed.
73. In light of the above factors, I consider that delivery in 2023/24 as suggested by the Council is unrealistic. On the basis of the evidence before me, the delivery of new homes could optimistically commence in 2025/26. I therefore push delivery back 2 years and assume delivery of 50 dwellings in 2025/26. Consequently, I remove 400 dwellings from the supply.
74. Land at Waverley's Folly, Badshot Lea, is anticipated to deliver 23 dwellings in 2025/26. The site has outline planning permission and a reserved matters application is pending. Revised plans were submitted in November 2021. The development is being put forward by a housebuilder and there are no constraints to the site's development. Progress is being made on this small site which provides the clear evidence suggested by the PPG that it will deliver new homes and contribute to the 5-year supply.
75. Land opposite Milford Golf Course received outline consent for up to 200 dwellings in 2019 and reserved matters consent for 176 dwellings in November 2021. The Council predict the site will deliver 160 units commencing in 2023/24 whilst the Appellant considers it will deliver no completions in the 5-year supply period.
76. The delivery of the site is impeded by a covenant. The developer has indicated that he will seek to have the covenant discharged within 15

months of the planning consent. The Council's legal adviser has suggested this is an appropriate timeframe. However, there is no evidence that an application has been made and it is likely that the issue will have to be resolved by the land tribunal. I understand that the holder of the covenant has no intention to relinquish it. As the site is Category B, it should not be considered deliverable unless there is clear evidence that completions will begin in 5 years. Currently this is not provided. I therefore remove 160 dwellings from the supply.

77. Land at Coxbridge Farm, Farnham has a resolution to grant outline planning permission. The s106 agreement is anticipated to be signed in January 2022. The Council predict the site will deliver 150 dwellings at a rate of 50 dwellings a year from 2023/24. The Appellant pushes back the development one year, thereby removing 50 units from the supply.
78. Emails provided by the site promoter confirm they will not develop the site. They will need to seek a developer partner. Making estimates of the time required for marketing and site sale, submission of reserved matters, discharge of conditions etc, based on the advice in the Lichfield<sup>8</sup> report, the Appellant estimates completions from 2024/2025. This estimate allows one year for a reserved matters application to be made and approved. I consider this to be an overestimate based on the Council's average data for decision times<sup>9</sup>. I therefore consider the Council's estimate, whilst being optimistic is to be preferred. I retain the site in the 5yhs.
79. Turning to Centrum Business Park, this site is allocated for residential development of 150 dwellings in the Farnham Neighbourhood Plan. The Council predicts a delivery of 50 dwellings in both 2024/25 and 2025/26, a total of 100 units. I am advised by the Council, that pre application discussions have taken place and an application is anticipated in early 2022. The site has a number of existing occupiers who would need to relocate before the site could be developed. There is no evidence as to the lease/ownership arrangements or whether occupiers have sought new premises. Consequently, whilst I note the positive discussions with the developer, I am not satisfied that it has been demonstrated that completions will begin in 5 years. I remove 100 dwellings from the supply.
80. Turning to the site at Meadow Nursery West and Meadow Nursery East, this forms an allocation in the Chiddingfold Neighbourhood Plan for 19 dwellings. A planning application was to be submitted in November 2021, but this has been delayed. Whilst the developer has confirmed that site investigations have taken place, there is no clear evidence that the site would deliver in the next 5 years. I remove this site from the supply.
81. Land at South View Chiddingfold is also allocated in the Chiddingfold Neighbourhood Plan, but for 8 dwellings. Pre application discussions took place nearly a year ago and a planning application is anticipated in mid-2022. Whilst this is a small site, I do not consider sufficient progress has been made to bring the site forward. There is no clear evidence that the site would deliver and contribute to the 5-year supply. I therefore remove 8 dwellings from the Council's supply.

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<sup>8</sup> Lichfield Start to Finish Report

<sup>9</sup> HLS Rebuttal Table 1

82. Land to the rear of Wildwood Close and Queens Mead, Chiddingfold is allocated for 60 dwellings in the above Neighbourhood Plan. Pre application discussions took place in 2019, some time ago. The landowner indicated that a planning application would be submitted in Autumn 2021, however this has now been delayed to sometime in the next 6 months. This is a greenfield site and I note the landowner's intention to develop. However, there is no clear evidence at the moment that the site will deliver in the next 5 years.
83. With regard to Ockford Water, this is a brownfield site with a pending planning application for 13 flats. I am advised that there are issues of ecology and viability to be resolved. These are fundamental matters which raise uncertainty as to whether planning permission will be granted and even if it is whether the development would proceed. In the absence of clear evidence, I remove 13 dwellings from the supply.
84. Land at Barons of Hindhead is a vacant brownfield site, forming a draft allocation in LPP2 and the subject of a current planning application for 38 dwellings. However, there are objections to the development as it adjoins the Surrey Hills AONB and there are viability and affordable housing issues to resolve. Whilst the fact that a planning application is pending shows some progress, the outstanding issues are of concern. There is no clear evidence that the site would deliver in the next 5 years.
85. Turning to the site at Andrews of Hindhead, this is a draft allocation for 35 dwellings in the LPP2. Planning permission for a 72 bed care home has previously been refused. The Council indicate that significant work has been undertaken to progress a full planning application but there is little clear evidence to support this. There is no certainty that the site will be allocated for development and therefore no clear evidence that the site will deliver houses in the next 5 years.
86. With regard to The Old Grove, Hindhead, this brownfield site is a draft allocation for development in the LPP2 and is the subject of a current planning application for 18 dwellings. The application shows progress being made to bringing the site forward, I have no indication that there are constraints on the site. I am satisfied that there is clear evidence the site will deliver homes in the next five years.
87. Land at rear 101 High Street, Cranleigh is a vacant site which is envisaged will provide 35 retirement apartments. There have been pre application discussion and I am advised that the developer intends to submit an application in February 2022. I note from additional information provided by the Council that the developer has confirmed the date for a public consultation exercise in early January 2022 and contracts have been exchanged with the landowner. This shows positive progress and a commitment to bring the site forward. It provides clear evidence of the type suggested by the PPG that the site could deliver homes in the five-year supply.
88. Land at Wey Hill, Haslemere forms a draft allocation in the LPP2 for 34 dwellings. The Council is the landowner and whilst the intention to submit a planning application has been confirmed, the advice from the Council's Estates Team suggest this is some time off. I note that some of the existing occupiers, the Guides and the St Johns Ambulance have already relocated. Whilst these factors show progress, they fall short of the evidence required

to demonstrate that dwellings would be delivered in the next 5 years. I therefore remove 34 units from the supply.

89. The Council suggest that the 5-year supply is 5.2 years based on their amended completions data. The Appellant suggests that it is just under 4 years. In light of my findings above, I conclude that the Council can demonstrate a supply of deliverable housing land of around 4.25 years.

## **Heritage**

90. Whilst not forming a reason for refusal, I have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, to assess the impact of the proposal on nearby heritage assets. The appeal site lies in the setting of the heritage assets at Red Court, located to the south.
91. Red Court together with its curtilage listed staff and stable block accommodation and the Lodge to Red Court are Grade II listed buildings.
92. Red Court was built in 1894-95 for a wealthy brewer. Designed by Ernest Newton, the property incorporates a blend of architectural styles but is generally defined by its overarching neo-Georgian style. The property was built on the ridge of the hill to afford views over the South Downs. It illustrates the historic development of Haslemere, with large, detached houses set in their own grounds built around the edge of the settlement, but with good connections to the rail network for access to London.
93. The significance of Red Court lies in its architectural design, being an example of the classical revival, and its historic interest as a mansion set in spacious grounds being representative of the historic development of Haslemere.
94. The stable and staff accommodation, which are curtilage listed, were likely to have been constructed at the same time as the house and designed by the same architect. Their significance lies in their functional relationship to the main house.
95. The Lodge at the main entrance to Red Court was constructed in 1895 and again designed by Newton. It is of architectural interest with similar detailing as the main house and stable block. Its significance lies in its functional relationship with the main house.
96. It is common ground that the appeal site makes a limited contribution to the significance of Red Court. The Council's Heritage Officer describes Red Court as an isolated country estate. Whilst I agree it is set in large spacious grounds, it is not isolated, being on the edge of Haslemere and close to the rail network. There is no evidence to suggest that the appeal site had a functional relationship with Red Court as part of the wider estate. The only connection on the ground is the secondary access road which runs through the appeal site to the service buildings. This was a later addition and not part of the original design.
97. The proposed development would have limited intervisibility with Red Court itself which lies to the south of the stable and staff buildings. It would retain its feeling of being located within a spacious garden plot, its sense of privacy and the ability to appreciate views over the South Downs. I am therefore



satisfied that the appeal scheme would have no effect on the setting of the main house.

98. The Lodge to Red Court is located to the east of the appeal site. The appeal scheme would result in the Lodge being located within a more suburban built-up setting. However, the Lodge is set back from the road, and appreciated through filtered views through the boundary vegetation. The proposed development in my view would not affect its functional relationship to Red Court or its architectural or historic interest. The appeal scheme would therefore have no effect on its significance through setting.
99. Turning to the curtilage listed stable block and staff accommodation, these buildings lie approximately 45 metres from the main house. Views from the southwest, from within Red Court itself, enable an appreciation of the functional relationship of these service buildings and contribute positively to its setting.
100. The buildings lie close to the southern site boundary which comprises a boundary fence and mature trees. I am advised that the staff accommodation block has recently been brought into the ownership of Red Court and that a covenant attached to the sale requires the maintenance of the woodland on this northern boundary. Together with the proposed additional planting on the appeal site, there would be a good level of screening on this boundary. I accept that during the winter months views of the roof tops of the new dwellings at Plots 5 and 9 may be visible from within Red Court. However, these views would not impact on the historic or architectural significance of these buildings or their functional relationship as service accommodation to the main house.
101. Overall, I conclude that the appeal scheme would preserve the setting of the adjacent heritage assets. The proposal would therefore comply with the requirements of the Act, section 16 of the Framework, Policy HA1 of LPP1 and saved policies HE3 and HE5 of the Local Plan 2002 which seek to conserve and enhance the historic environment.

## **Other matters**

### *Dark skies*

102. The Haslemere Neighbourhood Plan (HNP) Policy H10 seeks to ensure that new development is designed to minimise the effect of external lighting. The Institute of Lighting Professional Guidance Note for the reduction of obtrusive light distinguishes different areas such as urban, suburban and rural and defines them into a series of environmental zones for the control of obtrusive light. Whilst there is some debate about where the appeal site fits, there is common ground between the parties that an appropriately worded planning condition on any approval could require an appropriate lighting scheme. The South Downs National Park Authority is satisfied with such a condition. I am also satisfied that the impact of external lighting on dark skies can be mitigated by an appropriately designed scheme. The appeal proposal would therefore comply with HNP Policy H10.

### *Housing Mix*

103. LPP1 Policy AHN3 requires 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, which should reflect the most up to date evidence in the West Surrey Strategic Housing Market Assessment (SHMA). HNP Policy H5 reiterates this requirement but adds that the mix should reflect the character of existing development in the surrounding area.

104. The SHMA sets out the required housing mix for Waverley and then in an addendum goes further to set out the required mix for Haslemere. The requirement is different for market and affordable housing. The appeal scheme does not include any 1 or 2 bed market houses and underprovides one bed affordable units but overprovides 3 bed affordable units. Turning to 3 bed dwellings, the provision reflects the SHMA for both market and affordable dwellings. With regard to 4 bed units, no affordable units are proposed. However, the SHMA requirement is for 5% which in a scheme provide 15 affordable units equates to less than 1 dwelling. In terms of 4 bed market units the scheme makes a significant overprovision of 57% compared to the SHMA requirement of 20%.
105. I recognise that the policy requirement is to reflect the SHMA not to meet it exactly. Whilst the scheme provides a range of affordable units, it underprovides one bed dwellings. It also overprovides 3 and 4 bed market houses and is completely deficient in terms of 1 and 2 bed market houses.
106. The Appellant has argued that the smaller properties are more likely to be provided in the town centres of Woking or Guildford. Whilst this may be the case, this does not address the need for 1 and 2 bed houses in Haslemere. The scheme provides 1 and 2 bed affordable units. Therefore, the Appellant's argument that smaller units such as 1 bed flats could affect the overall design of the scheme are in my view unfounded.
107. I take account of HNP Policy H5 which in addition to the requirement to reflect the SHMA considers the character of existing development. The character of the local area is one of larger three and four bed detached properties, such that a scheme of large market houses as proposed would not be out of character. However, this does not overcome the schemes deficiency in reflecting the SHMA. The Appellant argues that no harm has been demonstrated as a result of the proposed housing mix. The harm is that the housing needs of the local community are not being met. There is also no certainty that these needs would be met on alternative sites in the area.
108. I conclude therefore that the scheme conflicts with LPP1 Policy AHN3 and HNP Policy H5 in terms of housing mix.

#### *Highways and Parking*

109. The Appellant has provided a Transport Assessment to analyse the likely impact of the scheme on the highway network. It concludes that the majority of vehicle trips would be towards /from Midhurst Road. Once traffic is distributed on the wider highway network, the development proposed would not have a material impact. At the pm peak, it is calculated that there would be 18 vehicles arriving at the development, split over the three main routes to the site. This would have a minor impact on the network. The Highway Authority concur with the Transport Assessment's findings. I have no reason to disagree.

110. As I have already discussed, in order to provide a safer pedestrian route to the town centre, the highway authority require a series of pedestrian improvements along Old Haslemere Road and Museum Hill. A number of local residents have expressed concern that this scheme would result in the loss of on street car parking, particularly residents parking bays. I am satisfied from the evidence before me that existing car parking will be unaffected.
111. Concern has also been expressed about the safety of the proposed virtual footways. Old Haslemere Road and Museum Hill already operate as shared surfaces. The proposed virtual footways would provide a visual indication to drivers that they are entering such an area and raise their awareness that pedestrians may be present in the road. I accept that due to the narrowness of the highway it is likely that vehicles will run over the virtual footpath when necessary. However, the fact that the roads are narrow acts as traffic calming measure to reduce vehicle speeds.
112. Given the above, I am satisfied that the proposed pedestrian improvements would be of benefit to pedestrian safety. This benefit has to be weighed against the impact on the character of the area which I shall address in the planning balance.

#### *Sustainability*

113. Some representors including the Haslemere Rule 6 Alliance have questioned whether the site is a suitable location for residential development. The site is well related to Haslemere where a range of shops and service can be accessed. Haslemere Train Station is within 20 minutes' walk from the site and provides access to London and Portsmouth. Bus stops are located on Petworth Road, approximately 15 minutes' walk away, with routes going to the railway station, Godalming and Guildford. Further routes can be accessed from Haslemere High Street, including to Aldershot and Basingstoke.
114. As I mentioned above, the walk to the town centre takes around 15 minutes. Going into town is downhill but the walk back is up a steep hill. I experienced this for myself on my site visit. I also observed several people walking this route. I agree that older persons or those with mobility issues may not wish to or be able to tackle this route. Furthermore, the need to carry heavy shopping may deter some users. However, it is common in many places that due to the local topography a route may be steep. I am therefore not persuaded that this means that the location of the site is unsustainable.

#### *Residential amenity and living conditions*

115. A number of local residents on Scotland's Close have expressed concern about the potential for loss of privacy, overlooking and loss of light due to the proximity of the proposed dwellings to their properties.
116. Additional information and a plan provided by the Appellant illustrates that separation distances would be over 30 metres in all cases, the maximum being around 40 metres between No.8 Scotland Close and Plot 20. A garden shed is proposed in Plot 21 which would be approximately 24.6 metres from the rear habitable room windows in No. 6 Scotland Close.

117. The Council's Residential Extensions Supplementary Planning Guidance advises that a distance of at least 21 metres between proposed windows and neighbouring property windows should be achieved. This interface is significantly exceeded. This document does not however provide guidance where there is a level difference between the dwellings on the site and the adjacent properties, in this case a difference of approximately 4 metres.
118. I take account of the separation distances between dwellings, the level differences, the single storey nature of part of Plot 21 and Plots 18 and 19, as well as the proposed boundary planting and screening. I am satisfied that the proposal would not give rise to unacceptable loss of privacy or overlooking.
119. In relation to No.6 Scotland Close, on my site visit I viewed the office building in the garden, the rear patio area and noted the lack of obscure glazing to the bathroom. Whilst the current rear boundary is quite open, the proposed landscaping and siting of the garden shed would prevent loss of privacy in the office space. The proposed garden shed would be of a sufficient distance from the habitable room windows so that it would not be overbearing or affect outlook. Given the orientation of the buildings there would be no significant loss of daylight or overshadowing.
120. The Council's SPD requires 18 metres between proposed windows and neighbouring private amenity space. This is not achieved, varying between 16.6 metres and 18.3 metres. The intervening landscaping and distances achieved would in my view prevent direct overlooking. The Council take a similar view in their Officer Report to committee and this matter does not form a reason for refusal.
121. Accordingly, the proposal complies with LPP1 Policy TD1, Policies D1 and D4 of the Local Plan 2002 and the Residential Extensions SPD.

#### *Ecology and Biodiversity Net Gain*

122. The appeal scheme is supported by an Ecological Assessment and a number of technical notes which assess the impact of the proposal on biodiversity. It is recognised that the site has a biodiverse habitat within a local geographical framework. The Assessment indicates the presence of several protected species including bats, slow worm, grass snakes, badgers and dormice. Bird surveys have identified that the site supports a range of typical woodland and hedgerow species of birds.
123. A range of mitigation measures are proposed, including measures to mitigate the loss of habitat which I consider to be appropriate. There are no objections to the development from the Surrey Wildlife Trust or Natural England.
124. The Framework in paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains in biodiversity. The Environment Act 2021 requires a biodiversity net gain of 10%. The ecological report prepared by the Appellant, which includes a metricated assessment, suggests the site would achieve a net gain of over 20%. This figure is disputed by representors who suggest the development would result in a negative net gain in the region of -44%.

125. It appears that one of the main differences relates to the assessment of woodland condition. The baseline affects the level of enhancement that can be achieved and therefore the overall net gain. I take account of the fact that third parties have not had the opportunity to go onto the site and undertake detailed site surveys. Furthermore, the Appellant's assessment has been scrutinised independently and found to be sound. I also note that there is the opportunity for further enhancement on the adjacent land in the Appellant's ownership, which is to be used for the permissive path and circular walk. Whilst there may be differences in judgments, I have no reason to conclude that the metricated assessment undertaken by the Appellant is unreliable.

126. Should the appeal be allowed, a planning condition could be imposed to require biodiversity net gain, which would be subject to annual monitoring and audit. I am therefore satisfied that the scheme would be acceptable in this regard.

#### *Water supply*

127. I am aware that the site is located in an area of water stress. Local residents made me aware of the loss of supply on occasion in the summer months. Thames Water have raised no objection to the scheme stating that there would be sufficient water network infrastructure and capacity to serve the development. Should the appeal be allowed, it would be appropriate to impose a condition to minimise water use in line with LPP1 Policy CC2.

#### *Design*

128. The appeal scheme includes a variety of terraced, semi-detached and detached dwellings, with a range of architectural styles in keeping with the local area. The density is low with the proposed layout providing an overall spacious character. The materials are appropriate to the locality comprising red and orange facing bricks, clay tile hanging, render and timber boarding. The design and layout of the scheme would be appropriate in the local area causing no harm to character and appearance. In this regard the scheme would comply with Policy TD1 of LPP1 and saved Policies D1 and D4 of the Local Plan 2002 which seek to ensure that the character and amenity of the borough are protected.

#### *Impact on Wealden Heaths Phase II Special Protection Area (SPA)*

129. The appeal site is located within the 5km Buffer Zone to the Wealden Heaths II SPA. The SPA is designated due to its importance for breeding birds, in particular European Nightjar, Woodlark and Dartford Warbler.

130. European and national legislation requires that 'any plan or project' should not give rise to any likely significant effect upon these areas. In order to avoid any likely significant effect, proposals for development are required to demonstrate that they can avoid or mitigate any such effect. The proposal in combination with other projects has the potential to affect the integrity of the Wealden Heaths II SPA because of increased recreational pressures that would arise out of the increase in the local population.

131. The Appellant has submitted a Habitats Regulation Assessment and an Addendum Assessment. This provided information for the Council, as

decision maker for the planning application, to undertake an Appropriate Assessment (AA).

132. At the Inquiry, Councillor Hyman questioned the adequacy of the information provided and expressed the view that an Appropriate Assessment cannot be appropriately undertaken without past and present bird population data being available. The Council's approach has been to assess visitor survey data to monitor the effectiveness of a Suitable Area of Natural Greenspace (SANG). This is appropriate as the potential for a scheme to affect the integrity of the SPA results from recreational pressure.
133. It is notable that the Supreme Court<sup>10</sup> has already addressed the issue of whether or not an AA should contain certain information. The Court noted that the legislation itself prescribed no set process or format and concluded that the assessment should be appropriate to the task in hand, that is being able to satisfy the responsible authority that the project will not adversely affect the integrity of the site concerned.
134. As I intend to allow this appeal, the Conservation of Habitats and Species Regulations require that I undertake an Appropriate Assessment. I am satisfied that I have sufficient information to enable me to do this.
135. The conservation objectives associated with the Wealden Heaths II SPA are to ensure that its integrity is maintained or restored as appropriate. It also requires the site to contribute to achieving the aims of the Wild Birds Directive, by maintaining or restoring its habitats. The Appellant estimates that the proposed 50 dwellings have the potential to accommodate around 120 new residents with 10 dog owning households. It is likely that many of these new residents would choose to visit the SPA for recreation which could lead to disturbance to ground nesting birds for which the SPA is designated.
136. I take account of the location of the appeal site, that it is 2.3 km from the SPA which is on the other side of Haslemere. There are also other recreational opportunities in the locality, including the nearby Recreation Ground, that are closer to the appeal site and more accessible. However, whilst the appeal scheme would itself generate a low level of recreational pressure, in combination with other plans and projects, including the draft allocation of around 320 dwellings in LPP2, there is the potential for an adverse effect on the integrity of the SPA, without mitigation measures being put in place.
137. Taking a precautionary approach, the Appellant has proposed the provision of a 2.3km circular walk on land in his control. The route would go through mature woodland, parkland and grassland and connect to the appeal site by a footpath link of approximately 1.1 km. The path provides connections to the wider public right of way network. Three pedestrian access points would be provided, and information boards put in place highlighting non-SPA local walks. Leaflets would be distributed to new and existing residents within 400 metres of the access points making them aware of the walk. This area of land and permissive path would be secured in perpetuity through a section 106 agreement.

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<sup>10</sup> R (on the application of Champion) v North Norfolk District Council [2025] UHSC 52

138. Natural England have published guidance for the creation of SANG. The mitigation scheme proposed would meet many but not all of the essential and desirable requirements set out in this document. However, the circular walk has the potential to be upgraded to formal SANG in the future.
139. Natural England originally objected to the appeal scheme due to the potential adverse effect on the integrity of the Wealden Heaths II SPA. I am advised that Natural England have walked the route, assessed the adequacy of the scheme and removed their objection to the proposal.
140. Councillor Hyman has questioned the effectiveness of SANG and commented that the Appellant has not provided evidence to demonstrate the efficacy of the mitigation and avoidance measures proposed. The Appellant and the Council in their SoCG on this matter, draw my attention to a number of documents that supported the SANG and Strategic Access Management and Monitoring (SAMM) approach adopted in the Thames Basin Heaths SPA. A 2018 Visitor Survey Report for the Thames Basin Heaths SPA concluded that there had been a statistically significant drop in visitor numbers overall despite an increase in housing numbers within 5km. It goes on to say that whilst several factors can influence visitor numbers and behaviour, it is likely that the implementation of the SANG and SAMM has had the greatest impact in reducing visitation.
141. The use of SANG is an accepted approach to reduce visitor pressure on a SPA or other protected site. There is no substantive evidence before me to suggest this approach would be ineffective in this case. The Councillor's assertion that SANG could encourage dog ownership is not supported by evidence. In my experience the decision to become a dog owner is more complex and a range of other factors would be considered.
142. Councillor Hyman brought my attention to two appeals which he considered supported his representations, the Lower Weybourne Lane appeal and one at 9 Brambleton Avenue, Farnham. I find nothing in these respective appeals that I need to consider further. Both Inspectors followed the appropriate regulations and legislation in coming to their decision.
143. In summary, I am satisfied that the mitigation measures put forward by the Appellant would provide the necessary mitigation to ensure that the development, in combination with other plans or projects, would have no adverse effect on the integrity of the SPA. Accordingly, the proposal would accord with section 15 of the Framework and Policies NE1 and NE3 of LPP1.

### **Planning balance**

144. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
145. I have found that the proposal would not recognise the intrinsic character and beauty of the countryside as required by Policy RE1. Whilst it would cause no harm to the Surrey Hills AONB or the South Downs National Park, it would cause harm to the character of the AGLV in conflict with LPP1 Policy RE3 (ii). As the scheme would cause localised harm, typical of any greenfield

development on the edge of a settlement, I attribute moderate weight to this policy conflict.

146. I have also concluded that the appeal scheme conflicts with LPP1 Policy AHN3 and HNP Policy H5 regarding housing mix. As the scheme would be in keeping with the character of existing development in the locality, this conflict attracts moderate weight against the scheme.
147. HNP Policy H1 (iii) seeks to control development outside the settlement boundaries. It goes on to say that development in such locations will only be supported which otherwise conform with national and local planning policies. In light of the above, the appeal scheme would conflict with this policy.
148. I have concluded that the Council cannot demonstrate a 5-year supply of deliverable housing land. Accordingly in line with paragraph 11(d) of the Framework, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The tilted balance is therefore engaged.
149. It is common ground that both the borough as a whole and Haslemere are highly constrained. There is an acute need for homes in the borough. The Council has failed to meet the local housing need figure in 9 out of the last 12 years. I acknowledge that the most recent figures, 2019/20 and 2020/21, show an improving picture, with the Council meeting its housing requirement, but there is still a significant deficit. Furthermore, the direction of travel, with the introduction of the standard methodology is upward, with an increased housing need figure of around 38% on the LPP1 requirement.
150. With regard to Haslemere itself, Policy ALH1 of the LPP1 sets out a specific minimum housing target of 990 net homes to be provided between 2013 and 2032. At April 2021, 23% of that requirement has been delivered. Taking account of outstanding permissions, 316 dwellings will need to be allocated in LPP2. It is common ground that the new homes required cannot be delivered without making use of greenfield land outside the settlement, including AGLV land or sites within the AONB.
151. LPP2 was submitted for examination in December 2021. However, it is unlikely to be adopted for 12-18 months. It does not therefore offer an immediate solution to the need for housing in the borough. Draft allocations are subject to objection and once the plan is adopted it will take time for sites to go through the planning process and deliver new homes.
152. The Appellant has assessed a number of the draft allocations and highlighted in his view, the constraints to them coming forward. At the Inquiry the Royal Junior School site in Hindhead was discussed. This site has become available and is now a draft allocation in the LPP2. It is located in the AONB is not an edge of settlement site and is only partially previously developed. The LPP2 Inspector would need to determine whether it is a suitable location for residential development. The Council is optimistic that sites will come forward and that the required housing delivery will be achieved in the remainder of the plan period. Taking an optimistic view, whilst this may be feasible, the housing need in Haslemere is now.



153. Turning to the provision of affordable housing, there is also a shortfall. The HNP acknowledges that the need in Haslemere is acute and also notes that the majority of new housing in Haslemere will be on small sites which will not be required to provide affordable units.
154. The appeal scheme provides 50 dwellings, of which 15 would be affordable. Given the above I give significant weight to the site's contribution to market and affordable housing.
155. The proposed pedestrian improvements are necessary to mitigate the impact of the proposal. Whilst they would cause harm to the character and appearance of the area, I recognise that they would also be of benefit to the wider community. Overall, I consider it attracts limited weight against the scheme.
156. The site is a suitable location for residential development being well located close to the shops and services in Haslemere as well as being close to public transport connections. This provides moderate weight in favour of the scheme.
157. The proposed permissive path and circular walk is necessary to offset the potential harm to the Wealden Heaths II SPA as a result of increased recreational pressure. It would therefore be neutral in the planning balance. However, as it would benefit not just the new residents of the proposal but the wider population, I afford it limited weight.
158. In terms of other benefits, the scheme would create local construction jobs and support the local supply chain. These benefits would however be short lived. More long-term benefits would accrue from future residents spending in the local economy. I therefore give them moderate weight. Measures to provide sustainable homes and energy efficiency are required to meet policy and therefore attract neutral weight.
159. Biodiversity net gain is also required for policy compliance and therefore attracts neutral weight. The scheme would provide around 40% of its site area as public open space and green infrastructure. This significantly exceeds the policy requirements and attracts moderate weight in favour of the scheme.
160. The Appellant points out that the scheme will provide significant CIL contributions and increased Council Tax. The PPG is clear that it would not be appropriate to make a decision based on the potential for a scheme to raise money for the local authority or other government body. Whether a 'local finance consideration' is material to a particular decision will depend on whether it could make the development acceptable in planning terms. Therefore, CIL and Council Tax contributions do not add weight in favour of a scheme.
161. I have found the scheme is acceptable in terms of dark skies, heritage issues, highways and parking and residential amenity. These form neutral factors neither weighing for or against the scheme.
162. Overall, I find that the policy conflicts and the adverse impacts I have identified to the character and appearance of the area and housing mix, would not significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole.

Therefore, I conclude that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

163. Accordingly planning permission should be granted.

### **Planning Obligation**

164. The submitted section 106 agreement would secure 30% affordable housing, ie 15 dwellings, in compliance with the provisions of Policy AHN1 of the LPP1.

165. The obligation also provides for the maintenance of the proposed play space on the site including a local area of play (LAP) and a local equipped area of play (LEAP). This is in compliance with LPP1 Policy LRC1. Such provision needs to be properly maintained for the lifetime of the development. The maintenance of open space is also provided for in the obligation together with the management of the permissive footpath and connecting circular walks. As already discussed, this is required to comply with the Conservation of Habitats and Species Regulations 2017 and provide mitigation to protect the Wealden Heaths II SPA from increased recreational pressure.

166. The agreement also includes the maintenance of the sustainable urban drainage scheme (SuDS). This is required by paragraph 169 of the Framework to ensure an acceptable standard of operation for the lifetime of the development.

167. I am satisfied that the above obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.

### **Conditions**

168. The Council and the Appellant provided a list of suggested conditions which were discussed at the Inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 55 of the Framework. Pre-commencement conditions have been agreed by the Appellant.

169. Although not included in the list provided by the parties, a condition setting out the time limits for the development is necessary. A condition specifying the approved plans is also necessary in the interests of good planning.

170. To protect and maintain the character and appearance of the area, condition 3 is necessary to require the details of materials to be submitted for approval. For the same reason a condition regarding site levels and including details of earthworks and ground levels is required, as well as a condition controlling external lighting (conditions 16 and 26). Furthermore, I impose condition 29 requiring the submission of a detailed landscaping scheme and requirement for maintenance for a 5-year period in the interest of the character and amenity of the area.

171. Conditions 4 and 5 regarding the provision of the site access and vehicle parking for the dwellings are required to maintain highway safety. A Construction Transport Management Plan is required by condition 7 to control construction vehicles, loading and unloading, storage of materials, deliveries and to maintain the condition of the local highway. Conditions 10 and 11 are necessary to require the off site highway improvements connecting the site to Petworth Road and at the junction of Scotland Lane and Midhurst Road. This is in the interests of pedestrian safety.
172. In order to promote sustainable travel, conditions are necessary to provide for cycle parking, electric cycles for use by future occupiers of the site, electric vehicle charging points and the submission of a Travel Plan (Conditions 12,13,14 and 15). Condition 32 requires the provision of broadband to ensure sustainable construction and design.
173. I impose condition 6 to control the hours of construction on the site and condition 8 to require a Construction Environmental Management Plan. These measures are required to safeguard the amenity of nearby residents during the construction phase.
174. In the interests of safeguarding biodiversity, conditions are required to secure the submission of an Ecological Construction Environmental Management Plan and a Landscape and Ecological Management Plan and an Ecological Enhancement Plan (conditions 9,22 and 25). In addition, conditions requiring measures to specifically protect reptiles and dormice on the site are necessary (conditions 23 and 24).
175. To ensure that the site is properly drained, conditions 17 and 18 are necessary to ensure that the details of a surface water drainage strategy are submitted and that a verification report is provided once the strategy has been completed.
176. I impose conditions 19,20 and 21 to address the identified potential for on site contamination. Condition 30 requires a programme of archaeological work as the site is in an Area of High Archaeological Potential. As the site is in an area of water stress, condition 31 is necessary to control water consumption.
177. Condition 27 relates to trees to be retained and tree protection areas. At the Inquiry I was advised that there were discrepancies between the submitted Arboricultural Impact Assessment (AIA) and the submitted Preferred Services Layout Plan. To overcome this potential source of conflict, the Council suggest that an updated AIA be submitted including details of the tree protection measures and any services to be provided or repaired including drains and soakaways. The Appellant however suggests a slightly differently worded condition which requires the submitted AIA to be implemented but also seeks the submission of a services plan in relation to retained trees and root protection areas. In the interests of clarity and to remove any doubt with regard to the protection of trees, I impose the Council's suggested condition. The submitted Preferred Services Layout Plan is not referred to in Condition 1 as it does not form an approved plan.
178. Finally, condition 28 is necessary to require the submission of details of cross sections indicating proposed finished ground levels, surface materials

and edgings within the protected tree zones. This is to ensure trees worthy of retention are not harmed during the development.

**Conclusion**

179. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

*Helen Hockenhull*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY

Clare Parry of Counsel

She called

Radek Chanas  
Meng LA MA Garden and Landscape  
History CMLI

Associate Landscape Architect,  
Pegasus Group

Katherine Dove MA MRTPI

Principal Planning Officer, Waverley BC

Brian Woods BA MRTPI

Managing Director, WS Planning &  
Architecture

### FOR THE APPELLANT

Heather Sargent of Counsel

She called

Christopher McDermott  
BSc (Botany) MLD  
(Landscape Design)

Director Sightline Landscape Ltd

David Neame  
BSc (Hons) MSc MRTPI

Director, Neame Sutton Limited

Charles Collins  
BSc (Hons) MSc MRTPI

Director, Savills (UK) Ltd

### HASLEMERE RULE 6 ALLIANCE

(Unrepresented by an advocate at the Inquiry)

Louise Cronk

Spokesperson and resident

Christine Marsh  
BA (HONS) DipLA CMLI

Landscape Architect, Hankinson Duckett  
Associates

Lynne Evans BA MA MRTPI MRICS

Director, LJE Planning Ltd

### INTERESTED PERSONS

Tim Young

Resident

Sarah Claridge

Resident

Gareth David

Resident

Howard Brown	Resident
Mr and Mrs Marshall	Residents
Tim Collins	Resident
Chris Wright	Resident
Aine Hall	Resident
Samantha Noonan and Dillett	Residents
Clive Smith	Surrey Hills AONB Planning Advisor
Cllr Jerry Hyman	Waverley Councillor for Farnham Firgrove

## DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Sarah Claridge Speaking Notes
2. Tim Collins Speaking Notes
3. Gareth Davies Speaking Notes
4. Howard Brown Speaking Notes
5. Mr Marshall Speaking Notes
6. Chris Wright Speaking notes
7. Aine Hall Speaking Notes
8. Samantha Noonan and Ray Dillett Speaking Notes
9. Opening Statement from the Council
10. Opening Statement from the Appellant
11. Opening Statement from the Haslemere Rule 6 Alliance
12. Updated 5YHLS position following Loxwood Road Appeal
13. Existing Levels and Proposed Building Platforms Plan
14. Illustrative perspective view of the site
15. Christine Marsh Evidence in Chief statement
16. Highways Technical Advice Note 10, Vision Transport Planning dated 21 December 2021
17. Further Ecology Note prepared by Engain in response to Mr Matthes dated 21 December 2021
18. Cllr Hyman Evidence dated 21 December 2021
19. Western Boundary Treatment Plan SK16, Adam Architecture with accompanying note from Savills dated 22 December 2021
20. Further information from the Council regarding Dunsfold Park, temporary planning permissions
21. Copy of two emails submitted by the Council regarding Meadow Nursery West and Meadow Nursery East, Chiddingfold dated 13 December and 15 November 2021 respectively
22. Copy of email dated 9 December 2021 submitted by the Council regarding Manns Department Store, Cranleigh
23. Dr K Ellis, Haslemere Town Council response to Mr Collins Proof of Evidence
24. Appeal decision Ref APP/R3650/W/19/3243575, 9 Brambleton Avenue, Farnham submitted by Cllr Hyman
25. Copy of Appropriate Assessment Pro Forma in respect of the site submitted by the Council

26. Lynne Evans Evidence in Chief Statement
27. Draft s106 agreement, unsigned and undated
28. Statement from Dr K Ellis dated 29 December 2021
29. Email from the Council dated 5 Jan 2022 in response to Inspector questions regarding the AA.
30. HRA Matters – Statement of Common Ground – in relation to statement by Cllr Hyman on 21 December 2021, EPR
31. Response from Professor T Oliver regarding Biodiversity Net Gain calculation dated 23 December 2021
32. Email response to Professor T Oliver comments from Engain dated 6 January 2022
33. Mr Matthes further response dated 6 January 2022 following Engain comments of 21 December 2021
34. Mr Brown Speaking Note in response to Engain rebuttal 6 Jan 2022
35. Council's Closing Submissions
36. Appellant's Closing Submissions

#### DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Signed and dated s106 agreement
2. Revised list of conditions
3. Appeal Ref APP/R3650/W/21/3278196, Land west of Loxwood Road, Alford, Surrey.



## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 1:1250 PL\_01 b, Site Layout 1:500 PL\_02 a, Landuse 1:500 PL\_03 a, Access and Movement 1:500 PL\_04 a, Unit Mix Plan 1:500 PL\_05 a, Tenure Plan 1:500 PL\_06 a, Building Heights 1:500 PL\_07 a, Refuse/Cycle/Parking Plan 1:500 PL\_08 a, Accommodation Schedule & Building Matrix PL\_10 e, Street Elevations (1 of 3) 1:200 PL\_20 a, Street Elevations (2 of 3) 1:200 PL\_21 a, Street Elevations (3 of 3) 1:200 PL\_22 a, Footway Improvement Midhurst Rd/Scotland La 17054-004 a, Swept Path Analysis of a Large Refuse Vehicle 17054-010 Rev G, Proposed Access and Associated Visibility Splays 17054-011 Rev A, Proposed Footway Improvements (4 Sheets) 17054-014 d, Landscape General Arrangement 1:500 at A1 389\_LMP\_01 a, Tree Planting Plan 1:500 at A1 389\_LMP\_02 a, Boundary Treatments 1:500 at A1 389\_LMP\_03 a, Ornamental Planting 1:500 at A1 389\_LMP\_04 a, Grassland 1:500 at A1 389\_LMP\_05 a, Blue Green Infrastructure 1:500 at A1 389\_LMP\_06 a, Buffer Planting 1:500 at A1 389\_LMP\_07 a, TSP (Tree Survey Plan) 10881.01, TRRP (Tree Retention/Removal Plan) 10881.02A, Indicative TPP (Tree Protection Plan) 10881.03, Manhole Schedule 49215/2001/002, Standard Details (Sheet 1 of 2) 49215/2001/010, Standard Details (Sheet 2 of 2) 49215/2001/011, Existing Services Layout 49215/2002/001, House Type BF1- GF Plan (27-30) PL\_100, House Type BF1- FF Plan (27-30) PL\_101, House Type BF1- Elevations (27-30) PL\_102, House Type BF1- Elevations (27-30) PL\_103, House Type BF2- GF Plan (14-17) PL\_104, House Type BF2- FF Plan (14-17) PL\_105, House Type BF2- Elevations (14-17) PL\_106, House Type BF2- Elevations (14-17) PL\_107, House Type T1 - Floor Plans (18,19) PL\_108, House Type T1 - Elevations (18,19) PL\_109, House Type T1 - Elevations (18,19), PL\_110, House Type T2/T3 - Floor Plans (25,26) PL\_111, House Type T2/T3 - Elevations (25,26) PL\_112, House Type T4- Floor Plans (31,32) PL\_113, House Type T4- Elevations (31,32) PL\_114, House Type T5 / 6- Floor Plans (35,36,37) PL\_115, House Type T5 / 6- Elevations (35,36,37) PL\_116, House Type T5 /6- Elevations (35,36,37) PL\_117, House Type T7- Floor Plans (34,49) PL\_118, House Type T7- Elevations (34,49) PL\_119, House Type T7a- Floor Plans (10,21) PL\_120 a, House Type T7a- Floor Plans (10,21) PL\_121 a, House Type T8- Floor Plans (5,50) PL\_122 a, House Type T8- Elevations (5,50) PL\_123 a, House Type T9- Plans (42) PL\_124, House Type T9- Elevations (42) PL\_125, House Type T10- Floor Plans (6,38) PL\_126, House Type T10- Elevations (6,38) PL\_127, House Type T11- Floor Plans (43) PL\_128, House Type T11- Elevations (43) PL\_129, House Type T11a- Floor Plans (1,13,45) PL\_130 a, House Type T11a- Elevations (1,13,45) PL\_131 a, House Type T11b- Floor Plans (39) PL\_132, House Type T11b- Elevations (39) PL\_133, House Type T11b- Elevations (39) PL\_134, House Type T11ba- Floor Plans (33) PL\_135, House Type T11ba- Elevations (33) PL\_136, House Type T11ba- Elevations (33) PL\_137, House Type T12 - Floor Plans (23,24) PL\_138, House Type T12- Elevations (23,24) PL\_139, House Type T12- Elevations (23,24) PL\_140, House Type T13 - Floor

Plans (3) PL\_141, House Type T13- Elevations (3) PL\_142, House Type T14 - Floor Plans (4,47) PL\_143, House Type T14 - Elevation (4,47) PL\_144, House Type T14a - Floor Plan (48) PL\_145, House Type T14a - Elevation (48) PL\_146, House Type T14b - Floor Plan (12, 46) PL\_147, House Type T14b - Elevation (12, 46) PL\_148, House Type T14ba - Floor Plan (44) PL\_149, House Type T14ba - Elevation (44) PL\_150, House Type T16 - Floor Plan (8) PL\_151, House Type T16 - Elevation (8) PL\_152, House Type T19 - Floor Plan (22,41) PL\_153, House Type T19 - Elevation (22,41) PL\_154, House Type T19a - Floor Plan (2) PL\_155, House Type T19a - Elevation (2) PL\_156, House Type T20- Floor Plan (40) PL\_157, House Type T20 - Elevation (40) PL\_158, House Type T20a- Floor Plan (9) PL\_159, House Type T20a - Elevation (9) PL\_160, House Type T21- Floor Plan (7,11,22) PL\_161, House Type T21 - Elevation (7,11,22) PL\_162, Studio Garage S1 - Floor Plan (13) PL\_163, Studio Garage S1 - Elevations (13) PL\_164, Studio Garage S2 - Floor Plan (38) PL\_165, Studio Garage S2 - Elevations (38) PL\_166, Studio Garage S3 - Floor Plan (4,34,45,49) PL\_167 a, Studio Garage S3 - Elevations (4,34,45,49) PL\_168 a, Studio Garage S3a - Floor Plan (48) PL\_169, Studio Garage S3a - Elevations (48) PL\_170, Double Garage Dga PL\_171, Double Garage DGb PL\_172 , Double Garage DG combined A PL\_173, Double Carport DG combined B PL\_174, Substation and Garden shed PL\_175 , Bicycle and Bins Storage PL\_176.

- 3) No development above damp-proof course shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the development hereby approved, the proposed modified vehicular access to Scotland Lane shall be constructed and provided with visibility splays in accordance with Drawing No. 17054-011 Rev A, and thereafter the visibility splays shall be kept permanently clear of any obstruction over 1 metre high.
- 5) No dwelling hereby approved shall be occupied unless and until space has been laid out within the site, in accordance with the approved plans, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 6) Hours of construction, demolition and site clearance including deliveries to and from the site shall be limited to 08:00 – 18:00 Monday to Friday; 08:00 – 13:00 on Saturdays and no work on Sundays and Bank or Public Holidays.
- 7) No development shall commence until a Construction Transport Management Plan, to include details of
  - a) construction access route(s), 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) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- j) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Construction Transport Management Plan.

- 8) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for:
- a) an indicative programme for carrying out of the works
  - b) the arrangements for public consultation and liaison during the construction works
  - c) measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
  - d) details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - f) wheel washing facilities
  - g) measures to control the emission of dust and dirt during construction.

The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 9) No development shall take place, including any works of demolition, until an Ecological Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:
- a) a map showing the location of all of the ecological features, including location of biodiversity protection zones
  - b) risk assessment of the potentially damaging construction activities
  - c) practical measures (physical measures and sensitive working practices) to avoid and reduce impacts during construction
  - d) location and timing of works to avoid harm to biodiversity features

- e) the times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) use of protective fences, exclusion barriers and warning signs.
- i) timing of vegetation or site clearance to avoid bird nesting season, or, if not possible, site checked for active nests within 24 hours of any clearance works.

The approved Ecological Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 10) No dwelling hereby approved shall be first occupied unless and until a pedestrian improvement scheme, including the resurfacing of the carriageway, has been provided connecting the site to Petworth Road in accordance with Drawing No. 17054-014 Rev D.
- 11) No dwelling hereby approved shall be first occupied unless and until a footway and tactile paving has been provided at the junction of Scotland Lane and Midhurst Road in accordance with Drawing No. 17054-004 Rev A.
- 12) No development above damp-proof course shall take place until a scheme for the provision of facilities for the secure, covered parking of bicycles has been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied unless and until the bicycle parking facilities for the relevant dwelling have been provided in accordance with the approved scheme. The approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority in accordance with the approved scheme.
- 13) No dwelling hereby approved shall be occupied unless and until the relevant dwelling has been provided with a fast-charge Electric Vehicle charging point (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 and approved in writing by the Local Planning Authority. The charging points shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.
- 14) The development hereby approved shall not be occupied unless and until a fleet of at least 5 electric bikes has been provided within the site in accordance with a scheme (including a maintenance scheme), to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 15) Prior to the occupation of the development a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework 2021 and Surrey County Council's 'Travel Plans Good Practice Guide'. The approved Travel Plan Statement shall be implemented in full.

- 16) No development shall take place on site until a detailed levels plan, clearly identifying existing and proposed ground levels and proposed ridge heights, has been submitted to and approved in writing by the Local Planning Authority. This should include details of any earthworks including the proposed grading and mounding of land areas, the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 17) No development shall 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) confirmation of groundwater levels, to confirm that a minimum of 1 metre is available between the base of the infiltration devices and the highest recorded groundwater level.
  - b) evidence that the proposed final infiltration-based 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.
  - c) 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 etc.)
  - d) 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.
  - e) details of drainage management responsibilities and maintenance regimes for the drainage system.
  - f) 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.
  - g) full details of the treatment of the surface water in relation to the source protection zone.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 19) Prior to commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the

following shall be submitted to and approved in writing by the Local Planning Authority:

- a) an investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.
- b) if identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include
  - all works to be undertaken
  - proposed remediation objectives and remediation criteria
  - timetable of works
  - site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

- 20) Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with Condition 19 and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.
- 21) Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 19, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to commencement of works.
  - a) an investigation and risk assessment, undertaken in the manner set out in Condition 19 of this permission
  - b) where required, a remediation scheme in accordance with the requirements as set out in Condition 19(b)
  - c) following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 20.
- 22) No development shall take place, including any works of demolition, until a Landscape and Ecological Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be implemented in full. The Plan shall include, but not be limited to:
  - a) aims and objectives of management including biodiversity net gain to be achieved by reference to the targets for the achievement of a

- biodiversity net gain in accordance with The Biodiversity Metric (version 3.0)
- b) description and evaluation of features to be managed, including habitat creation and enhancement and ongoing management for invertebrates, amphibians, reptiles, birds, bats, hazel dormouse, and badger
  - c) ecological trends and constraints on site that might influence management
  - d) appropriate management options for achieving aims and objectives
  - e) strategy for identifying and managing invasive non-native species
  - f) prescriptions for management actions, together with a plan of management compartments
  - g) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
  - h) details of the body or organisation responsible for implementation of the plan
  - i) ongoing monitoring strategy that includes details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
  - j) legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- 23) No development shall take place, including any works of demolition, until a Reptile Impact Avoidance, Mitigation and Translocation Plan detailing measures as to how killing and injuring is to be avoided and how the population will be maintained or enhanced, during both construction and operational phases of development, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be carried out in strict accordance with the approved details.
- 24) No development shall take place, including any works of demolition, until a Reasonable Avoidance Measures Document detailing measures as to how killing, injuring and disturbance of dormice will be avoided during both construction and operational phases of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved document.
- 25) The development hereby permitted shall be carried out in accordance with the Ecological Enhancement Plan (Figure 7-2) of the Full Ecological Assessment, prepared by Engain, reference eg17812.002, dated 21 July 2020.
- 26) The development hereby permitted shall not be occupied until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve lighting to conform with at least Zone 1b as defined by the Institution of Lighting Professionals. The development should be carried out in accordance with

- the approved details. No additional sources of external lighting shall be installed on the development without the prior written approval of the Local Planning Authority.
- 27) No works shall be carried out within the root protection area of any tree until an update to the submitted Arboricultural Impact Assessment (Arboricultural Implications Assessment dated July 2020 and prepared by the Complete Arboricultural Consultancy) has been submitted to and approved in writing by the Local Planning Authority. This shall include details all of the trees to be retained / removed as part of the development hereby approved and shall comply with British Standard 5837 Trees in relation to design, demolition and construction. It shall also include details of the compliant Tree Protection Measures and of any services to be provided or repaired including drains and soakaways. All works shall be carried out in strict accordance with the approved details.
  - 28) No development shall take place until details of cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees shall be submitted and approved in writing by the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.
  - 29) Prior to the first occupation of the development, a detailed landscaping scheme, based on Landscape Design General Arrangement (ref. 389\_LMP\_01\_REV\_A) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out prior to the first occupation of the development. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.
  - 30) No development shall take place on site, including demolition, until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority
  - 31) Prior to the occupation of the dwellings, details shall be submitted to and approved in writing by the Local Planning Authority to confirm that the dwellings have been completed so that the potential consumption of wholesome water by persons occupying a dwelling will not exceed 110 litres of water per person per day.
  - 32) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use.