



Appeal Decision

Hearing held and site visit made on 8 February 2023

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/R3650/W/22/3295573

Land west of Hedgehog Lane, Hedgehog Lane, Haslemere GU27 2PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Monkhill Ltd against Waverley Borough Council.
 - The application Ref WA/2021/02956, is dated 10 September 2021.
 - The development proposed is an outline planning application with all matters reserved, other than means of access, for the construction of 16 dwellings (11 affordable dwellings and 5 self-build dwellings).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application sought outline planning permission, with only the matter of access for determination at this stage. The access is detailed as leading off the driveway serving Longdene House, with two access points into the appeal site. The application is also accompanied by indicative plans showing a site layout, roof plan and floor plans for some units. I have dealt with all details, other than the points of access to the site, as illustrative only and have considered the appeal on this basis.
3. As set out above, the appellant has appealed against the failure of the Council to make a decision. The Council has indicated that had the appeal not been submitted, it would have refused planning permission. The Council's Statement of Case sets out putative reasons for refusal. I have therefore had regard to these, and where appropriate, they form the basis of the main issues below.
4. Prior to the hearing, the appellant submitted further information in respect of biodiversity matters. However, this was not reviewed by the Council before the hearing took place. Following some discussion, I agreed that the Council be able to undertake consultation on this additional information with the relevant body. This has now taken place and the Council has advised that sufficient information has now been made available, recommending conditions, should I be minded to allow the appeal. Based on what I have seen, I have no reason to disagree with this and as such I do not consider this matter further.
5. Following the hearing, the Council has confirmed that its Local Plan Part 2 (LPP2) has been adopted. However, at the outset of the hearing, both main parties confirmed that they are not intending to rely on any policies contained within (at that time, the emerging) LPP2. The policies cited within the putative reasons for refusal are all contained within the Waverley Borough Local Plan

Part 1: Strategic Policies and Sites (LPP1), and it is to those policies that I have had regard when making my decision.

6. I have discounted the current usage of the appeal site as a construction compound, given the temporary nature of this use and that upon its cessation, it would be removed. Accordingly, I have assessed the site from the baseline of its use as a paddock.
7. At the hearing I was provided with a signed and completed copy of the Statement of Common Ground. However, despite this the Council disagreed with part of the document, in particular the acceptance that there was no clear reason for refusal when considered in the context of footnote 7 of the National Planning Policy Framework (the Framework). This is noted and I have not taken the document as indicating that the Council agree to this specific issue.

Main Issues

8. The main issues are:
 - The effect of the proposal on the character and appearance of the area, with particular regard to the site's location in the Surrey Hills Area of Outstanding Natural Beauty,
 - Whether adequate provision is made for a range of housing, to include affordable housing and self-build housing, as well as the provision of open space, and
 - The current Housing Land Supply position and the extent of shortfall.

Reasons

Character and appearance

9. The appeal site comprises a parcel of land to the north of a tree-lined driveway serving Longdene House. It is currently being temporarily used as a construction compound whilst development is taking place on a nearby site. However, prior to this the site contained only a small wooden building, was laid to grass, and used for grazing. Some of the trees along the driveway have recently been removed but it nonetheless provides an attractive feature of the site, which aids in its integration with the surrounding area, which itself exhibits a verdant quality. The entirety of the site lies within the Surrey Hills Area of Outstanding Natural Beauty (the AONB), with the eastern tip also lying within an Area of Great Landscape Value.
10. The scheme would result in the introduction of built development within the appeal site. Notwithstanding that the density has been reduced since a previous scheme was considered here, this would fundamentally change the site from an area of paddock to a developed site containing dwellings. It would be a discordant addition, eroding the rural aspect that defines this location. Consequently, part of the green and verdant surroundings of Longdene House would be lost. Given the proximity of existing residential development and that new development is taking place to the north, the loss of this green area would be particularly injurious to the character of the area.
11. The appellant's contention is that the scheme would result in no change to the landscape beyond the confines of the site. However, I disagree with this. While acknowledging that public views of the proposed development would be limited

by an enclosed visual envelope, the site forms part of the grounds that surround Longdene House. Whilst not holding any parkland designation, the grounds are a key feature of this location and are reminiscent of the grounds that commonly bound large country houses. The site cannot therefore be divorced from this surrounding area, nor from the fields within the wider area. Accordingly, the development would diminish this part of the AONB and would result in an encroachment of built development into the countryside.

12. I observed that, notwithstanding that development is taking place within the wider area, the site (without the construction compound) would be part of a rural landscape, albeit on the fringes of the settlement. There was a sense of leaving behind the more built-up area of Haslemere upon entering the access driveway and as such the feel of the area changed markedly at this point. The openness that is even more apparent now that some of the trees have been removed creates an attractive place, which forms a green setting to Longdene House and comprises part of the wider AONB. The appellant contended that there was no sense of remoteness or tranquillity at this location, however for the reasons above, I find otherwise. Within this context, the development would be an insensitive and unsympathetic addition to the landscape.
13. It was put to me at the hearing that the context of the site has changed considerably since the time of the previous appeal decision¹ on this site (the previous appeal), in that new residential development is taking place to the north at Strut Farm, as well as that new dwellings and replacement dwellings have been permitted at a number of locations within the grounds of Longdene House. As a result, it was contended that the appeal site was now an "island," surrounded by residential development, and that the surroundings of the house comprise a housing estate.
14. However, the new and replacement dwellings within the wider grounds have been permitted on sites where there was already built development present, or adjacent to it. At the time of the site visit, I was also able to see that there was little, if any, visual relationship between these other developments and the appeal site. This was due to both distance and the presence of intervening features, such as Longdene House and trees/vegetation. Moreover, these already permitted developments do not cover a large, expansive area as is the case with the appeal scheme. As such, these developments, and the circumstances within which they were permitted are materially different from the appeal scheme that is before me. Those already permitted schemes do not in my view diminish the contribution that the appeal site makes to the rural character of the area, including this part of the AONB, whereas the appeal scheme would.
15. Moreover, while the fields surrounding Longdene House may comprise an island devoid of development, this to my mind heightens the sensitivity of the location and would amplify the deleterious effect that would result from allowing a large and expansive residential development to be introduced at this position.
16. Furthermore, the development of Strut Farm to the north, while a large development, also has little visual relationship with the appeal site. Despite its proximity, there is a footpath and narrow parcel of land that lie between the two sites, the Strut Farm site lies at a lower level and there is a significant

¹ APP/R3650/W/16/3165974

amount of screening provided by existing vegetation, which I understand is to be reinforced further. Moreover, areas to the west and south remain undeveloped and thus the appeal site is not surrounded by development as has been contended. I also note that Longdene House is the subject of planning permission to change the use from commercial offices to a residential use. However, I see no reason this should lead me to conclude that the appeal site no longer forms part of a more rural context to the main house.

17. I am also conscious that the extent of the AONB ends immediately to the east of the appeal site and to the north, beyond the Strut Farm site. This clearly indicates that the appeal site shares a greater affinity with the undeveloped part of the AONB, than with the built-up area within the settlement. I accept that the Strut Farm site is also located within the AONB, however I have not been provided with the full details that led to the approval of development on that site. In any event, there is a closer relationship to the built-up area of the settlement with that site than there is with the appeal site. Thus, the development at Strut Farm is not directly comparable to the scheme that is before me.
18. The appeal scheme would result in the introduction of sixteen dwellings at this location. In my view, this would have an unacceptably deleterious effect on the rural character and appearance of the site and the surrounding area. This includes diminishing the contribution that the site makes as part of the AONB. I accept that since the previous appeal the number of dwellings has been reduced, some of the trees along the driveway have been removed and the only detailed matter for consideration is access. However, this does not persuade me that the scheme as presented would be acceptable.
19. The appellant highlighted that some development in the AONB can be acceptable and that the appeal scheme represents the least impactful development. However, I consider that this underplays the significance of the effect of the proposal and, for the reasons that I have outlined, that the impact of the development would be considerable.
20. It was put to me that the principal concern of the Inspector when considering, and dismissing, the previous appeal for residential development on this site was the effect that it would have on the trees along the access driveway, which are protected by a Tree Preservation Order. However, I consider this to be a too narrow reading of the Inspector's decision. While the matter of the impact on these trees is considered, the previous Inspector also concludes that the wider grounds of Longdene House were a key consideration in assessing that scheme. The Inspector concluded that there would be a loss of openness and local distinctiveness, resulting from the introduction of an urban form of development and associated activity. These are also findings that I reach in relation to the appeal scheme that is now before me.
21. I also therefore find that although the scheme has been amended since that which was considered previously and there have been changes in terms of the strength of the tree-lined approach to the house, the changes are not sufficient to preclude a harmful effect in terms of its admittedly, limited visual effects, but also in terms of its effect on landscape character.
22. Accordingly, I find that the proposal would result in harm to the character and appearance of the area, and this includes causing harm to the AONB. Thus, the scheme would conflict with policies RE1 and RE3 of LPP1, insofar as they seek

to ensure that in areas of countryside beyond the Green Belt the intrinsic character and beauty is safeguarded, as well as that new development respects the character of the landscape in which it is located, including protecting the character of the AONB.

23. The proposed development would also conflict with paragraph 176 of the Framework, which sets out that great weight should be given to conserving and enhancing landscape beauty and scenic beauty within AONB's, which have the highest status of protection.

Range of housing and open space

24. Policy AHN1 of LPP1 sets out that a minimum requirement of 30% affordable housing will be sought on housing developments. The policy also requires that the mix of dwelling type, size and tenure should reflect the type of housing that there is currently a need for. It is also identified that regard should be had to the form and type of development that is appropriate for each site. Policy AHN3 requires that development makes provision for a range of different housing types and sizes.
25. The scheme would provide for eleven units as affordable housing, while the remaining five would be self-build plots. The appellant has submitted a completed Unilateral Undertaking (UU), made under S106 of The Town and Country Planning Act 1990.
26. The UU provides that of the eleven affordable units, three 1-bed units will be designated as First Homes, one 2-bed unit as shared ownership and seven dwellings, comprising one 1-bed, three 2-bed and three 3-bed units, as social rented or affordable rent housing.
27. While the Council have raised some concern over the mix of units, in terms of their tenure, there is provision within the UU for an alternative mix to be agreed and as such there is in-built flexibility in terms of the precise mix that would be delivered and there is a mechanism for an appropriate mix to be achieved.
28. The submitted UU also includes provision for five of the proposed units to be self-build housing. The Council accepted at the hearing that there is an identified need for this type of housing within the district, which is not currently being met.
29. Policy LRC1 requires that new open space be provided in new residential development, while policy ICS1 seeks that new infrastructure, to include open space, to support new development is provided on site.
30. The UU also includes provision for the inclusion of areas of open space within the development, which is to include a Local Area of Play (LAP) to be delivered on or before the first occupation of the site, in accordance with an approved management plan. In this regard, I am satisfied that appropriate open space can be delivered as part of the development.
31. Accordingly, I find that adequate provision is made for a range of housing, to include affordable housing and self-build housing, as well as the provision of open space. Thus, the proposal accords with policies AHN1, AHN3, LRC1 and ICS1 of the LPP1

Housing Land Supply and 'tilted balance'

32. The Council's most recent "Five Year Housing Land Supply Position Statement," published February 2023 confirms that the Council has a deliverable supply of 4.15 - 4.56 years. In light of this, the appellant contends that the presumption on favour of sustainable development, or the "tilted balance," as envisaged by paragraph 11 of the Framework is engaged. However, the presumption does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Areas of Outstanding Natural Beauty are listed as comprising such a protected area or asset.
33. I have found above that the scheme would result in harm to the character and appearance of the area, this includes causing harm to the AONB. As a result of this, the harm to the AONB provides a clear reason for refusing permission and thus the provisions of paragraph 11 are not engaged in this case.

Planning Balance

34. Notwithstanding that the Council is currently unable to demonstrate a five-years supply of deliverable housing sites, I have found above that the presumption in favour of sustainable development, or "tilted balance" does not apply in this case. Accordingly, the balance in this case is a consideration of benefits versus harms.
35. The proposed development would result in harm to the character and appearance of the area, this includes harming the AONB. As set out in the Framework, great weight should be accorded to the protection of the AONB. As such, the harm that I have identified carries great weight in the balance.
36. There would be benefits that would accrue from the scheme and these must be balanced against this harm. The scheme would deliver eleven affordable units of accommodation together with five units for self-build accommodation, for both of which there is an accepted and considerable need. The affordable housing contribution is over and above a policy compliant provision, and it was evident from the discussion at the hearing that there is an acute need for affordable housing in the district. The discussion also highlighted that there is a considerable shortfall in the provision of self-build plots in the district, and that this has been ongoing for some time. Although I am mindful that I was informed that LPP2 will contain policies to assist in meeting this need. Nonetheless, these matters are accorded substantial weight. The scheme would also be located close to Haslemere where there is good access to services and facilities and would be accessible, which further weighs in favour of the proposal.
37. There would also be economic benefits associated with the development, both during and post-construction. Given the scale of the development and that some of these benefits would be short-lived, these are accorded moderate weight. The appellant refers to environmental benefits, however given that I have found harm to the AONB, any proposals in this regard would not mitigate this harm and thus they attract no positive weight. I therefore afford the benefits of the scheme substantial weight in the planning balance.
38. However, in my judgement even when considered cumulatively, these substantial benefits are insufficient to outweigh the great weight that should be

accorded to the harm to the AONB that would result from the scheme. As such, I find that the planning balance falls against the proposal.

39. It was put to me at the hearing that I should weigh the benefits of the scheme against any harm to the AONB before considering whether the 'tilted balance' was engaged. However, even if I were to take this approach and then determined that the presumption in favour of sustainable development did apply, in my view the harm that would result to the AONB would significantly and demonstrably outweigh the benefits of the scheme. As such, it would not lead me to a different conclusion.

Other Matters

40. The site is located within the 5-kilometre buffer zones for the Wealden Heaths II Special Protection Area (SPA) and the East Hants SPA. Given that the scheme would result in an increase of people living within the buffer zones there may be potential for an effect on these protected areas. However, Natural England have commented that given the number of houses proposed, together with those that have already been permitted within the grounds of Longdene House, that there is will not be any likely significant effect on the SPA's. Consequently, in light of this, in respect of both SPA's, neither an Appropriate Assessment nor any mitigation, are required in this case.
41. My attention has been drawn to a development site at Dene End Farm and I was asked to visit this location. I did so unaccompanied following the accompanied visit to the appeal site. This development site is also located within the AONB, and the appellant has contended that this site is comparable in terms of residential development being permitted within the AONB. However, there are clear differences between the development of this site and the appeal scheme. The Dene End Farm scheme comprises just four dwellings, it included the demolition of a sizeable existing structure within the site, is located adjacent to and near a number of existing dwellings, as well as that the context of the site itself is markedly different from that at Longdene. As such, while it is noted that the principle of new development within the AONB is acceptable, the circumstances of the two developments are different and thus the example at Dene End Farm does little to persuade me in favour of the appeal scheme that is before me.
42. I am conscious that the appeal site was previously included as a draft allocation for residential development within LPP2. However, this has not been carried through to the final version of the plan and therefore this matter does not persuade me of the acceptability of the appeal scheme. I also note that no objection has been raised from any statutory consultee. However, this is a neutral matter in consideration of the appeal.
43. I have been referred to a number of previous appeal decisions during the appeal. However, these are materially different from the appeal scheme that is before me, for reasons including that one previous decision did not concern the effect on an AONB², whilst others considered the setting of the AONB, rather than direct effects of sites within it, as well as finding no harm to the AONB. Moreover, the individual site contexts for each of these proposals would be different from that which I am considering. As such, while these decisions are

² APP/R3650/W/22/3300262

noted, as is the approach adopted within them, they do not lead me to find differently than I have above.

Conclusion

44. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which indicate a decision other than in accordance with the development plan.
45. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charlie Banner KC	Of Counsel
Peter Cleveland	Head of Planning, Henry Adams LLP
David Neame	Director, Neame Sutton Ltd
Dominic Farmer	Ecology Solutions Ltd
Andrew Cook	Executive Director, Pegasus Group
Andy Moger	Director, Tetlow King Planning
Andrew Jones	Senior Planner, Tetlow King Planning

FOR THE COUNCIL:

Kimberley Corps	Development Lead
Philippa Smith	Principal Planning Officer

INTERESTED PARTIES:

Mr Pope	Local Resident
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Plan showing location of Dene End Farm site
2. Plan showing mark up of water main
3. Council's Affordable Housing SPD
4. Information regarding Dunsfold Aerodrome
5. Five Year Housing Land Supply Position Statement 2022
6. Response from Surrey Wildlife Trust
7. Update to Table 6 – Summary of Housing Land Supply Calculations
8. Five Year Housing Land Supply Position Statement 2023
9. Letter from Transform Housing & Support
10. Copies of various policies
11. Completed UU planning obligation