

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPEAL BY LW DEVELOPMENTS LTD

An Appeal Against the refusal of a planning application for:

Area 1 - New stadium with capacity for up to 2,000 spectators. 53 no. 1 bedroom apartments, 62 no. 2 bedroom apartments, 26 no. 3 bedroom houses and 22 no. 4 bedroom houses, (163 residential dwellings) highway access works, internal roads and supporting infrastructure.

Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved.

Area 3 - Western block - New sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 - matters relating to internal layout reserved.

Land at Cheshunt Football Club, Theobold's Lane, Cheshunt, Herts, EN8 8RU

PINS REFERENCE: APP/W1905/W/21/3271027

PLANNING APPLICATION REF: 07/18/0514/F

ROLAND BOLTON PROOF OF EVIDENCE:

CORE DOCUMENT: 2.4 APPEAL DECISION APP/R3650/W/16/3165974

PARAGRAPH 39

Prepared by

Strategic Planning Research Unit

DLP Planning Ltd

Sheffield

June 2021



Appeal Decision

Inquiry Held on 9-12 October and 19 November 2018

Site visit made on 19 November 2018

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 10th January 2019

Appeal Ref: APP/R3650/W/16/3165974

Longdene House, Hedgehog Lane, Haslemere GU27 2PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline and full planning permission.
 - The appeal is made by Monkhill Ltd against the decision of Waverley Borough Council.
 - The application Ref. WA/2016/1226, dated 6 May 2016, was refused by notice dated 20 September 2016.
 - The application is for "...redevelopment to provide up to 29 dwellings (net increase of 27 dwellings); demolition of 2 existing semi-detached dwellings, glasshouses and outbuildings; landscaping and highway works including alterations and extension to the existing access to Hedgehog Lane. Within this hybrid planning application: Outline planning permission (with Layout, Scale and Appearance reserved and Access and Landscaping for approval) is sought for the erection of up to 28 new dwellings (Class C3), including extension and alterations to existing access from Hedgehog Lane, demolition of 2 existing semi-detached dwellings, glasshouses and outbuildings; and associated landscaping; and Full planning permission is sought for the change of use and refurbishment of Longdene House from office (Class B1a) to residential (Class C3) to provide a new dwelling."
 - This decision supersedes that issued on 4 September 2017. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. All the appeal documentation from the quashed decision was submitted as part of the documentation for my Inquiry. I have taken into account the submissions and judgments about the relevance of the previous Inspector's decision. The appellant's view is that it should be the starting point for the assessment of any supplementary evidence. However, there is case law that the quashed decision should be treated as if it has not been made and is incapable of ever having had any legal effect. I have, therefore, considered the matter afresh and determined the appeal on its merits, having regard to the evidence submitted to my Inquiry. Nevertheless, where the unchallenged reasoned conclusions of the previous Inspector's decision are capable of being material considerations, by reason of the way the witnesses at my Inquiry were questioned about these matters, or otherwise, and I have come to a different view from the previous Inspector on those points, I have set out my reasoning for doing so.

3. The appeal site comprises Longdene House, a Victorian dwelling currently in use as offices, its gardens and adjoining fields. Access is via a private driveway off Hedgehog Lane, along a tree-lined avenue. The hybrid planning application concerns four areas of the appeal site. Area A lies to the north of the driveway. It is an open field, except for a small wooden storage building, and is currently used to graze horses. Outline planning permission is sought for 25 dwellings on Area A. Outline permission is also sought for the replacement of a pair of semi-detached cottages in Area B with two dwellings. Longdene House itself is Area C, where full planning permission is sought for a change of use from office to a single dwelling with a detached garage. Area D includes existing glasshouses and outline permission is sought for the erection of one dwelling. The submitted plans show the other fields within the appeal site as undeveloped.¹
4. The northern boundary of Area A adjoins a field which is proposed to be woodland planting as part of a scheme for 135 dwellings on Sturt Farm.² Beyond this field Footpath 35 runs between Hedgehog Lane and the A287. The majority of Area A and all parts of Areas B, C and D lie within the Surrey Hills Area of Outstanding Natural Beauty (AONB). The remaining part of Area A is designated as part of an Area of Great Landscape Value (AGLV). The town centre of Haslemere lies some 1.3 km from the site, and Haslemere railway station is about 800 m away.
5. Part of the appeal application is in outline, but with access and landscaping to be determined. In considering the outline application I have had regard to the other details shown on the submitted drawings as illustrative material not forming part of the application.
6. The application was refused by Waverley Borough Council (WBC) for five reasons, citing conflict with policies of the Waverley Borough Local Plan 2002 (WBLP). Some of these policies have since been replaced by policies in the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, which was adopted in February 2018 (LPP1). Reason for refusal 2 concerning affordable housing has been addressed in a planning agreement. Concerns about flood risk (Reason 3) have been overcome by submission of an amended flood risk assessment. WBC has agreed that market housing mix (Reason 4) is a matter that could be addressed on the submission of reserved matters. Reason 5 concerned financial contributions, which are now covered by planning obligations. However, the first reason for refusal remains. This provides that the proposal, as a result of the urbanising impact and harm to the landscape character would cause material harm to the intrinsic character, beauty and openness of the Countryside beyond the Green Belt, the AONB and the AGLV.
7. Planning obligations would provide 10 affordable dwellings (6 rented and 4 shared ownership), financial contributions towards playing pitches, playground, sport and leisure, waste and recycling. A contribution would also be made towards early years and primary education. A unilateral undertaking sets out provisions concerning the trees along the access driveway. This provides that land containing the trees shall not be transferred with the demise of any dwelling within Area A, and shall at all times be managed by a person or body who is not or does not consist of an owner or occupier of a dwelling within Area

¹ A planning condition suggested at the Inquiry would preclude development outside Area A, Area B, Area C and Area D.

² ID22.

- A. It adds that the reserved matters application shall be accompanied by a scheme for the long term succession of the existing avenue of trees along this driveway. A contribution towards secondary education is disputed, but provision has been made in a deed of variation to provide a contribution in accordance with a formula, if necessary.³
8. In addition to the accompanied site visit on 19 November, I undertook unaccompanied visits on 12 October to draft allocation sites at Red Court (DS18), land south-east of Haslemere Water Treatment Works (DS11) and land adjacent to the Royal Oak (DS21). I also walked Footpath 35 between Hedgehog Lane and the A287, and visited the Branscombe House site. Closing submissions were in writing.⁴ The Inquiry was subsequently closed in writing on 27 December 2018.

Main issues

9. The main issues in this appeal are the effects of the proposed development on:
- (a) The character and appearance of the area and the AONB.
 - (b) Highway safety.
 - (c) Supply of housing land.

Planning policy

10. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The development plan for the area includes LPP1 and saved policies of WBLP.
11. LPP1 Policy RE1 provides that in areas shown as Countryside beyond the Green Belt on the Adopted Policies Map, such as the appeal site, the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.
12. LPP1 Policy RE3 states, amongst other things, that new development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located. With regard to the AONB it adds that the protection and enhancement of the character and qualities of the AONB that is of national importance will be a priority and will include the application of national planning policies together with the Surrey Hills AONB Management Plan, and notes that the setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB. Part of the appeal site lies with a local landscape designation (AGLV), where the same principles for protecting the AONB will apply, and which will be retained for its own sake and as a buffer to the AONB.
13. LPP1 Policy SP1 applies the presumption in favour of sustainable development as it was expressed in the 2012 version of the NPPF. Policy ST1 concerns sustainable transport. Policy AHN1 deals with affordable housing. Policy TD1 ensures that the character and amenity of the Borough are protected by, amongst other things, requiring new development to be of a high quality and inclusive design that responds to the distinctive local character of the area, and ensuring that it creates safe and attractive environments that meet the needs

³ ID33.

⁴ ID38-ID40.2.

- of users and incorporate the principles of sustainable development. Policy HA1 concerns the protection of heritage assets. Policy NE1 seeks to conserve and enhance biodiversity.
14. LPP1 requires a minimum of 990 dwellings to be provided in Haslemere during the plan period. WBC is progressing Local Plan Part 2. A Regulation 18 Preferred Options consultation was undertaken in May and July 2018 (eLPP2). The appeal site was proposed as a housing allocation in the preferred Options Consultation version of eLPP2. Land to the north of the appeal site at Sturt Farm, with planning permission for 135 dwellings, was proposed in eLPP2 to be included with the revised settlement boundary for Haslemere. However, progress on eLPP2 has been deferred.⁵
 15. Paragraph 11 of the revised *National Planning Policy Framework* (hereinafter the *Framework*) sets out how decisions should apply a presumption in favour of sustainable development. The *Framework* states that to support the Government's objective of significantly boosting the supply of homes, it is important, amongst other things, that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against its housing requirement set out in its adopted strategic policies. Paragraph 172 of the *Framework* provides that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
 16. Guidance about housing land availability assessment is provided in the *Planning Practice Guidance* (hereinafter the *Guidance*).
 17. In re-determining the appeal I have had regard to the purpose of conserving and enhancing the natural beauty of the AONB in accordance with section 85(1) of the Countryside and Rights of Way Act 2000.

Reasons

Character and appearance

18. The proposed development in Areas B, C and D would alter, replace or be closely associated with, existing built form in the AONB. I have no reason to disagree with the parties that the proposals for these areas would conserve the landscape and scenic beauty of the AONB. However, the scheme for Area A is a matter of dispute.
19. The *Guidelines for landscape and Visual Impact Assessment* (GLVIA3) stresses the distinction to be made between landscape character and visual effects.⁶ Both experts at the Inquiry accepted that this distinction applies also to the terminology used in paragraph 172 of the *Framework*. Area A is well screened in views from public vantage points. The only likely view point where residential development would be apparent in filtered glimpses through vegetation would be from a small section of Footpath 35. However, the appellant's landscape expert acknowledged at the Inquiry that an adverse

⁵ ID26.

⁶ GLVIA3 is the Third Edition published by the Landscape Institute and the Institute of Environmental Management and Assessment.

- impact on landscape character could not be moderated by screening.⁷
20. The appellant argues that it is on-site landscape character impacts alone that are at issue here. I do not accept this because GLVIA3 advises that the area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner. In this case, I consider that this encompasses at least part of the grounds of Longdene House given the location of the access drive and the avenue of trees along it. The proposal would not conflict with LPP1 Policy HA1 by reason of harm to parkland of heritage significance, but this tree-lined approach through open countryside, to what was a country house with some parkland features, makes an important contribution to the landscape character of this part of the AONB.
 21. The character of the area is affected to some degree by activity associated with the office use of Longdene House, and the tranquillity of the area is sometimes interrupted by background noise from road traffic, trains and aeroplanes. Nevertheless, the proposed residential development of Area A would introduce an urban form of development and associated activity into a countryside location, resulting in a loss of openness and local distinctiveness. I consider that the appellant has understated the likely impact of the appeal scheme on the landscape character of the area. I also have concerns about the proposed details for access and landscaping, and the resultant impact on the character and appearance of the area, which I raised at the Inquiry.
 22. Access and landscaping details for approval in Area A are shown on Drawings 16-T001-07 Site Access Options – Scheme B, 1027.2.04A Landscape Masterplan (25 Unit Scheme) and 1027.2.07 Land Adjacent to Main Access (Area A) 25 unit scheme.
 23. Access here means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 24. Landscaping here means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area, including screening by fences and wall, planting of trees, hedges, shrubs or grass, formation of banks and terraces, provision of gardens and other amenity features.
 25. It was clarified at the Inquiry that granting outline permission, with the proposed access and landscaping details, would for Area A determine the position of the cul-de-sac and circulation routes, along with the location of various landscape features. The latter would include the location of tree and shrub planting to either side of the estate road, the siting of hedgerow planting to define rear garden areas, and the position of grass verges and tree planting. This would effectively negate any scope for a reserved matter application to propose plot boundaries other than those shown on the submitted drawings. This would constrain the layout of dwellings, which is a reserved matter.

⁷ In the quashed decision, at paragraph 19, the previous Inspector concluded that due to the screening there would be a moderate adverse impact on the landscape character within the tightly drawn Area A with only slight adverse impacts beyond the red line application area. Paragraph 55 of the quashed decision gives great weight to the harm to the landscape character of the AONB, but goes on to state that the extent of the harm would be limited to Area A visible from a point on the footpath, the field itself and views from the access drive.

26. Area A is bounded by mature trees, some of which are more than 20 m high. Given the determination of the landscaping and access details, I consider that the scope for siting dwellings so as to minimise potential harm to nearby trees would be limited.⁸ I share WBC's concern that the outline planning permission proposed would be likely to result in long term harmful effects on nearby large trees arising from pressure by future occupiers to cut or lop trees because of shading or other adverse effects of large trees near to dwellings. I have taken into account the unilateral obligation, which would separate responsibility for the trees from the owners/occupiers of the proposed dwellings. If there was any consensus at the Inquiry by the experts about this resolving the matter, it is not a view that I share. The obligation cannot guarantee that any such pressure could be successfully resisted. Owners/occupiers can be very persuasive, particularly where dwellings have been sited too close to large trees. I do not consider that reliance should be placed on the obligation to safeguard the trees.
27. The tall trees along the driveway adjoining Area A are a significant feature of the local landscape and are visible from vantage points in the wider area. If pressure from owners/occupiers resulted in their loss or cutting back that would harm the local distinctiveness of the area. In coming to this finding I have had regard to the pattern of development in Haslemere, where many dwellings are set within mature vegetation, often on sloping sites. But it seems to me that within this part of the AONB the loss or diminution of such a significant landscape feature would harm the character and appearance of the area.
28. WBC is also concerned about the urbanising impact of the proposed cul-de-sac development. This is a form of development that is apparent in nearby parts of Haslemere. But the urban road configuration proposed for Area A would not accord with its location within the setting of a former country house in this part of the AONB. Area A is separated from the development permitted at Sturt Farm by a field which is proposed to be woodland planting and by Footpath 35. I consider that Area A relates more to the rural setting of Longdene House than it does to the proposed extension to the urban area at Sturt Farm, and that this should be properly reflected in the access and landscaping details.
29. In this context, I consider that the proposed cul-de-sac arrangement would fail to take the opportunities available here for improving the character and quality of the area and the way it functions, contrary to paragraph 130 of the *Framework*. The appeal scheme would also be at odds with paragraph 127, which provides that decisions should ensure that development, amongst other things, adds to the overall quality of the area, is sympathetic to local character, and establishes or maintains a strong sense of place, using the arrangement of streets and spaces to create attractive and distinctive places. Were the proposed access and landscaping details to be permitted, I am not satisfied that there would be a reasonable prospect of devising a reserved matter scheme that complied with LPP1 Policy TD1.
30. Taking all the above into account, I find that the appeal scheme would have an adverse effect on the landscape character of the area, not just for the site itself, of major significance. Given the limited visibility into the site from public

⁸ In the quashed decision at paragraph 16, concerning the trees coming under pressure for crown reduction and/or removal due to shading, the previous Inspector stated that although the area would be quite densely developed, the dwellings could be sited to minimise this.

vantage points, but having regard to the visual significance of the avenue of trees, I consider that the proposal would have an adverse visual effect of minor/moderate significance.

31. Having regard to the nature, scale and setting of the proposal, along with its likely impact on the purposes of the designation, I do not consider that the appeal scheme represents major development in the AONB for the purposes of applying national policy. This is not now disputed by WBC. I also consider that the proposed alterations to Longdene House would be beneficial. Nevertheless, for the reasons set out above, I have found that the proposal would be likely to result in harm of major significance to landscape character, and of minor/moderate significance to visual amenity. This would result in significant overall harm to the character and appearance of the area.
32. I have considered whether it would be appropriate to grant outline planning permission with all matters reserved for later consideration. However, in the absence of an illustrative layout that demonstrated the likely feasibility of designing a policy compliant scheme for 25 dwellings on Area A, I do not consider that it would be reasonable to do so.
33. On the first main issue, I consider that the outline proposal, with the submitted access and landscaping details, would be likely to result in a scheme that had a significant adverse effect on the character and appearance of the area. This would not conserve or enhance the landscape and scenic beauty of the AONB. The resultant harm, in accordance with the *Framework*, should be given great weight in the planning balance. The proposal would not safeguard the intrinsic character of the countryside and so would be at odds with LPP1 Policy RE1. It would also conflict with LPP1 Policy RE3 because it would not respect the distinctive character of the landscape. LPP1 Policies RE1 and RE3 are consistent with the revised *Framework*.

Highway safety

34. Highway safety is not an issue for WBC, but is of great concern to local residents. There is concern about the junction of Hedgehog Lane, Courts Hill Road and Longdene Road, and the potential for increased danger at major roads such as the A286 and B2131. There is particular concern that the pavements are inadequate for pedestrians to access the railway station and town centre.
35. Local reservations about the impact of additional vehicles on the road network are not without foundation given the configuration of some of the local road junctions, along with the horizontal/vertical alignment and width of some of the routes that future occupiers of the proposed development and their visitors would be likely to use. The local network is not ideal, particularly for vulnerable road users, such as pedestrians and cyclists. However, I am not convinced that the appeal scheme would make the existing situation materially worse. The existing office use of Longdene House, with its large car park, generates considerable traffic on the local roads, which includes delivery vehicles. The proposed residential use of Longdene House and the additional dwellings would change the nature and timings of trips to and from the site, and possibly the mix of modes of transport. But overall, I consider that the proposed development would be unlikely to significantly alter the current risks to road users.

36. It seems to me that the many constraints on the local network, which were apparent at my accompanied and unaccompanied site visits, serve to keep vehicle speeds low, and encourage drivers to adopt a cautious approach. I see no reason why this should be any different with residential development of the appeal site. Taking into account all the evidence adduced at the Inquiry, and from my site visits, I do not consider that the proposal would be likely to result in an unacceptable adverse effect on highway safety. Available routes to the town centre and railway station are not so dangerous that they would render the location unsuitable for further residential development.
37. Local apprehension about risks to vulnerable road users is understandable, but I do not consider that any resultant harm to highway safety should weigh significantly against the proposal. I find no conflict with LPP1 Policy ST1. Residual cumulative impacts on the road network would not be severe, and any increased risk to highway safety would fall far short of an unacceptable impact that would, in accordance with the *Framework*, justify preventing the development on highway grounds.

Housing supply

38. WBC updated its 5 year supply using a 1 April 2018 base date to demonstrate a 5.8 years' supply, with a 5% buffer as was applied by the Local Plan Inspector. The appellant disputes this and considers that with a 5% buffer there is only 3.37 years' supply.⁹ I note that Inspectors in other appeals have recently found a 5 years' supply, largely on the basis of maintaining the Local Plan Inspector's conclusions. However, the provisions of the revised *Framework* make it more difficult to place such reliance on the Local Plan Inspector's finding that WBC could demonstrate a 5 year supply of deliverable housing sites.
39. I share some of the appellant's concerns about the implications of changes in the *Framework* to the definition of 'deliverable' in assessing housing land supply, along with the requirement for 'clear evidence' required by the *Guidance*. The onus is on WBC, for sites with outline permission or allocated in a development plan, to provide clear evidence to demonstrate that housing completions will begin on site within 5 years. I am not convinced that the evidence adduced by WBC is sufficient to demonstrate deliverability for all the sites with outline planning permission. However, I do not discount sites where reserved matters applications were subsequently submitted, but which were shown to be deliverable at the base date by reason of progress made towards the submission of an application or with site assessment work.
40. Urban and Rural LAA sites could potentially contribute to supply provided that there was clear evidence that completions will begin on site within 5 years. However, I consider that WBC's submissions about the deliverability of these sites falls short of the clear evidence now required. Many of the Rural LAA sites are located in the Countryside beyond the Green Belt, or in the Green Belt, the AGLV or the AONB. There is no clear evidence about the deliverability of these sites, particularly where progress on eLLP2 has been deferred.
41. Footnote 39 of the *Framework* provides that from November 2018 significant under delivery would be measured against the Housing Delivery Test (HDT).

⁹ ID15 Table 2 indicates that this is based on deleting from WBC's total supply of 5,287 units the following: 1,159 units from outline permissions, 487 units from Urban LAA sites and 574 units from Rural LAA sites.

However, the HDT assessments have not yet been published, and paragraph 215 of the *Framework* states that the test will apply from the day following the publication of its results. I do not consider that it would be appropriate in advance of the publication of the HDT assessment to require a 20% buffer. ID15 Table 3 indicates that, with a 5% buffer, if the outline consents alone were deleted there would be 4.5 years' supply, and if the outline consents were included but both Urban and Rural LAA sites deleted there would be 4.6 years' supply. On the evidence before me, I find that the housing land supply here would be between 3.37 years and 4.6 years. There is not enough information about individual sites for me to assess where within this range the current supply falls. Nevertheless, this is a significant shortfall.

42. The additional dwellings from the proposed development would make a significant contribution to the supply of housing in Haslemere. The provision of 10 affordable dwellings would be particularly important in providing for local needs and would comply with LPP1 Policy AHN1. Given the housing land supply situation and the degree of shortfall, these are benefits which should be given significant weight in the planning balance.

Other matters

43. The appeal site lies within 5 km of the Wealden Heaths Special Protection Area (SPA). The scheme does not propose any mitigation for any adverse impact on the SPA. Natural England (NE) considers, given the size and scale of the proposal that it would not lead to a likely significant effect upon the integrity of the SPA, either alone or in combination. Accordingly, NE does not consider it necessary for an Appropriate Assessment (AA) to be undertaken. I note that an AA was completed by WBC in determining a duplicate application for the appeal site (Application Ref.WA/2018/0151), and that NE was happy with the outcome of that assessment.¹⁰ However, I am satisfied on the evidence before this Inquiry that the proposal, alone or in combination, is not likely to have a significant effect on the interest features of the SPA.¹¹ It is not, therefore, necessary to undertake an AA. WBC now concurs with this finding.
44. The proposal would provide employment during construction and future residents would contribute to the local economy. The proposed landscaping and ecological enhancements would be beneficial for wildlife, and so the scheme would gain some support from LPP1 Policy NE1. These are benefits which should be given moderate weight in the planning balance.
45. I have taken into account all the other matters raised in the evidence, including the appellant's submission that some development of AONB land will inevitably be required to meet LPP1 requirements for housing in Haslemere. But this is a matter for eLPP2, and I do not consider that it should be a decisive consideration in determining this appeal. The fact that work on eLPP2 has been deferred does not, in my view, alter this finding. Similarly, it is not very helpful in deciding the appeal on its planning merits to draw comparisons with other possible housing sites in the wider locality. It is not possible in this section 78 appeal to consider all the relevant matters, along with the views of interested parties, on the different sites likely to be required to meet the housing requirement in Haslemere. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

¹⁰ This duplicate application was refused in August 2018 against officer recommendation for approval.

¹¹ ID16.

Conclusions

46. The scheme would gain some support from development plan policies that seek to provide housing in Haslemere, and to increase the supply of affordable housing and enhance biodiversity, but would conflict with LPP1 Policies RE1 and RE3. I find that overall the proposal would be contrary to the provisions of the development plan taken as a whole. The proposal does not accord with an up-to-date development plan and so *Framework* paragraph 11 c) does not apply.
47. I have found that WBC cannot demonstrate a 5 year supply of deliverable housing sites, and so paragraph 11 d) is engaged by virtue of Footnote 7. Paragraph 11 d) i. refers to the application of *Framework* policies that protect areas or assets of particular importance. The appellant argues that no such policies are engaged in this case. I disagree. In paragraph 11 d) i. the reference to "protect" has its ordinary meaning to keep safe, defend and guard. It seems to me that that is precisely what paragraph 172 seeks to achieve with respect to landscape and scenic beauty in AONBs. This *Framework* policy for AONBs states that they have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty, and that within AONBs the scale and extent of development should be limited. The inclusion of AONBs in Footnote 6 brings into play the whole of paragraph 172, not just that part which deals with major development, as the appellant's closing submissions seem to imply.
48. Given my findings about the effects on the character and appearance of the area, as set out above, I consider that applying *Framework* policies for the AONB here provides a clear reason for refusing the proposed development. So the provisions of paragraph 11 d) i. disengage the tilted balance. Therefore, the planning balance in this case is a straight or flat balance of benefits against harm.
49. The appeal scheme would provide additional housing in Haslemere, including affordable units, in an area of need. There would also be some benefits to the local economy and to biodiversity. But in my judgement these benefits would be outweighed by the harm to the character and appearance of the area, along with the harm to the AONB which attracts great weight. I find that the planning balance falls against the proposal.
50. The proposal would be contrary to the provisions of the development plan taken as a whole. It would not gain support from the *Framework*. There are no material considerations here which indicate that the determination of the appeal should be other than in accordance with the development plan.
51. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed. It is not, therefore, necessary for me to deal with the disputed contribution towards secondary education.

John Woolcock
Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ashley Bowes
of Counsel

Instructed by Lewis Jones
Planning Solicitor for Waverley Borough
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He called

Andrew Cook BA(Hons) MLD CMLI
MIEMA CEnv MID

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Brian Woods BA(Hons) MRTPI
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Managing Director WS Planning & Architecture

FOR THE APPELLANT:

Charles Banner
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Instructed by David Neame
Director Neame Sutton Limited

He called

Dominic Farmer BSc(Hons) MSc
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Colin Brown BSc(Dual Hons)
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Clive Burbridge BSc(Hons) MSc
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Director Neame Sutton Limited

INTERESTED PERSONS:

Dr Philippa Guest
Michael Barnes
Guy Reynolds

On behalf of CPRE Surrey
On behalf of Longdene Action Group
Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Document	1	Appeal Ref: APP/W3520/W/18/3194926 Land on east side of Green Road Woolpit
Document	2	Extracts from the <i>Planning Practice Guidance</i>
Document	3	Schedule of suggested conditions
Document	4.1	<i>Park Lane Homes v SSHCLG CO/3142/2018</i>
Document	4.2	<i>Boddington v British Transport Police (H.L.(E.))</i>
Document	4.3	<i>West Lancashire BC v SSCLG CO/4913/2016</i>
Document	4.4	<i>Arun DC v SSCLG CO/336/2012</i>
Document	4	<i>North Norfolk DC and SSHCLG CO/1319/2018</i>
Document	5	Appellant's opening statement
Document	6	Opening submissions on behalf of the local planning authority
Document	7	Written Statement by Haslemere Vision
Document	8	Statement by Dr Philippa Guest on behalf of CPRE Surrey
Document	9	Email from WBC dated 1 October to those promoting housing sites concerning updated delivery rates
Document	10	Statement by Michael Barnes including petition
Document	11	Statement by Guy Reynolds including comments on traffic video addendum and script to addendum on traffic
Document	12.1	Draft s106 agreement
Document	12.2	Summary of s106 agreement
Document	13	Photographs of Red Court
Document	14	Plan by Mr Cook annotated with parkland area
Document	15	Housing Land Supply – Position Statement
Document	16	Addendum Note by Dominic Farmer on European Designated Site issues
Document	17	Note from Mr Woods documenting oral update to Inquiry concerning Appendix 3 and Appendix 9
Document	18	Aerial photograph of Red Court
Document	19	Email dated 10 October 2018 from Mr Barnes including letter from appellant dated 10 October 2018
Document	20	Housing Delivery Test Measurement Rule Book
Document	21	Draft unilateral undertaking
Document	22.1	Appellant's note on Sturt Farm SANG
Document	22.2	Outline planning permission dated 30 March 2015 for 135 dwellings at Sturt Farm
Document	22.3	Planning agreement dated 18 April 2018 for Sturt Farm which includes SANG obligations
Document	22.4	Plan showing approved landscaping details
Document	22.5	Planning permission for SANG dated 20 April 2018
Document	22.6	Plan for reserved matter application for Sturt Farm
Document	23	Dictionary definitions for 'parkland' and 'pastoral'
Document	24	Appellant's bundle of photographs 1-12
Document	25	Email from Natural England concerning Waverley Local Plan Part 2 dated 30 October 2018
Document	26	Waverley BC press release dated 29 October 2018 re deferring Local Plan Part 2
Document	27	Extract Hazlemere Herald 1 November 2018 re Housing site allocations withdrawn
Document	28	Sites with Outline Consent referred to in Mr Woods' EiC note
Document	29	Urban LAA Sites – October 2018
Document	30	Rural LAA Sites – October 2018

Document	31	Note on Housing Delivery Test
Document	32	Technical consultation on updates to national planning policy and guidance MHCLG October 2018
Document	33.1	Unilateral undertaking pursuant to s106 dated 14 November 2018
Document	33.2	Deed pursuant to s106 dated 16 November 2018
Document	33.3	Summary of S106 agreement & unilateral undertaking
	33.4	Note on R123 compliance: Secondary School Contribution
	33.4	Deed of Variation dated 20 December 2018
Document	34	Press Release re new timeline for eLPP2
Document	35.1	Transport Note dated 16 November 2018
Document	35.2	Qualifications and experience Clive Burbridge
Document	36	Suggested planning conditions
Document	37	Statement from Surrey County Council in support of a s106 contribution for secondary education
Document	38	Closing statement on behalf of the Longdene Action Group
Document	39	Closing submissions on behalf of the local planning authority and judgments
Document	40.1	Appellant's closing submissions and judgments
Document	40.2	Appendix : Legal submissions on the relevance of the previous Inspector's decision

PLANS

Full Application

078-PL-02	Existing Site Plan
074-PL-001 Rev. A	Location Plan
078-PL-017	Existing Block and Demolition Plan
079-PL-018	Proposed Blocks
078-PL-050	Existing Floor Plans Cottages
078-PL-051	Existing Elevations 1 Cottages
078-PL-052	Existing Elevations 2 Cottages
078-PL-053	Existing Glasshouse
078-PL-054	Existing Store 1
078-PL-055	Existing Store 2
1027.2.08	Semi-Detached Dwellings (Area B), Longdene House (Area C), Glasshouse/Outbuildings (Area D)
078-PL-020	Existing Basement
078-PL-021	Existing Ground Floor Plan
078-PL-022	Existing First Floor Plan
078-PL-023	Existing Second Floor Plan
078-PL-024	Existing Roof Plan
078-PL-025	Existing South Elevation
078-PL-026	Existing West Elevation
078-PL-027	Existing North Elevation
078-PL-028	Existing East Elevation
078-PL-030 Rev. A	Basement
078-PL-031	Ground Floor Plan
078-PL-032	First Floor Plan
078-PL-033	Second Floor Plan
078-PL-034	Roof Plan
078-PL-035 Rev. A	South Elevation
078-PL-036 Rev. A	West Elevation
078-PL-037 Rev. A	North Elevation
078-PL-038 Rev. A	East Elevation
078-PL-040	Garage Plans
078-PL-041	Garage Elevations
9172/01 Rev A	1/3 Tree Constraints Plan
9172/01 Rev A	2/3 Tree Constraints Plan
9172/01 Rev A	3/3 Tree Constraints Plan
9172/03	1/3 Tree Protection Plan
9172/03	2/3 Tree Protection Plan
9172/02	3/3 Tree Protection Plan
114543/9001	Development Area and Source Protection Zones Site Plan

PLANS

Outline Application

078-PL-02	Existing Site Plan
074-PL-001 Rev. A	Location Plan
078-PL-017	Existing Block and Demolition Plan
1027.2.04A	Landscape Masterplan (25 Unit Scheme)
1027.2.07	Land Adjacent to Main Access (Area A) 25 Unit Scheme
16-T001 07	Site Access Options – Scheme B
9172/03 2/3	Tree Protection Plan
9172/01 Rev A 2/3	Tree Constraints Plan
Plan 1027.2.04B	Landscape Masterplan