The Planning Inspectorate

Appeal Decision

Inquiry Held on 7-10, 14 and 15 December 2021
Site visit made on 15 December 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/R3650/W/21/3278196
Land west of Loxwood Road, Alford, Surrey, GU6 8HN

- 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 The Merchant Seamans War Memorial Society and Thakeham Homes Limited against the decision of Waverley Borough Council.
- The application Ref WA/2020/1684, dated 30 October 2020, was refused by notice dated 5 March 2021.
- The development proposed is the demolition of Hollyoak and erection of 99 dwellings (including 30% affordable provision) and associated highways and landscape works.

Decision

1. The appeal is allowed and planning permission is granted for demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20 at land west of Loxwood Road, Alford, Surrey in accordance with the terms of the application, Ref WA/2020/1684, dated 30 October 2020, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. After the permission was refused the Appellants proposed an amendment to the description of the proposed development to include a reference to the removal of an oak tree subject to Tree Preservation Order 20/20. The revised wording is as follows:

   "Demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20".

   The Council raised no objection to this. Therefore, I shall determine this appeal on the basis of the revised description of the proposed development.

3. In addition to the Landscape Strategy that was submitted with the application,[1] the Appellants submitted some minor amendments to the Landscape Strategy comprising further planting along the western and northern boundaries of the appeal site. This would take the form of a native species hedgerow on the western boundary and a belt of native shrub planting and native trees along the

[1] Landscape Strategy - Ref 657-01- Landscape Collective, October 2020

northern boundary. The main parties agreed that the Revised Landscape Strategy (Drawing No 657/01A)[2] would not materially change the proposal and no one would be prejudiced because they might have been denied an opportunity to comment. Therefore, I have taken the Revised Landscape Strategy into account in the determination of this case.

4. The following Statements of Common Ground (SoCG) were submitted to the Inquiry:

- General SoCG;
- Housing Land Supply SoCG; and
- Transport and Highways Matters SoCG with Surrey County Council (SCC).

5. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is set out in Section 10 of the General SoCG[3] and a full list of the core documents forming part of the consideration of this appeal is also set out in Section 10 of the General SoCG.[4]

6. I held a Case Management Conference (CMC) online on 7 October 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry, conditions, planning obligations, core documents, plans, the timetable for submission of documents and other procedural matters.

7. At the Inquiry a Planning Obligation was submitted.[5] The Planning Obligation is made by an Agreement between the Appellants, Waverley BC and SCC under s106 of the TCPA 1990. The s106 Agreement secures: 30 affordable housing units on site; the maintenance of play space; the maintenance of Sustainable urban Drainage Systems (SuDS); the maintenance of open space; the provision of a Demand Responsive Bus Service; the provision of highway improvement contributions and the provision and monitoring of a travel plan. The s106 Agreement is signed and dated 22 December 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement[6] was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.

8. Following the submission of the Planning Obligation at the Inquiry, and the earlier submission by the Appellants of a noise impact assessment that considered the likely effects of the proposed development on properties either side of Hollyoak, the fourth and fifth reasons for refusal (RfR) contained in the Council's decision notice of 5 March 2021 were not pursued at the Inquiry.

9. The appeal proposal was screened for Environmental Impact Assessment (EIA) by the Council, and it was determined that EIA was not required. I agree with the negative screening that was undertaken by the Council.

[2] Appendix 2 of Joanna Ede's proof of evidence
[3] CD 9.4. The parties are agreed that Plan SK_001 which relates to the existing elevations and floorplans of Hollyoak, which is proposed to be demolished as part of the appeal proposals, is also relevant and should be taken into account in the decision.
[4] Ibid
[5] APP13
[6] LPA7

Main Issues

10. In the light of the above I consider the main issues are:

(i) Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy;

(ii) The effect of the proposed development on the character and appearance of the area; and

(ii) Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged.

Reasons

Planning Policy Context

11. The appeal site comprises 5.91 hectares of land to the west of Loxwood Road, Alford. The site sits behind the existing line of dwelling houses along Loxwood Road and would be served via the creation of a new access road onto Loxwood Road. The appeal site is outside of but adjoining the settlement boundary. The appeal site predominantly comprises agricultural land (Grade 3b), with the exception of a single property, named Hollyoak, which fronts Loxwood Road, and a portion of highway land along Loxwood Road. The topography of the appeal site is generally flat. An oak tree (T93) to the rear of Hollyoak is subject to a Tree Preservation Order 20/20.

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan for the appeal site comprises the policies of the Waverley Local Plan Part 1 (2018) (LPP1);[7] and the saved policies of the Waverley Borough Local Plan (2002) (Saved Policies 2007) (the 2002LP).[8]

13. The development plan policies that are relevant to this appeal are agreed by the main parties and are set out in the General SoCG[9] at paragraph 6.3. There is no need for me to repeat these policies here.

14. The Council is in the process of preparing a new Local Plan, but this is at a very early stage. The Waverley Borough Council Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) was formally submitted for examination by the SoS on 22 December 2021. It therefore has limited weight at the present time.

15. The Alford Parish Council has undertaken to prepare a Neighbourhood Plan (the Alford Neighbourhood Plan) (ANP). A consultation draft has not yet been prepared. It is currently expected that the plan will move to Regulation 14 stage in Spring 2022. It therefore has limited weight at the present time.

16. At the Inquiry there was some debate as to what constituted the most important policies, whether they are out-of-date and the weight that should be attached to each policy. Paragraph 11 d) of the NPPF is precise in its language

[7] CD4.1
[8] CD4.4
[9] CD9.4

Its reference to `application' rather than 'appeal' means it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. However, "most important" policies do not mean "all relevant" policies and it is a matter of judgement for the decision maker to decide what these may be. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration.

17. There was no agreement between the main parties as to what constituted the most important policies in this case. I consider that most of the policies referred to in the reasons for refusal fall within this category. I also consider that Policy ST1 (Sustainable Transport) which is not quoted in the reasons for refusal should be considered most important for the determination of this appeal.

18. The most important policies to this application proposal are thus as follows:

- LPP1: Policies SP2, ALH1, ST1, RE1, RE3, TD1, NE1 and NE2,
- 2002LP: Policies D1, D4 and D7.

19. Other policies, although not considered the most important, are still of some relevance:

- LPP1: SP1, ICS1, AHN1, AHN3, CC2, CC4 and LRC1

20. As to whether the basket of most important policies as a whole is out-of-date in the context of paragraph 11 d) of the NPPF and the weight that should be attached to each policy are matters that I shall return to later in this decision.

First Issue - Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy

21. LPP1 Policy SP2 sets out the Council's spatial strategy for the area. In order to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner, it seeks to focus the majority of development within four main settlements, with moderate and limited levels of development directed at second and third tier villages.

22. Alford falls to be considered as an `other village' within the third tier of the settlement hierarchy. This positively worded policy is permissive of limited levels of development in and around `other villages'. The appeal site is outside of the settlement boundary, albeit adjacent to it, in an area known as Alford Crossways. The policy goes on to recognise that those villages not within the Surrey Hills AONB or Green Belt offer more scope for growth. The appeal site does not lie within either of these areas but is considered to be countryside beyond the Green Belt.

23. The scope of limited levels of development in villages like Alford, as proposed in Policy SP2, needs to be understood in the context of Alford being a less constrained settlement. It is also in contrast to the `modest growth' to meet `local needs' for all villages except for those specified in Policy SP2.

24. LPP1 Policy SP2 does not define `limited growth'. However, LPP1 Policy ALH1 distributes the amount and location of housing, identifying that at least 11,210 net additional homes are required in the period 2013 to 2032 (equivalent to at least 590 dwellings a year). Furthermore, it indicates that within the plan period

2013 to 2032 the parish of Alford is required to accommodate a minimum number of 125 homes. Whilst the policy does not establish a ceiling on the number of new dwellings to be accommodated, I accept that it does not allow for unlimited development.

25. The fact that the minimum number of 125 new homes in Alfold has already been exceeded by completions and commitments (and the related fact that the size of Alfold is doubling as a result of recent consents) is therefore not indicative of a policy breach. It adheres to the fact that growth in a less constrained settlement is to be supported and is consistently being supported on appeal. In my view, the number of homes in Alfold that would arise from adding this appeal scheme (99 units) to the existing completions and commitments is neither "excessive" nor "disproportionate" in the words of the LPP1 Examining Inspector at paragraph 128 of his report.[10] It is a question of looking at each application on a case by case basis.

26. As I perceive it there is no cap imposed in the Policy ALH1. If the Examining Inspector or the Council had wanted to impose a cap in LPP1 they could have done so in the policy. Reading the policy objectively, it must be therefore assumed that there was a positive decision not to impose a cap. Indeed, it appears from the Sustainability Appraisal (SA)[11] undertaken for LPP1 that the 125 homes figure for Alfold is not a product of the number of "suitable" sites for development but is instead a fairly arbitrary number to reflect the facilities and services in the village.[12] It was taken as a "given" and it is worrying that reasonable alternatives with a higher minimum figure attributed to Alfold were therefore not assessed by the SA. It is noteworthy that the SA does recognise that the village "stands out somewhat from the other smaller villages in that there are relatively few environmental constraints."[13]

27. The LPP1 expects delivery to be achieved in accordance with Policy ALH1 through decisions on planning applications, the detailed application of the Local Plan (LPP1 and LPP2) and Neighbourhood Plans. There is currently no Neighbourhood Plan in place for the area and LPP2 is at an early stage. Neither document has progressed sufficiently to be attributed any more than limited weight. Therefore, as the Inspector found in the Land East of Loxwood Road decision,[14] planning applications are currently the primary route for delivering housing in the area. The position on LPP2 and ANP has not changed significantly since that decision.

28. For all of these reasons, there is nothing in Policy SP2 or ALH1 to preclude this nature and scale of development. There is no actual text in either policy which would be breached by the development. Indeed, there is positive support for the principle of development on this site given the relatively unconstrained nature of Alfold. The proposals would comply with Policy SP2 and ALH1 bearing in mind that the spatial strategy's key aim is to meet development needs whilst protecting areas of the highest importance (including Green Belt, AONB and AGLV, the Thames Basin Heaths SPA). This is precisely what this scheme does.

[10] CD4.2
[11] APP12
[12] LPA2 SA Extract paragraph 6.3.17
[13] Ibid
[14] CD6.2 paragraph 12

29. The Council relies on the 2017 Springbok Radcliffe Estate decision,[15] but this was a completely different scale of development in a different planning policy context. It comprised 455 homes, a care home and other facilities, on its own in a single scheme which could not be described as "limited" development "commensurate with" the spatial strategy and settlement hierarchy whereas the appeal scheme clearly can. They are clearly completely distinguishable.

30. The Council in RfR1 also contend that policies ALH1 and SP2 would be breached due to the future occupants of the development having limited access to local services and facilities and unduly relying on the private car. Policies ALH1 and SP2 are silent on these matters. However, I note that Policy ST1, requires development schemes (among other things) to be located where opportunities for sustainable transport modes can be maximised, reflecting the amount of movement generated and the nature and location of the site. Importantly, the policy expressly recognises that "solutions and measures will vary from urban to rural locations".

31. The same pragmatic approach to what can realistically be provided in a rural location is found in the NPPF. Paragraph 105 expressly notes that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making". NPPF paragraph 110(a) requires "appropriate" opportunities to promote sustainable transport modes be taken up, "given the type of development and its location".

32. I note the Council does not dispute that, given the location of the proposed development, opportunities for sustainable transport modes have been maximised. Instead, it is argued that the location itself is not "sustainable", with the sustainable transport alternatives not being as attractive as the private car, with the result that the majority of residents would still use the car instead of such alternatives. However, neither Policy ST1 nor any other local or national policy requires a development to be in a "sustainable location", albeit Policy SP2 does require development needs to be met in a "sustainable manner" which includes "limited" development in Alfold. There is no local or national policy requiring the sustainable transport modes available to future residents to be as attractive as the private car. Instead, what is required is a "genuine choice of transport modes."[16] There is no local or national policy which requires the majority of residents to use sustainable alternatives to the private car.

33. Instead, local and national policy assesses the sustainability of the transport offer *in the context of the location* and asks whether appropriate opportunities to promote sustainable transport have been taken up. If, given the location, they have been, then the proposal is policy compliant. There is no free-standing requirement (contrary to the Council's approach) to consider the sustainability of the location in the first place. Instead, that location is taken into account in assessing compliance with sustainable transport policy.

34. Plainly Alfold cannot match the sustainability of locations such as Guildford or Cranleigh. Nevertheless, the existing conditions (in terms of local services and sustainable transport options) demonstrate that Alfold does have a reasonable range of services and facilities, namely a petrol station and associated M & S

[15] CD6.1
[16] NPPF paragraph 105

convenience store, a part-time Post Office, a business centre providing some employment uses, churches, public houses and a veterinary surgery.

35. I accept that the bus services are limited but Alfold has a better than average provision for a rural village. Although Bus 69 is limited, Bus 42, serving Cranleigh, Godalming and Guildford, runs eight times per weekday in both directions, with two buses leaving Alfold Crossways before 0800 hours and the last bus leaving Guildford at 1715 hours. This would enable someone to commute to work in Guildford for a standard 0900 -1700 hour job. The journey would take 50 minutes from Alfold to Guildford, which is a reasonable commuting time. The bus stops are right outside the appeal site, so future residents would be well placed to use this service. At the Inquiry the Appellants also referred to the community transport service known as The Hoppa Shopper, and a bus provided by SCC for secondary school pupils travelling from Alfold Crossways to Glebelands School in Cranleigh.

36. From the evidence submitted I note that there are five railway stations all around 15km from the site. Although the Council is critical of this provision equivalent distances have not stopped the Council from promoting the strategic allocation of Dunsfold Park Garden Village.

37. As for cycling, it is agreed with the Local Highway Authority (SCC), that cycling is a potential sustainable transport mode for some, e.g. with Cranleigh a 24 minute cycle ride away. The appeal site is only a few minutes bike-ride away from the Surrey Cycleway, which runs west to east through Alford Crossways on Dunsfold Road, A281 Alford Bypass and Wildwood Lane. Moreover, the topography of the area is relatively flat and therefore conducive to cycling.

38. Overall, the services and facilities available are commensurate with the scale of Alfold and the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, the Appellants have proposed a range of measures to improve the current situation and promote the use of sustainable modes of travel. The package of proposed measures agreed with SCC would ensure that sustainable transport modes are maximised given the location and scale of development.

39. First, there would be a contribution of £400,000 towards a Demand Responsive Bus Service (DRBS) to serve the appeal scheme and the local area. This would secure five years of the service to add on to the five years already to be provided by the scheme approved on Land East of Loxwood Road, making 10 years of provision in total. The Inspector in that decision[17] was satisfied that the five years of DRBS funding would enable provision to be made pending the sustainable transport package, including regular bus services, being provided by the Dunsfold Park development. From the evidence that is before me it is now clear that there will be significant delays to this scheme. However, a doubling of the DRBS period to 10 years would cater for the longer anticipated timescale. The DRBS would improve the frequency/availability of the services available and could be used to access larger settlements or the surrounding railway stations.

40. Although the Council described the DRBS as a "glorified taxi service" I note that DRBS has the strong support of SCC,[18] who have received Central Government

[17] CD6.2 paragraph 23
[18] Stephanie Howard's proof of evidence paragraph 5.8.7

funding to provide DRBS in Mole Valley and are currently preparing a funding bid for DRBS in Tandridge, Waverley and Guildford.

41. Moreover, the LPP1 states that "the Council will encourage travel choice in the rural areas through initiatives such as demand responsive bus services."[19] The key point is that the DRBS would encourage a departure from reliance on the private car, and so it is surprising for the Council to be so hostile to it.

42. In addition to the DRBS contribution, the appeal scheme would secure by s.278 Agreement 2 new bus shelters on Loxwood Road, together with footways and an informal pedestrian crossing. There would also be a new pedestrian route connecting the site to public footpath 415a, and commitment to the Residential Travel Plan,[20] which SCC agrees would reduce reliance on private vehicles.

43. The scheme would also benefit from improvements secured by the East of Loxwood Road scheme to the footway along Horsham Road (A281), to enhance the safety and attractiveness of the route to the M & S at the petrol station. SCC has committed to delivering a footpath between Dunsfold Aerodrome and Alfold (not conditional on the Dunsfold Park development) which would improve the attractiveness of this route for future residents of the appeal scheme.[21]

44. With the support of these measures, the Appellants put forward targets in Table 4-1 of the Residential Travel Plan,[22] which would see a 6% modal shift from single occupancy car drivers over a five-year period. I consider these targets to be realistic in nature because they have been approved by SCC. The Council has not submitted any evidence in that regard, and I am aware that when it comes to agreeing modal shift targets in travel plans, it is the Local Highway Authority (SCC), not the Council, who have the relevant expertise.

45. Further, I note that the Appellants submitted evidence which demonstrates access to suitable services and facilities without undue reliance on the private car in relation to public transport, leisure and community facilities, retail, health, education and employment.[23]

46. Finally, in terms of this issue, I appreciate that in relation to the Dunsfold Park development, the sustainability of Alfold as a location is not dependent on Dunsfold Park, albeit it would dramatically improve the level of services and facilities close-by for future residents.

47. Drawing all of these threads together, I consider that the development would maximise the sustainable transport options available in this rural area and that there is a realistic prospect that residents could utilise sustainable modes of travel if they wish to do so. The measures proposed would encourage and facilitate such use and there need not be reliance entirely on private vehicles for travel. Whilst I accept that the appeal site is not the most accessible compared with urban sites and that opportunities for sustainable travel patterns would remain limited after the development, they are nevertheless sufficient for the scale of development proposed in this case. Furthermore, it is clear to me that the increased population arising from the development would support the local services. There would be no conflict with Policies SP2, ALH1 and ST1 of LPP1.

[19] CD4.1 paragraph 7.11
[20] CD2.6
[21] Plan 7 in Plans and Appendices to Stephanie Howard's proof of evidence
[22] CD2.6 page 14
[23] Section 8 of Stephanie Howard's proof of evidence

48. I conclude on the first main issue that the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy.

Second Issue - The effect of the proposed development on the character and appearance of the area

49. At my site visit I saw that the appeal site lies adjacent to the existing settlement edge of Alford Crossways and wholly within the parish of Alfold. It comprises an irregular shaped arable field and a single residential property with private garden (known as `Hollyoak') which is accessed from Loxwood Road. The site has a close relationship to the existing settlement of Alfold due to its central position in the village, physical connection and adjacency with the existing village edge along Loxwood Road, similar topography and its visual association and connectivity with the village sports ground.

50. Within the Surrey Landscape Character Assessment, the appeal site forms part of the Dunsfold to Pollingfold Wooded Low Weald LCA which is a generally flat and rural landscape with a mix of arable and pastoral fields, woodland blocks and mature hedgerows and tree belts. It includes the villages of Alfold and Alfold Crossways but elsewhere, settlement is limited. The appeal site is broadly representative of the general character of the LCA. Human influences are present in the landscape surrounding the site including nearby roads, residential development within Alfold Crossways, the sports facilities including floodlighting at the Alfold Sports and Recreation Ground and further afield, Dunsfold Aerodrome.

51. There is no dispute between the parties that the appeal site forms part of an area of ordinary landscape value which also lies outside the Green Belt. Some 77% of Waverley Borough is designated as the Surrey Hills Area of Outstanding Natural Beauty (AONB) and/or Area of Great Landscape Value (AGLV) and 61% lies within the Green Belt. However, the appeal site lies outside the Green Belt and does not form part of either the AONB or AGLV nor does it contribute to their special qualities or scenic beauty. The appeal site is therefore of notably lower value and sensitivity than most other parts of Waverley Borough.[24] It is common ground that it is not a "valued landscape" in the context of the NPPF.[25] The parties agree that the landscape sensitivity of the site is medium whereas the majority of the Borough is of higher landscape sensitivity.

52. At my site visit I saw that the appeal site has a relatively strong sense of enclosure and low level of intervisibility with the wider area, due to the presence of surrounding mature woodland blocks and the existing development edge on the west side of Loxwood Road. The scenic quality of the site is

[24] Joanna Ede's proof of evidence paragraph 1.5
[25] Paragraph 174(a)

relatively low, given that it is simply a flat open arable field with no significant landscape features.

53. The principal publicly accessible viewpoints from which the appeal site is visible are public footpath 415a to the north of the site and from parts of the Alfold Sports and Recreation to the south. From the public footpath there are open views east and south east towards Alfold Crossways. The appeal site is visible in the middle distance of these views, seen as an open arable field, with the rear of properties on Loxwood Road and their garden boundary fences seen beyond. From parts of the Alfold Sports and Recreation Ground, particularly from the training pitch on the western side there are views towards the appeal site with woodland seen beyond. Pedestrians and road users on Loxwood Road next to the sports ground would have middle distance views through an existing and well vegetated northern boundary to the site.

54. The appeal proposal seeks full planning permission for a proposed residential development of 99 units with associated access and landscaping. I note that the development of the scheme proposals has been landscape-led; the layout and design of the development and the supporting landscape strategy incorporate a number of measures to reflect the character of the local area and mitigate potential landscape and visual effects of the proposals.[26] In my view the detailed landscape strategy (Dwg. No. 657/01A) is deliverable and would integrate with the landscape structure of the area.

55. With regard to landscape effects, the proposed development would allow the retention of the key landscape features within and adjoining the site which currently contribute to the local landscape character and visual amenity. These include: a line of mature oak trees along the northern boundary of the site; a ditch along the northern boundary of the site; a small woodland block adjoining the south-western boundary of the site; a tree belt adjacent to the southern site boundary; mature trees and garden boundary vegetation along the eastern boundary of the site. The retention and enhancement of these existing landscape features would be a beneficial effect. Furthermore, the introduction of new tree and shrub planting across the development area within proposed open spaces, along the internal roads and in private gardens would also be beneficial to the character of the site.

56. I accept that the proposed development would result in the loss of a section of open and undeveloped countryside. Plainly the introduction of new dwellings would reduce the sense of openness in the immediate locality. However, the intrinsic character and beauty of the wider countryside would not be unduly harmed by the scheme. There would be an adverse effect on the site itself of medium magnitude, reducing to medium-low over time as the proposed landscape framework matures. The introduction of the enhanced landscaping

[26] See CD2.2 Design and Access Statement

and ecological improvements would safeguard the rural character of the area for the long term. The site is of relatively low landscape and visual sensitivity and the proposed development would result in limited and localised harm to the intrinsic character and beauty of the countryside. Consequently, conflict with Policy RE1 carries little weight in the planning balance.

57. The Council argues that the proposal would comprise a major encroachment into the countryside. I disagree. The impact of the proposals on the character of the wider Dunsfold to Pollingfold Wooded Low Weald LCA would be of very low magnitude and the type of effect would be neutral, with no overall improvement or deterioration in the character of the surrounding landscape. The development would form an extension to the existing village of an appropriate scale and character and would integrate with the existing and emerging character of Alfold Crossways. The identified key characteristics of the local landscape character would also be preserved, and the proposed landscape framework would introduce some beneficial changes to landscape character.

58. Policy RE3 of LPP1 requires new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located and has specific requirements for protection to the Surrey Hills AONB and the AGLV. In my view the appeal proposals have been carefully developed to respect and respond appropriately to the local landscape character surrounding the site and would not affect the landscape character of either the AONB or the AGLV. I note that the DAS[27] provides further details on how the scheme has responded to local context. The appeal proposals would comply with Policy RE3 of LPP1.

59. With regard to Policy TD1 of LPP1 this policy seeks to ensure that the character and amenity of the Borough are protected by five criteria set out in the policy. The Council does not object to the appeal proposals on design grounds and in my view the proposals promote good design which would lead to a high quality development. Policy D4 of the 2002LP relates to design and layout which are not disputed matters. The appeal proposals would comply with Policy TD1 of the LPP1 and with Policy D4 of the 2002LP.

60. In terms of visual effects, due to the existing enclosure of the site by vegetation and existing built development together with the additional enclosure which would be provided by proposed planting, few views or visual receptors would be significantly changed by the proposed development. Notably, there would be no significant changes to the views and general visual amenity experienced by people travelling through the village. The key views and visual receptors that would be significantly changed by the proposed development are those from: private residential properties on west side of Loxwood Road; PRoW Alfold 415a; and Alfold Sports and Recreation Ground.

[27] CD2.2

61. I consider that overall the visual impact would be medium/low given that: (i) the site and the footpath are separated by two open fields which places users 400- 500 metres away, and so users of the footpath would still get the sensation of walking through open countryside even with the development in situ; (ii) the proposed boundary planting for the scheme, including hedgerow and large maturing trees, together with public open space, would mean that the dwellings are visible but filtered by the vegetation; (iii) the boundary planting is outside of individual gardens, and on public areas that would be maintained by a management company, so there would be no risk of it being subject to pressures by future residents; (iv) visibility of the settlement edge of Alfold is already a characteristic of the view as the properties on Loxwood Road and Dunsfold Road are already visible from the footpath; and (v) the proposed development would also be seen in conjunction with the recreation ground which includes floodlights and built form.

62. As to views from the Alfold Sports and Recreation Ground, I saw that the proposed development edge would be set well away from the edge of the ground, with an open arable field retained between them. The views would still have the outlook of open fields and woodland blocks to the north and north-west. Indeed, there would be large parts of the recreation ground where the appeal site would not be visible. I accept that the views from the neighbouring properties on Loxwood Road would inevitably change, but in my view the separation distances are very good, with 55-80m between properties, and vegetation in the intervening area.

63. With regard to Policy D1 of the 2002LP the appeal proposals would not result in loss or damage to an area of landscape value and therefore would comply with part (a). Similarly, with regard to part (b) which requires development proposals not to harm the visual character and distinctiveness of a locality, I consider the visibility of the proposals from the surrounding area would be very limited and, from the few areas where it would be visible, the proposals would not appear incongruent or out of scale with the existing edge of Alfold which is seen in these views. There would be no conflict with Policy D1 of the 2002LP.

64. With regard to the previous appeal decision for the Springbok Radcliffe Estate,[28] it is clear to me that the former refused scheme was a materially very different proposal to what is proposed under the current appeal scheme. Plainly the current appeal scheme has responded to and taken on board the Inspector's concerns. I note the following differences between the two schemes: (i) the footprint of development was 6 times bigger; (ii) the 2017 scheme was much closer to the nearby AGLV and some of it actually fell within the AGLV; and (iii) the scale and diversity of the proposed development was much greater.

[28] CD6.1

65. There were some relevant conclusions on landscape impact in the Springbok Radcliffe Estate decision: not a valued landscape;[29] containment by surrounding woodland would "lessen the impact of the new built form;"[30] Alfold Crossways is "not purely linear in form", and the Inspector did "not consider that consistency with a linear form is an important parameter against which proposals should be assessed."[31] Although he concluded a major adverse change to views from footpath 415a,[32] this was due to the residential development extending right up to the footpath itself, rather than being separated by two fields as here.

66. The Councill contends that the loss of the protected oak tree, T93 in the Appellants' Arboricultural Impact Assessment, would harm the amenity of the village. It is argued that the tree is a healthy specimen with potentially many decades of life left. When compared with other A-grade trees of a similar size and condition in the Appellants revised tree schedule (e.g.T5, T6, T85 and T87) it is claimed that its quality is not materially less, and it is right that it should be of the same grade.

67. In respect of trees, saved Policy D7 of the 2002LP[33] restricts development that would result in the loss of a protected tree. I accept there would be limited conflict with this policy. However, the more recent Policy NE2 of LPP1[34] provides that the Council will seek "where appropriate" to maintain and enhance existing trees. I note that the Inspector in the East of Loxwood Road decision[35] found no conflict with the latter policy in that case, noting that the limited harm arising from the loss of a single TPO tree would be "very limited and largely compensated by the replacement tree planting proposed".

68. In the present case the appeal scheme requires the removal of three trees, one of which is the subject of a TPO made after the planning application was submitted. The tree removal is necessitated in order to create the access to the site for the development. I note that there is no alternative suitable access proposed which would avoid a need for tree loss. I note also from my site visit that there is quite limited visibility of T93 from public places given the various obstacles in the way. I saw that it is only visible above and between the roofs of houses on Loxwood Road. I accept that the tree could be depicted with difficulty as an individual tree from the road, particularly when in a car, that the views are fleeting, and that it has very limited amenity value. In my view the loss would not impact on the reasonable enjoyment of the public.

69. From the evidence that is before me and from my site visit, I consider that T93 should be categorised B. Its downgrading from category A must reflect the

[29] CD6.1 paragraph 39
[30] CD6.1 paragraph 45
[31] CD6.1 paragraph 48
[32] CD6.1 paragraph 54
[33] CD4.4 page 20
[34] CD4.1 page 146
[35] CD6.2 paragraph 32

unsympathetic past management[36] by the utility company who need to carry out pruning to protect the electricity cables running next to the tree canopy every 5-7 years. The Council focuses on the life expectancy of the tree and ignores this significant constraint on the tree.

70. Importantly, the appeal scheme would retain 75 of the 78 trees currently on the site, which equates to 96.4% of the existing trees.[37] The scheme would also plant an additional 198 trees.[38] These include 13 large canopy native species, including one being planted very close to where T93 would be lost. The Council confirmed that it had no objection in principle to the revised landscape strategy. In my view what is proposed in the revised landscape strategy would go well beyond what would normally be expected by way of mitigation. I agree that the proposed commitment to replace any failed trees within the first five years would be reasonable and standard.

71. Plainly the appeal scheme would comply with Policy NE2. It would not be appropriate for T93 to be retained given the necessity of removal to make way for the access, the considerable retention of trees, and the proposed planting. Policy NE2 is directed at looking at the appropriateness of retaining a tree overall, bearing in mind the whole tree retention and planting proposal and the need for removal by a proposal. Clearly mitigation is a relevant factor in the consideration of whether it is appropriate to remove a tree under Policy NE2.

72. Policies NE1 and NE2 of LPP1 relate to biodiversity and green infrastructure. The landscape proposals for the development would clearly comply with both of these policies. They deliver a strong landscape framework which would make a positive contribution to the local green infrastructure by improving the watercourse along the northern boundary with the introduction of new planting and creating new habitats and increasing the tree cover within the site. A separate report has been provided by Ecology Solutions[39] which demonstrates that the proposals would deliver a significant biodiversity net gain (19.5%).

73. On the second issue I consider that the proposed development would have some localised and limited landscape and visual effects. It would result in limited harm to the intrinsic character and beauty of the countryside and there would be a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, the proposal would be in compliance with Policies RE3, TD1, NE1 and NE2 of the LPP1 and Policies D1 and D4 of the 2002LP. The adverse effects would be localised and limited and due to the ordinary nature of the landscape and the strong visual containment of the site. I conclude on the second issue that the proposed development would not cause unacceptable harm to the character and appearance of the area.

[36] See the Cascade Chart at Appendix 3 to the AIA at Appendix 1 to Peter Wharton's proof of evidence
[37] Peter Wharton's proof of evidence paragraph 5.4.3 and 5.51
[38] Peter Wharton's proof of evidence paragraph 5.7.2 and Joanna Ede's Appendix 2
[39] Appendix 3 to Joanna Ede's proof of evidence

Third Issue - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged

74. Paragraph 74 of the NPPF sets the requirement for Local Planning Authorities to identity and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.

75. The parties are agreed that the LPP1 was adopted in February 2018. Policy ALH1 of the LPP1 confirms a housing requirement equivalent to 590 dwellings per annum. This results in a base requirement of 2,950 homes. It is also agreed that the correct base for the calculation of five year housing land supply, for the purposes of this appeal is 1 April 2021. The five year period is, therefore, 1 April 2021 to 31 March 2026. The appropriate buffer in the calculation of the five year supply is agreed to be 5%.[40]

76. The most up-to-date position on five year housing land supply records agreement that the plan period completions for the purposes of calculating housing land supply are 3,422 homes, against a requirement of 4,720. That results in a shortfall in delivery to April 2021 of 1,298 homes. I accept that the contribution from Use Class C2 completions during the plan period can be included in the five year supply calculation in accordance with PPG advice.[41] The contribution from communal accommodation development is calculated by dividing the additional bedspaces by 1.8. The parties are agreed that the five year requirement is 4,248 homes, including the steps taken in the SoCG-Housing Land Supply.[42]

77. The parties disagree about the supply of deliverable sites. The final respective position of the Appellants and the Council on disputed sites is set out in a Final 5YHLS Position Statement[43] and the revised HLS Scott Schedule.[44] I have also taken into account the Supplemental 5YHLS Position Statement[45] prepared by the Appellants and the Update Note[46] prepared by the Council.

78. The definition of 'deliverable' is set out within Annexe 2 of the NPPF, which states:

> *"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*
>
> *(a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

[40] CD9.11 Statement of Common Ground Housing Land Supply
[41] See Paragraph: 035 Reference ID: 68-035-20190722 & Paragraph: 016a Reference ID: 63-016a-20190626
[42] APP9 paragraph 2
[43] APP9
[44] APP10
[45] APP11
[46] LPA5

(b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years".

79. PPG advice was published on 22 July 2019 on `Housing supply and delivery' and this includes a section that provides guidance on `What constitutes a `deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions." [47]

80. I do not consider that the above categories (a) and (b) are a `closed list' i.e. only sites that fall within the two categories could be considered to be deliverable. I have therefore considered the Council's supply in light of whether the sites are available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years. It is relevant that for category (b) a site can only be considered deliverable where it is clear that it *will* deliver. Consideration of what constitutes `clear evidence' is set out in further detail in the PPG.[48]

81. Paragraph 3 of the Final 5YHLS Position Statement helpfully sets out the main sites where the parties differ. With regard to Land at Dunsfold Park the Council confirms that the Dunsfold SPD is due to be adopted in February 2022 and that initial phases could come forward alongside the temporary uses on the site. I accept that the new landowner could implement the existing consent, but I consider it is more likely that an amended outline application would be required. Moreover, there is no evidence of housebuilder involvement, submission of reserved matters or any evidence of progress in this direction. The Council has not provided a realistic assessment of the factors involved in delivery of this site, such as the timetable and likely progress towards completions. Dunsfold Park should not be considered deliverable due to the lack of clear evidence.

82. With regard to Land at Centrum Business Park, Farnham I note from the Council's additional information that the Council Estates Team is not involved in the redevelopment of the site, so there is no clear information as to: (i) whether there are multiple landowners; (ii) whether the landowners are coordinated; and (iii) what the lease/ownership arrangements are for the current occupiers. In my view, the site is not currently available for development given the existing active occupiers. There is no planning application on the site. There is no clear evidence to suggest that there is a realistic prospect that homes would be delivered on this site within five years.

83. With regard to Land at Ockford Water, it is clear from the Council's additional information that the site does not currently benefit from planning permission and there is uncertainty as to the acceptability of the current application on the site. There are fundamental development management issues to be resolved. On this basis there is no clear evidence that housing completions would be achieved on this site within the five year period.

[47] PPG Paragraph: 007 Reference ID: 68-007-20190722
[48] Ibid

84. With regard to Land at Barons of Hindhead I note that the site is a draft allocation in the draft LPP2 and is subject to a full application for 38 dwellings. However, the site directly adjoins the Devils Punch Bowl which is a National Trust run site in the AONB. There are concerns about overdevelopment of the site, including the proposed design, layout and massing. There are also questions about viability and affordable housing provision. There is no clear evidence to suggest that this site would deliver homes in the next five years.

85. With regard to Land to the rear of 101 High Street, Cranleigh I accept from the Council's additional information that there is some progress on this site. However, the Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance to demonstrate there is a realistic prospect of delivery in the five year period. There is no clear evidence as to its deliverability, which is still subject to the submission and positive determination of a planning application.

86. With regard to Land at Wey Hill, Haslemere I note from the Council's additional information that some of the former uses on the site (the Guides and the St John's Ambulance) have already been relocated to new premises within Haslemere. I accept that the site is allocated in the draft LPP2 for residential development. However, the Council's additional information provides no reassurance that the other existing uses on the site can be moved stating only that: "Negotiations with the other existing uses on the site will be taking place to facilitate the redevelopment of the site." The Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance. There is no clear evidence to suggest the site is available, offers a suitable location for development, or is achievable. The site should not be considered deliverable due to lack of clear evidence.

87. It is not necessary for me to go through all of the disputed sites in paragraph 3 of the Final 5YHLS Position Statement (APP9) and the revised HLS Scott Schedule (APP10). I am satisfied that all of the disputed sites set out at paragraph 3 of APP9 should not be considered deliverable in the next five years for the reasons given in the Appellants' analysis and commentary in APP10 which is preferred. There is no clear evidence before me that would suggest that any of the disputed sites would deliver the completions suggested by the Council in the next five years.

88. With regard to the dispute between the Appellants and the Council on small sites provision, I consider the key question is whether, as at the base date of 1 April 2021, the small sites were properly included in the Council's list of sites. If the up to date evidence shows that they were, the fact that at a later date a small site permission expired is no reason not to count it as part of the supply (just as one ignores the appearance of new sites that were not part of the supply at the base date). Given the need to choose a base date at some point in the past to make the exercise workable some anomalies are bound to arise but provided there was an extant permission at the base date I consider that a small site is properly included in the supply unless there is clear evidence that as at the base date the site would not be developed. Accordingly, I accept the Council's estimate on small sites provision.

89. It follows that Table 3 of the Final 5YHLS Position Statement is the most realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. The supply position

identified in Table 3 is consistent with national policy, case law, appeal decisions and informed by assessment of the technical complexities of delivering development sites including lead-in times. The sites that the Council includes within the supply cannot be justified applying the current definition of deliverable. The Council's supply figure of 4,660 dwellings in Table 3 should be reduced to give a more robust total supply figure of 3,575 dwellings for the five year period. Although the Council maintains there is a 5.22 year supply, in my view, there is a housing land supply equivalent to **4.01** years.

90. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. I conclude on the third issue that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged.

Planning Obligations

91. The NPPF indicates that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.[49]

92. The s106 Agreement secures provision for 30 affordable housing units on site which is necessary to secure compliance with Policy AHN1 of the LPP1. It also secures the maintenance of play space, SuDS and open space which are necessary in order to make the development acceptable in planning terms and which are directly related to the development. In addition, the s106 Agreement secures financial contributions to fund the DRBS; traffic calming measures and travel plan monitoring which are necessary to address the impacts of the development, to secure compliance with Policy ST1 of LPP1 and the NPPF.

93. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations. As such I have taken them into account in the decision.

Other Matters

94. I have taken into account all other matters raised including the concerns raised on behalf of Alford Parish Council and the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. Many of the matters raised such as the scale of the proposed development, the loss of rural character and open countryside, over reliance on the private car and loss of trees are points which I have already dealt with under the main issues.

95. Concerns were raised that the development would present a flood risk. However, the proposal was accompanied by a Flood Risk Assessment (FRA)[50] and details of SuDS which include an attenuation basin in the north western part of the site. The site falls within flood zone 1 and thus has the lowest probability of flooding and accords with the sequential approach to new

[49] NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010
[50] CD1.5

development sought by the NPPF. The Local Lead Flood Authority has assessed the proposal and found it to be acceptable subject to planning conditions. Given their assessment and the conclusions of the FRA, I consider that the development is unlikely to result in additional flood risk for adjacent land or unsafe conditions for future occupiers.

96. Concerns were also raised about foul drainage in Alfold. Thames Water has recommended suitably worded conditions to secure the provision of pre-commencement details of additional water supply and foul water infrastructure or an infrastructure delivery plan. In my view these planning conditions address these concerns in a satisfactory manner.

97. A number of objectors raised concerns about highway safety and traffic. However, I note that a package of mitigation to ensure that the appeal scheme is acceptable in relation to highway and transport matters has been agreed between the Appellants and the Highway Authority (SCC). This is set out in the Transport Assessment[51] and in the Transport and Highways Matters SoCG.[52] Following the implementation of the mitigation measures to improve access to sustainable transport and to local services and facilities, and the payment of the financial contributions agreed with SCC and set out in the SoCG,[53] the residual cumulative impacts of the appeal scheme on the local road network would be negligible and could not be considered to be severe in the context of paragraph 111 of the NPPF.

98. Some of the objections relate to the impact on local ecology. It is agreed in the General SoCG[54] that the appeal proposals would deliver a biodiversity net gain. A biodiversity net gain assessment was previously carried out by EAD Ecology and is detailed within the Ecological Impact Assessment for the site.[55] Following the revised landscape strategy a revised calculation was undertaken which shows the proposals would deliver a significant biodiversity net gain of 19.5%. It was also agreed that, based on the submitted ecological report, were planning permission to be granted, suitably worded planning conditions could mitigate and compensate for any harm upon protected species and that the proposal is acceptable in this regard.[56]

99. At the Inquiry reference was made to numerous appeal decisions. I have taken these into account as appropriate in coming to my decision in this case.

Planning Balance

100. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have identified the most important policies for determining this application. Of these I found that the proposed development would give rise to a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, I conclude that the proposed development would be in accordance with the development plan when taken as a whole, in particular Policies SP2, ALH1, ST1, RE3, TD1, NE1 and NE2 of the LPP1 and policies D1 and D4 of the 2002LP. There are no material considerations which, applying

[51] CD1.11 Section 7
[52] CD9.5 Section 8.1
[53] Ibid
[54] CD9.4 paragraph 7.9
[55] CD1.3 October 2020
[56] CD9.4 paragraph 7.9

section 38(6) of the 2004 Act, would justify a departure from granting planning permission in accordance with the development plan.

101. In any event I have found that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged. In my view there is a housing land supply equivalent to **4.01** years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. Given that there are no policies in the NPPF which, if applied, would provide a "clear reason for refusing the development" under paragraph 11 d), it follows from the "out-of-date" nature of the most important policies that the tilted balance applies.[57]

102. I consider that the basket of the most important policies are also "out-of- date" because the development plan is incomplete with the absence of the LPP2 and the ANP, which were clearly required by the LPP1 Inspector to be progressed quickly following adoption of the LPP1. The development plan is consequently silent on non-strategic allocations[58] that are required to meet the full housing requirement, and a complete delivery strategy for the Borough is absent.

103. I have concluded that the most important policies are consistent with the NPPF and that due weight should be given to them in accordance with the advice in paragraph 219 of the NPPF. However, the weight attributed to these policies must be reduced (limited weight in my view) given the failure to bring forward the delivery of sufficient homes within the Borough in order to meet the total requirement of at least 590 dwellings per year, or to meet the needs of their residents for both market and affordable housing. Since the adoption of the LPP1 in February 2018 the lack of progress in bringing forward the LPP2 and/or the ANP has been disappointing and has only served to compound this failure.

104. The harms do not come close to "significantly and demonstrably" outweighing the benefits in this case. The alleged harms in this case are very limited. It is common ground that there would be: no harm to residential amenity as previously alleged in RfR4;[59] no heritage impacts;[60] no ecological impacts;[61] no drainage issues or flood risk;[62] no air quality impacts which would warrant refusal of planning permission;[63] no severe impact on highways in terms of capacity/congestion, and no unacceptable impact on highway safety;[64] there would be no Green Belt harm, and there would be no harm to the Surrey Hills AONB, or to an AGLV.

105. As to the harms alleged by the Council, I consider that the landscape and visual impacts are significantly overstated and limited to localised harm typical of any development of greenfield land on the edge of a settlement. I attach limited weight to this localised harm. There would be limited conflict with Policy RE1 which must be considered in the context of the very rare absence of significant landscape constraints on this site, in comparison with most of the rest of the Borough. The Council also accepted that the impacts have reduced as a result

[57] CD9.4 paragraph 7.22
[58] Sites of less than 100 dwellings in size
[59] CD9.4 paragraph 7.4
[60] CD9.4 paragraph 7.6
[61] CD9.4 paragraph 7.9
[62] CD9.4 paragraph 7.10
[63] CD9.4 paragraph 7.12
[64] CD9.4 paragraph 7.18 and CD9.5 paragraphs 4.1.3 and 8.2.1

of the revised landscape strategy. There would be limited conflict with Policy D7 as the tree impacts are limited and outweighed by the benefits in terms of tree planting by the scheme overall.

106. There would be no harm arising from any conflict with the spatial strategy because there is no such conflict. Indeed, the spatial strategy policies (SP2, ALH1 and RE1) can only be given limited weight as they are "out-of-date," such that they no longer reflect and adequately cater for the development needs of the Borough. The restriction on development in the countryside in Policy RE1 needs to be read in conjunction with the facts that (a) policies SP2 and ALH1 expressly recognise the need for development in "and around" settlements, and (b) the settlement boundaries are based on the 1994 Surrey Structure Plan.

107. The extent of the shortfall in 5 YHLS does not affect the operation of footnote 8 and its triggering of paragraph 11 d). However, the degree of shortfall will inform the weight to be given to the delivery of new housing in general alongside other factors such as how long the shortfall is likely to persist, the steps being taken to address it and the contribution that would be made by the development in question. The larger the shortfall is, then logically the less weight should be given to any conflict with the spatial strategy policies (SP2, ALH1 and RE1).[65] The shortfall of 885 dwellings which I have identified is significant and substantial.

108. From the evidence that is before me, not enough is being done by the Council to address the shortfall, given the over-reliance on the ANP, the considerable delays in LPP2, the inadequacies in the draft LPP2 as only providing an (inaccurate) "factual update" in Alfold rather than positively assessing the suitability of Alfold as a location for growth, and the lack of a 5YHLS.

109. There would be no harm arising from undue reliance on the private car because opportunities for sustainable transport modes have been maximised by the appeal scheme, given the rural location. There are adequate services and facilities which can be accessed without needing a car.

110. There would be a number of benefits of the appeal scheme which were put forward by the Appellants. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.

111. The following benefits would arise: (i) the provision of 69 market homes, in the context of the significant 5YHLS shortfall, should be given substantial weight. This is a significant benefit of the scheme; (ii) the policy-compliant provision of 30 affordable homes, given the Council's acknowledgment of the "pressing need" [66] (substantial weight); (iii) the proposed development would support the local services through increased custom at local shops and pubs (moderate weight); (iv) the scheme would also provide relocated and enhanced bus stop infrastructure, and a financial contribution to enable SCC to provide a DRBS to Alfold and the surrounding area (substantial weight); (v) a new permissive footpath connecting the site to footpath 415a would be secured by condition (moderate weight); (vi) improved tree cover from the planting of 198 new trees would be a significant benefit of the scheme, as is the introduction of planting and species rich meadows and grassland to result in a significant 19.5%

[65] CD7.2 paragraph 47 Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808
[66] LPP1 paragraph 2.42

biodiversity net gain from the development (substantial weight);[67] (vii) although no enabling case is made, the Appellants contend that a relevant additional benefit of the scheme is that allowing the appeal would provide the Care Ashore charity, who own the land, with funds to secure improvements to the vital support they provide to former navy servicemen (moderate weight) which reflects the weighting given to this by the Inspector in the Springbok Radcliffe Estate appeal decision; and (viii) there would be economic benefits arising from the construction of 99 new homes (moderate weight).

112. Overall, I consider that the weight to be attached to the benefits should be substantial. The Council accepted that significant weight should be given to the benefits overall, cumulatively. The Appellants also indicated that they would "get on the site as soon as possible and contribute to addressing the shortfall". Importantly, I note that Thakeham Homes are a local developer, with a proven track record, who would actually deliver the site. Given the comparison against the uncertainties over ownership and development of Dunsfold Park, this is a further substantial benefit for this appeal scheme.

113. There is an acute and unmet need for market and affordable housing in this Borough and that need must be met now. Much of the land is constrained by AONB, AGLV or Green Belt designation. The appeal site is a rare resource in Waverley BC area: a non-designated piece of land adjacent to a sustainable settlement which can be developed for housing. In summary, whether on the basis of compliance with the development plan or applying the tilted balance or indeed on a straight balance, the case for the appeal scheme is compelling. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

Planning Conditions

114. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 55 and 56 of the NPPF and the Government's PPG on the Use of Planning Conditions. The Appellants have agreed to all of the suggested conditions except for a condition which seeks to restrict national permitted development rights. The Appellants have also given consent in writing to all of the suggested pre-commencement conditions as required by Section 100ZA(5) of the Town and Country Planning Act 1990.

115. Condition 1 relates to required time limits and Conditions 2 and 23 are necessary to protect retained trees. Condition 3 is necessary to ensure that the final drainage design does not increase flood risk. Condition 4 is necessary to prevent harm to protected species and to make sure that there is suitable provision for biodiversity. Condition 5 is necessary to ensure safe access is provided and maintained for pedestrians. Condition 6 is necessary in the interests of highway safety, to ensure that the development is not unneighbourly and is not harmful to biodiversity. Condition 7 is required to ensure that the development does not cause harm to badgers which may be present on the site.

116. Condition 8 is required to safeguard heritage assets of archaeological interest. Condition 9 on sample materials and Condition 10 on landscaping are required in the interests of visual amenity. Conditions 11, 12 ,13 and 14 are required in

[67] This is nearly double the new legal requirement in Schedule 7A to the Town and Country Planning Act 1990 for a 10% gain (inserted by Schedule 14 to the Environment Act 2021).

the interests of highway safety, to ensure that electric vehicle charging is provided and to ensure that the development facilitates access to sustainable transport modes. Condition 15 is necessary to ensure appropriate provision is made for waste and recycling. Condition 16 is necessary having regard to local water pressure concerns to ensure that appropriate infrastructure is provided for the development.

117. Condition 17 is necessary to ensure adequate access to play opportunities. Condition 18 is necessary to ensure high standards of sustainable design and construction. Condition 19 is required to ensure the proper provision of the drainage system. Condition 20 is required to ensure that the development encourages the use of sustainable transport modes. Condition 21 is required to ensure sustainable construction and design. Condition 22 is required to protect the occupants of nearby residential properties from noise disturbance. Condition 24 is required to ensure that there is no harm to protected species. Condition 25 is necessary for the avoidance of doubt.

118. The Council suggests an additional condition should be imposed which would remove permitted development rights from the dwellings subject to the appeal. However, the NPPF and the PPG are both clear that such conditions should only be imposed in exceptional circumstances.[68] No detailed justification has been provided in this case and I can see no reason why such a condition should be necessary in this instance.

Overall conclusion

119. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

[68] NPPF paragraph 54 and PPG Use of Planning Conditions Paragraph: 017 Reference ID: 21a-017-20190723

SCHEDULE OF PLANNING CONDITIONS (1-25)

Time limit condition

1) The development hereby permitted shall be begun within three years of the date of this permission.

Pre-commencement conditions requiring details to be submitted

2) Prior to the commencement of the development (including the movement of plant, machinery and bring materials on to site), an Arboricultural Method Statement shall be submitted to and approved in witing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details which shall include in full compliance with the recommendation in BS5837:2012 for the protection of all retained trees (above and below ground):

- A schedule of site supervision for safe retention of all retained trees and any associated works,
- Tree protective fencing measures and protection plan
- Details of all work within the RPAs of retained on-site trees, particularly in relation to hard surfacing and below ground services/utilities.

3) The development hereby permitted shall not 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) Evidence that the proposed final 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. Associated discharge rates shall comply with the approved FRA and storage volumes shall be provided using a maximum discharge rate of 6.1 l/s/ha applied to the positively drained areas of the site only.

(b) 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). Details should be provided for the proposed swales/SuDS planters, permeable paving and attenuation basin.

(c) 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. The plan should include how exceedance flows from the adjacent ordinary watercourse will be managed.

(d) Details of drainage management responsibilities and maintenance regimes for the drainage system. This should include riparian responsibilities for the adjacent ordinary watercourse.

(e) 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.

4) Prior to the commencement of the development a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in Section 4 Avoidance, mitigation, compensation and enhancement of the Ecology Report and should include adequate details of the following:

- Mitigation measures for the loss of Lapwing breeding habitat
- Habitat management and enhancement for Reptiles (as set out in the Reptiles section above) - Aims and objectives of management
- Appropriate management options to achieve aims and objectives
- Prescriptions for management actions
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity
- Details of the body or organisation responsible for implementation of the LEMP
- Ongoing monitoring and remedial measures
- Details of legal/funding mechanisms.
- A Sensitive Lighting Management Plan, covering both the construction and operational phases. The Plan shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"

The development shall be implemented wholly in accordance with the approved document.

5) No vehicle shall access the site (except vehicles required for clearance and preparatory works) unless and until the proposed vehicular, pedestrian and cycle access to Loxwood Road hereby approved has been implemented in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

6) No development shall commence until a Construction Transport and Environmental Management Plan, to include details of:

(a) the 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) measures to prevent the deposit of materials on the highway
(h) on-site turning for construction vehicles
(i) an indicative programme for carrying out of the works
(j) measures to minimise and control noise (including vibration) and dust during the demolition and construction phases
(k) details of any floodlighting
(l) details of measures to prevent harm to protected habitats and species, including retained woodland and grassland habitat and ditches.

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented fully in accordance with the approved details.

7) Within one month prior to the commencement of the development, a site walkover by a qualified ecologist shall be undertaken to confirm the absence of badger presence on site. Should a new presence be identified, no works which may disturb the badgers shall take place unless and until a badger impact mitigation strategy has been submitted to and approved in writing by the Local Planning Authority.

8) No development shall take place until the Applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been previously submitted to and approved in writing by the Local Planning Authority.

Conditions requiring details to be submitted and approved during the construction phase of the development

9) Prior to the construction of the external surfaces of the buildings, samples of the materials (including windows and roof tiles) to be used within the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

10) No development shall commence above damp proof course level until a detailed landscaping scheme, including the retention of existing landscape features, has been submitted to and approved in writing by the Local Planning Authority in

accordance with the Revised Landscape Strategy (Plan 657 01 A; Outline specification; and Typical planting schedule). The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. Prior to the first occupation of the development, a tree planting strategy and methodology must be submitted and approved in writing following the guidance of British Standard 8545:2014 Trees: from nursery to independence in the landscape: Recommendations and Tree Species Selection for Green Infrastructure to ensure successful planting and establishment of all newly planted trees across the site. All hard and soft landscaping work shall be completed in full accordance with the approved scheme and implementation programme. Thereafter all trees and shrubs shall be retained and any planting which is damaged, becomes seriously diseased or dies within a 5 year period shall be replaced with planting in accordance with the approved details.

Conditions requiring details to be submitted and approved prior to occupation of the development

11) Each dwelling hereby approved shall not be first occupied unless and until that dwelling has been provided with:

- space which has been laid out within the site for that dwelling for vehicles to be parked and to turn so that they may enter and leave the site in forward gear, in accordance with the approved plans.
- covered secure cycle parking in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority.

Thereafter the car and cycle parking and turning areas shall be retained and maintained for their designated purpose for the lifetime of the development.

12) The development hereby approved shall not be occupied unless and until each of the proposed dwellings and 20% of available visitor bays are provided with a fast charge electric vehicle socket (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 to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be retained and maintained for the lifetime of the development.

13) The following package of measures shall be implemented, at the Applicant's expense, through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development:-

- Implementation of two new bus shelters on Loxwood Road, including real time passenger information (RTPI) displays, bus cages, bus stop flags, poles, timetable cases, a footway connecting the site to the northern bus shelter, and the provision of an informal pedestrian crossing with tactile paving.

14) Prior to the first occupation of any dwelling hereby consented, details of a permissive footpath connecting the west of the site to Public Footpath 415a shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The route shall then be provided in accordance with the approved details within such timescales as approved and maintained thereafter for the lifetime of the development. The route shall remain fully publicly accessible at all times other than when routine maintenance is being carried out.

15) Prior to the first occupation of the development, a detailed scheme for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the siting and appearance of refuse and recycling storage for each dwelling, alongside details of the size and number of bins to be provided. The refuse and recycling provisions, including the provision of bins as specified, shall be made in accordance with the agreed scheme prior to the first occupation of the dwellings. Thereafter, they shall be retained in accordance with the approved details for the lifetime of the development.

16) The development shall not be occupied until written confirmation to the Local Planning Authority has been provided and approved to demonstrate that either:-

(i) All upgrades required to accommodate the additional flows in to (freshwater) and out of (wastewater) the development have been completed; or-
(ii) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

17) Prior to the first occupation of any dwelling hereby consented, full details of the proposed Local Equipped Area of Play and Local Area of Play shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The areas, including all identified play equipment, shall then be provided in accordance with the approved details within such timescales as approved. Thereafter, the equipment provided shall be retained and maintained in working order for the lifetime of the

development, accessible at all times other than when routine maintenance is taking place.

18) Prior to the first occupation of the development, details of a Water Use Strategy shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that water use would not exceed 110l per person per day. The development shall be completed fully in accordance with the approved details.

19) Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority in relation to that phase. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

20) Within three months of occupation of the 50th dwelling, a Travel Plan shall be submitted for the written approval of the Local Planning Authority, in consultation with the County Highway Authority, in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the Framework Travel Plan, dated January 2021. The baseline shall be undertaken at 50% occupation. Upon approval the Travel Plan shall be shared with all first occupiers of the development and measures taken to promote the Travel Plan in accordance with specifications contained within it.

Condition requiring provisions to be made prior to occupation

21) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use.

Compliance conditions

22) No machinery or plant shall be operated, no demolition or construction processes carried out and no deliveries taken at or dispatched from the site except between the hours 08:00–18:00 Monday to Friday, 08:00 – 13:00 on a Saturday and not at any time on Sundays, Bank or Public Holidays.

23) The approved development will be undertaken in accordance with the advice, conclusions and recommendations as set out within the submitted Arboricultural Impact Assessment, dated January 2021 (ref 201014 1068 AIA V1d - Part 1-5).

24) The development shall be implemented fully in accordance with all identified mitigation, compensation and precautionary working methodologies identified

within the accompanying Ecological Impact Assessment by EAD Ecology dated October 2020.

25) The plan numbers to which this permission relates are SK_001; T034_P1001; 1002; 1003; 1010; 1011; 1050; 1051; 1100; 1101; 1102; 1103; 1104; 1105; 1106; 1107; 1108; 1109; 1110; 1111; 1112; 1113; 1114; 1115; 1116; 1117; 1118; 1119; 1120; 1121; 1122; 1123; 1124; 1125; 1126; 1127; 1128; 1129; 1130; 1131; 1132; 1133; 1134; 1135; 1136; 1137; 1138.

The development shall be carried out in accordance with the approved plans.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Green of Counsel	Instructed by the Solicitor to the Council
He called:	
Katherine Dove MPlan MRTPI	Principal Planning Officer
Ian Brewster Fd Arboriculture	Tree and Landscape Officer
John-Paul Friend BA (Hons) Dip LA CMLI	Director of LVIA Ltd
Kate Edwards MA MRTPI	Principal Planning Officer
Barry Devlin (S106 only)	Planning Solicitor

FOR THE APPELLANT:

Sasha White QC Mathew Fraser of Counsel	Both instructed by Thakeham Homes Ltd
They called	
Jonathan Dodd BA (Hons) MPlan MRTPI	Associate Director, Turleys
Peter Wharton BSc (Hons) FArborA MICFor	Director, Wharton Natural Infrastructure
Joanna Ede BA (Hons) MA DipLD CMLI	Director, Turleys
Stephanie Howard BSc (Hons) MSc CTPP MCIHT CMILT	Technical Director, WSP
Tim Burden BSc (Hons) MSc MRTPI	Director, Turleys

Interested Person

Mary Brown MBA MSc	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY:

Local Planning Authority Documents

LPA1 Opening Statement
LPA2 Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Page 24
LPA3 Table showing locations within Alford Parish of completed and consented schemes 2013 to April 2021
LPA4 Email and plan from Ian Brewster dated 10 December 2021
LPA5 Five-Year Housing Land Supply Update Note December 2021 including plans of

Dunsfold Aerodrome and Officer report for planning application WA/2021/01450
LPA6 Document regarding outstanding planning permissions on small sites comparing aerial photography with site plans
LPA7 CIL Compliance Statement
LPA8 Conditions
LPA9 Pre-Submission Waverley BLP Part 1: Strategic Policies and Sites. Schedule of Main Modifications
LPA10 Closing Submissions

Appellants' Documents

APP1 Waverley Borough Council February 2018 Adopted Policies Maps West and East
APP2 Extracts from West Surrey SHMA Report September 2018 G L Hearn Limited
APP3 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 3.12.21
APP4 Email from Katherine Dove to Jonathan Dodd dated 3.12.21 re completions
APP5 Opening Statement
APP6 Extracts from GLVIA Third Edition
APP7 Waverley BC Committee Report re WA/2015/2261
APP8 Waverley BC Committee Report re WA/2019/0745
APP9 Final 5YHLS Position Statement
APP10 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 12.12.21
APP11 Supplemental 5YHLS Position Statement
APP12 Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Pages 24 & 25
APP13 Section 106 Agreement
APP14 Email from Tim Burden dated 14.12.21 re pre-commencement conditions
APP15 Closing Submissions

Interested Persons Documents

IP1 Statement by Mary Brown