

Appendix JS1

Freedom of Information Correspondence (21 November 2025)



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Jenny Martin

e-mail: jenny.martin@ribblevalley.gov.uk

our ref: Request 9728

date: 21 November 2025

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414488
www.ribblevalley.gov.uk

BY EMAIL

Dear Mr Price,

Internal Review – Freedom of Information Request 9728

I write further to your email dated 23 October 2025 in which you requested an internal review under the Freedom of Information Act 2000 (“FOIA”). I have been appointed to complete the review.

BACKGROUND

On 26 June 2025, you wrote to the Council and requested the following information:

I write to you to make a request under the Freedom of Information Act 2000 in respect of housing matters in Brockhall & Dinckley Ward and Billington & Langho Ward, as well as the Ribble Valley Borough Council area.

Please see below the FOI request. Please let me know if you have any queries or require any clarification; I look forward to hearing from you within the relevant timescales.

Confirmation of receipt would be greatly appreciated.

Freedom of Information Request

Questions 1 to 11 of this request relate to data held by the Housing Department.

Questions 12 to 17 of this request relate to data held by the Planning Department.

Housing Register

1. *The total number of households on the Council's Housing Register at 31 March 2025.*
2. *The average waiting times on 31 March 2025 for the following types of affordable property across the Authority:*
 - a. *1-bed affordable dwelling;*
 - b. *2-bed affordable dwelling;*
 - c. *3-bed affordable dwelling; and*
 - d. *A 4+ bed affordable dwelling.*
3. *The average waiting times on 31 March 2024 for the following types of affordable property across the Authority:*
 - a. *1-bed affordable dwelling;*

- b. 2-bed affordable dwelling;
 c. 3-bed affordable dwelling; and
 d. A 4+ bed affordable dwelling.
4. The total number of households on the Council's Housing Register at 31 March 2025 specifying the following locations as their preferred choice of location:

Location	Household Preferences (31 March 2025)
Brockhall & Dinckley Ward	
Billington & Langho Ward	

5. The number of properties advertised, and the average number of bids per property over the 2024/25 monitoring period for the following types of affordable property in the locations listed below:

Type of affordable property	Brockhall & Dinckley Ward		Billington & Langho Ward	
	Number of properties advertised	Average Bids per Property	Number of properties advertised	Average Bids per Property
1-bed affordable dwelling				
2-bed affordable dwelling				
3-bed affordable dwelling				
4+ bed affordable dwelling				

6. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:
- The date they occurred;
 - What they entailed; and
 - Copies of the respective documents

Social Housing Stock

7. The total number of social housing dwelling stock on 31 March 2025 in the following locations:

Location	Total Social Housing Stock (31 March 2025)
Brockhall & Dinckley Ward	
Billington & Langho Ward	

Social Housing Lettings

8. The number of social housing lettings in the period between 1 April 2024 and 31 March 2025; and between 1 April 2023 and 31 March 2024 in the following locations:

Location	Social Housing Lettings	
	1 April 2024 to 31 March 2025	1 April 2023 to 31 March 2024
Brockhall & Dinckley Ward		
Billington & Langho Ward		

Temporary Accommodation

9. The number of households housed in temporary accommodation within and outside the Ribble Valley Borough Council region on the following dates:

Households in Temporary Accommodation	31 March 2025	31 March 2024
<i>Households Housed within Ribble Valley Borough Council</i>		
<i>Households Housed outside Ribble Valley Borough Council</i>		
<i>Total Households</i>		

10. The amount of money spent on temporary accommodation per household within the Ribble Valley Borough Council area over the following periods:

- 1 April 2024 to 31 March 2025.

11. The amount of money spent on temporary accommodation per household outside the Ribble Valley Borough Council area over the following periods:

- 1 April 2024 to 31 March 2025.

Housing Completions

12. The number of NET housing completions in the Ribble Valley Borough Council area broken down on a per annum basis for the period between 2000/01 and 2024/25.

13. The number of NET affordable housing completions in the Ribble Valley Borough Council area broken down on a per annum basis for the period between 2000/01 and 2024/25.

14. The number of NET housing completions in Brockhall & Dinckley Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

15. The number of NET affordable housing completions in Brockhall & Dinckley Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

16. The number of NET housing completions in Billington & Langho Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

17. The number of NET affordable housing completions in Billington & Langho Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

On 2 September 2025 the Council responded with the following information:

Housing Register

Having reviewed your request for information, we have identified that due to the nature of the information that you are seeking, your request may be more appropriately addressed to Onward Homes formerly Ribble Valley Homes who are responsible for social housing in the Ribble Valley and should be able to help you with your request.

Ribble Valley Borough Council commission Onward Homes to manage the waiting list as part of the housing stock transfer 2008. Ribble Valley Borough Council do not hold/manage a register of residents in housing need/waiting list.

Onward Homes, are responsible for social housing in the Ribble Valley and can be contacted on telephone number – 0300 555 0600

Social Housing Stock

The Council disposed of its housing in 2008.

Onward Homes, formerly Ribble Valley Homes are responsible for social housing in the Ribble Valley.

Onward Home can be contacted on:

Telephone – 0300 555 0600

Write to: CustomerServices@onward.co.uk

Social Housing Lettings

The Council disposed of its housing in 2008.

Onward Homes, formerly Ribble Valley Homes are responsible for social housing in the Ribble Valley.

Onward Home can be contacted on:

Telephone – 0300 555 0600

Write to: CustomerServices@onward.co.uk

Temporary Accommodation

To Follow

Housing Completions

Please note the Council only hold data from 2016.

12.

2016	78
2017	
2018	92
2019	116
2020	162
2021	115
2022	62
2023	149
2024	64
2025	96

13. To Follow.

14. To Follow.

15. Nil

16 To Follow.

17. 2016 – 15 units

2025 – 5 units

On 23 October 2025 you emailed the Council's FOI team attaching a letter which requested that an internal review be carried out. A copy of this letter is attached for ease of reference.

On 11 November 2025 you emailed the Council's FOI team as follows:

I am writing to request an update regarding the below Freedom of Information (FOI) request.

The FOI request was submitted on 26 June 2025, with a partial response to the FOI request received on 2 September 2025. The response to our questions 1 to 17 in respect of housing are almost entirely incomplete.

I would like to remind the Council that the statutory response time is 20-working days, which elapsed several months ago. A request for an Internal Review of the matter was also submitted on 23 October, which the Council have 20-working days to respond to.

We are extremely disappointed with the apparent lack of action by the Council. If we do not receive a reply with the full response by 1pm on Friday 21 November, we will be escalating the matter to the Information Commissioner's Office.

REVIEW

Section 1 of the FOIA 2000 states that:

- (1) Any person making a request for information to a public authority is entitled-
 - (a) To be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) If that is the case, to have that information communicated to him

Section 3(2) further states that for the purposes of this Act, information is **held** by a public authority if-

- (a) It is held by the authority, otherwise than on behalf of another person, or
- (b) It is held by another person on behalf of the authority

Having considered this matter I believe that unfortunately there were errors made initially when carrying out the appropriate searches to determine whether the Council held the information that you requested. I sincerely apologise for this but can confirm that these checks have now been undertaken. The Council have also liaised directly with Onward Homes.

Unfortunately, Ribble Valley Borough Council do not hold all the information that you requested, but please find below responses to the questions you asked:

Housing Register

1. The total number of households on the Council's Housing Register at 31 March 2025.
This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

2. The average waiting times on 31 March 2025 for the following types of affordable property across the Authority:

- a. 1-bed affordable dwelling;
- b. 2-bed affordable dwelling;
- c. 3-bed affordable dwelling; and
- d. A 4+ bed affordable dwelling.

This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

3. The average waiting times on 31 March 2024 for the following types of affordable property across the Authority:

- a. 1-bed affordable dwelling;
- b. 2-bed affordable dwelling;
- c. 3-bed affordable dwelling; and
- d. A 4+ bed affordable dwelling.

This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

4. The total number of households on the Council's Housing Register at 31 March 2025 specifying the following locations as their preferred choice of location:

Location	Household Preferences (31 March 2025)
Brockhall & Dinckley Ward	
Billington & Langho Ward	

This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

5. The number of properties advertised, and the average number of bids per property over the 2024/25 monitoring period for the following types of affordable property in the locations listed below:

Type of affordable property	Brockhall & Dinckley Ward		Billington & Langho Ward	
	Number of properties advertised	Average Bids per Property	Number of properties advertised	Average Bids per Property
1-bed affordable dwelling				
2-bed affordable dwelling				
3-bed affordable dwelling				
4+ bed affordable dwelling				

Ribble Valley Borough Council do not have a choice Based Lettings scheme. Houses are allocated from a housing waiting list.

6. Any changes the Council has made to its Housing Register Allocations Policy since 2011 including:
- The date they occurred; **There has been regular minor changes to reflect national policy change and full review in 2024**
 - What they entailed; **A change to points awarded and further priority given to Homeless families.**
 - Copies of the respective documents:

Report to Health & Housing Committee on 28 August 2025

<https://ribblevalleyintranet.moderngov.co.uk/documents/s9883/AMENDMENTS%20TO%20ALLOCATION%20POLICY%20-%202028%20AUGUST%202025%200003.pdf>

<https://ribblevalleyintranet.moderngov.co.uk/documents/s9813/ALLOCATION%20policy%20amended%20Aug%202025.pdf>

Report to Health & Housing Committee on 6 June 2024

<https://ribblevalleyintranet.moderngov.co.uk/documents/s7500/Adoption%20of%20the%20Allocation%20Policy%20June%202024Final.pdf>

<https://ribblevalleyintranet.moderngov.co.uk/documents/s7522/ALLOCATIONS%20REVIEW%202023%20-%20RVBC%20draft%206%20Final.pdf>

Report to Health & Housing Committee on 14 January 2021

<https://ribblevalleyintranet.moderngov.co.uk/documents/s642/Revised%20Allocations%20Policy.pdf>

The Council's current Housing Allocations Policy can be viewed at: <https://www.ribblevalley.gov.uk/downloads/file/3963/allocations-policy>

Social Housing Stock

7. The total number of social housing dwelling stock on 31 March 2025 in the following locations:

Location	Total Social Housing Stock (31 March 2025)
Brockhall & Dinckley Ward	2
Billington & Langho Ward	55

This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

Social Housing Lettings

8. The number of social housing lettings in the period between 1 April 2024 and 31 March 2025; and between 1 April 2023 and 31 March 2024 in the following locations:

Location	Social Housing Lettings	
	1 April 2024 to 31 March 2025	1 April 2023 to 31 March 2024
Brockhall & Dinckley Ward		
Billington & Langho Ward		

This information is not within Ribble Valley Borough Council's possession. Enquiries have been made with Onward Homes who confirm that they do not hold this information.

Temporary Accommodation

9. The number of households housed in temporary accommodation within and outside the Ribble Valley Borough Council region on the following dates:

Households in Temporary Accommodation	31 March 2025	31 March 2024
Households Housed within Ribble Valley Borough Council	11	12
Households Housed outside Ribble Valley Borough Council	0	0
Total Households	11	12

10. The amount of money spent on temporary accommodation per household within the Ribble Valley Borough Council area over the following periods:

- 1 April 2024 to 31 March 2025. **To follow**

11. The amount of money spent on temporary accommodation per household outside the Ribble Valley Borough Council area over the following periods:

- 1 April 2024 to 31 March 2025. **To follow**

Housing Completions

12. The number of **NET** housing completions in the Ribble Valley Borough Council area broken down on a per annum basis for the period between 2000/01 and 2024/25.

2008/09 - 75
2009/10 - 89
2010/11 - 69
2011/12 - 147
2012/13 - 172
2013/14 - 183

2014/15 - 345
2015/16 - 300
2016/17 - 390
2017/18 - 400
2018/19 - 412
2019/20 - 559
2020/21 - 453
2021/22 - 499
2022/23 - 546
2023/24 - 349
2024/25 - 332

13. The number of NET affordable housing completions in the Ribble Valley Borough Council area broken down on a per annum basis for the period between 2000/01 and 2024/25.

2008/09 - 37
2009/10 - 43
2010/11 - 27
2011/12 - 61
2012/13 - 29
2013/14 - 45
2014/15 - 113
2015/16 - 78
2016/17 - 86
2017/18 - 92
2018/19 - 116
2019/20 - 163
2020/21 - 115
2021/22 - 62
2022/23 - 149
2023/24 - 64
2024/25 - 96

14. The number of NET housing completions in Brockhall & Dinckley Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

2023/24 - 0
2024/25 - 20

15. The number of NET affordable housing completions in Brockhall & Dinckley Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

2023/24 - 0
2024/25 - 0

16. The number of NET housing completions in Billington & Langho Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

2023/24 - 20
2024/25 - 11

17. The number of NET affordable housing completions in Billington & Langho Ward broken down on a per annum basis for the period between 2000/01 and 2024/25.

2023/24 - 6
2024/25 - 0

In relation to questions 12-17, the Council do not hold information for all the years requested.

During my review I have considered Section 10(1) of the Freedom of Information Act ("FOIA") 2000 which requires public authorities to respond to requests for information promptly and, in any event, no later than twenty working days from the date of receipt. The Council acknowledges that this statutory deadline was not met in your case, and I would like to offer a sincere apology for the delay.

We recognise the importance of timely responses and apologise for any inconvenience caused. We aim to provide you with a substantive response to questions 10 and 11 within 10 working days of this internal review letter.

If you are not content with the outcome of this internal review, you may contact the Information Commissioner's Office:

The Information Commissioner's Office Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF

www.ico.org.uk

Yours sincerely

JENNY MARTIN
LAWYER - LEGAL AND DEMOCRATIC SERVICES

Appendix JS2

Extracts from Planning Practice Guidance (March 2014,
Ongoing Updates)



Extracts from Planning Practice Guidance

Appendix TKP2

*as of 04/01/2024

Section	Paragraph	Commentary
Housing and Economic Needs Assessment	006 Reference ID: 2a-006-20190220	<p>This section sets out that assessments of housing need should include considerations of and be adjusted to address affordability.</p> <p>This paragraph sets out that <i>“an affordability adjustment is applied as household growth on its own is insufficient as an indicators or future housing need.”</i></p> <p>This is because:</p> <ul style="list-style-type: none"> • <i>“Household formation is constrained to the supply of available properties – new households cannot form if there is nowhere for them to live; and</i> • <i>people may want to live in an area in which they do not reside currently, for example to be near to work, but be unable to find appropriate accommodation that they can afford.”</i> <p><i>“The affordability adjustment is applied in order to ensure that the standard method for assessing local housing need responds to price signals and is consistent with the policy objective of significantly boosting the supply of homes. The specific adjustment in this guidance is set at a level to ensure that minimum annual housing need starts to address the affordability of homes.”</i></p>
Housing and Economic Needs Assessment	018 Reference ID 2a-01820190220	<p>Sets out that <i>“all households whose needs are not met by the market can be considered in affordable housing need. The definition of affordable housing is set out in Annex 2 of the National Planning Policy Framework”</i>.</p>
Housing and Economic Needs Assessment	019 Reference ID 2a-01920190220	<p>States that <i>“strategic policy making authorities will need to estimate the current number of households and projected number of households who lack their own housing or who cannot afford to meet their housing needs in the market. This should involve working with colleagues in their relevant authority (e.g. housing, health and social care departments).</i></p>
Housing and Economic Needs Assessment	020 Reference ID 2a-02020190220	<p>The paragraph sets out that in order to calculate gross need for affordable housing, <i>“strategic policy-making authorities can establish the unmet (gross) need for affordable housing by assessing past trends and current estimates of:</i></p> <ul style="list-style-type: none"> • <i>the number of homeless households;</i>

		<ul style="list-style-type: none"> • <i>the number of those in priority need who are currently housed in temporary accommodation;</i> • <i>the number of households in over-crowded housing;</i> • <i>the number of concealed households;</i> • <i>the number of existing affordable housing tenants in need (i.e. householders currently housed in unsuitable dwellings); and</i> • <i>the number of households from other tenures in need and those that cannot afford their own homes, either to rent, or to own, where that is their aspiration.”</i>
<p>Housing and Economic Needs Assessment</p>	<p>024 Reference ID 2a-02420190220</p>	<p>The paragraph states that <i>“the total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow based on the plan period”</i>.</p> <p>It also details that:</p> <p><i>“An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.”</i></p>
<p>Housing Supply and Delivery</p>	<p>031 Reference ID: 68-031-20190722</p>	<p>With regard to how past shortfalls in housing completions against planned requirements should be addressed, the paragraph states:</p> <p><i>“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach)...”</i></p>

Appendix JS3

Appeal Decision: Land at Sondes Place Farm

(November, 2023)





Appeal Decision

Inquiry held on 31 October, 1-2 November and 6-7 and 9 November 2023

Site visit made on 2 November

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/C3620/W/23/3324631

Land at Sondes Place Farm, Westcott Road, Dorking RH4 3EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gleeson Land against the decision of Mole Valley District Council.
 - The application Ref MO/2023/0188, dated 8 February 2023, was refused by notice dated 5 June 2023.
 - The development proposed is an outline application with all matters reserved except principal means of access to the highway for residential development of up to 144 dwellings including the creation of new vehicular access, school parking and drop-off/pick-up, gypsy and traveller pitches (0.2ha), public open space, landscape planting, surface water attenuation and associated infrastructure.
-

Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved except principal means of access to the highway for residential development of up to 144 dwellings including the creation of new vehicular access, school parking and drop-off/pick-up, gypsy and traveller pitches (0.2ha), public open space, landscape planting, surface water attenuation and associated infrastructure at land at Sondes Place Farm, Dorking RH4 3EF in accordance with the terms of the application, Ref MO/2023/0188, dated 8 February 2023, subject to the attached schedule of conditions.

Preliminary Matters

2. The application submitted was in outline form with all matters reserved for future consideration, except for the principal means of access from Westcott Road. While an illustrative masterplan and landscape strategy have been submitted, I have considered them as potential ways that the appeal site could be developed for the development proposed. My consideration of the appeal is based on the site location plan, parameters plan, and the proposed site access arrangement – A25 Westcott Road plan (plan Ref: ITB12131-GA-019 Rev D).
3. Due to unforeseen events after the submission of his Proof of Evidence, Mr Stacey was unable to attend and give evidence to the Inquiry. Instead, Miss Gingell adopted his evidence on affordable housing as her own and spoke to it.
4. Shortly after the Inquiry closed, the appellant submitted a signed and dated s106 agreement (s106 agreement). The main parties agree that the s106 agreement addresses the second reason for refusal concerning the provision of affordable housing, and part of the third reason for refusal relating to the monitoring of the Travel Plan. The s106 agreement includes further measures: a Traffic Regulation Order (TRO), and mechanisms to secure the delivery of a

travel plan, highway works, on-site public open space with children's play area and Gypsy and Traveller pitches along with subsequent management and maintenance arrangements for the public open space and Gypsy and Traveller pitches. These matters did not form part of the Council's reasons for refusing planning permission, but I will consider the planning obligations and the s106 agreement later in my decision.

5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became "National Landscapes". The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Surrey Hills AONB with the Surrey Hills National Landscape (SHNL) in my decision to reflect this change.

Background

6. The emerging Mole Valley Local Plan 2020-2037 (ELP) was submitted for Examination in Public (EiP) in February 2022. The hearing sessions for the ELP were completed in October 2022 and the Examining Inspector subsequently published actions and main modifications (MM's) in December 2022 and February 2023. The ELP submitted, EiP and subject of the MM's is based on the release of several sites in the Metropolitan Green Belt (Green Belt) for housing. However, the ELP has been paused since the consultation draft of the National Planning Policy Framework¹. This pause started 13 December 2022 and has continued to date pending the anticipated publication of updated national policy and to account for the May 2023 local elections. The Council seek clarity on the national approach to whether Green Belt is required to meet housing need, so the ELP is consistent with national policy. The parties hold contrasting views about the consistency of the consultation draft document and the ELP, but no one knows until such a time when the updated Framework is published, and it can be taken into account².
7. In the meantime, the Council says that it has been working in the background. Much of this work is not in the public domain, but in short, if the Council does not need to release Green Belt sites to deliver housing, it would seek to remove all the Green Belt site allocations from the ELP by additional MM's³. Even so, the Examining Inspector has made it clear that further hearing sessions will likely be required, and some of the ELP's strategic issues will need to be interrogated if this approach is pursued. This is likely to require a revised evidence base to justify the Council's chosen approach. Also, other aspects of the ELP's evidence base will need updating due to significant delays incurred⁴.
8. If the Council proceeds with the ELP as examined (Green Belt sites in) then it envisages being able to adopt the ELP in June or July 2024. The appellant does not raise issue with that timeframe. Nor do I. If the Council takes the ELP forward with Green Belt sites removed, the Council estimates adopting the plan in July 2024. The appellant disagrees, and I share their doubts about the Council's timeline. There are several issues to clarify. The first is whether the additional MM's could be carried out under the guise of the ELP or whether it is effectively a new plan. That is a matter for the Examining Inspector.
9. The extent of the other work indicated by the Examining Inspector is unclear

¹ CD1.5

² CD3.4

³ CD3.22

⁴ CD3.23

and while the Council may have been working in the background on this, consultation and hearing sessions need to take place, and the Examining Inspector will need to consider the evidence, whether there are any objections, and determine whether the plan is sound. In short, there are too many variables to be certain that the Council's timeframe on the ELP without Green Belt sites will occur.

Main Issues

10. The appeal site comprises two arable fields within the Green Belt outside of the settlement boundary for Dorking. Due to the appeal site's location and the development proposed, it is common ground that the appeal scheme would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework)⁵.
11. Consequently, the main issues in this case are:
 - (a) whether the proposal would accord with the spatial strategy of the development plan;
 - (b) the effect of the proposal on the openness of the Green Belt, and the purposes of including the land within it;
 - (c) the effect of the proposed development on the character and appearance of the area, including the countryside and the Surrey Hills National Landscape (SHNL);
 - (d) whether the Council can demonstrate a five-year supply of deliverable housing sites;
 - (e) whether the proposal would make adequate provision for affordable housing, public open space, highway improvement schemes, a TRO, a demand responsive bus service, car club vehicles and spaces; and Gypsy and Traveller pitches; and
 - (f) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Spatial strategy

12. Mole Valley's spatial strategy is set out in Policies CS1 and CS2 of The Mole Valley Local Development Framework Core Strategy (Core Strategy). Core Strategy Policy CS 1(3) confirms that in the countryside, development will be considered in the light of other policies within the Core Strategy and other policy documents, which have now either been replaced by the Framework or revoked. Hence, I will take into account the Framework when considering the proposal's compliance with Core Strategy Policy CS 1(3), noting that no other criterion in Policy CS 1 are relevant to the proposal.
13. Core Strategy Policy CS 2 outlines the number of homes that will be provided for in the District during the plan period of 2006 to 2026. It then sets out how this will be achieved by directing residential development to defined built-up areas, infilling and limited residential development at specific locations and through rural exception sites. As the policy seeks to direct the distribution of

⁵ CD1.1

development, the policy is relevant for decision making. The appeal proposal would not accord with the four criteria to meet the District's housing provision, and as such, the proposal would not accord with Core Strategy Policy CS2.

14. Although Core Strategy Policy CS 2 sets out the Council were to prepare a Land Allocations Development Plan Document (DPD) to include a review of the Green Belt boundary to ensure sufficient land is allocated to meet the District's housing requirements and manage its delivery, the DPD did not materialise. Even so, that does not translate into a development management tool to judge the appeal scheme's acceptability against as the words set out in the policy simply do not support that.
15. Due to my finding in respect of Core Strategy Policy CS 2, the proposal conflicts, in part, with CS 1(3) as it requires development to be considered in light of other policies within the Core Strategy and the Framework. Both need to be satisfied not just one. It is not unusual for development proposal's to both comply and conflict with policy. The proposal would, setting aside whether very special circumstances exist, conflict with the Council's spatial strategy.
16. Saying that, Core Strategy Policies CS1 and CS2 were adopted in 2009, before the first publication of the Framework in 2012. The Core Strategy was drafted to deliver a quantum of housing from the now partially revoked South East Plan, which was, in any event, a limited response to the area's true needs. The Core Strategy's approach to housing was also based on household projections from 2004. This led to a housing target of 188 dpa (dwellings per annum) which was a constraint led response rather than a response to an identified level of need. The South East Plan was not reviewed as intended. The Core Strategy did not review the Green Belt boundaries in the District, and the DPD did not happen. In all, the housing delivery target found in the Core Strategy is considerably out of date. The Council's witness in cross examination recognised that the 188dpa is only around a third of the current objectively assessed need (OAN) using the standard method, and that the boundary between Dorking and the surrounding Green Belt are substantively out of date.
17. In short, the development plan is based on a quantity of housing and need that is nearly twenty years old. Reviews to ascertain whether that need is or is not being met, and whether the spatial strategy responds to that, have not taken place. Whatever the final housing target is in the ELP, whether that be with Green Belt sites in or out, the evidence points to it being higher than the Core Strategy's, and that it will need to account for the District's constraints⁶. The ELP examined and subject of MM's also includes provision for a short-term review after three years. Therefore, although I have found conflict with Core Strategy Policies CS1(3) and CS2, limited harm would arise from that conflict, given that these policies are out-of-date and carry limited weight.

Openness

18. Openness has a visual and spatial aspect. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
19. The appeal site is an 'L-shaped' parcel of land 8 hectares in size located next to the western edge of Dorking. The land is split into two by an established

⁶ CD3.8, Page 3 and CD2.1, Page 106 and ID8, Paragraph 46

hedgerow. Ground levels are uniform on the parcel of land closest to Westcott Road, but they rise considerably on the parcel of land to the rear of Sondes Farm/Sondes Place Farm, residential properties on Nower Road and West Bank and The Priory C of E School from west to east. Powell Corderoy Primary School is to the southeast of the appeal site. The school playing fields lie beyond the site's eastern boundary.

20. The school sites contain buildings up to four storeys in height and a large, indoor sports facility is at The Priory C of E School. Residential dwellings in the area are predominately two storeys high, through there is a range between single storey and three storeys high.
21. Within the appeal site the land is generally open, save for the hedgerow extending across the centre. Locally, a combination of landscaping, boundary treatments and development on three sides of the site affect that open character. However, the site provides a space between different urban characters, and it is viewed and perceived as an open rural parcel of land free from development. This is also evident from vantage points at The Nower or Ranmore Common, though the later in particular is a long-range view not just of the appeal site and its immediate surroundings, but of the wider landscape that includes the SHNL. From here, the site is nestled amongst existing trees and hedgerows and viewed next to the western fringe of Dorking, areas of woodland and below existing ridgelines with open fields in the foreground.
22. The existing avenue of Lime trees set within wide green verges on Westcott Road provides an attractive entrance/exit to Dorking. They would remain as a key visual characteristic of the area, though there would be visual and spatial loss of the rural context that lies beyond the trees and the hedgerow along Westcott Road. This would be from the introduction of large amounts of built form, albeit the extent of the development would not protrude beyond the existing limits to Dorking.
23. By keeping around 45% of the site open after development the proposal's visual effect would be lessened as not every part of the site would be consumed by dwellings and ancillary infrastructure such as roads, driveways, parking provision, boundary treatments, the drop off/pick up facility, the Gypsy and Traveller pitches and domestic paraphernalia. However, development would still inevitably be spread across the site, be grouped in blocks, rise above existing or planned landscaping or be visible through it when not in leaf. The open space, pathways and surface water attenuation would also have a different visual appearance and spatial function that would be read as being part of a housing development on the land, not an arable field. The visual and spatial effect would be felt nearby and from The Nower and Ranmore Common to different degrees. The land would be perceived to be part of the settlement of Dorking and not countryside on the edge of the settlement as it currently is.
24. I conclude that the proposal would result in a moderate loss of openness in the Green Belt and conflict would arise with Framework paragraph 137.

Purposes

25. The village of Westcott is to the west while the appeal site is contained by existing development to the north and south. Although the proposal would extend the western edge of Dorking towards Westcott, the extension would not go beyond the existing western point of Dorking, and thus, would not reduce the gap to Westcott, which is a village in any event. The coalescence of the

existing settlement of Dorking would not conflict with the second Green Belt purpose. The Council, as part of the ELP evidence base⁷, has considered the site to perform moderately in respect of merging, but my assessment is against the ordinary reading of the purpose set out in Framework paragraph 138. Hence, no conflict with the second purpose of the Green Belt would occur.

26. Nevertheless, the proposal would extend Dorking into the countryside beyond the current settlement boundary. The effect would be lessened by the development on three sides. But by infilling the arable land, which provides a countryside edge to Dorking, with a development of this scale and type, the organic edge of the settlement would become a straight and utilitarian boundary. Further, the land would be occupied by a considerable amount of housing and associated infrastructure, despite the retention of landscape features and new green infrastructure. In the round, the proposal would conflict with the first and third Green Belt purposes.
27. As outlined in the Built-Up Areas Character Appraisal⁸, Dorking *"sits in a valley below the Greensand Hills to the south and the chalk hills of the North Downs to the north. The viewpoints at Box Hill and Ranmore provide panoramic views over the town, with the spire of St Martin's Church being a prominent landmark in the heart of the town centre."*
28. Despite the site's geographic proximity to the settlement, the historic core and the character of Dorking cannot be understood from it. There are no views of the appeal site from the historic core of Dorking either, though glimpsed views of the appeal site can be obtained from parts of West Bank and Longfield Road. Hence, the special character of Dorking would be preserved.
29. The site provides a landscape setting to the edge of Dorking owing to its rural character which runs up to the existing extent of the settlement. Understanding of that is, however, affected by local topography, built form and landscaping. Other parcels of undeveloped land help break up the town's built form, though there are some substantial and prominent buildings such as at The Priory C of E School. Although this is evident near to the site, it is the longer-range landscape views from The Nower and particularly Ranmore Common and how Dorking sits in those, that forms the underling characteristic of its setting. Both vantage points lie within the SHNL and thus the appeal site forms part of its setting, and in turn the landscape setting of the historic town of Dorking. I will consider the proposal's effect on the SHNL in a subsequent main issue. My findings here relate specifically to the setting of Dorking not the SHNL.
30. From Ranmore Common and The Nower, the site's arable use sits within scenic and panoramic views to and from the SHNL. Particularly, from several vantage points the development would be seen. But the development would sit below existing ridgelines, next to existing development and amongst a patchwork of woodland and established landscaping. Yes, the proposal would result in the loss of an open field, but other fields between Ranmore Common and the site would remain as would the school playing fields to the west of the site.
31. Although the non-designated heritage asset of Sondes Place Farm forms part of the fabric of views from Ranmore Common, it is understood along with the more recent built form on the edge of this part of Dorking, and the wider landscape setting to Dorking.

⁷ CD3.8, Page 153

⁸ CD2.3

32. The precise details of how the site could be developed are not before me, but I am satisfied that, the appeal site could be designed, laid out, developed, and landscaped in a manner that would not see the setting of Dorking materially change. As such, I consider that the proposal would preserve its setting and, on that basis, there would be no conflict with the fourth purpose.
33. For completeness, I agree with the main parties' view that the proposal would not conflict with the fifth purpose of the Green Belt.
34. In conclusion, the proposed development would conflict with the first and third purposes of including the land in the Green Belt for the reasons set out. Limited harm would arise in respect of both purposes, though the proposal would conflict with Framework paragraph 138, nonetheless.

Character and appearance

35. The appeal site is not within the SHNL, and it is not a valued landscape for the purposes of Framework paragraph 174 a), but it is within the setting of the SHNL. There is a visual connection between the site and the SHNL and vice versa which leads to an urban settlement within a rural context⁹. The SHNL extends across Surrey. It includes 13 local landscape character areas, and it has a varied character. Dorking has formed part of the setting of the SHNL since it was first designated, but the purpose of the SHNL designation is to conserve and enhance the natural beauty of the area¹⁰. I have a duty to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in the SHNL.
36. Natural England has identified factors that assist with determining of presence/absence of natural beauty¹¹. The special qualities of the SHNL are not identified specifically in the Surrey Hills AONB Management Plan. Yet the SHNL is recognised as a strong wooded landscape which transmits a sense of remoteness and tranquillity within limited settlement and population.
37. Even if the term 'landscape qualities' used in the Council's Landscape and Visual Appraisal (LVA) is interchangeable with the term 'special qualities' used by the appellant, the Council's analysis of the factors that help with the identification of valued landscapes is based on their Local Landscape Character Area (LLCA) that draws upon land within the SHNL but also land that is not¹². As such, despite the interplay between the SHNL and land outside of it, this analysis is not wholly specific to the SHNL, and its special qualities. That said, there is some overlap with the appellant's analysis of issues that could affect the SHNL's special qualities. There are some common themes that feed into what could be the special qualities of the SHNL. These are: tranquillity, recreation function, the scenic quality of the elevated valley slopes, woodland or chalk grassland, and the remoteness (or perception of) from development.
38. The appeal site lies within the Wealden Greensand National Character Area (NCA) and the Tillingbourne and Pipp Brook Greensand Landscape Character Area (LCA). The LCA extends across the lower valley slopes between the ridgelines to the north and south. Here, as evident on the appeal site, there is open farmland with large and medium irregular fields bound by hedgerows and some hedgerow trees. The site's rural character is epitomised by its agricultural

⁹ CD2.3, Page 20

¹⁰ Section 82(1) of the Countryside and Rights of Way Act 2000 (as amended)

¹¹ Mrs Brockhurst Proof of Evidence, Paragraph 7.24

¹² Mr Harper Proof of Evidence, LVA, Figure 8

use and the hedgerows that line its boundaries and divide the two parcels of land. The site is the only open land that provides a rural country setting to the built form of Dorking on approach along the A25, but the nearby wooded hills, blocks of ancient woodlands and coppice, and the attractive tree lined road corridor of Westcott Road¹³ also influence. As such, the appeal site displays elements of the NCA and it is visible through vegetation from several nearby locations, whether that be along the site's boundaries, other land boundaries or from woodland. The vegetation screens views but the degree of screening varies during the year, and the site is viewed with the established settlement.

39. Higher slopes to the north and south within the SHNL broadly extend in an easterly and westerly direction. The site sits between these ridgelines on the valley floor, nestling amongst existing built form and landscaping that screens views to varying degrees depending on the location and time of year. The chalk scarp slopes and complex ridges to the north and south¹⁴ provide scenic and panoramic views of not just Dorking, but the wider landscape which comprises the SHNL and land outside of the SHNL. The site forms part of those views. The slopes within the SHNL, which include Ranmore Common, Box Hill and The Nower are characterised by a rural landscape, with woodland contributing to a sense of remoteness, tranquillity, and recreational opportunity. These areas are generally free from development. The appeal site's landscape character compliments the SHNL, and it sits between the existing urban area of Dorking that wraps around the site, and the site effectively functions as a rural transition between the settlement and the SHNL.
40. The appellant's LVA¹⁵ considers the LCA's have a high sensitivity, but the site itself and its context to have a medium sensitivity. However, the high sensitivity is directly influenced by the SHNL. On the other hand, the Council's LVA considers that the LLCA, which is based on land inside and outside of the SHNL, is of a medium-high landscape value and of high sensitivity. Clearly the appeal site holds landscape value, it is to what extent. Based on the evidence before me and my own observations of the site and the surrounding landscape, I prefer the appellant's judgement on landscape value.

The proposal's effect

41. Developing the site as proposed would change its character and appearance due to the large amounts of built form and associated infrastructure despite the landscaping and open space. It would expand the settlement and cause the coalescence of existing built form of different characters. The rural edge which characterises the transition in and out of Dorking would be lost. However, the tree lined Westcott Road would not be lost. Inevitably development would be seen through the avenue of Lime trees, but they and the alignment of the road mean that the focus would remain primarily of that attractive characteristic. Landscaping on the site only has the potential to help with upholding that corridor whether travelling in or out of Dorking.
42. The effect of the development would, notwithstanding the precise siting and layout of any buildings and landscaping, be felt locally from public footpaths or roads to the south and west¹⁶, albeit landscaping would still inhibit views to glimpses or in tandem with existing development to the south of the site.

¹³ CD2.4, Page 47

¹⁴ Albury to Ranmore Chalk Ridge LCA (north) and Leith Hill to Bury Hill Wooded Greensand Hills LCA (south)

¹⁵ CD4.9

¹⁶ Viewpoints 1i, ii, iii, iv, 2 and 11

43. Change arising from development is not synonymous with that equating to harm. However, the loss of the rural character to the edge of Dorking would cause harm to the character and appearance of the area despite the proposed open space and landscaping. That harm would be limited as reserved matters would provide opportunity for precise design and landscaping details to come forward having regard to the site's topography, Westcott Road, existing development and the school playing fields.
44. From The Nower and Ranmore Common, there would be a change from open, agricultural land to built form, but the site is next to the existing settlement in a low-lying position. The overall dominance of a green and scenic view would remain whether that is experienced from The Nower or along several points on Ranmore Common. The town of Dorking would continue to be part of those views, and the proposal would sit below established ridgelines with new tree cover. Detailed designs of the scheme could help assimilate the proposal into the landscape, and given this, the depth of views from The Nower or Ranmore Common would not be affected as a result. There would also likely be increased opportunity to appreciate the SHNL from within the appeal site.
45. The proposal could add to light pollution in the area, but sensitive design and details could be secured by planning condition. Considering the intended green infrastructure and with light pollution already part of the SHNL's setting, no material harm or adverse effects would be created on the setting of the SHNL.
46. For the reasons set out and bearing in mind the purpose set out in Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) (CROW Act) does not contain an absolute against development, the proposal would not adversely affect the SHNL or its setting. However, even if I were to find that there was some harm to the setting of the SHNL, the proposal could mitigate its negative effects as far as possible on the appeal site to minimise its adverse impacts and conserve the SHNL in line with Framework paragraph 176.
47. I recognise that the site is part of the draft site allocations in the ELP and that there is an evidence base supporting that plan, but I have considered the effects of the proposal, which would be for a greater quantum of development than envisaged by the Council, on its own merits. While the Council's landscape witness accepted in cross examination that the site could accommodate 144 homes without unacceptable impacts either on landscape character or the SHNL subject to questions of detailed design, I have reached my own view.

Conclusion of the main issue

48. The proposed development would conflict with Core Strategy Policies CS 13 (1) and CS 14 and saved Policies ENV4, ENV22 and ENV23 of the Local Plan 2000 (Local Plan) as it would not respect or enhance the character and distinctiveness of the landscape character area in which it is proposed. Careful siting, design and landscaping would lessen the proposal's impact but not entirely avoid it even though making best use of the land available. Conflict would also occur with Framework paragraphs 130 c) and 174 b) in this respect.
49. However, the proposal would accord with Core Strategy Policy CS 13 (2) as the natural beauty of the SHNL landscape would be conserved, having regard to ridgelines, significant views, peace, tranquillity and levels of artificial light. The proposal would also accord with Framework paragraphs 130 c) and 176 as development could come forward whilst being sensitively located within the setting of the SHNL and designed to avoid or minimise adverse impacts on the

designated area. Thus, the proposal would accord with Section 85(1) of the CROW Act.

Housing supply

Housing requirement

50. The Core Strategy is more than five years old, and its policies have not been reviewed. Hence, Framework paragraph 74 confirms that the Council should identify a minimum of five years' worth of housing against their housing requirement against their local housing need (LHN). Against the agreed base period, and using the LHN figure, the main parties agree that there is a shortfall below the minimum five years. The appellant says a supply of 2.75 years or 1,517 dwellings can be demonstrated, whereas the Council says a supply of 3.74 years or 2,062 dwellings can be shown.
51. Despite the clear direction provided by the Framework, the Council advocate five other scenarios to base the Council's housing requirement on. The Council say that all five have greater merit than using the LHN (scenario 2) in this case as they are more up to date. The Council also contends that the LHN is not fit for purpose as the 2014 household projections have inflated housing growth compared to subsequent projections and the 2021 census.
52. Scenario 1 is based on the 2021 census. Scenario 1a is an amended target based on the same census but includes concealed households which have arisen from past under delivery. Scenario 3 uses the 2018 based household projections to inform the LHN. Scenario 4 is the proposed housing target from the ELP (Green Belt sites in). Scenario 5 is a housing target based on the ELP but with Green Belt sites out. In order of preference, the Council consider scenarios 4 and 5 are of equal standing, before scenarios 3, 1a, 1 and 2 (LHN).
53. Fundamentally, determining what the appropriate housing target is, is a matter for the plan-making process not the decision-making process. Setting that principle to one side, only scenario 2 draws support from the Framework. Yet, the Council rely on the VIP Trading¹⁷ and Clacton on Sea¹⁸ decisions as reasons why a decision maker could depart from the approach in Framework paragraph 74, and use a housing requirement figure from an emerging, but not adopted strategic policy instead of the LHN calculated using in the standard method.
54. In the VIP trading decision, the revised housing target set by Policy H1 of the then draft London Plan was given significant weight as it was not to be modified following EiP, and used for the basis of assessing whether a five-year supply could be demonstrated. The Inspector, in the Clacton on Sea decision, considered the recently found sound emerging plan and its imminent progress to adoption to be a very important material consideration and applied weight to its housing target in accordance with Framework paragraph 48.
55. However, the circumstances in which those decisions were taken are not directly comparable to the situation here and scenarios 1, 1a and 3. They are all not housing targets which form part of the ELP or any other plan, they do not set the strategic direction for a plan, nor have they been subject of EiP. The Planning Practice Guidance (the Guidance) is also clear that the 2014 household projections are to be used¹⁹. In any event, the number of houses in

¹⁷ CD15.2

¹⁸ CD14.11

¹⁹ Paragraph ID: 2a-005-20190220

scenarios 1, 1a and 3 is considerably below the housing target in the ELP (Green Belt sites in), which is, notwithstanding the merits of this plan's soundness, not a full response to the Council's OAN for reasons relating to the District's constraints²⁰, and based on the Council's own evidence. Furthermore, scenarios 1 and 3 are below the Council's housing target for an ELP with Green Belt sites out. Therefore, even if I were to depart from the clear binary approach of Framework paragraph 74, scenarios 1, 1a and 3 would not appear to respond to the Council's own evidence around the need for housing.

56. The housing target in scenario 4 (ELP Green Belt sites in) was reduced down from 353 dpa (submission version) to 340 dpa as a result of the EiP. That target also accounts for past under delivery in the first three years of the plan period and looks to address this in the first five years. In scenario 5 (ELP Green Belt sites out), the annual housing target is 270 dpa.
57. For either scenario 4 or 5 the Council assert that the strategy set by emerging Policies S1 and H1 would not change, save for the housing target. This may be correct, but the pause and subsequent direction of the ELP is unclear. Due to the extent of unknowns surrounding the ELP's strategic issues and its evidence base, I am not satisfied that scenario 5 provides a firm footing at present to assesses the District's deliverable housing supply against.
58. That leaves scenario 4. If Green Belt sites are to remain in, the ELP could swiftly progress to adoption given MM's have been published. In normal plan making circumstances the Council may be right to say that significant weight should be given to ELP Policy H1. But doing so would ignore the pause to the ELP and its uncertain direction of travel potentially until a new version of the Framework is published, with a range of potential unknowns relating to the ELP with additional MM's (Green Belt sites out) flowing from that. This means that the circumstances here are not directly comparable to those in the VIP Trading or Clacton on Sea decisions.
59. It is my considered view that the housing requirement figure in ELP Policy H1(1) carries limited weight; a judgement also expressed by the Council's planning witness in cross examination. Using this figure would result in a 4.79 year supply on the Council's case or a 3.52 year supply on the appellant's case.
60. Nonetheless, given the current circumstances and uncertainty, the clarity offered by the LHN calculated by the standard method as advised by Framework paragraph 74 is to be preferred even if I were to disregard the clear binary approach that this paragraph sets²¹.

Housing Delivery Test

61. The Housing Delivery Test (HDT) is a backward-looking tool and the last version of the HDT was in 2021. However, it is the current decision-making framework despite the Council's opinion that it should carry no weight. The HDT cannot simply be disregarded based on the Council's views about its merit. Notably the consultation draft Framework did not propose to remove it nor could either party point to any appeal decision whether made by an Inspector or Secretary of State whereby the HDT has been given no weight.
62. In the last HDT result the Council was delivering 70% of its requirement. The

²⁰ ID8, Paragraph 46

²¹ East Riding of Yorkshire Council v Secretary of State for Levelling Up, Housing and Communities [2021] EWHC 3271 (Admin)

Council's witness accepted that the Council had never passed the HDT and that the delivery of housing in the District had deteriorated since the last HDT. Furthermore, a comparison²² of neighbouring Surrey local planning authorities which have a similar or higher percentage of land in the Green Belt, shows that this is not necessarily a barrier to a satisfactory HDT result and therefore avoiding an associated consequence.

Deliverable supply

63. Against the agreed five-year period of 1 April 2023 to 31 March 2028, the supply dispute relates to ELP draft allocation sites which do not require Green Belt boundary changes. These sites would potentially deliver a mix of market and affordable homes.
64. Of the 276 dwellings that the Council say are deliverable at Pixham End, the appellant agrees that there is evidence to include 175 of these. Recent applications have resulted in more than 175 dwellings being granted permission, but the Council's delivery rate of 69 dwellings per year is not evidenced. Adopting the appellant's more realistic delivery rate of 50 dwellings per annum, I consider that 175 dwellings could be delivered with 25 in 2024/25, and 50 per year in 2025/26, 2026/27 and 2027/28.
65. The site at Ermyn House becomes available in October 2026, though it is being marketed for offices with a medium to long term lease. This could be to demonstrate that the office space is no longer required, but the existing building would need to be demolished and a developer lined up before works could start. As such, there is not clear evidence to support any completions in 26/27, nor the 70 dwellings potentially completed in 27/28. That said, there is a fair chance that 25 dwellings could be completed by the end of March 2028 applying the appellant's broad brush industry standard for half a year.
66. Given the scale of development at Friday Street and the Council's resolution to grant planning permission for 23 dwellings, I consider that there is, despite the prolonged s106 negotiations, a good chance that up to 26 dwellings could be delivered here. I do not consider that there is enough clear evidence to support the 6 dwellings at Cricketers Close due to the concerns raised about odour and ecology in relation to a scheme for 4 dwellings that is current awaiting a decision. However, given the scale of development, there is sufficient time for the concerns raised about the 4 dwellings to be overcome and the dwellings delivered by the end of March 2028.
67. Following the dismissed appeal at South House²³, pre-application discussions have taken place with a revised application likely. There may be differences between the Council and landowner on capacity, but a view was expressed in the appeal decision that the harms could be overcome. Given this, and as the s106 was agreed for a scheme with a higher number of dwellings, there is enough evidence that the completions suggested by the Council will happen.
68. The South House appeal decision held that the land at Murreys Court did not meet the definition of deliverable. A planning application has since been submitted for a combination of 60 assisted living units and a 66 bed care home. The outcome of that application is unclear, and the quantum of development is considerably above the Council's suggestion, nor is it clear

²² ID5

²³ CD14.7

what, if any, bearing they may have on the delivery of 29 dwellings suggested. As such, there is not enough clear evidence to include this site.

69. Of the other sites, some or all of them may come forward and yield housing completions before the end of March 2028 as the Council suggest. I do not discount the Council's local knowledge and experience. But, based on current evidence, despite the ongoing discussions and likely planning applications, there is not enough clear evidence²⁴ in terms of the developer's delivery intentions, anticipated start and build-out rates to support their inclusion in the housing land supply total. There are also issues to resolve around the height of the scheme at Regent House in relation to the SHNL and the Area of Great Landscape Value; and whether the hospital will remain operational or not and the site's capacity. I accept that there is a realistic prospect of works starting at Bull Hill, but there is not enough clear evidence that dwellings will be delivered before the end of March 2028 despite the land being owned by the Council and there being a joint venture partnership. The delivery rates are speculative and if flats are to be built, then the whole scheme would need to be delivered before dwellings could be occupied. Therefore, the site's inclusion at the current time is not supported by clear evidence.

Conclusion on the extent of the supply

70. Whilst a snapshot in time, it seems to me that Mole Valley's current supply of deliverable housing sites based on LHN (scenario 2) lies somewhere between the two figures presented to me but far closer to the appellant's figure than the Council's. Based on my findings on the disputed sites, there would be a supply of around 2.9 years or 1,602 dwellings. This would be a shortfall of roughly 1,152 dwellings against the LHN figure.
71. While scenario 4 is not to be preferred, it carries limited weight. So, applying my findings on the disputed sites to this scenario, there would be a supply of approximately 3.7 years which would be a shortfall of about 551 dwellings. I am mindful that scenario 4 measures a housing target with Green Belt sites in against a supply with Green Belt sites out, but that is the agreed approach to assessing the supply, and there is no analysis before me about whether sites within the Green Belt are deliverable or not. Although logic suggests there may be a boost to the Council's supply if the ELP were to be adopted with Green Belt sites in, there is no substantive evidence to support that or to what extent. Therefore, my findings are based on the parties agreed approach to assessing the supply.
72. The outcome of my findings on the disputed sites also affects the number of affordable homes that form part of the five-year supply. Using my findings and the Council's affordable housing delivery figures²⁵, 50 further affordable homes could, at best, form part of that supply. This figure should be added to the agreed figure of 65 affordable homes that already forms part of that supply, taking the total affordable housing supply to around 115 dwellings or 23 dpa.

Planning obligations

73. Framework paragraph 57 and Regulation 122 of the CIL Regulations confirm that planning obligations must only be sought where they meet each of the following three tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably

²⁴ Regent House, Leatherhead Hospital and Elmers Field

²⁵ ID6, Table 1

related in scale and kind to the development.

74. The s106 agreement would secure financial contributions towards the highway improvement schemes, a demand responsive bus service, car club vehicles and spaces, a travel plan monitoring fee, and a TRO. The s106 agreement also includes mechanisms to secure the delivery of affordable housing, a travel plan, highway works, on-site public open space with children's play area and Gypsy and Traveller pitches along with subsequent management and maintenance arrangements for the public open space and Gypsy and Traveller pitches.
75. The proposal would increase vehicular and other transport movements to and from the appeal site. Core Strategy Policy CS 18 explains that all new housing and commercial development will be subject to the development tariff, a component of which will be directed towards enhanced public transport, promotion of more sustainable transport choices and to support improvements in the range of transport options and accessibility to services and facilities by means other than the private car. The policy seeks to encourage a modal shift away from the private car, but the evidence to support the highway improvement scheme, demand responsive bus service and car club vehicles and spaces still needs to satisfy the three tests.
76. A contribution of £172,800 is sought for Copenhagen style crossings at the junctions where Westcott Road with Nutcombe Lane and Drill Hall Road, and to modify the existing signalised junction at Westcott Road/Drill Hall Road. This is to encourage modal shift and promote sustainable modes of travel to/from the appeal site to the town centre and its train stations by providing level, priority access to users in these locations. The improvements seek to add to and extend the accessibility and safety improvements proposed by the appellant along Westcott Road near to the site. The existing shared foot and cycleway would be used but priority access at the junctions would be extended much closer to the town centre. Westcott Road is a busy road that can be congested along with Vincent Lane. There is little resilience left at this junction. While the obligation would not remove every possible car journey, it would encourage modes of transport other than the car and for those movements to be safe and given priority, I consider that the obligation satisfies the three tests.
77. Surrey County Council, in partnership with the Council have recently launched the Mole Valley Connect DDRT bus service. This flexible service provides passengers with a range of destinations within an agreed travel zone, offering links to the railway stations, local shops and GP's. People book journeys using an app, online or via on the telephone. The DDRT runs alongside the timetabled range of bus services available from two sets of bus stops a short walk from the site. These offer connections to various destinations, including train stations for onward journeys across the week. Improvements to the existing bus stop are already proposed along with pedestrian and cycle connections along Westcott Road. As such, given the site's location next to Dorking, I do not consider a contribution to the DDRT, which is primarily aimed at semi-rural and rural locations, to be necessary or directly related to the proposed development on the evidence before me.
78. The Council assert that the provision of electric vehicle car club spaces and vehicles will increase the use of sustainable modes of travel, reduce the reliance on the private motor vehicle, reduce congestion and improve air quality. That evidence is not, however, specific to the effects of the proposed development. There is already a car club with one vehicle a 10-to-15-minute

walk from the appeal site. A further car club vehicle is stationed near to the Council offices around 30 minutes away, and anecdotally well used. However, there is no substantive evidence about the availability of either existing car club vehicle or whether there are barriers such as their location that affect its use to know whether further provision is necessary on the appeal site. Accordingly, I am not satisfied that the contribution would be directly related to the development and be of scale and kind to it.

79. The s106 agreement requires an indemnity to be provided with the initial funding arrangements for the management company that is to be set up to repair, maintain and renew the public open space and the children's play area. The indemnity would cover the first five years of maintenance should the management company default, so that the open space is managed, maintained and establishes. It is a failsafe, but the Council would be able to satisfy itself of the management company's funding arrangements for the initial period. While matters can change, there are enforcement powers under s106 of the Act should the management company default. Thus, the indemnity provision is not necessary to make the development acceptable in planning terms. Therefore, I have not taken it into account in reaching my decision.
80. For the reasons set out above, the obligations in respect of the demand responsive bus service, car club vehicles/spaces and the indemnity do not satisfy the tests set out in Framework paragraph 57 and in CIL Regulation 122. I am therefore unable to take them into account in determining this appeal. I conclude, however, that the remaining obligations that would be secured through the s106 agreement would meet the statutory tests and as such, they are material considerations in this appeal. Hence, the proposal would not conflict with Core Strategy Policies CS 4, 18 and saved Local Plan Policy MOV2.

Other considerations

Sustainable location

81. The site is a sustainable location due to its proximity to Dorking and the facilities and services it offers which could be reached by a range of travel modes. Siting development in sustainable locations is the fundamental thrust of national and local policy, but in Mole Valley there is a tension between protecting the environment, delivering against its needs and doing so in sustainable locations. While it is unclear which version of the ELP the Council will progress, I give limited positive weight to the site's sustainable location despite the scheme's conflict with the spatial strategy and the site's Green Belt location. My finding here is reinforced by the highway improvement works that the s106 agreement would secure that would benefit the wider population also.

Market housing

82. The proposed market dwellings would help boost the Council's supply of market homes through a mix of units next to Dorking, which offers accessible facilities and services. The shortfall against the minimum level of supply to be very substantial (LHN) or considerable (scenario 4).
83. Despite the Council's view about the HDT, the delivery of housing has not improved since the last HDT result in which the Council was delivering 70% of its requirement. The Housing Delivery Test Action Plan may yield change but the shortfalls in housing land supply against either the LHN or scenario 4 are serious even if the ELP has increased supply already despite it not being adopted. In any event, the ELP has been paused and its future direction is

unclear. The timeline for the ELP is far more uncertain if all the Green Belt site allocations are removed from the ELP and I doubt the Council's timeline.

84. Not delivering enough houses affects people whether that be in their availability, cost, affordability or the bearing that all three have on people being pressed into staying in unsuitable accommodation for their current or even future needs. The Framework seeks to significantly boost the supply of homes. I consider that the provision of market housing should carry very substantial weight in this case. That level of weight applies to the position using the LHN, but also scenario 4 should I be wrong about using the LHN as that shortfall is still well below the minimum five-year supply and the housing would deliver social benefits/significantly boost housing supply.

Affordable housing

85. Compared to the Core Strategy Policy CS4 target a shortfall of 234 affordable homes has arisen across the current development plan period. The most recent evidence of need²⁶ points to an increased need for affordable homes (143 dpa). However, in the last three years alone, there has been a shortfall of 396 affordable homes due to the delivery of only 33 dpa in those years.
86. To clear the backlog 222 affordable homes would need to be delivered each year for the next five years. The number of affordable homes coming forward looks to be substantially below that level of delivery. This will mean the existing shortfall will only become worse.
87. The ELP is said by the Council to be grounds for optimism in turning the tide, but even if every single site in the ELP, whether that be with Green Belt sites in or out, delivered 40% affordable homes, the identified need would not be met. So, while there may be an uptick in delivery after the ELP is adopted, it will not be enough to satisfy people who need such housing now. In practice, not every site may deliver affordable homes at 40%, so the picture may not be as positive as the Council suggests.
88. The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socio-economic effects such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children's education and development. In Mole Valley the number of people on the housing register has risen, there are increasing affordability ratios and people are paying significantly over 30% of their income on rent.
89. The proposal would deliver up to 72 affordable homes with a suitable tenure split, which exceeds the 40% on site provision that Core Strategy Policy CS 4 requires. The s106 agreement secures the provision and tenure split. The affordable homes would make a sizeable contribution to addressing the acute and long-established shortfall which will not be fully addressed in the short term. I give the affordable housing provision very substantial positive weight.

Gypsy and Traveller pitches

90. The provision of 0.2 hectares on land could accommodate at least three Gypsy and Traveller pitches would help towards meeting the identified need demonstrated in the Council's evidence base for the ELP. This is consistent with ELP Policy DS24. I recognise the pause to the ELP and the uncertain future of

²⁶ Strategic Housing Market Assessment Update (SHMA), December 2020

including the appeal site as an allocation, but the evidenced need means that I give this provision significant positive weight.

School drop off/pick facility

91. A parking and pickup/drop off facility for the Priory C of E School forms part of the proposal. Due to the location of the school, neighbouring residential development and the existing road network, the appeal site offers the only location where this could be delivered. Although the Highway Authority is looking to encourage a shift away from private cars for school related journeys, there will probably always be some element of private car use. The locations from which pupils attend the school also means that coaches are likely to continue to operate. The proposed provision, subject to details, offers the potential for a safe facility to be created along with a pedestrian connection to the school. There may be knock on effects for the movement of vehicles on the local highway network with vehicular access solely from Westcott Road, but there is no Highway Authority objection in this case. I consider that the parking and pickup/drop off facility carries moderate positive weight.

Biodiversity net gain

92. The appeal scheme would deliver an on-site biodiversity net gain (BNG) of over 20%. This would be a measurable gain in the context of Framework paragraph 179a), but it is also a figure that goes beyond requirements of 10% and 20% as sought by The Environment Act 2021 and ELP Policy EN9 which provide a forward direction of travel to measure BNG against. The BNG proposed could be secured through planning conditions and the s106 agreement. Given that the BNG goes beyond both forward looking figures, it is a measurable gain that attracts significant positive weight.

Green infrastructure

93. It is common ground that the appeal scheme would provide in excess of 3.5 hectares of newly accessible green infrastructure, including open space and a play area. ELP Policy DS24 seeks the provision of all these matters, though that policy attracts limited weight due to the unknown direction that the ELP will go. The green infrastructure would mitigate the development's effects and likely include elements of good design, but it would also plausibly be used by the wider population also and connect Westcott Road to West Bank, the Priory C of E school and The Nower for example. The existing route to the west of the appeal site from Westcott Road to Milton Heath and The Nower would remain, but the proposed green infrastructure would be a closer alternative to many. I therefore attach moderate positive weight to the green infrastructure proposed, which would be secured through planning conditions and the s106 agreement.

Economy

94. Economically, the proposal would lead to the creation of between 336 and 436 direct, indirect and induced jobs. It is also envisaged that future occupants would add around £4 million per year to the local economy. I do not consider, in the context of Framework paragraph 81, that these benefits are of limited weight. They stem from the proposal and carry significant weight in my view as there would be short-and long-term contributions to the economy.

ELP Policy DS24

95. For the reasons outlined above, the current pause to the ELP and its future direction of travel lead me to attach limited weight to ELP Policy DS24. Even

so, the proposal would not, subject to details at reserved matters along with the imposition of planning conditions and the s106 agreement, conflict with it. This is, however, a matter of neutral weight in the planning balance.

Other Matters

Sondes Place Farm – a non-designated heritage asset

96. Sondes Place Farm, to the east of the site, is a good example of a model farm complex with associated farmhouse dating from the 19th century that were architect designed rather than built in the local vernacular style. The aim was to support the development of agricultural technology and improve welfare standards of farm workers. The buildings have been converted to residential use, but they are complete and hold architectural and historical significance.
97. The proposal would alter the rural setting afforded by the two fields to the model farm. However, the appeal scheme could be designed to lessen that change through landscaping, the placement and design of the open space and the siting of the dwellings. This leads me to consider that the scale of harm to the significance of Sondes Place Farm would be low. Balanced against this are numerous benefits associated with the scheme which I have outlined above. In my judgement when I consider the scale of harm identified against these, the balance is firmly in favour of the appeal scheme.

Points raised by interested parties

98. It is likely that residents would experience dust, noise, vibration and disruption in connection with the proposal, but these would be relatively short-term effects and a planning condition could be imposed to secure a construction management plan to limit these effects. There would be a change to existing neighbouring residents' privacy and outlook, but I am content that these effects could be made satisfactory at the detailed design stage. Despite the localised congestion experienced in Dorking, the Council's Environmental Health Officer did not raise any objections about the effect of air quality or light pollution arising from the proposal. Subject to planning conditions relating to the construction phase and lighting, I agree.
99. Surveys set out the site's ecological baseline and include recommendations. Existing trees and hedgerows are to be retained and a suitably designed landscape strategy for the site including sustainable urban drainage could come forward at reserved matters stage. Given this, and the imposition of planning conditions to secure a sensitive lighting management plan, a landscape and ecological management plan, a construction and ecology management plan and an updated bat surveys and mitigation strategy, I agree with the Surrey Wildlife Trust that the proposal would be acceptable in biodiversity terms.
100. I consider that the proposed means of access would be acceptable subject to the imposition of planning conditions. I also agree with the Highway Authority that the proposed development would not lead to a significant increase in vehicular trips on the surrounding highway network. I understand that a solution to remedy the existing localised congestion at the junction of Westcott Road and Vincent Lane has not been found. The extra number of vehicles on the highway and at that junction may mean journeys take a little longer, but the site's location and accessibility to a range of facilities and services, including multiple public transport options, means that future occupants would not be reliant on the private car. The evidence before me indicates that the proposal would not have an unacceptable effect on the operation of the local

highway network or the safety of its users, and subject to the imposition of planning conditions and the s106 agreement, the residual cumulative impacts on the road network would not be severe having regard to Framework paragraph 111. There would not consequently be conflict with ELP Policy S4.

101. Although it is suggested that local infrastructure such as doctors and schools are already full, this is not supported by substantive evidence and no planning obligations are sought to mitigate the proposal's effects on these facilities.
102. The appeal site lies in Flood Zone 1. No objections have been raised by the Lead Local Flood Authority and the Environment Agency subject to planning conditions being imposed so that surface water drainage details are considered at reserved matters stage. These details will include consideration of the proposed sustainable urban drainage system and its interaction with the existing environment so that there is no increased risk of flooding in the area.
103. The proposal would mean that the appeal site could no longer be used for arable farming, and in the wider context of seeking to minimise food imports, reducing associated carbon emissions, and being self-sustaining as a country, the proposal would not assist. There may also be an indirect effect as the site is partially used by local primary school pupils to plant vegetables before the main crop is planted. However, stepping back, the appeal site is relatively modest in size, it is not best and most versatile agricultural land, and the education benefit could be delivered in another manner by the school. The loss of the appeal site for farming, whilst regrettable needs to be balanced against the scheme's benefits. There is no evidence, despite the assertion, to support a view that the proposal will increase local temperatures on its own.
104. The site may currently offer a rural edge to Dorking that residents resonate with their wellbeing. The proposal would change that relationship, but residents would still have a range of good quality outdoor spaces and routes that they can enjoy for their wellbeing.
105. Brownfield land may or may not be available in the local area, but I have considered this appeal on its own planning merits and the only way that the site would not be in the Green Belt would be through the ELP or another plan in the future. The Council also raise points about the appeal scheme 'pre-empting' the outcome of the consultation draft of the Framework²⁷ and thus the ELP. However, the Council has not advanced a case on prematurity with regards to Framework paragraphs 49 and 50.

Planning Balance

106. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be moderate harm to the openness of the Green Belt and with limited harm to two of the purposes of including the land within it. Nevertheless, the totality of Green Belt harm attracts substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
107. I have identified limited harm with the Council's spatial strategy and the character and appearance of the area, though that harm is localised and does not extend to the setting of the SHNL or the SHNL itself. Hence, the proposal

²⁷ CD1.5

would conflict with Core Strategy Policies CS 2, CS 13 (1) and CS 14 and saved Policies ENV4, ENV22 and ENV23. But no conflict would arise with Core Strategy Policy CS 13 (2). The s106 agreement secures contributions required by Core Strategy Policies CS 4, 18 and saved Local Plan Policy MOV2. Some of obligations would provide the local community with affordable homes and Gypsy and Traveller pitches together with access, recreation, leisure and wellbeing benefits that weigh in favour of the appeal scheme. The remaining contributions would mitigate the effect of the development, so they do not weigh in favour or against the proposal.

108. I consider that all the other considerations clearly outweigh the harm that I have identified. Hence, the very special circumstances necessary to justify the development do exist and I conclude the proposal would accord with Core Strategy Policy CS 1 (3) in respect of the Green Belt. That would also mean, as the appellant suggests, that the proposal would accord with the development plan as a whole despite the scheme's conflict with the spatial strategy.
109. However, on the Council's interpretation of Core Strategy Policy CS 1(3), even if the provisions of national policy relating to Green Belt are satisfied, there would still be conflict with this policy due to the scheme's conflict with the District's spatial strategy, and by extension the character and appearance of the area. On the Council's case, this would lead to a conclusion that the proposal would conflict with the development plan as a whole. Yet the development plan policies that I have found conflict with are the most important policies in this case²⁸. The application of footnote 8 concerning housing land supply and the HDT mean that the decision-making process set out in Framework paragraph 11 d) is to be applied.
110. There are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Applying the tilted balance, the proposed development would result in benefits, but also cause harm. However, I conclude that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, even applying Core Strategy Policy CS 1 (3) as the Council interprets, there are material considerations in this case that indicate that this decision should be made otherwise than in accordance with the development plan.
111. Therefore, I conclude, on either approach, that the appeal should be allowed subject to the conditions set out below.

Conditions

112. In imposing planning conditions, I am mindful of the six tests in Framework paragraph 55. Beyond the standard condition [1], I have imposed a plans condition and a condition concerning existing and proposed ground levels, proposed ground floor slab level of each building, and the finished levels of any access road and driveway, in the interests of certainty and the character and appearance of the area [3 and 5].
113. In the interests of archaeology, a condition is needed for archaeological investigation and recording [6]. To ensure that the construction of the development does not bring about adverse impacts in terms of ecology,

²⁸ CS 1, CS 2, CS 13, CS 14, ENV22 and ENV23 – agreed by Ms Munnis and Mr Ross, plus ENV4

highway safety and the amenities of the area, conditions to secure a construction transport management plan and a construction and ecology management plan are necessary [9 and 12].

114. To encourage means of transportation other than the private car, a travel plan condition is necessary [4]. So that the appeal site can be accessed safely from Westcott Road, and the continued operation of the surrounding highway network, a condition is necessary to ensure the approved access details are constructed and visibility zones kept permanently clear of obstruction over 0.6m high [8]. To help address the effects of climate change, a condition is necessary [13] to secure details of measures to reduce carbon emissions of the predicted energy use for each dwelling by at least 10%.
115. In the interests of flood prevention, pollution control and environmental protection, conditions are necessary to secure surface water drainage details and a subsequent verification report [7 and 14]. To protect bats and ensure suitable habitats, a condition is necessary to secure an updated bat roost survey report and final bat mitigation strategy [2]. In the interests of biodiversity, including its future management and maintenance, conditions are necessary for a sensitive lighting management plan and a landscape and ecological management plan [10 and 11]. The former condition is also necessary in the interests of the character and appearance of the area.

Conclusion

116. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Zack Simons and Kimberley Ziya	Counsel, instructed by Adam Ross of Nexus Planning
They called:	
Clare Brockhurst FLI BSc (Hons), Dip LA	Director, Leyton Place Limited
Dominick Veasey BA (Hons), DipTP, MRTPI	Head of Research and Analytics, Gleeson Land
Annie Gingell BSc (Hons), MSc, MRTPI	Associate, Tetlow King Planning
Adam Ross BA (Hons), DipTP, MRTPI	Director, Nexus Planning
David Earl *	Associate, iTransport
James Smith *	Principal at James Smith Planning Law Services

FOR THE LOCAL PLANNING AUTHORITY:

Jack Parker	Counsel, instructed by Melissa Clarke, Deputy Development Manager and Solicitor, Mole Valley District Council
He called:	
Sherelle Munnis BA (Hons) MRTPI	Deputy Development Manager, Mole Valley District Council
Duncan Clarke BSc (Hons), MA, MA, MRTPI	Planning Policy Manager, Mole Valley District Council
Nick Harper BA(Hons), DipLA (Hons) CMLI	Partner, Harper Landscape Architecture LLP
James Lehane *	Principal Transport Development Planning Officer, Surrey County Council
Tom Penlington *	Legal Services Manager and Solicitor, Mole Valley District Council

* Participated in the Planning Obligation session only.

INTERESTED PARTIES:

Ken Hollis
Steve McDonald
Jackie Macey
Chris Cook
Lisa Scott
Councillor Watson, Surrey County Council

INQUIRY DOCUMENTS

- ID1 Appellant Opening Statement and Appearances
- ID2 Council Opening Statement and Appearances
- ID3 Errata, Miss Gingell Proof of Evidence
- ID4 Mr Clarke Updated Affordable Housing Table
- ID5 Surrey Local Planning Authorities' Housing Delivery Test Results 2018 - 2021
- ID6 Housing Land Supply Roundtable Note
- ID7 Council Closing Submissions
- ID8 Appellant Closing Submissions

CORE DOCUMENTS

Found in the List of Core Documents, dated 30 October 2023.

SCHEDULE OF CONDITIONS

- 1) Approval of details of access (other than shown on plan reference ITB12131-GA-019 Rev D), the layout, scale, external appearance of the buildings, and the landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and carried out as approved. Plans and particulars of the reserved matters referred to above, shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2) Reserved Matters applications that are influenced by trees 1, 3 and 17 as shown on Figure A11.1 Bat Tree Roost Plan of the Ecological Impact Assessment (EAD Ecology, May 2023) shall be accompanied by an updated bat roost survey report and final bat mitigation strategy to be approved in writing by the Local Planning Authority. The survey report and mitigation strategy shall be in line with the Response to Surrey Wildlife Trust Ecology Planning Advice Service (EAD Ecology, May 2023) and Ecological Impact Assessment (EAD Ecology, January 2023). The update bat roost surveys, to include preliminary ground level tree roost assessments and bat presence/likely absence surveys, must be carried out in line with good practice guidelines.

Compliance

- 3) The development hereby permitted shall be carried out in accordance with the following approved plan numbers 1158.01 'Site Location Plan', 1158.03 'Parameters Plan' and ITB12131-GA-019 Rev D.
- 4) The details within the approved Travel Plan, dated 22 May 2023, Revision C, shall be implemented upon first occupation of the development and thereafter shall be maintained and developed to the satisfaction of the Local Planning Authority.

Pre-commencement

- 5) No development shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 6) No development shall take place until a programme of archaeological work, to be conducted in accordance with a written scheme of investigation (WSI) has been carried out. The WSI shall comprise a programme of geophysical survey followed by a trial trench evaluation and shall be submitted to and approved, in writing, by the Local Planning Authority.
- 7) 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) the results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off
- c) detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d) a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Thereafter the drainage scheme shall be implemented in accordance with the approved details.

- 8) No works shall commence on-site unless and until the access to Westcott Road hereby approved has been constructed to base course level and provided with visibility zones in accordance with the approved plans, Drawing No. ITB12131-GA-019 Rev D, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high. The access shall then be constructed in accordance with the approved plans prior to the first dwelling being occupied.
- 9) No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) HGV deliveries and hours of operation
 - g) vehicle routing
 - h) measures to prevent the deposit of materials on the highway

- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- j) on-site turning for construction vehicles

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

- 10) Prior to commencement of development, a Sensitive Lighting Management Plan (SLMP) approved by a suitably qualified ecologist and designed in accordance with the findings of the Ecological Impact Assessment (EAD Ecology, January 2023) and the updated bat surveys (required by Condition 2) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the SLMP shall be implemented in accordance with the approved details. The SLMP must be designed in line with Guidance Note 8 Bats and Artificial Lighting (GN08/23) and include, but not be limited to providing the following information:
- bat mitigation strategy
 - dark habitat corridors
 - demonstration of avoiding illuminance of key habitats
 - horizontal illuminance contour plan (lux) modelling and detail of luminaire specifications
- 11) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP must be written by a suitably qualified ecologist and be in line with the Response to Surrey Wildlife Trust Ecology Planning Advice Service (EAD Ecology, May 2023) and Ecological Impact Assessment (EAD Ecology, January 2023). Thereafter the LEMP shall be implemented in accordance with the approved details. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to the following:
- a) description and evaluation of features to be managed.
 - b) ecological trends and constraints on site that might influence management.
 - c) aims and objectives of management.
 - d) appropriate management options for achieving aims and objectives.
 - e) prescriptions for management actions, together with a plan of management compartments
 - f) reparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
 - g) details of the body or organisation responsible for implementation of the plan
 - h) ongoing monitoring and remedial measures
 - i) legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
 - j) monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- k) final Biodiversity Gain Plan
- l) final Mitigation Strategy for Protected Species

12) Prior to the commencement of development, a Construction and Ecology Management Plan (CECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The CECoMP must be written by a suitably qualified ecologist and be in line with the Response to Surrey Wildlife Trust Ecology Planning Advice Service (EAD Ecology, May 2023) and Ecological Impact Assessment (EAD Ecology, May 2023). Thereafter the CECoMP shall be implemented in accordance with the approved details.

The CECoMP should include, but not be limited to:

- a) map showing the location of all of the ecological features.
- b) risk assessment of the potentially damaging construction activities
- c) practical measures to avoid and reduce impacts during construction.
- d) location and timing of works to avoid harm to biodiversity features.
- e) responsible persons and lines of communication
- f) use of protected fences, exclusion barriers and warning signs.
- g) final Mitigation Strategy for Protected Species

Before above ground works

13) Before any above ground works take place, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% against the Target Emission Rate for each dwelling, as determined by Part L of the Building Regulations 2022 shall be submitted and approved by the Local Planning Authority. All approved carbon reduction measures to serve a dwelling shall be implemented prior to the first occupation of that dwelling hereby permitted, and in accordance with the approved strategy.

Pre-occupation

14) Prior to the first occupation of any 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. This must demonstrate that the surface water drainage system for that phase has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

END OF SCHEDULE

Appendix JS4

Appeal Decision: Land to the West of Langton Road, Norton
(July 2016)



Appeal Decisions

Inquiry held on 7-10 June 2016

Site visit made on 8 June 2016

by P. W. Clark MA MRTPI MCMi

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

Decision date: 22 July 2016

Appeal B Ref: APP/Y2736/W/15/3136237 (Site B) Land to the west of Langton Road, Norton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments against the decision of Ryedale District Council.
 - The application Ref 15/00098/MOUT, dated 30 January 2015, was refused by notice dated 22 July 2015.
 - The development proposed is up to 85 residential dwellings including access.
-

Appeal A Ref: APP/Y2736/W/15/3136233 (Site A) Land to the west of Langton Road, Norton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments against the decision of Ryedale District Council.
 - The application Ref 15/00099/MOUT, dated 30 January 2015, was refused by notice dated 22 July 2015.
 - The development proposed is up to 8 residential dwellings including access.
-

Decisions

1. Appeal B is allowed and planning permission is granted for up to 85 residential dwellings including access at (Site B) Land to the west of Langton Road, Norton in accordance with the terms of the application, Ref 15/00098/MOUT, dated 30 January 2015, subject to the sixteen conditions attached as Appendix B.
2. Appeal A is allowed and planning permission is granted for up to 8 residential dwellings including access at (Site A) Land to the west of Langton Road, Norton in accordance with the terms of the application, Ref 15/00099/MOUT, dated 30 January 2015, subject to the fifteen conditions attached as Appendix A.

Procedural matters

3. The Inquiry sat for four days but was held open until 17 June 2016 for closing submissions to be made in writing and for Unilateral Undertakings to be signed.
4. The address of the site is given as Norton. Norton and Malton are twin towns either side of the River Derwent in North Yorkshire. In many ways they function as a single entity and are treated as such in planning policy. Although they are variously termed Malton, Norton or Malton/Norton, these names all refer to the one conurbation or parts thereof.

5. Both applications are made in outline. In both cases, details of vehicular access to but not within the sites are submitted for approval now. Further details of pedestrian and cycle accesses to and all access within the sites and details of appearance, landscaping, layout and scale are reserved for later consideration in the event of either appeal being allowed.
6. The applications were made in the terms set out above. They are supported by a mass of documentation including a Development Framework Plan. In May 2015, during the Council's consideration of the applications, the originally submitted Framework Plan was substituted by a revised version showing reduced developable areas. A subsequent e-mail from the appellant asserts that the Development Framework Plan is intended to form part of the planning application. Nevertheless, the matters it depicts are clearly those which are shown on the application form to be reserved matters and the e-mail itself confirms (correctly) that the provisions of the Framework Plan would need to be secured by condition if thought necessary for the applications to be approved.
7. Notwithstanding the fact that the Council subsequently reconsulted on the application in terms which referenced numbers reduced from 8 to 6 for appeal A and from 85 to 79 for appeal B, there is no information to show that the terms of the application itself were so changed. In any event, as an outline proposal with matters of scale and layout reserved, any limitation of numbers, in the event of the developments being approved, would have to be imposed by condition. The screening opinions issued in March 2015 for the two sites were in terms of 10 dwellings for site A and 90 for site B.

Main Issues

8. There are four main issues common to both appeals. The first two and the last of these derive from reasons for refusal or from grounds of appeal common to both appeals. The third derives from a reason for refusal unique to appeal B but the issue equally applies to appeal A. They are the effects of the proposals on;
 - The significance of heritage assets, both designated and undesignated
 - The character and appearance of the neighbourhood, the setting of Norton and on protected trees
 - The need to travel and the use of sustainable modes of transport and
 - The supply of housing in general and affordable housing in particular.
9. Amongst other matters, third parties had concerns about flooding and about highway safety, particularly for horses.

Reasons

Heritage

10. Two heritage assets are in question. Both are outside but near the site. Confusingly, both have at one time or another been called Sutton Grange. I will refer to them as the barn and the house. The barn is a designated heritage asset, listed Grade II in 1986 as Sutton Farm Stone Barn. The house (currently called Sutton Grange) is neither listed nor included on any Local List

but both parties are agreed and I concur that it should be regarded as a non-designated heritage asset.

11. Both main parties are agreed and I concur that neither appeal proposal would have any direct effect on either asset. In both cases, the questions are whether there are any effects of the proposals on the assets' settings and, if so, whether any such effects affect their significance.
12. The way the barn is experienced today is largely from private property and at close range. It is approached from Langton Road by a private drive on appeal site A through protected woodland which hides it from view until, at the western end of the woodland (and of site A), the upper floor of its extensive north-eastern façade becomes visible over the roofs of garages (converted from sheds) which form a triangular courtyard to its east. The entry to the courtyard is at its north-western extremity at which point there is a full view of both the short north-western and long north-eastern elevations of the barn. It is from this point that some but not all of the significance of the building can be understood.
13. The drive continues past the north-western elevation, descending a bank and turning through approximately 180°. From this point the architecturally more interesting south-western elevation sited high on its terrace can be experienced, somewhat obscured by two new dwellings positioned in another courtyard at a lower level at which the drive ends but still dominating the scene. It is from this point that a more complete understanding of the significance of the building is obtained. It is, as the Council's Conservation Officer reports in her observations on the application, the large scale of the building and the status which its size and the elevated position of this frontage would have given to the purpose (which is unknown¹) for which it was built.
14. The impressive impact of this elevation can still be appreciated more fully from a point further to the south west where a track from Bazley's Lane crosses the line of the former driveway to the house and passes the former principal entrance to the grounds around the house. None of these ways of experiencing the setting of the barn and of understanding its significance would be affected by either of the appeal proposals.
15. From a public place, the upper parts of the barn can be seen over the rooftops and between the newly erected bungalows in Heron Close, to its north. This experience of its setting would not be affected by either of the appeal proposals.
16. The eastern corner of the barn can be glimpsed at a distance from breaks in the hedgerow along Langton Road, across both sites A and B but the views appear to be happenstance rather than designed and simply provide an awareness of a large building some way off. It is not possible, in these views, to derive much information about the nature of the building or its purpose, still less to divine whether it had any functional connection with the land across which it can be glimpsed. In truth, these views do not tell one much, if anything, about its significance. Their loss would cause little or no harm to the

¹ The listing description as a barn simply reflects the use to which it was put at the time of its listing. It is currently used as five residences. Evidence given at the Inquiry shows that fairly early in its life it was used, or partially used, as a gentleman's residence. My observations on site suggest that it may have been built as a stables and coach house with residential accommodation, an hypothesis accepted as plausible by both parties' experts. At the time it was built, Malton racecourse was flourishing. Even today, the breeding of racehorses is an important economic activity around Malton.

significance of the heritage asset and so I do not require their retention by condition. The dominance of the barn can be retained by a condition (14) limiting the height of buildings on site A.

17. The house, Sutton Grange, is also visible in these views and so they aid an understanding that the two buildings once had an association. The list entry for the barn specifically states that it does not form part of an Asset Grouping so I am not convinced that an appreciation of this relationship from this viewpoint (as opposed to the viewpoint south-west of the barn described earlier) is necessary to an understanding of either building's significance but I recognise that it is a concern of the Council. These views from Langton Road would be interrupted by development on either of the appeal sites but, in substitution, the development of appeal site A with an area of open space on the land formerly associated with the occupancy of the barn would allow public appreciation of both heritage assets from much closer viewpoints from which any significance deriving from the barn's proximity to the house in this view could be much better appreciated. The provision of this open space can be required by condition (13) attached to appeal A.
18. Both parties agree that the proposed developments would result in less than substantial harm to the listed building. I agree and conclude that any harm to the significance of the listed building by any effects on its setting by either appeal would be so minimal as to be effectively non-existent. Any such harmful effects as exist would be outweighed by the public benefits of enabling closer appreciation of the asset from within the site of appeal A, which could be secured by condition (13) on appeal A. It (appeal A) would therefore comply with that part of The Ryedale Plan Local Plan Strategy policy SP12 which provides that proposals which would result in less substantial² harm to a designated asset will only be agreed where the public benefit of the proposal is considered to outweigh the harm and extent of harm to the asset. I now turn to consider the house.
19. At some stage in its life the house has been reoriented so that its entrance is no longer on its north-western elevation but on its south-eastern side. The consequence is that, in contrast to the barn which is designed to be largely hidden by a wooded drive and to reveal its most spectacular impact when arriving at the house from its former (now abandoned) north-western driveway, the house is approached today by a straight drive running direct from Langton Road separated from open fields only by a post and rail fence. The approach today has no relationship with the barn.
20. Despite the low-lying position of the house, its ornate bargeboards, prominent gables and chimneys mean that it is now experienced as a "cottage ornée" forming a picturesque element in an open landscape backed by woodland seen in views from Langton Road. These views and the grand effect of its approach along a drive through open fields would largely be lost through the development of appeal site B and so would considerably reduce the contribution which the open setting of the house makes to its modern day significance as a prestigious country residence.
21. As an undesignated asset, its significance is less than statutory. Nevertheless, the appeal proposals would compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seek to ensure the

² The Strategy does not use the term "less than substantial" which is found in the NPPF

sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. This is both a heritage consideration and a landscape and townscape consideration to which I turn shortly.

22. The loss of longer distance views of the house would not in any way affect the appreciation of its heritage significance as a much-altered country house, which can only be understood by a forensic examination of its fabric at close quarters, principally from within the grounds of the house itself. Furthermore, as with the development of appeal A, the development of appeal B would allow longer distance public views to be replaced by a closer public appreciation of the heritage asset. The scale of any harm to this aspect of its significance is therefore minimal.
23. Both parties agree that the appeal proposals will result in less than substantial harm to the significance of the house. I agree, to the extent stated earlier. I conclude that although the proposal compromises that part of The Ryedale Plan – Local Plan Strategy policy SP12 which seeks to protect other features of local historic value and interest throughout Ryedale, having regard to the scale of any harm and the significance of the heritage asset, the matter would not be of great consequence.

Character and appearance

24. The appeal sites do not sit within any nationally or locally protected or designated landscape although the southern tip of site B abuts an Area of High Landscape Value. They do not lie within any Visually Important Undeveloped Area as defined on the Proposals Map, nor is there any published suggestion that they be designated as such within the emerging Local Plan Sites Document. Although all landscape is valued to a degree, there is no information to show that they are a particularly valued landscape within the compass of paragraph 109 of the National Planning Policy Framework (the NPPF). They are outside the defined settlement limits of Malton/Norton and so are formally regarded as countryside. It is a core planning principle of the NPPF that planning should recognise the intrinsic character and beauty of the countryside but these sites do not require any special consideration in terms of their landscape character or appearance.
25. Various analyses have been made of the character of the landscape in which they sit. They lie on the boundary between three of the one hundred and fifty-nine National Character Areas defined by Natural England. The appellant's expert³ places the sites within National Character Area 29 "Howardian Hills". The Council's expert⁴ places it within National Character Area 27 "Yorkshire Wolds". National Character Area 26 "Vale of Pickering" is close by. The boundaries of National Character Areas are broadly defined rather than following detailed local features and at their edges are likely to exhibit transitional characteristics.
26. Key characteristics of both the Howardian Hills NCA and the Yorkshire Wolds NCA include large estates and designed parklands with large country houses.

³ Paragraph 3.7 of Mr Holliday's evidence

⁴ Section 3.2.1 of AECOM's Landscape and Visual Appraisal June 2015

In response to a specific question, both parties' experts confirmed that the majority of these appeal sites did not represent designed parklands, the only element of which, in relation to the two heritage assets, was restricted to the wooded drive (protected by a Tree Preservation Order) leading to the listed barn and the garden areas immediately around the house and barn (including the western part of appeal site A). Both could be protected by conditions (13) and (15) of appeal A.

27. In other respects, although the sites exhibit features typical of the local National Character Areas, both parties agreed that their development would not lead to the loss of such features and would have a negligible effect on the character areas overall. I note that both the Yorkshire Wolds and Howardian Hills character areas feature sparse settlement but the existence of small market towns is recognised on the fringes of the Yorkshire Wolds and Malton is specifically mentioned in the description of the Howardian Hills and particular building materials are noted as characteristic of both areas, so built form as such is not inimical to their character. The more distant views of the site, illustrated in both parties' analyses, show that the built up area of Malton/Norton clearly figures in the landscape. The effect of developing the two sites would be to increase its extent by a marginal amount. The site itself hardly signifies in these more distant views so can barely be said to provide a setting for Norton.
28. At a regional level, the North Yorkshire County Council's North Yorkshire and York Landscape Characterisation Project identifies a Limestone Ridge character area encompassing the sites. This too notes several country houses with associated designed parkland settings as one of its key characteristics, along with others which would not be compromised by development of the sites. It too notes Malton as the only major settlement within the area. Consequently, the same inferences result from the regional characterisation as from the national one, which is that development of these sites would have a negligible impact.
29. At a district level, the Landscapes of Northern Ryedale, published on behalf of the District Council in 1999 identifies an area of Wooded Vale Farmland abutting the northern edge of the Yorkshire Wolds but notes that in common with the Open Vale Farmland found further east, it has few prominent landscape features. Again, this does not lead to a conclusion that there would be any great landscape significance resulting from the development of the appeal sites.
30. Both parties have conducted either a Landscape and Visual Appraisal or a Landscape and Visual Impact Appraisal for the site following the precepts of the Institute of Landscape Architects. For the most part they largely agree on their conclusions namely that both physical effects and visual effects are largely confined to the site itself, resulting from the transformational change from undeveloped land to developed land. As became apparent during cross-examination, the difference between them largely results from the value which the Council has placed on the site, high relative to that of other land within a Zone of Theoretical Visibility around the site in contrast to the appellant's more absolute, less relative concept of its lesser value in terms of landscape and visual impact.
31. The sites lie to the south-west of Langton Road. Site A is relatively level between the road to the east and the heritage assets to the west. Site B

- slopes down from the road towards the Mill Beck stream. A substantial hedge largely hides the sites from public view although there are openings through which the Wolds can be seen across the site by looking south and a picturesque view of Sutton Grange nestling against a backdrop of trees can be obtained by looking north. The carriageway of Langton Road is elevated and so more continuous views across the site can be seen by passers-by on horseback or, more generally, when the hedgerow is trimmed.
32. There is no doubt that these are pleasant, even pretty, scenes. Their loss would be regretted. But the development of the sites would have no effect on the backdrop of trees which are off site. The retention of trees on site (along the driveway to the listed barn on site A or along the Mill Beck on site B) could be required by conditions (15) for appeal A and (16) for appeal B and, provided open space adjacent to the stream is retained (as it would be, by condition (15) of appeal B), development of site B would give public access to the same views at closer quarters, so I am not convinced that the transformational effects of developing the fields themselves in the way proposed would be harmful once development is completed.
33. Langton Road is a long straight approach to the heart of Norton. The protected trees on site A are presently at the southern extremity of continuous development along the western side of the road. But the alignment of the road is undeviating at that point so they are no more than an incident along its course. There are other trees along the road which have an equal effect. It is an exaggeration to say that they provide a visual stop because they are not paired by an equal clump on the opposite side of the road. Only when the road bends at the junction with The Ridings, further to the north, is there a visual stop with trees at both sides of the road.
34. Moreover, both sides of the road are experienced in common. On the east side, built development extends along Langton Road for about one quarter of the way opposite site B. There is a constructed gateway feature by the roadside at the point where a speed limit takes effect which provides a clearer indication to road users of Norton's extent.
35. As noted earlier, there is no clear view of Norton in which the sites present a foreground which provides a setting to the town. The straight alignment of Langton Road means that the sites are peripheral to the experience of arriving into Norton. The hedgerows which presently constrain peripheral views could be retained by condition. Consequently, the development of the sites would have little or no effect on the setting of the town. I am confirmed in this view by the advice of the Landscapes of Northern Ryedale, published on the Council's behalf in 1999; "From a landscape perspective, urban expansion would best be accommodated on the flat, low lying land to the south and east of the towns."
36. I conclude that the proposals would have no adverse effects on protected trees or the setting of Norton. There would be some very limited harm from appeal B to the character and appearance of this part of Langton Road resulting from the loss of some pleasant and attractive scenes and, as noted earlier, from the reduced contribution which the open setting of the house makes to its significance but elements of the historic character would remain and there would also be benefits resulting from the provision of public open space with its own pleasant views.

37. As noted earlier, appeal B would marginally compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seeks to ensure the sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. For that same reason and to that very limited degree also, the development of site B would compromise that part of policy SP13 which requires the quality, character and value of Ryedale's diverse landscapes to be protected and enhanced and which require new development proposals to contribute to the protection and enhancement of distinctive elements of landscape character. For that same reason and to that same very limited degree, appeal B would also compromise those parts of policy SP20 which deal with Character, requiring new development to respect the character and context of the immediate locality and the wider landscape and townscape character.

The need to travel

38. In terms of daily life, Malton/Norton is recognised by The Ryedale Plan – Local Plan Strategy as Ryedale's Principal Town offering the greatest concentration of employment so it should at least be possible in theory for residents to find work locally. My visit to the site made me aware that there are local employment opportunities in horse breeding and training establishments and in Norton College near to the site but there is no suggestion other than that the majority of employment opportunities in Malton/Norton would be in the centre of town or on industrial estates on the outskirts which are described in the Special Qualities Study of Ryedale's Market Towns included within the appellant's Core Documents. The centre of the twin towns is between 1.5 and 2km from the sites. Industrial estates on the outskirts would be further afield. It is unlikely that these distances would be favoured for walking and so there would be a degree of need to travel for work from the proposed developments.
39. Commuting to York or elsewhere may be preferred as a matter of choice but the bus stop from which a service to York is provided is agreed to be 1.3km from the access to site A and 1.4 km from the access to site B. The railway station offers potential for commuting further afield but is 1.8km from site B. These are all greater distances than those preferred for walking and so their use would, in themselves, generate a need for transport.
40. Likewise, although Malton/Norton offers the greatest concentration of retail and leisure facilities in the District, the nearest local shopping facilities listed in the Statement of Common Ground are stated to be more than 1km from the site entrance to appeal B. This is greater than the preferred walking distances set out in Manual for Streets or the recommendations of the Institute of Highways and Transportation, so it is likely that these daily requirements would give rise to a need to travel.
41. Norton College is close at hand but a Primary School is more than a kilometre distant. There is a proposal to provide a much closer outpost of this school for years 5 and 6 but even if this proposal reaches fruition, it is clear that for many primary schoolchildren there would be a need to travel.

42. Less than daily needs, such as a GP surgery and a Library are provided for in Malton/Norton but are about 1.4 and 1.8km distant so would generally give rise to a need to travel.
43. Norton is noted in the evidence to be less well provided with green infrastructure than Malton but the proposals would be provided with open space on site together with an equipped play area. Not only would this reduce the need to travel for leisure facilities from the development but it would also contribute to the wider needs of Norton and so must be counted as a benefit of the development.
44. It is apparent therefore that for all other than secondary education and recreation facilities on local open space, development of the appeal sites would not comply with the second of the six bullet points providing site selection criteria in The Ryedale Plan - Local Plan Strategy policy SP1. This looks for a site's ability to support access on foot to centrally located shops, services and facilities.
45. The NPPF in paragraph 34 and in the eleventh of the twelve Core Principles set out in paragraph 17 is less prescriptive. Where the need to travel will be minimised is part of its advice on the location of developments which generate significant movement but where the use of sustainable transport modes can be maximised is also a factor in its advice on where such development should be located. These are defined as including walking, cycling, low and ultra low emission vehicles, car sharing and public transport.
46. Although the distances to the facilities considered above would discourage walking, they are not so great as to deter cyclists. Moreover, at least as far as central Norton, the route is relatively flat and not so heavily trafficked as to be a deterrent to cycle use. Beyond Norton, into Malton would require the shared use of more heavily trafficked roads without specific cycle facilities, a stiff hill and passage through an Air Quality Management Area (AQMA), so is less conducive to cycling but I am satisfied that most daily needs could be met without travelling so far.
47. Despite the AQMA there is no information to show that Malton/Norton, or the development proposal, offers any particular facilities for low or ultra-low emission vehicles but suggested conditions (11) in both appeals would require the provision of electric vehicle charging points. It is suggested that a travel plan be required by condition (13) of appeal B and there is funding provision for its implementation within the s106 obligation. Through that, car sharing could be promoted to maximise the use of that sustainable transport mode.
48. A regular hourly bus service is provided on Langton Road past the sites, nine times a day, Mondays to Saturdays but it does not run after late afternoon so normal hours of commuting to more distant employment are not feasible by public transport. It is not well publicised; it is a hail and ride service so no bus stops indicate its existence or provide information about timetables. No information is provided about the route followed but timing points include Field View on Langton Road opposite the sites and various points in Malton/Norton town centres.

49. In the material supporting the outline applications, repeated assertions are made⁵ to the effect that the development would make improvements to the bus services along Langton Road. In the event, the Unilateral Undertakings only provide £5,000 as a contribution towards the provision of and/or improvements to two bus stops in Norton. This does little to reduce the need to travel from the development or to maximise the use of sustainable transport modes by residents of the site, so I take no account of it. Nevertheless, bearing in mind the NPPF's exhortations to take account of the nature and location of the site and of policies to support a prosperous economy in rural areas, it has to be recognised that, even without improvement, the bus service is reasonably good for a rural market town and offers the sites a further sustainable mode of transport.
50. I conclude that the developments would generate a need to travel which could be met only in small part by walking. In consequence, the proposals would conflict with one of the provisions of The Ryedale Plan - Local Plan Strategy policy SP1 but, with the conditions suggested, it would be possible to maximise the use of other sustainable transport modes in the way the NPPF recommends.

Housing

51. Policy SP1 of The Ryedale Plan – Local Plan Strategy provides that Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of a hierarchy of settlements in which Malton and Norton is defined as the primary focus of growth. The Spatial Strategy Summary defines the role of Malton and Norton as the focus for the majority of new development and growth including new housing (amongst other matters). The implementation of policy SP1 is to be through the Local Plan Sites Document and Neighbourhood Development Plans for the location of development and for the planned supply of new development sites and through the Development Management Process for development proposals (i.e the consideration of planning applications or, in these cases, planning appeals).
52. Policy SP2 provides that the sources of new housing that will contribute to the supply of new homes across the District includes Housing Land Allocations in and adjacent to the built up area of Malton and Norton. It stipulates that 50% of the District's level of provision should be located at Malton and Norton. Its implementation section records the actions or mechanisms to implement different parts of the policy. For the allocation and release of sites two mechanisms are listed; one is the Local Plan Sites Document, the other is the Development Management Process (i.e the consideration of these appeals). In advance of the Local Plan Sites Document the release of sites will be influenced by the five-year deliverable supply position.
53. The Local Plan Sites Document has yet to be produced and is at an early stage of preparation. The development plan is not completely silent on the matter of locations for housing, indicating in general terms the acceptability of locations in and adjacent to the built up area of Malton and Norton and setting a target of 100 dwellings per annum for that general location. But, other than the

⁵ Transport Assessment paragraphs 3.1.5 and 4.8.3, Planning Statement paragraphs 2.2.3, 4.4.24, 5.2.11, 8.4.3 and Appendix 2 and Diana Richardson's evidence paragraph 9.3.25

- advice to be influenced by the five-year deliverable supply position it is silent on the precise allocation of sites.
54. The final bullet point of NPPF paragraph 14 advises that where the development plan is silent, the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or, if specific policies in the Framework indicate development should be restricted. It follows that, whether the decision on these appeals is taken in accordance with the development plan or whether it is taken in accordance with the other material considerations of the NPPF, a balancing exercise is necessary in which one factor is consideration of the Council's five-year deliverable housing supply.
55. The Council's housing requirement is set in The Ryedale Plan – Local Plan Strategy as at least 3,000 (net) new homes over the period 2012-2027 of which 50% should be in or adjacent to Malton/Norton. This plan is recent (5 September 2013) and was found sound in the light of the NPPF (March 2012). The Inspector's report (paragraphs 37 - 49) make it clear that reliance was not placed solely on evidence prepared for the now cancelled Yorkshire and Humberside Regional Spatial Strategy but that an objective assessment of housing need was carried out in late 2011 – early 2012, using 2004, 2008 and 2010 – based population and housing projections along with an employment-led growth scenario and an analysis of affordable housing need. None of this is inconsistent with the outcomes of the "Hunston", "Solihull", "Satnam" and "Kings Lynn" cases to which I was referred. The plan has not been successfully challenged.
56. The final requirement figure is mid-way between those required using the 2008 and 2010 – based population and household projections and would also more than meet the (then) most recent 2011-based interim household projections. The Inspector who examined the Plan observed that it would be unwise to base the plan on a single set of household projections. He concluded by saying that a total level of 3,000 dwellings or 200 dwellings per year represents a realistic, balanced, deliverable, justified and soundly based figure which would meet the objectively assessed housing needs of the district over the plan period.
57. Paragraph 4.32 of the reasoned justification to the plan recognises that housing needs and requirements can change over time and so commits to reviewing housing needs in five years. The Council has commenced this review by publishing a Strategic Housing Market Assessment (SHMA) in April 2016 using 2012-based household projections. This concludes (paragraph 9.35) that an appropriate Objectively Assessed Need (OAN) figure for Ryedale excluding the North York Moors National Park would be 204 dwellings per annum. This does not suggest that the requirement set in the plan is out of date.
58. The appellant contests the findings of this SHMA based on three components of the SHMA; economic-led needs, market signals and affordable housing needs. The criticisms of the economic forecasts used as an input to the SHMA are three fold; (i) the economic forecasts may be conservative (ii) Planning Practice Guidance (PPG) advises that likely changes in job numbers should be based on past trends and/or economic forecasts as appropriate, whereas the SHMA uses economic forecasts only and (iii) the economic forecasts use their own estimates of local economic activity rates rather than national ones which may be lower.

59. It is not for me in this s78 appeal to do a forensic examination of economic forecasts which are but one strand of a SHMA which is but one input to the adoption of a housing requirement but I observe that of these three criticisms, (i) is purely speculative, (ii) is criticism of a choice of one method which the PPG endorses as an alternative and (iii) prays in aid an appeal decision at Redcar which drew on extensive evidence specific to the applicability of that issue to that location. I note that the appellant's expert witness concludes that "on its own merits, the above [comments] on economic-led needs would not lead me to conclude that OAN must be greater than that concluded within emerging SHMA". I have no reason to disagree.
60. The appellant's criticisms of the SHMA's response to market signals is largely concerned with its adequacy for dealing with affordability, which overlaps with the third concern. The suggestion of a 20% uplift rather than the 10% uplift used in the SHMA is based on the recommendations of the Local Plans Expert Group which has yet to be endorsed by government and, as the appellant's expert himself says, can be given little weight.
61. The appellant's third concern turns around the advice in the NPPF, amplified in the PPG, for meeting the full objectively assessed needs for affordable housing. There are two components to the criticism. One concerns a disagreement over data sources for relets of affordable rented housing, both parties using different but equally reliable sources which give different results, though these are relatively marginal. The other, more major component is the SHMA's redefinition of what constitutes affordability from a threshold of 25% of household income to a threshold of 30%.
62. Whilst sharing the appellant's distaste, expressed so eloquently by the quotation from my colleague Mr Thickett in his April 2014 report on the examination into the East Hampshire Plan, for redefining the threshold of affordability in such a way that plays down identified demand, adjusting for this factor merely takes us back towards the situation examined by the Local Plan Inspector in 2013. Then, as paragraph 55 of his report points out, the SHMAs estimated a 5-year net shortfall of affordable housing of between 250-270 affordable units per year. His paragraph 43 pointed out that the estimated annual need for affordable housing exceeded the proposed annual level of housing provision and would be even higher if it were to rely solely on delivering such housing as a proportion of market housing. He reported (in paragraphs 44 and 57) that to meet the full need for affordable housing through the provision of market housing would mean setting unrealistic and undeliverable overall targets of more than 550 dwellings per year.
63. He commented, in a passage which refutes the implications for the plan of the appellant's contention that the SHMA does not set out an estimation of deliverability, that the plan, as submitted and amended, aims to deliver as much affordable housing as it can, with no maximum provision, and there may be other ways to provide such housing. He concluded in paragraphs 44 and 62 that the NPPF does not expect plans to meet the highest level of evidenced need but requires a more balanced objective assessment and that policy SP3 will help to positively address the high levels of need for affordable housing and would provide an effective, justified and soundly based framework for delivering affordable housing over the period of the plan, consistent with national policy.

64. In other words, the appellant's observations on the need to increase housing requirements in order to increase the supply of affordable housing do not raise new issues not taken into account in the adopted plan. However much moral high ground is taken concerning the redefinition of the threshold of affordability, no current guidance contradicts the approach taken by the SHMA 2016. The appellant's arguments do not therefore invalidate the conclusions of the SHMA 2016, nor do they undermine the continued validity of the housing requirement as set out in the adopted Ryedale Plan – Local Plan Strategy.
65. From this it follows that, as agreed in the Statement of Common Ground, Ryedale can demonstrate a five-year deliverable supply of housing land. There is no information to show that the position in relation to the subsidiary requirement for Malton and Norton (50% of the total) is any different. Reverting back to the point of the argument considered earlier, it follows that, in accordance with policy SP2, this is a factor which should influence consideration of release of sites in advance of the Local Plan Sites Document.
66. In relation to affordable housing, the position is agreed. Annual affordable housing requirements have not been delivered in full in Ryedale in each year of the plan period to date. The 2016 SHMA's redefinition of the threshold for affordable housing does not and cannot rewrite the repeated complaints in the Local Plan Strategy to the effect that the lack of affordable housing is the main imbalance in Ryedale's housing market, that Ryedale has an acute need for affordable housing and that increasing the supply of new affordable homes is a priority.
67. Policy SP3 seeks the provision of 35% of new dwellings as affordable housing on site for developments of more than 5 dwellings or on sites of 0.2ha or more. The appellant's uncontroverted evidence shows that over a ten-year period, Ryedale achieved 25%, increasing to 31% in a more recent five-year period but in the three years of the Local Plan Strategy's existence has delivered 60, 47 and 67 affordable dwellings against a target of 79 each year. It follows that the offer of 35% in the submitted Unilateral Undertakings, although no more than complying with policy, should be regarded as a considerable benefit.
68. The separation of the proposals into two separate planning applications with two separate Unilateral Undertakings would bring site A (if limited to ten dwellings or less) within the scope of government policy, set out in the Written Ministerial Statement of 28 November 2014 and elaborated in Guidance, that affordable housing contributions should not be sought on sites of ten units or less. The reason for this policy is to avoid a disproportionate burden on small-scale developers.
69. But the present appellant is not a small-scale developer. Whatever the reason for making two separate applications (understood to be related to the slightly different ownership arrangements of the two sites), or the future intentions of the appellant to subdivide the sites into smaller parcels for sale to other builders, there is more that unites these two appeals than separates them. The applications were made on the same day and determined on the same day. Four of the five reasons for refusal are common to both sites and even the appellant expressed surprise that the fifth was not equally applied. Twenty of their supporting documents and the supporting Framework Plan are common to both applications.

70. Only the Heritage Statements and the Socio-Economic Sustainability Statements are unique to each application. The two appeals have been conjoined in this Inquiry and the expert witness evidence is common to both applications. Indeed, when specifically asked, why two applications were made, the appellant's planning witness commented that she could not explain it and would not have recommended it (the explanation noted above was given by the appellant's advocate). For all these reasons, I do not disapply policy SP3 from site A and I do take account of the affordable housing provisions of the Unilateral Undertaking for site A as a benefit of the scheme.
71. In relation to the effect of the proposals on housing in general and affordable housing in particular, I conclude that the proposals would deliver the equivalent of about one year's housing supply for Malton and Norton (50% of that for Ryedale) but that the Council can demonstrate a deliverable five-year housing supply without these sites. So, the benefits of the proposals to housing supply in general are limited to boosting the supply to a level which is more than required.
72. On the other hand, in the light of the Council's track record, the proposals' full compliance with policy on the supply of affordable housing would be beneficial. Some might say that if all it is doing is complying with policy, it should not be counted as a benefit but the policy is designed to produce a benefit, not ward off a harm and so, in my view, compliance with policy is beneficial and full compliance as here, when others have only achieved partial compliance, would be a considerable benefit.
73. Although the sites lie outside the development limits for Malton and Norton defined on the Proposals Map, policy SP2 allows for housing land allocations in and adjacent to the built up area to be released through the Development Management Process in advance of the Local Plan Sites Document, so the release of these sites through these appeals would not be inconsistent with the policy. As already noted, the proposals would comply with policy SP3 for the supply of affordable housing.

Other matters

74. There is evidence that the sites have a high water table and experience standing water at certain times. However, there is technical evidence, not controverted, to the effect that this can be dealt with by means of a retention pond to hold surface water run-off on the lowest part of the land sealed against the effects of rising ground water.
75. Local horse breeders and trainers have concerns, supported with evidence, of the dangers which modern traffic poses to their livelihoods and to the safety of their horses. But, it is clear that the developments proposed would generate effects on the local highway network variously described as minimal, minor or marginal. Even if the developments were not allowed to proceed, background growth in traffic in the local area would result in the same effects within a few years, so the solution to the horse trainers' problems would not be found by denying permission for these appeal proposals.
76. The two sites are presently agricultural land, some of which is grade 3A (Best and Most Versatile). Although not a reason for refusal, NPPF paragraph 112 advises that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Policy SP17 of the Local Plan

Strategy includes protection of the best and most versatile agricultural land from irreversible loss, which will be resisted unless the proposed use cannot be located elsewhere and that the need for the development outweighs the loss of the resource. However, there is little evidence of any great economic benefit arising from the land. Its other benefits have been considered earlier. This is therefore not a conclusive point but one which needs to be weighed in the overall balance.

77. As agricultural land, the site is greenfield. Its development would not therefore accord with the eighth of the government's core planning principles set out in NPPF paragraph 17 and repeated in NPPF paragraph 11 that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). However, national policy does not preclude the development of greenfield land, it simply prioritises other land. But, it is clear from the Local Plan Strategy, that to meet housing needs, greenfield land will need to be released so, once again, this is not a compelling argument against the developments, simply a matter to be weighed in the balance.

Conclusions

78. Planning applications and appeals should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. In this case, the Local Plan Strategy is recently adopted and up to date. Whilst it is silent on the precise allocation of sites for housing development, it provides a mechanism for their allocation through the operation of the Development Management System in the absence of the Local Plan Sites Document.
79. Applying the provisions of the development plan to these proposals, I have found harm to the significance of the nearby listed building to be effectively non-existent and so Appeal A complies with policy SP12. Appeal B would considerably reduce the contribution which the open setting of the house makes to its modern significance as a prestigious country residence.
80. As an undesignated asset, its significance is less than statutory. Nevertheless, the appeal B proposals would marginally compromise the heritage elements of that part of The Ryedale Plan Local Plan Strategy policy SP12 which seek to ensure the sensitive expansion, growth and land use change in and around the District's Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas (defined on the adopted Proposals Map) as well as surrounding historic landscape character and setting of individual settlements. It would also compromise that part of The Ryedale Plan – Local Plan Strategy policy SP12 which seeks to protect other features of local historic value and interest throughout Ryedale but, having regard to the scale of any harm and the significance of the heritage asset, the matter would not be of great consequence.
81. For the same reason and to the same degree, the development of site B would compromise that part of policy SP13 which requires the quality, character and value of Ryedales's diverse landscapes to be protected and enhanced and which requires new development proposals to contribute to the protection and enhancement of distinctive elements of landscape character. It would also compromise those parts of policy SP20 which deal with Character, requiring

- new development to respect the character and context of the immediate locality and the wider landscape and townscape character.
82. In terms of the need to travel, both appeal proposals would conflict with one of the provisions of The Ryedale Plan - Local Plan Strategy policy SP1 but, with the conditions suggested, it would be possible to maximise the use of other sustainable transport modes in the way the NPPF recommends. Both appeals would conflict to a degree with Local Plan Strategy policy SP17 but the Council agrees that this is not a reason for dismissing the appeals.
83. As noted earlier, the proposals would comply with the general locational requirements of policy SP2, which provides for the allocation of sites through the development management process influenced by the five-year deliverable supply position. That does not indicate any overriding need for an allocation to be made. On the other hand, the proposals would also comply with policy SP3, which would be of considerable benefit, given the Council's record of delivery of affordable housing.
84. The application of the substantive development plan proposals does not lead to a definitive result because the conflicts with policies SP12, 13, 17 and 20 are fairly inconsequential but a contribution to affordable housing in accordance with policy SP3 would be significant. Four policies are conflicted but the Council agrees that conflict with one of these is of no concern at all and the conflict with the other three amounts to triple-counting of the same effect; namely the loss of some attractive perspectives of an undesignated heritage asset of limited significance.
85. The decisive consideration is policy SP19, the Council's presumption in favour of sustainable development. This aims to secure development that improves the economic, social and environmental conditions in the area. Consistent with that in the NPPF, this policy has three strands.
86. Although the parties' Statement of Common Ground asserts that they disagree over the weight to be attached to the harms and benefits of the proposals, there was in fact little disagreement other than those already analysed in this decision. In summary, I have found that, as greenfield sites, the land is not of the government's preferred type and, as the Council has a five-year housing land supply, it is not necessarily needed at this particular time but it is available in the right place to contribute to building a strong, responsive and competitive economy. The appellant's lists of specific economic benefits were not challenged and its Unilateral Undertakings will coordinate development requirements with the provision of infrastructure.
87. The proposals will support strong, vibrant and healthy communities by providing affordable housing required to meet the needs of present and future generations. As outline proposals, there is no reason to believe that detailed proposals will not create a high quality built environment. There are accessible local services which will reflect the community's needs and support its health, social and cultural well-being.
88. As greenfield sites, development inherently fails to protect the natural environment but the appeals will largely protect the historic environment and, through the use of conditions both now ((8) and (15) for appeal A, (7) and (16) for appeal B and (11) for both) and at reserved matters stage will help to

improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.

89. On balance these would be sustainable developments and can therefore be said to comply with the development plan when read as a whole. So, subject to conditions, the appeals should be allowed and permission should be granted.

Conditions and obligations

90. Both appeals are supported with Unilateral Undertakings. Both provide for affordable housing which, as noted above is necessary to comply with policy SP3 and which I count as a considerable benefit of the scheme. Both provide a financial contribution towards air quality mitigation measures. Correspondence between the parties suggests that this will be used to exclude high polluting Heavy Goods Vehicles from the Air Quality Management Area and so compensate for the additional air pollution caused by traffic from the developments. It is therefore necessary for the acceptability of the developments.
91. Site B would provide £5,000 towards the provision of and/or improvements to two bus stops in Norton. Correspondence between the parties suggests that this would relate to two bus stops in the centre of Norton. As noted above, these are too far from the site to encourage the use of sustainable modes of transport by residents of the development and so I consider that this provision is not necessitated by or related to the development of site B and so I take no account of it in my decision.
92. Site B would also provide for a footpath link to Bazleys Lane and so to the Wolds Area of High Landscape Value. This is part of the open space proposals, for which both Undertakings make provision including a play area on site B and which, as noted earlier, are necessary to remedy open space and green infrastructure shortfalls in the area. Site B would also provide a sum of money to provide improved road signage advising motorists of horse riders in the area. Although not solely necessitated by the development, this would be a proportionate contribution and so I take it into account as a mitigating measure. Site B would also provide funding for a travel plan, the necessity for which was noted earlier.
93. The parties jointly suggested 29 conditions for site A and 28 for site B. I have considered these in the light of Guidance and the model conditions appended to the otherwise superseded Circular 11/95, the Use of Conditions in Planning Permissions, preferring the wording of the latter where appropriate.
94. Many of the suggested conditions either duplicated the standard requirement to submit details of reserved matters, or were in effect informatives about the desired content of reserved matters applications or required the implementation or retention of matters which are not before me but which would be the subject of reserved matters or details to be submitted for approval later and so would be more appropriate for imposition when such details are considered.
95. I have not imposed the suggested conditions limiting the numbers of dwellings because "dwelling" is not a precise unit but ranges from a studio flat to a multi-room mansion. Rather, I have imposed conditions limiting the extent of development and height of buildings and specifying the location of open space to be provided in accordance with the recommendations of the appellant's

consultants. In addition to conditions already discussed in this decision, I have imposed conditions requested by the Council's advisers or consultees or suggested by the appellant's consultants for the reasons given in their respective representations.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Manley QC	Instructed by Anthony Winship, Solicitor to Ryedale District Council
He called	
Nigel Weir BA(Hons) MA CMLI	Associate Landscape Architect, AECOM
Jennifer Deadman BA(Hons)	Historic Building Consultant
Emma Woodland BA(Hons) MA AffIHBC	Building Conservation Officer, Ryedale District Council
Nick Ireland BA(Hons) MTPI MRTPI	Planning Director, G L Hearn
Matthew Gilbert BSc(Hons) MRTPI	Director, The Planning Consultancy

FOR THE APPELLANT:

Martin Carter, of Counsel	Instructed by Diana Richardson, Planning Manager, Gladman Developments Limited
He called	
Gary Holliday BA(Hons) MPhil CMLI	Director, FPCR Environment and Design Limited
Jason Clemons BA(Hons) DipUD MA MSc MRTPI IHBC	Director and Head of Historic Buildings, RPS CgMS
Martin David Taylor BSc MSc MRTPI MIED	Associate Director, Nathaniel Lichfield and Partners
Diana Richardson MA BA(Hons) MRTPI	Planning Manager, Gladman Developments Limited

INTERESTED PERSONS:

Harry Cawte	Local Resident
Cllr Lindsay Burr	Local Resident and local Councillor
Fiona Campion	Local Resident
Mark Campion	Local Resident
Patrick Gray DipTP MRTPI	Partner, Hickling Gray Associates, on behalf of Local Residents

ADDITIONAL DOCUMENTS submitted at Inquiry

- 1 Notification of Appeal B 10 November 2015
- 2 Notification of Appeal A 10 November 2015
- 3 Notification of Date, Time and Place, appeal B 9 May 2016
- 4 Notification of Date, Time and Place, appeal A 9 May 2016
- 5 Statement of Common Ground signed 7 June 2016
- 6 Sales Particulars, Sutton Farm Norton
- 7 Two bundles of letters of objection and photographs
- 8 E-mail from Fiona Campion 22 April 2016 with photographs

- 9 E-mail from Peter Callaghan 8 June 2016 granting access to Sutton Farm for site visit
- 10 Further Comments from Highways 27 May 2016
- 11 Nick Ireland's Note on Affordable Housing
- 12 Extracts from Planning Practice Guidance; Housing and economic development needs assessments
- 13 Copy of engraving c1790; "Sutton near Malton" The Manor House
- 14 Bundle of photographs from Mark Campion
- 15 Draft Unilateral Undertaking site A
- 16 Draft Unilateral Undertaking site B
- 17 Note from Jason Clemons; Why is the barn such a dominant building?
- 18 Ryedale District Council Housing Strategy Action Plan Draft August 2015
- 19 York, North Yorkshire and East Riding Housing Strategy 2015-21, May 2015
- 20 Diana Richardson's Table 1 revised following evidence of Mr Gilbert
- 21 Written submission by Jennifer Hubbard BA
- 22 Hydrock note on traffic at site access/Langton Road junction
- 23 Suggested conditions site A
- 24 Suggested conditions site B

ADDITIONAL DOCUMENTS submitted after Inquiry

- 1 Unilateral Undertaking Appeal A dated 14 June 2016
- 2 Unilateral Undertaking Appeal B dated 14 June 2016

Appendix A; Conditions for Site A (appeal ref APP/Y2736/W/15/3136233)

- 1) Details of appearance, landscaping, layout, and scale, and further details of the access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The access to the development hereby permitted shall be carried out in accordance with the following approved plan: 14531-002 revision P1.
- 5) Construction of the access to the development shall not commence until the two traffic calming "speed cushions" in Langton Road in the vicinity of the proposed access have been removed and replaced in positions to be agreed in writing with the local planning authority and the carriageway reinstated.
- 6) The access shall not be used by vehicles until pedestrian visibility splays providing clear visibility of 2m x 2m measured down each side of the access and the back edge of the footway of Langton Road have been provided. Once provided, the visibility splays shall be kept clear of any obstruction to visibility below 1.5m above carriageway height
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of work
- 8) No development shall take place until a scheme of public lighting has been submitted to and approved in writing by the local planning authority.
- 9) No development, including demolition, shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate

the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 10) No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority.
- 11) No development shall take place until details of the provision of one electric charging point for each dwelling and one public charging point per ten dwellings (or lesser number of dwellings) have been submitted to and approved by the local planning authority.
- 12) The development shall be carried out in accordance with the approved details submitted as required by conditions 1, 7, 8, 10 and 11 and shall thereafter be retained as approved.
- 13) No dwelling shall be constructed nor residential curtilage laid out west of the remnant hedgerow identified as TG6 on drawing number 6283-A-02 included within the Arboricultural Assessment dated February 2015. The land west of the remnant hedgerow shall be laid out as open space in accordance with details to be submitted in compliance with condition 1.
- 14) No dwelling shall exceed a single storey of accommodation with an additional storey of accommodation contained within the roofspace.
- 15) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the Tree Retention Plan drawing 6283-A-03 revision C contained within the submitted Arboricultural Assessment dated February 2015; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the final dwelling to be completed.
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved Tree Retention Plan, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with section 5 of the submitted Arboricultural Assessment dated February 2015 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made, without the written approval of the local planning authority.

Appendix B; Conditions for Site B (appeal ref APP/Y2736/W/15/3136237)

- 1) Details of appearance, landscaping, layout, and scale, and further details of the access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The access to the development hereby permitted shall be carried out in accordance with the following approved plan: 14531-004 revision P1.
- 5) The access shall not be used by vehicles until pedestrian visibility splays providing clear visibility of 2m x 2m measured down each side of the access and the back edge of the footway of Langton Road have been provided. Once provided, the visibility splays shall be kept clear of any obstruction to visibility below 1.5m above carriageway height
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - ix) the parking of vehicles of site operatives and visitors
 - x) loading and unloading of plant and materials
 - xi) storage of plant and materials used in constructing the development
 - xii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - xiii) wheel washing facilities
 - xiv) measures to control the emission of dust and dirt during construction
 - xv) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - xvi) Hours of work
- 7) No development shall take place until a scheme of public lighting has been submitted to and approved in writing by the local planning authority.
- 8) No development, including demolition, shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination

is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 9) No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the local planning authority.
- 10) No building or other obstruction shall be located over or within 3m either side of the centre line of the sewer which crosses the site and no building within 15m of the sewage pumping station located at the southern end of the Langton Road boundary of the site.
- 11) No development shall take place until details of the provision of one electric charging point for each dwelling and one public charging point per ten dwellings (or lesser number of dwellings) have been submitted to and approved by the local planning authority.
- 12) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 13) No dwelling shall be occupied until a Travel Plan for the site has been submitted to and approved in writing by the local planning authority.
- 14) The development shall be carried out in accordance with the approved details submitted as required by conditions 1, 6, 7, 9, 11, 12 and 13 and shall thereafter be retained as approved.
- 15) No dwelling shall be constructed nor residential curtilage laid out on land indicated as "Green Infrastructure (including POS)" on the submitted Development Framework Plan drawing number 6283-L-03b revision K dated May 2015. The land indicated as "Green Infrastructure (including POS)" shall be laid out as open space including a Local Equipped Area of Play in accordance with details to be submitted in compliance with condition 1.
- 16) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the Tree Retention Plan drawing 6283-A-03 revision C contained within the submitted Arboricultural Assessment dated February 2015; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the final dwelling to be completed.
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved Tree Retention Plan, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with section 5 of the submitted Arboricultural Assessment dated February 2015 before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Appendix JS5

Appeal Decision: Coombebury Cottage, Dunsfold (May 2024)





Appeal Decision

Inquiry Held on 27-29 February and 1 March 2024

Site visit made on 1 March 2024

by G D Jones BSc(Hons) DipTP DMS MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2024

Appeal Ref: APP/R3650/W/23/3332590

Land at Coombeury Cottage, Dunsfold Common Road, Dunsfold GU8 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Sullivan of Sigma Homes against the decision of Waverley Borough Council.
 - The application Ref WA/2022/03032, dated 18 November 2022, was refused by notice dated 31 May 2023.
 - The development proposed is the demolition of existing buildings and the erection of up to 53 dwellings, public open space, landscaping and related infrastructure (all matters reserved except for access).
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing buildings and the erection of up to 53 dwellings, public open space, landscaping and related infrastructure (all matters reserved except for access) at Land at Coombeury Cottage, Dunsfold Common Road, Dunsfold GU8 4NB, in accordance with the terms of the application, WA/2022/03032, dated 18 November 2022, subject to the schedule of conditions appended.

Preliminary Matters

2. The proposals are for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the appeal application as a guide as to how the site might be developed.
3. A legal agreement, dated 13 March 2024, made under s106 of the Town and Country Planning Act 1990 (the Legal Agreement) was submitted shortly after the Inquiry closed in accordance with an agreed timetable. I have had regard to it in my consideration and determination of the appeal.
4. The evidence refers both to National Landscapes and Areas of Outstanding Natural Beauty. For consistency and notwithstanding the phraseology of the National Planning Policy Framework (the Framework), I have used the term National Landscape in my decision.
5. Dunsfold Parish Council is preparing a Neighbourhood Plan. While a draft version was published, it has since been withdrawn. Accordingly, no more than very limited weight is carried by the emerging Neighbourhood Plan.

Main Issue

6. Through the submission of additional material by the appellant, the Council is now satisfied that, subject to mitigation, all of its reasons for refusal have now been resolved except for Nos 1 and 4. Accordingly, as I identified at the start of the Inquiry, the main issue is the effect of the proposed development on the character and appearance of the area, including in respect to trees.

Reasons – Main Issue

7. It is common ground between the main parties that the site forms part of a valued landscape in the terms of the Framework and that it is located within the setting of the Surrey Hills National Landscape (the SHNL). I have found no reason to conclude otherwise. It is also located within an Area of Great Landscape Value (the AGLV) and the proposed access would pass through common land, Dunsfold Common.
8. Both main parties have produced assessments of the landscape and visual effects that would result from the appeal scheme, which come to different conclusions. From all that I heard, saw and experienced during the appeal process, including during my site visit, in my view its effects in these respects would largely lie somewhere between each party's witness's assessments, generally more closely to those of the Council's witness on landscape and visual impact.
9. As a decision-making aid I have, nonetheless, largely adopted the Council's witness's assessment as a benchmark. I have not, though, adopted the Council's case in respect to the effect of the development on the SHNL for reasons which I shall set out below. Before doing so, though, I deal separately with the evidence in respect to trees in the terms of the fourth reason for refusal.
10. That refusal reason relates to the area's character and appearance specifically in terms of how the proposed quantum of built development would affect the reasonable provision of 'good sized' trees as part of the scheme. The evidence went into a considerable degree of detail on this matter. Nonetheless, it is important to keep in mind that the appeal scheme is for outline planning permission with all matters except for access reserved for future consideration.
11. It is very clear to me that there would be fairly substantial space around the site's margins for additional planting, including trees, were the development to proceed along the lines set out in the illustrative material submitted in support of the proposals, and as shown on the proposed parameters plan. With careful consideration and control of the reserved matters, particularly landscaping and layout, this could reasonably supplement and complement the existing mature planting around the site's margins. On this basis, a sympathetic context and setting for the development in character with the area could be achieved.
12. Based on the illustrative layout and having regard to the evidence of the arboricultural witnesses, in contrast, the scope for planting within the developed centre of the site would be much more restricted. Amongst other things, this is primarily because of the limited amount of space that would remain for planting amongst the developed areas, the space required for root and canopy spread and constraints on the size and height of trees in terms of securing good living conditions for residents.

13. Nonetheless, some opportunities for planting within that developed central area would remain, albeit on a very much more constrained basis than around the site's margins. Again, subject to careful consideration of the reserved matters a planting scheme, including suitable native tree species, for the developed centre of the site could be achieved that would be appropriate to the new residential context and complementary to the more substantial existing and proposed tree planting around the site's margins and the wider locality.
14. Accordingly, while trees form part of the assessment of the effect of the development on the area's character and appearance and the harm that would result, in the terms of the fourth reason for refusal trees do not add any particular additional weight to the totality of harm that would occur. Moreover, subject to the careful control and consideration of the reserved matters, there would be no conflict, in this regard, with Policy NE2 (Green and Blue Infrastructure) of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (the Local Plan I), with Policy DM11 (Trees, Woodland, Hedgerows and Landscaping) of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (the Local Plan II) or with para 136 of the Framework.
15. Dunsfold is not located in the SHNL but is within its setting. The appeal site is reasonably well contained, due largely to the area's topography and the screening effect of vegetation, particularly woodland. It is also located some distance away from the SHNL. Consequently, at most, there would be only very limited views of the appeal development from the SHNL.
16. Indeed, in views from higher ground of the SHNL, due principally to its well-wooded context, Dunsfold village is currently a largely indistinguishable feature in the landscape. Given that the village is substantially bigger than the appeal development would be, subject to the careful control of the scheme's detailed design and appearance, for the reasons outlined above, I see no reason why this would not continue to be the case were the appeal development to proceed.
17. From outside the SHNL, there are much closer views of the site from which the appeal development would be more readily discernible with the SHNL forming part of the backdrop and/or context. They would though be limited due to the reasons referred to above. As the development would be experienced in the context of the existing village and bearing in mind the distance from the SHNL, in this sense the appeal scheme would also have no adverse impacts via its effect on the SHNL's setting.
18. For the foregoing reasons, subject to careful consideration of the reserved matters, overall, the appeal development would not have a harmful effect on the SHNL via its setting. Accordingly, it would not be at odds with Framework para 182. Nor would it conflict with the first part of Local Plan I Policy RE3 (Landscape Character – i. Surrey Hills Area of Outstanding Natural Beauty).
19. I also note that the site and much of the surrounding area, including Dunsfold village, fall within a candidate area in the on-going SHNL Boundary Review. This, though, does not confer any planning protection. Moreover, there can be no certainty regarding the likely outcome of the Review notwithstanding the area's current status. Accordingly, at this stage the site's inclusion within the SHNL candidate area attracts no more than limited weight.

20. Regarding character and appearance, my attention has also been drawn to a number of other appeal decisions, including those relating to land in the near vicinity of the site. These include an appeal concerning the proposed residential development of a site that adjoins the current appeal site, to the west (the adjoining appeal). That appeal was dismissed.
21. When making his decision, amongst other things, the Inspector for the 'adjoining appeal' stated that that wooded site helps provide a 'clearly important' vestigial link between Dunsfold Common and the broader landscape on the east side of the settlement, within which the current appeal site is immediately located. I have found no good reason to disagree with his assessment.
22. Layout and hence the siting of the built form within the current appeal site would be a matter reserved for future determination. Nonetheless, the proposed parameters plan shows a reasonably substantial gap of open land around the site's fringes would be maintained, particularly to the southernmost corner, thereby retaining a vestigial link. That link would, though, be much diminished, significantly narrowing the gap between the two clusters of development in Dunsfold, to the detriment of the character and appearance of the area.
23. Notwithstanding my conclusions regarding the SHNL and trees as outlined above, the proposed development would have a harmful effect on the character and appearance of the area, which is an AGLV and a valued landscape in the terms of the Framework. Consequently, in that regard, it would be at odds with Policies TD1 (Townscape and Design), RE1 (Countryside beyond the Green Belt) and RE3 (ii) (Landscape Character – ii. The AGLV) of the Local Plan I and with Policy DM15 (Development in rural areas) of the Local Plan II, as well as with para 180 of the Framework.

Other Matters

Planning Obligations

24. In the event that planning permission were to be granted and implemented the Legal Agreement would secure the provision of 16 on-site affordable housing units, comprising 4 First Homes, 2 Shared Ownership and 10 Affordable Rented / Social Rented dwellings; the provision of self-build and custom-build plots on-site at a rate of 5% of the development; the delivery of open space, play areas and a sustainable drainage system along with measures for their future maintenance; and payments towards the provision of subsidised travel on the local Digital Demand Responsive Transport system, as well as for monitoring the travel plan and the Legal Agreement.
25. The Council has submitted a detailed statement (the CIL Compliance Statement), which addresses the application of statutory requirements to most of the planning obligations within the Legal Agreement and also sets out the relevant planning policy support / justification. I have considered the planning obligations therein in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am satisfied that those obligations would be required by and accord with the policies set out in the CIL Compliance Statement. Overall, I am satisfied that all of those obligations are

directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Spatial Strategy

26. The spatial strategy for the Borough is principally embodied in Policy SP2 (Spatial Strategy) of the Local Plan I. The site is located outside the settlement boundary for Dunsfold as defined by the development plan.
27. It is alleged that the proposed development would conflict with parts 1 and 4 of this Policy. I am not convinced that there would be conflict with Part 1 on the basis that the site is not *land of the highest amenity and landscape value*. Although these terms are not defined, the Policy does refer to *the Surrey Hills Area of Outstanding Natural Beauty and to safeguard the Green Belt*. As the site is not in either, it is reasonable to conclude that there is land of higher amenity and landscape value elsewhere in the Borough such that, notwithstanding its high value, the site is not of the *highest* value in the terms of Policy SP2 (1).
28. I recognise, though, that another Inspector in a recent appeal decision concerning proposed development at a site off Knowle Lane, Cranleigh (the Knowle Lane appeal) took a different approach, concluding that that site, which is neither National Landscape nor Green Belt but is valued landscape, should be treated as *land of the highest amenity and landscape value*. As a decision-making tool and in the interest of consistency, I have adopted the same approach in my decision in respect to Policy SP2 (1).
29. Part 2 of Policy SP2 allows *limited levels of development in/around* certain villages, including Dunsfold, *recognising that those villages not within Surrey Hills AONB or Green Belt offer more scope for growth*. Again, 'limited' is not quantified or defined. In my view, however, particularly in the context of the existing settlement and given the relative scale of the proposed development, the appeal scheme cannot reasonably be said to be 'limited'.
30. Accordingly, I have treated the proposed development as being in conflict with Policy SP2 (1) and (4) of the Local Plan I, such that it is contrary to the spatial strategy for the Borough.

Housing Land Supply

31. Although the main parties have differing views on the extent of the housing delivery shortfall, it is common ground between them that the Council cannot currently demonstrate a Framework compliant supply of housing land. While it may be lower, I have used the Council witness's figure of 3.5 years as a benchmark to assist in making my decision. Accordingly, that the appeal development would be at odds with the spatial strategy for the Borough and conflict, in that regard, with Policy SP2 of the Local Plan I as outlined above, currently carries limited weight.

Other Considerations

32. In addition to the appeal decision letters concerning the 'adjoining appeal' and the 'Knowle Lane appeal', the evidence refers to a range of decision letters in respect to other planning appeals and an Inspector's decision on an application made under Section 38 of the Commons Act 2006 for consent to carry out restricted works on common land. I am mindful of the need for consistency in

decision making, particularly in respect to appeals casework. Nonetheless, while I am not familiar with all of the circumstances of those other cases, they do appear to differ in at least some respects to the appeal development. Moreover, each application for planning permission must be determined on its individual merits. Consequently, none of those other cases have had a significant bearing on my decision.

33. I also note the concerns raised by the Council and other parties that if the appeal were to be allowed, the area's potential inclusion within an extended SHNL might be compromised. However, notwithstanding the evidence that is before me on the matter and the identified harm that would result from the appeal development to the character and appearance of the area, this seems unlikely given the modest scale of the site within the context of the much larger SHNL candidate area. Accordingly, this matter attracts no more than limited weight.
34. In addition to the main issue and the other foregoing matters, concern has been expressed locally, including by those who spoke at the Inquiry. Matters raised include that the site is not allocated in a Neighbourhood Plan and there are no plans to do so; existing public footpaths are not proposed to be incorporated into the scheme and the effect of the development on rights of way; further development should not be allowed following the completion of Gratton Close; infrastructure, services and facilities as existing and proposed are inadequate, including public transport, drainage, sewerage, education, retail and medical; the significance of the Digital on Demand Bus service has been overstated; the access would cross common land opposed by the Parish Council for which an application for consent to carry out restricted works on common land has been refused; and Coombebury Cottage should be preserved as a farm.
35. Other issues raised include the refusal of planning permission at the 'adjoining appeal' site; highway safety, congestion and access arrangements; the lack of a design code for the development; the adequacy of proposed play areas; quality of life and living conditions in the area during and after the construction stage, including in respect to noise and disturbance; the accuracy of the Design and Access Statement; the effects of the development on heritage assets, biodiversity, including protected species, and climate change, including compliance with the Council's Climate Change SPD; drainage and flooding; light pollution; the amount of housing that has been approved / planned for in recent years at Dunsfold and at Dunsfold aerodrome, and the scope for further growth; and whether adverse impacts would significantly and demonstrably outweigh the benefits.
36. These matters are largely identified and considered within the Council officer's report on the appeal scheme and were before the Council's decision-making officer/s when they determined the planning application. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry, and are largely addressed in its evidence and in the statements of common ground. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects subject to the imposition of planning conditions as discussed in the following section.

Conditions

37. The main parties jointly submitted a schedule of 33 conditions. It includes the standard time limit, implementation and reserved matters conditions. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly. My conclusions are summarised below.
38. A condition requiring that the development is carried out in accordance with the approved plans, so far as they relate to matters that are not reserved for future consideration, and controlling compliance with the parameters, demolition and tree survey plans would be necessary to provide certainty and to protect the character and appearance of the area and the living conditions of local residents. To provide certainty and protect the character and appearance of the area, a condition limiting the number of dwellings permitted would also be necessary. For that reason and to help ensure a safe environment, a condition to secure design coding and secured by design would be necessary.
39. To provide certainty and protect the character and appearance of the area, a condition controlling ground levels and ridge heights at the developed site would be necessary. Conditions to control activities associated with the demolition / construction stage, including hours of working, would be necessary in the interests of protecting neighbours' living conditions, highway safety and trees. Further conditions to protect trees would be necessary in the interests of biodiversity and of protecting the character and appearance of the area.
40. Conditions to secure and maintain visibility splays at the vehicular access and provisions for vehicles to turn and park within the site would be necessary in the interests of highway safety. For that reason and to promote sustainable modes of transport, a condition to control details and secure the delivery of the proposed pedestrian access would be necessary. To further promote sustainable modes of transport, reduce the need for travel and in the interests of highway safety, conditions would be necessary to secure the implementation of a revised travel plan, as well as on-site cycle storage and e-vehicle charging infrastructure.
41. Conditions to control the details of surface water drainage and management, would be necessary to reduce flood risk, to control surface water run-off and in the interests of biodiversity. A condition would be necessary to ensure that features of archaeological interest are properly examined / recorded. Conditions to safeguard against contamination that might affect the site, including unsuspected contamination, along with any requisite remediation, would be necessary to protect the health and well-being of future occupiers and off-site receptors as well as in the interests of biodiversity.
42. To provide a suitable living environment and to help meet residents' recreational needs, a condition to secure on-site play space and equipment would be necessary. To improve water efficiency and respond to climate change, a condition to limit water consumption at the completed development would be necessary.
43. In the interests of protecting highway safety and to promote sustainable construction methods, a condition would be necessary to ensure compliance with a Waste Management Plan. Conditions to ensure compliance with a Construction and Environmental Management Plan, a Biodiversity Net Gain

Strategy and an amphibian mitigation and enhancement strategy, and to control external lighting would be necessary in the interests of biodiversity. Regarding this latter matter I note that the suggested condition Nos 24 and 31 are very similar, such that only the latter would be necessary. To support the development of high quality communication infrastructure, a condition to assist the delivery of high-speed broadband to the development would be necessary.

Planning Balance and Conclusion

44. For the purposes of making my decision I have treated Policies TD1, RE1 and RE3 of the Local Plan I and Policy DM15 of the Local Plan II as carrying full weight. On this basis, given the extent of harm identified above, the detrimental effect that the appeal development would have on the character and appearance of the area, which is a valued landscape and an AGLV, and the associated development plan policy conflict collectively carry significant weight against the appeal proposals.
45. As the Council cannot currently demonstrate a Framework compliant supply of housing land, the so-called tilted balance applies, as set out in para 11 of the Framework. It provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
46. Even when applying the Council's 3.5 years supply figure, there is a serious and significant shortfall in housing delivery. It is unclear how and when this shortfall will be fully addressed. This process is likely to be challenging given the constraints at play. For instance, some 65% of the Borough lies within the SHNL, Green Belt or both.
47. Within this context the provision of up to 37 market homes - outside the SHNP and the Green Belt, at a settlement that has a reasonably good range of services and facilities - carries significant weight in favour of the appeal development. The appeal scheme would also deliver 16 affordable homes at the site. The evidence indicates that there is substantial unmet need for affordable housing in the Borough.
48. I note that the Inspector in the 'Knowle Lane appeal' appears to have combined the benefits of market and affordable housing delivery when making his decision. Nonetheless, based on the evidence before me, the benefit of providing affordable homes is clearly different from that of providing market housing as they each respond to related yet discrete needs. Accordingly, the proposed provision of affordable housing also carries its own significant weight in favour of the appeal development.
49. Additionally, there would be other more modest benefits associated with the appeal development were it to proceed. These include some of the matters that would be secured via the Legal Agreement, which each attract no more than limited weight. The provision of self-build and custom-build plots responds to a *desire to build one's own house* as the 'Knowle Lane appeal' Inspector put it, such that it attracts only limited weight. The delivery of open space and play areas, while primarily intended for use by residents, would benefit the wider community, as would the payment towards the local Digital Demand Responsive Transport.

50. There would also be benefits to the local economy during the construction phase and the additional population is likely to support the continuation of local services, and there would also be biodiversity net gain. These also attract no more than limited weight.
51. Although collectively weighty, all of the adverse impacts that would, or at least might, result from the appeal development, most notably via harm to the character and appearance of the area and the associated development plan policy conflict, would not significantly and demonstrably outweigh the benefits, particularly those associated with affordable and market housing delivery, when assessed against the policies in the Framework taken as a whole.
52. Accordingly, while perhaps not ideal, the appeal scheme would be sustainable development in the terms of the Framework for which there is a presumption in its favour. Consequently, it would also accord with Policy SP1 (Presumption in Favour of Sustainable Development) of the Local Plan I. Moreover, that it would represent sustainable development in the terms of the Framework is a material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole.
53. Therefore, subject to the identified conditions, it follows that the appeal should be allowed.

G D Jones

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Lintott, Counsel

Instructed by Lewis Jones of Legal Services,
Waverley Borough Council

He called

Robert Petrow BA(Hons)
DipLA CLMI

Landscape and Visual Impact

Ian Brewster FdSc(Arb)
HNC(Arb) ISA LANTRA

Arboriculture

Michael Eastham BA(Hons)
MTPI MRTPI

Planning

FOR THE APPELLANT:

Christopher Young, King's Counsel¹

Instructed by Clare Bartlett of Batcheller
Monkhouse

He called

Paul Lishman MLPM MSc
CLMI

Landscape and Visual Impact

Ben Oates TechArborA

Arboriculture

Clare Bartlett BSc(Hons)
DipTP MRTPI PIEMA

Planning

INTERESTED PERSONS:

Cllr Nigel Waterson
Dr Barbara Judge

Chairman of Dunsfold Parish Council
Interested Party

INQUIRY DOCUMENTS

ID1 - The appellant's opening statement

ID2 - The Council's opening statement

ID3 - Cllr Waterson's statement for Dunsfold Parish Council

ID4 - Dr Judge's statement

ID5 - Extract from GLVIA

ID6 - Mr Petrow's statement re appeal Ref APP/R360/W/22/3293777

ID7 - Mr Lishman's note on his methodology

ID8 - Bundle of duplicate drawings from elsewhere within the evidence

ID9 - Updated table from Mr Oates

ID10 - Tree Species Soil Volume Guide v2 – GreenBlue

ID11 – phlorum's letter on behalf of the appellant in response to Dr Judge

ID12 – Dr Judge's response to phlorum's letter

¹ Mr Young was assisted by Leanne Buckley-Thomson, Counsel, albeit that she did not act as advocate for the appellant.

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/R3650/W/23/3332590:

- 1) Approval of the details of the scale, layout, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved and in accordance with the approved phasing plan.
- 2) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The submission of a reserved matter application pursuant to this outline planning permission shall together provide for no more than 53 dwellings.
- 4) The development shall be carried out in accordance with the following approved plans. No material variation from these plans shall take place unless otherwise first approved in writing by the Local Planning Authority, Drawing Nos:
 - 7233 PL-01 Rev C – Location Plan;
 - 7233 PL-09 Rev A – Parameters Plan;
 - BM-A2868A-01 – Demolition Plan;
 - 2202043-TS-001 Rev F – Proposed Access Arrangement and Visibility Splays; and
 - AR-4231 TSP-221006 – Tree Survey Plan with BS 5837 constraints.
- 5) Prior to, or alongside the submission of the Reserved Matters of the dwellings hereby permitted a Design Code shall be submitted to and approved in writing by the Local Planning Authority – which shall also outline the measures to achieve Secure by Design Gold or Silver Accreditation. The subsequent detailed design of the dwellings shall be in accordance with the approved Code.
- 6) Hours of construction, demolition and site clearance including deliveries to and from the site shall be limited to 08:00 – 18:00 Monday to Friday; 08:00 – 13:00 on Saturdays and no work on Sundays and Bank or Public Holidays.
- 7) No development shall take place on-site until a detailed levels plan, clearly identifying existing and proposed ground levels and proposed ridge heights, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of any earthworks including the proposed grading and mounding of land areas, the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, encroachment of tree root protection areas and surrounding landform. Development shall be carried out in accordance with the approved details.
- 8) Any reserved matters application relating to landscaping shall be accompanied by an Arboricultural Method Statement (AMS). The development shall be carried out in complete accordance with the approved AMS and Tree Protection Plan (TPP). The Local Planning Authority shall be provided with a minimum of two weeks' written notice to the commencement date of demolition/construction activities. All protection measures shall strictly accord

with the approved TPP and AMS. The Local Planning Authority shall determine the detail within the written notice and if satisfactory shall provide written approval for the development to proceed.

- 9) Prior to the commencement of demolition/construction, an arboricultural scheme of regular site monitoring, including implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved site monitoring details shall be applied throughout the life of the development after the tree protection written notice has been approved in writing by the Local Planning Authority.
- Details of site monitoring shall include:
- Expected date of first and future tree protection checks to start at least one month after commencement of demolition/construction;
 - Name of appointed arboriculturist/representative responsible for site monitoring;
 - Professional supervision of construction events within Root Protection Areas; and
 - Frequency of monitoring throughout the demolition/construction period; and
 - The development shall be carried out in accordance with the approved Arboricultural Method Statement, arboriculture site supervision, approved recommendations, and tree/soil remediation.
- 10) No part of the development shall be first occupied unless and until the proposed vehicular access to Dunsfold Common Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 11) No part of the development shall be first occupied unless and until the proposed new footways on Dunsfold Common Road have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, to provide minimum footway widths of 1 metre on the section south of the access and 1 metre to the north and including the new uncontrolled pedestrian crossing indicated on Drawing No 2202043-TS-001 Rev F.
- 12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
- 13) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority. These details may be addressed as part of a future, reserved matters application.

- 14) No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) 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;
 - g) Vehicle routing;
 - h) Measures to prevent the deposit of materials on the highway;
 - i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused; and
 - j) On-site turning for construction vehicles, has been submitted to and approved in writing by the LPA. Only the approved details shall be implemented during the construction of the development.
- 15) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.
- 16) The development hereby approved shall not be first occupied unless and until a revised Travel Plan is submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to occupation of the development, and thereafter it shall be maintained and developed to the satisfaction of the Local Planning Authority.
- 17) 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 shall satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework and the Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the proposed solution shall effectively manage the 1 in 30 (+40% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 9.7 l/s;
 - 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 etc.). Including details of the proposed basins and swales and any lining requirements;
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site shall be protected from increased flood risk;
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system; and

- e) Details of how the drainage system shall be protected during construction and how runoff (including any pollutants) from the development site shall be managed before the drainage system is operational.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 19) 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 submitted by the applicant and approved by the Local Planning Authority.
- 20) Prior to commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the National Planning Policy Framework; and
- b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include:
- All works to be undertaken;
 - Proposed remediation objectives and remediation criteria;
 - Timetable of works; and
 - Site management procedures.
- The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- 21) Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with Condition 22 and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.
- 22) Following commencement of the development hereby approved, if unexpected contamination is found on-site at any time, other than that identified in accordance with Condition 20, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The

- following shall be submitted and approved in writing by the Local Planning Authority prior to re-commencement of works:
- a) An investigation and risk assessment, undertaken in the manner set out in Condition 20 of this permission;
 - b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 20(b); and
 - c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 21.
- 23) Prior to the commencement of development, a scheme for the provision of a Local Equipped Area of Play (LEAP) and Local Areas of Play (LAPs) including the timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be a minimum size of 400 square metres and the LAPs a minimum size of 100 square metres. The LEAP and the two LAPs shall be implemented in accordance with the approved scheme and timetable.
- 24) Prior to the occupation of the dwellings, details shall be submitted to and approved in writing by the Local Planning Authority to confirm that the dwellings have been completed so that the potential consumption of wholesome water by persons occupying a dwelling shall not exceed 110 litres of water per person per day.
- 25) Prior to the commencement of construction and demolition activities (including groundworks) a Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority, demonstrating that:
- a) The waste generated during the construction, demolition and excavation phase of development is limited to the minimum quantity necessary;
 - b) Opportunities for re-use and for the recycling of construction, demolition and excavation residues and waste on-site are maximised;
 - c) On-site facilities to manage the waste arising during the operation of the development of an appropriate type and scale have been considered as part of the development; and
 - d) Integrated storage to facilitate re-use and recycling of waste is incorporated in the development in compliance with Surrey Waste Local Plan 2020.
- 26) There shall be no burning of any waste or other materials on the site during the construction phase.
- 27) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use.
- 28) No development shall take place until a detailed Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the final biodiversity net gain assessment, using the Statutory Biodiversity Metric Calculation Tool, which demonstrates how the proposal will provide a biodiversity net gain. The CEMP shall be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and shall include, but not be limited to the following:
- a) Description and evaluation of features to be managed;

- b) Ecological trends and constraints on-site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures;
 - i) Legal and funding mechanisms by which the long-term implementation of the plan shall be secured by the applicant with the management body(ies) responsible for its delivery;
 - j) Monitoring strategy, including details of how contingencies and/or remedial action shall be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;
 - k) Final Biodiversity Net Gain Assessment, to include Statutory Biodiversity Metric Calculation Tool with full detail of off-site strategy;
 - l) Amphibian Mitigation and Enhancement Strategy;
 - m) Risk assessment of the potentially damaging construction activities;
 - n) Practical measures to avoid and reduce impacts during construction;
 - o) Location and timing of works to avoid harm to biodiversity features;
 - p) Responsible persons and lines of communication; and
 - q) Use of protective fences, exclusion barriers and warning signs.
- 29) Prior to, or alongside the submission of, any reserved matters application relating to scale, layout, appearance and landscaping (as required by Condition 1), a bat mitigation strategy and updated bat surveys of trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved strategy, including any mitigation measures identified as necessary. The updated bat surveys of trees shall include a bat preliminary ground level tree roost assessment of all trees to be removed or impacted. Bat presence/likely absence survey shall be carried out on all trees which have been assessed as having high or moderate suitability to support roosting bats in line with good practice guidelines for bat surveys.
- 30) The development hereby permitted shall not be occupied until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall achieve lighting to conform with at least Zone 1b as defined by the Institution of Lighting Professionals and Guidance Note 8 – Bats and Artificial Lighting (GN08/2023). The development shall be carried out in accordance with the approved details. No additional sources of external lighting shall be installed on the development without the prior written approval of the LPA.
- 31) Prior to the commencement of development (apart from any site clearance and demolition), a Biodiversity Net Gain (BNG) Strategy, shall be submitted to

and approved in writing by the Local Planning Authority. This strategy shall demonstrate how a minimum 10% net gain shall be delivered and how it shall be managed for 30 years. The approved BNG Strategy shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on-site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Detail of habitat creation;
 - e) Details of how the minimum BNG shall be delivered including details of any habitat banking arrangements and off-site provision necessary to secure achievement of the overall target and how this is to be secured;
 - f) Description of the management operations necessary to achieving aims and objectives;
 - g) Prescriptions for management actions;
 - h) Preparation of a works schedule, including annual works schedule;
 - i) Details of the monitoring needed to measure the effectiveness of management;
 - j) Details of the timetable for each element of the monitoring programme;
 - k) Details of the persons responsible for the implementation and monitoring;
 - l) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
 - m) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.
- 32) Prior to, or alongside the submission of any reserved matters application relating to scale, layout, appearance and landscaping, an amphibian mitigation and enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved strategy, which shall include, but not be limited to:
- Terrestrial Habitat Suitability Assessment for Amphibians;
 - An amphibian tunnel under the access road and if required, guiding fences;
 - Installation, management and maintenance plan for amphibian tunnel under the access road;
 - Appropriately designed and located gully pots, and dropped and wildlife friendly kerbs;
 - Evidence of terrestrial habitat corridors for amphibians;
 - Sensitive Lighting Strategy;
 - Provision of aquatic habitat on-site, which is suitable for breeding amphibians; and
 - Method Statement for activity within suitable amphibian habitat.