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## Appeal Decision

Inquiry Held on 14-17 November 2017

Site visit made on 17 November 2017

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

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

**Decision date: 04 January 2018**

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**Appeal Ref: APP/J0405/W/17/3170854**

**Land to the east of Water Stratford Road, Tingewick MK18 4PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd against Aylesbury Vale District Council.
  - The application Ref 16/03765/AOP, is dated 19 October 2016.
  - The development proposed is described as 'outline planning permission for up to 75 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water attenuation, vehicular access point from Water Stratford Road and associated ancillary works. All matters to be reserved with the exception of the main site access'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal 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. While not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the appeal application as a guide to how the site might be developed.
3. The Council's first putative reason for refusal, concerning the proposed development's effect on the character and appearance of the area, makes no reference to any development plan policies or other planning policy documents. However, during the appeal process the Council clarified that, in respect to this putative refusal reason, it considers that the appeal scheme would conflict with Policies GP.35 (Design Principles for New Development - Materials and Design Details) and RA.8 (Other Important Landscapes) of the Aylesbury Vale District Local Plan January 2004 (the AVDLP).
4. Unilateral Undertakings, both dated 16 November 2017, made under S106 of the Town and Country Planning Act 1990 (the UUs)<sup>1</sup> were submitted during the course of the Inquiry. At the start of the Inquiry the Council confirmed that, subject to the completion of the UUs, it would no longer wish to defend its second and third putative refusal reasons concerning highway matters and

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<sup>1</sup> Inquiry Documents 17 & 18

whether the necessary infrastructure would be delivered to accommodate the proposals.

## **Main Issues**

5. In view of the above the main issues are:

- The effect that the proposal would have on the character and appearance of the area; and
- Whether any development plan conflict and harm arising, is outweighed by any other considerations.

## **Reasons**

### ***Character & Appearance***

#### *Context*

6. The appeal site is located on the northern edge of the village of Tingewick, to the east of Water Stratford Road, which is the principal road to the north leading to and from the village. The site is roughly rectangular and forms the western portion of a larger field used for pasture. The illustrative material submitted by the appellant indicates that it is intended that roughly the western half of the field only would be developed for housing.
7. A footpath, TIN/22, crosses the site close to its southern boundary and links to a network of rights of way to the east, including a footpath, TIN/23, that runs along the eastern edge of the host field beyond the site boundary. To the south the site is predominantly adjoined by two storey houses and bungalows in an area known as Stowe View. These neighbouring dwellings largely face on to Stowe View such that their rear elevations are orientated towards the site, which are generally separated by conventional rear gardens and largely contained by reasonably mature planting along much of the common boundary.
8. Further to the south is a small area of paddocks, which is crossed by a public footpath. This area separates the development in and around Stowe View from the more historic development that lines Main Street and which forms the western end of Tingewick Conservation Area. The Conservation Area also extends to the south east of the appeal site where the listed Tingewick Hall and The Church of St Mary Magdalene are located. The land generally slopes steadily from the northern edge of Stowe View southward through the village.
9. To the south west of the site, Water Stratford Road is fronted by dwellings, behind which, to the west, there are a cemetery and allotments. North of these, to the west of the site beyond Water Stratford Road, lies a children's play area and a grass playing field.
10. To the north of the village the landscape consists of a combination of arable and pastoral fields with scattered farmsteads as the land falls to the River Ouse around 840 metres away from the site. This includes the farmstead at Rectory Barn Farm, which is some 170 metres to the north of the site, and there are also two dwellings, Dairy Barn and Mill Croft Barn, located a little to the east of the Farm. There are reasonably open views from the southern site boundary over the site and beyond, across the Ouse Valley including long distance views towards Stowe historic park.

### *Valued Landscape*

11. One aspect of the evidence under this main issue concerns whether or not a valued landscape, in the terms of para 109 of the National Planning Policy Framework (the Framework), would be affected by the appeal development. In making my assessment of this matter I have taken into account not only the site but also its surroundings. To do otherwise would, as a colleague Inspector observed when considering *an appeal site comprising one agricultural field, be a formulaic, literal approach to the interpretation and an approach which could lead to anomalies*<sup>2</sup>.
12. That context includes not only the countryside to the north of Tingewick but also the neighbouring village, including the development at Stowe View. I also note that the Aylesbury Vale Landscape Character Assessment May 2008 refers to the village straddling the edge of the ridge between the Tingewick Plateau and the Great Ouse Valley Landscape Character Areas. Nonetheless, due to the reasonably strong line of planting adjacent to the site's southern boundary combined with the gentle ridge that runs to the north of the village, the existing development to the south of the site is fairly contained, such that it is experienced and perceived as being reasonably separate from the landscape in which the appeal site stands.
13. The site lies within the Great Ouse Valley West Local Landscape Area (LLA7), adjacent to its southern edge, as identified in the AVDLP. LLAs are covered by AVDLP Policy RA.8, the preamble to which states that they are areas of distinctive quality at the District rather than the County level and that they make a special contribution to the appearance and the character of the landscape within Aylesbury Vale.
14. The Council is progressing the emerging Vale of Aylesbury Local Plan (the eVALP), which is intended to replace the AVDLP. It is common ground between the main parties that the eVALP can only be given very limited weight at the moment as it is at an early stage and I see no reason to disagree. I note, nonetheless, that the Council does not propose to retain the LLA7 designation in the eVALP in light of the findings of a report it commissioned (the LUC report)<sup>3</sup>, which finds that LLA7 is not worthy of local landscape designation. It states that although the area is scenic with some notable special qualities, the landscape does not have as great a value or as many important special qualities as some of the other LLAs and other existing designations, particularly in relation to scenic qualities.
15. At this stage, therefore, it seems likely that the LLA7 will not continue as a landscape designation once the AVDLP is replaced. Nonetheless, it does not necessarily follow that because a landscape is not designated it is without worth or value. This is recognised by the Guidelines for Landscape and Visual Impact Assessment (the GLVIA), which identifies a series of factors that are generally agreed to influence value and which help in the identification of valued landscapes. Indeed, this part of the GLVIA comes within the section 'undesigned landscapes'.
16. The main parties' witnesses have both undertaken their own assessment to this end having regard to the GLVIA. Of these two assessments I favour that of the

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<sup>2</sup> Appeal Ref APP/J0405/W/16/3158833

<sup>3</sup> CD9.1

Council's witness, as its conclusion that the site does form part of a valued landscape in the terms of the GLVIA appears to be based on a reasonable assessment of that landscape. I give more limited relative weight to the appellant's witness's conclusion on this matter as the assessment appears to be more focused on the appeal site than the wider landscape within which it stands. Taking a wider view, as I consider the Council's witness broadly has, leaves her assessment and conclusion on this matter less vulnerable to the kinds of 'anomalies' referred to above.

17. I also consider that the appellant's witness downplays certain aspects of that assessment. For instance, the views between the appeal site and Stowe, in respect to 'rarity', given that the site appears to be the highest point to the north of the village from which views of Stowe can be obtained; and in respect to 'recreation' given that a public right of way crosses the site, which allows an appreciation of this landscape by its users and provides an important link to the network of footpaths to the east.
18. I recognise that the Council's witness's approach is partial in the sense that it addresses the landscape to the north of the village rather than taking in parts of the built area of Tingewick. I also note that the site and village both stand within the Tingewick Plateau Landscape Character Area. However, in my view this is a reasonable approach to have taken given that the landscape to the north of the village within which the appeal site stands is experienced and perceived as being reasonably separate from that of the village, as described above.
19. That LLA7 is not proposed to be carried forward in the eVALP appears to reflect the shift in national planning policy regarding local landscape designations. Notwithstanding this, the landscape here has been considered worthy of designation as an LLA since 1995, which indicates that the Area has special qualities in landscape terms, and the elements within it that caused it to be designated are likely to be largely unaltered. I note also that the LUC report, while recommending that LLA7 should not be carried forward as a designation, states that *there is evidence and a degree of justification for the designation of all of the areas previously identified as AALs and LLAs.*
20. Having regard to all the evidence, including the LUC report and the Landscape Character Assessment, I am satisfied that the landscape within which the appeal site stands does demonstrate physical attributes that take it beyond mere countryside. These include the attractive and characteristic undulating topography, the coherent field pattern, the strong hedgerow and tree structure, the elevated footpath across the site, the panoramic views from the site of the Ouse Valley and of Stowe, and the prominence of the site on the ridge when viewed from the other side of the Ouse Valley. For these reasons and given my findings outlined above in respect to the GLVIA assessment, the landscape within which the appeal stands is a 'valued landscape' in the terms of the Framework.

#### *Effect on Character and Appearance*

21. The appellant has produced a Landscape and Visual Impact Assessment (LVIA) of the proposal. The Council has not produced its own LVIA as such but its witness has, nonetheless, produced a reasonably detailed assessment following the criteria of the LVIA, which comes to different conclusions regarding the effect of the development in landscape and visual impact terms.

22. From what I have read, heard and seen during the appeal process, having particular regard to what I experienced during my visit to the site and its surroundings, I find that my assessment of the likely landscape and visual effects of the appeal scheme align more closely with those of the Council's witness and that the LVIA and the appellant's landscape witness's evidence tend to understate its likely impact.
23. There are a number of reasons for this conclusion. In respect to landscape effects these include, with regard to 'tree and hedgerows', that the LVIA concludes that with mitigation planting the effect would be moderate beneficial. However, in the context of the pattern of fields to the north of Tingewick, the proposed planting to the eastern boundary would appear somewhat at odds with the local landscape character and historic field pattern. Consequently, I do not consider that it would be beneficial in that regard.
24. Regarding 'the site', as a landscape receptor, given its Medium sensitivity and the identified High magnitude of change, the effect would in my view be Substantial/moderate adverse rather than just Moderate. A similar point applies to the footpath which crosses the site in terms of the effect on its character.
25. More significantly, the LVIA in my view appears to understate the effect on the 'immediate landscape' and 'Great Ouse Valley West LLA'. The proposed development would extend the village substantially beyond the containing ridge that runs to the site's southern boundary, extending the village out substantially into the attractive landscape to the north, a landscape I have found to be 'valued'.
26. Although mitigation is proposed and the built form of the developed site would be screened in large part by proposed and existing planting, the fact that it has been developed would be readily discernible, for instance in filtered views through the planting, as well as above such planting, and via marked gaps such as at the site access. Although it has evolved over time including via northward development such as that at Stowe View, the largely east-west linear form of Tingewick remains broadly legible.
27. Consequently, given its proposed location, particularly as it would be to the north of the ridge, combined with its reasonably substantial scale, the appeal development would significantly change the pastoral setting of this part of the northern side of the village and sit uncomfortably with the character and settlement pattern of Tingewick. For the forgoing reasons, the proposed development would represent a Moderate/High magnitude of change in respect to the 'immediate landscape', resulting in a Substantial/moderate adverse effect on the character of this landscape receptor.
28. Regarding LLA7 as a landscape receptor, the appeal scheme would extend development onto the north-facing slope of the Ouse Valley, which would be reasonably noticeable as a northward protrusion of built form from the settlement into the valley when viewed from across the valley, appearing discordant with the character of this part of LLA7. This would amount to a change of Medium magnitude to this part of this landscape receptor which would lead to a Substantial/moderate adverse effect when combined with the High receptor sensitivity.

29. Regarding visual impact, the LVIA also tends to understate the effect of the appeal development on important visual receptors. This is mainly because the effect of mitigation appears to be overstated, as the development would continue to be readily discernible as described above, while the magnitude of change tends to be understated. Consequently, the urbanising effect of the development would significantly alter the character and quality of views on the approach to the village and in the wider vicinity.
30. For instance, the overall effect in near distance views from the west along Water Stratford Road would vary between Substantial/Moderate adverse and Moderate adverse. In views from the footpath within the site the effect would be Substantial adverse on the basis that the footpath is of High sensitivity; while views from the footpath to the east, TIN/23, would also be Substantial adverse on the basis that the magnitude of change would be High.
31. In summary, therefore, the scheme would result in the loss of countryside, and cause considerable harm to the local landscape and the settlement identity of Tingewick, as well as visual harm. Consequently, it would have a significant detrimental effect on the character and appearance of the area contrary in that regard to Policies GP.35 and RA.8 of the AVDLP. I would note, nonetheless, that as point (b) of Policy GP.35 relates to matters that would be controlled at the reserved matters stage, I see no conflict with that aspect of the Policy.

### **Other Considerations and Planning Balance**

#### *Policy Matters*

32. The appellant does not dispute that the Council can demonstrate over five years' worth of deliverable housing land. Nonetheless, it is common ground between the main parties that relevant policies of the development plan are out-of-date, in the terms of Framework para 14. This is because the development plan is currently comprised of the saved policies of the AVDLP, which plans for the District's development needs up to 2011 only.
33. However, there remained disagreement between the main parties on the matter of whether or not the so-called 'tilted balance' of Framework para 14 would be disapplied were I to find that the appeal site forms part of a valued landscape. As set out above, I have concluded that it does and that the appeal scheme would cause harm to the landscape such that it would not protect and enhance this valued landscape in the terms of para 109 of the Framework. The question 'is Framework para 109 a Footnote 9 Policy?' therefore arises.
34. Valued landscapes are not cited in the list of restrictive policies of Footnote 9. I also acknowledge that para 109 does not contain an internal balance in the way that Framework para 134 does, for instance. Nor are valued landscapes defined on a map or formal designations and as such their identification relies on judgement and a degree of subjectivity on the part of the decision taker.
35. Nonetheless, the examples of policies that restrict development listed in Footnote 9 are just that – examples – and do not preclude other policies within the Framework. I see no overriding reasons why para 109 cannot qualify as a Footnote 9 policy. Other designations cited that are defined on a map are also considered alongside other case / site specific evidence. For instance, in the case of heritage assets, it is likely to be necessary to establish whether the significance of the asset would be harmed. If so and if it were found to be less

than substantial harm in the context of para 134, then it would also be necessary to identify where in that range the harm would lie. It would then be necessary to undertake the requisite balancing exercise. These are all matters that would require judgement and an element of subjectivity far beyond a map based assessment.

36. There are a number of Inspectors' decisions within the evidence which come to differing conclusions on this matter. Nonetheless, there is an appeal decision made by the Secretary of State<sup>4</sup> where he found that though not designated, the site in that case was clearly a locally valued landscape and he agreed with that Inspector that para 109, along with two other paragraphs in the Framework at play in that case, indicated that development should be restricted. On the evidence before me I agree with that approach, particularly as the language of 'protection' in para 109 must involve a 'restrictive' approach to be taken within the meaning of para 14. Therefore, notwithstanding the age of the AVDLP, the so-called tilted balance does not apply in this case.
37. Policy GP.35 of the AVDLP is broadly consistent with the Framework such that it should be afforded full weight.
38. Having taken into account all the evidence before me I find that I broadly agree with a fellow Inspector regarding the weight carried by AVDLP Policy RA.8 in respect to a suite of appeals (the Fleet Marston appeals)<sup>5</sup>. As the Fleet Marston appeals Inspector identified, *although the Framework indicates that the planning system should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes, it is a further requirement that local planning authorities should set criteria based policies against which proposals affecting protected landscape areas can be judged.*
39. Notwithstanding the Council's submissions, I agree with the Fleet Marston appeals Inspector that Policy RA.8 does not set express criteria to be used in measuring whether or not harm would occur and the credentials for assessing mitigation in the terms of the Framework. Since the Fleet Marston decision was made there has been an up-to-date analysis of the area and its boundaries, in the form of the LUC report. While identifying that the area has landscape and visual quality, it concludes that the LLA7 designation to which the Policy applies should not be taken forward. For these reasons, I agree with that Inspector that, despite the Framework indicating that the planning system should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, Policy RA.8 now merits very little weight.

#### *Dimensions of Sustainable Development*

40. It is common ground that the Council can demonstrate a Framework compliant supply of deliverable housing land. The Council maintain that it can currently demonstrate some 9 years' supply and while the appellant has not accepted that figure neither has it produced an alternative. From what I have read and heard I have found no good reason to believe that it is significantly inaccurate at present.

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<sup>4</sup> Appeal Ref APP/B1605/W/14/3001717

<sup>5</sup> Appeal Refs APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

41. The delivery of additional housing as a benefit of the scheme should also be seen in the context of wider housing need, including that of neighbouring authorities which are on record as having to rely on Aylesbury Vale to accommodate some of their housing needs, as well as local affordability. I have no good reason to believe that the appeal proposal would not be deliverable if planning permission were to be granted. Indeed the evidence submitted by the appellant indicates that it has a good track record in terms of its planning permissions being converted into built homes. Notwithstanding the current housing land supply position in the District, the appeal scheme would increase the supply and choice of housing, which would support the government's objective to boost significantly such supply. Consequently, market housing delivery attracts significant weight.
42. The evidence indicates that there were 3,706 households on the affordable housing register and 2,579 in priority need as of 7 November 2017, while in April 2016 there were 3,078 households on the register and 2,188 in priority need. Notwithstanding the Council's evidence regarding the effect of the timing of the 'cleansing' of its records, either years' figures reflect significant housing need, which is likely to be increasing despite the Council's rate of housing delivery. As outlined above, there is good reason to believe that the scheme would be delivered in a timely manner. Consequently, affordable housing delivery also attracts significant weight. Market and affordable housing provision would contribute to the economic and social dimensions of sustainable development.
43. The development would also contribute towards economic growth during the construction phase in terms of employment and an increase in spending associated with the build. It would also secure new homes bonus. In the longer term, the additional population would also increase spending, for instance in local shops, and help support the sustainability of local services. The SoCG states that Tingewick is a moderately sustainable settlement for new residential development with a useful range of day-to-day facilities. I agree. Although primarily intended to address needs arising from the development such that they attract only limited weight, the proposed enhancements to education, public transport and recreational facilities are also likely to be of some benefit to the wider community. All of these foregoing matters collectively carry considerable weight in favour of the proposals.
44. In terms of the environmental and social dimensions, through the careful consideration of matters of detail that would be controlled at the reserved matters stage, a high quality built and living environment within the site could be achieved. This would incorporate enhanced public access / footpaths and public open space. The proposed footway on Water Stratford Road would improve highway safety and access to the existing playing fields and play area. Additional planting and biodiversity enhancements are also proposed which would be managed on an on-going basis, whereas there is currently no guarantee over such future management. Nonetheless, as identified above, the appeal scheme would have a harmful effect on the character and appearance of the area in conflict with development plan policy. Consequently, overall the net effect in environmental terms would be very harmful.
45. In balancing all of these considerations, the conflict with AVDLP Policy RA.8 carries very little weight such that it is not determinative. Nonetheless, in the context of a genuinely plan-led planning system, and bearing in mind that the



tilted balance does not apply in this case, the identified harm to the character and appearance of the area that would result from the appeal scheme along with the associated conflict with AVDLP Policy GP.35 should carry very substantial weight. In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework. These benefits carry considerable weight in favour of the scheme. They are nonetheless outbalanced by the identified harm and development plan policy conflict, such that the proposal does not represent sustainable development and permission should be refused.

### **Other Matters**

46. The UUs would secure affordable housing provision, sport and leisure facilities, on-site open space and play facilities, primary and secondary education facilities/capacity, improvements to community transport, and a travel plan. Nevertheless, having taken them into consideration and given due weight to the obligations therein, the UUs have not altered my overall decision.
47. I note that the main parties agree that the appeal development would lead to less than substantial harm to the significance of Tingewick Hall as a listed building, and that public benefits would outweigh that harm. Given that I have found that the appeal should be dismissed for other reasons I have not found it necessary to form a view on this matter.
48. I have also taken into account the matters raised by interested parties, including those made orally at the Inquiry. However, for the reasons outlined above, they have not led me to any different overall conclusions.

### **Conclusion**

49. For the reasons given above I conclude that the appeal should be dismissed.

*G D Jones*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Nina Pindham, of Counsel	Instructed by Laura Tilston, Gladman Developments Ltd
She called	
Silke Gruner	Associate Landscape Architect and Urban Designer, CSA Environmental Planning Director, Gladman Developments Ltd
BA(Hons) CMLI	
Laura Tilston	
BSc(Hons) MA MRTPI	

### FOR THE LOCAL PLANNING AUTHORITY:

Hugh Flanagan, of Counsel	Instructed by Laura Lee Briggs, HB Public Law
He called	
Joanna Ede	Director and Head of Landscape and Visual Assessment, Turley
BA(Hons) DipLA MA CMLI	
Asher Ross	Planning Director, GL Hearn
BSc(Hons) MPhil MRTPI	

### INTERESTED PERSONS:

Rachel Inness	Local Resident
Cllr Sara Churchfield	Tingewick Parish Council
Cllr Ed Maxwell	Tingewick Parish Council
Christopher Parsons	Local Resident
Anthony Houghton Brown	Local Resident
Cllr Charlie Clare	Buckinghamshire County Council

### DOCUMENTS submitted shortly before or at the Inquiry

- 1 Extracts of the Council's Housing and Economic Land Availability Assessment v4 January 2017:
  - (a) Pages 1-18;
  - (b) Pages 341-344; and
  - (c) Pages 404-416
- 2 Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 - Addendum Report, September 2017
- 3 Buckinghamshire Housing and Economic Development Needs Assessment Update 2016 - Report of Findings, 5 December 2016
- 4 Extracts of the Aylesbury Vale Local Plan:
  - (a) and (b) Proposals map tiles 3 and 6 and the supporting key which shows the location of the Great Ouse West LLA; and
  - (c) Appendix 5 - Areas of Attractive Landscape and Local Landscape Areas

- 5 Extract of the Proof of Evidence of Jonathan Bellars in respect to Appeal Ref. APP/J0405/W/16/3142524
- 6 Forest of Dean District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd [2016] EWHC 421 (Admin), dated 4 March 2016
- 7 Appeal Decision Ref: APP/Z1510/W/16/3160474, dated 12 July 2017
- 8 Borough of Telford and Wrekin v Secretary of State for Communities and Local Government and Gladman Developments Ltd [2016] EWHC 3073 (Admin), dated 1 December 2016
- 9 'Gladman Developments Ltd Site Delivery' table, prepared by the appellant
- 10 Tingewick Parish Council statement as read at the Inquiry by Cllrs Churchfield and Maxwell
- 11 Parish Council traffic survey email, dated 13 November 2017, as also talked to at the Inquiry by Cllr Maxwell
- 12 'Note on Affordable Housing', prepared by the Council
- 13 'Suggested Conditions', as agreed by the Council and appellant
- 14 Site visit itinerary and maps, as agreed by the Council and appellant
- 15 Case Tracker for Civil Appeals - Bovis Homes Ltd & Anr v Secretary of State for Communities and Local Government
- 16 'S106 Obligation - CIL Compliance Schedule' and its addendum (Inquiry Document 16a) 'Note on Local Community Transport Contribution', prepared by the Council
- 17 Planning obligation by way of unilateral undertaking to Aylesbury Vale District Council, under section 106 of the Town and Country Planning Act 1990, signed and dated 16 November 2017
- 18 Planning obligation by way of unilateral undertaking to Buckinghamshire County Council, under section 106 of the Town and Country Planning Act 1990, signed and dated 16 November 2017
- 19 Opening statement on behalf of Aylesbury Vale District Council and appendix:
  - Notification of the Judge's decision in respect to an application for permission to apply for Judicial Review, CO Ref: CO/3029/2016, Order by Lewis J, dated 28 July 2016
- 20 Opening statement on behalf of the appellant
- 21 Closing Submissions on behalf of Aylesbury Vale District Council and appendix:
  - Phides Estates (Overseas) Limited v Secretary of State for Communities and Local Government & Shepway District Council & David Plumstead [2015] EWHC 827 (Admin), dated 26 March 2015
- 22 Closing Submissions on behalf of the appellant and appendix:
  - R (on the application of Cherkley Campaign Limited) v Mole Valley District Council [2014] EWCA Civ 567, dated 7 May 2014
- 23 Signed Statement of Common Ground between the Council and appellant, dated 13 and 14 November 2017