



Appeal Decision

Hearing held on 21 May 2024 and virtually on 22 May 2024

Site visit made on 21 May 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/C3620/W/23/3335960

Land to the Rear of Elderslie, Stane Street, Ockley, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Southern Land Holdings against the decision of Mole Valley District Council.
 - The application Ref is MO/2022/1227/PLA MAJOR.
 - The development proposed is full planning application for the erection of 42 residential dwellings (Class C3) with formation of a new vehicular access, associated landscaping, drainage and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted with the appeal detailing changes in relation to the layout and access. Considered in the context of the Wheatcroft and Holborn principles¹, the changes were considered minor and the plans were accepted. Further plans were also provided at the hearing itself detailing changes largely confined to the removal of an inaccurate annotation relating to the status of a footpath on the site. As it was not considered prejudicial to the Council or any interested parties to accept these revised plans without consultation, I have considered the appeal on the basis of the plans submitted with the appeal and those which were submitted at the hearing.
3. The fourth reason for refusal (RfR) in the Council's decision notice relates to the absence of a payment towards bus service improvements and RfR five relates to the absence of a mechanism to secure 17 affordable dwellings. The appellant indicated its intention to address these matters through a S106 which allowed the Council to confirm its withdrawal of RfRs 4 and 5. The S106 was provided in draft form at the hearing and the finalised version was submitted on 5 June 2024. I have considered the appeal on this basis.

Main Issues

4. The main issues in the appeal are:
 - whether the scale and location of the development accords with the development plan;

¹ *Wheatcroft Ltd v SSE [1982]; Holborn Studios Ltd v LBH [2017] EWHC 2823*

- the effects of the proposal on the on character and appearance of site and surrounding area;
- the effects of the proposal on the significance of designated heritage assets: Ockley Conservation Area, Elderslie and Orchard Cottage; and
- whether or not the Council can demonstrate an adequate supply of housing land.

Reasons

Location and scale

5. The appeal scheme comprises a detailed proposal for 42 dwellings on an undeveloped 6.82 hectare site on land to the east of the village of Ockley.
6. The adopted development plan for the area currently includes the *Mole Valley Local Plan* (adopted 2000, saved policies 2012) (Local Plan) and the *Mole Valley Local Development Framework Core Strategy* (adopted 2009) (Core Strategy). Under Policy CS1 of the Core Strategy and its supporting text, Ockley is defined as one of the 10 named small rural villages. The wording of the Policy to CS1 states that new development will be directed towards previously developed land within the built-up areas of Leatherhead, Dorking, Ashted, Bookham and Fetcham as they have been identified as the most sustainable settlements within the District.
7. CS1(2) states that limited development (including redevelopment) and infilling will take place on previously developed land (PDL) within the identified larger rural villages and infilling only on PDL within the small rural villages. As a greenfield site outside of, but partly adjoining the village boundary, and as the proposal would not constitute infilling on PDL, the proposal conflicts with Core Strategy Policy CS1.
8. Core Strategy Policy CS2 indicates that infilling will be permitted within a range of identified settlements which excludes Ockley. It also states that, exceptionally, small scale rural exception sites may be acceptable on sites outside of, but adjoining the settlement boundaries of the small rural villages, which includes Ockley. However, the scheme would not constitute infilling or a small rural exceptions scheme and, therefore, also fails to attract support from this Policy.
9. In view of the above, the scale and location of the development conflicts with, in particular, Policies CS1 and CS2 of the Core Strategy 2009.
10. The examination into the Council's emerging *Future Mole Valley Local Plan 2020-2037* (eLP) has been resumed following the publication of the revised National Planning Policy Framework (the Framework) in December 2023. At the time of the hearing, the consultation stage on the recommended Main Modifications to the eLP had recently concluded. Whilst it is suggested that adoption of the eLP is anticipated in the Autumn of 2024, I am cautious about adopting the same optimistic timeframe.
11. Under the eLP, the Council is planning to modestly expand existing villages, including Ockley, under strand 7, which is the final strand to the emerging spatial strategy. The eLP seeks to do this on a planned basis for Ockley through the allocation of three sites, including one to the east of Stane Street which

already has planning permission for 23 houses²; a site at Elmers Field, Elmers Road³ which is currently the subject of an undetermined application for 20 dwellings; and another site to the rear of Cricketers Close⁴ which is also the subject of an application for 4 dwellings. The Council's evidence also indicates that the appeal site was considered as a potential allocation site⁵ following Regulation 18 stage of the eLP, but was discounted as it was not considered modest or infill in nature. Nevertheless, I attribute a degree of weight to the support for the modest planned growth of Ockley in the eLP.

Character and appearance

12. The site is not currently within a designated national landscape or locally designated Area of Great Landscape Value (AGLV). The Surrey Hills National Landscape is within around 500m from the site and the AGLV boundary is on the other side of Stane Street. The site is not currently a *valued landscape* that is protected by national or specific local policy, and I refrain from being drawn on the potential that either designation would be extended to include the site in the near future, as was reported anecdotally at the hearing.
13. The rural village lies within a spectacular landscape setting with a network of agricultural fields linked by trees with dispersed woodland cover making up a rolling, green, medium-scale landscape. These are typical characteristics of the *Cranleigh to Charlwood Wooded Low Weald landscape*⁶ and the wider *National Character Area 121 - Low Weald landscape*. The long views of Leith Hill and Greensand Ridge add to the aesthetic appeal and quality of the landscape in and around the village, particularly in areas around the Green and on views from footpaths that pass close to the site.
14. The appellant's submitted Landscape and Visual Appraisal (LVA)⁷ indicates that the baseline value of the landscape is high, and I too have reached this view independently. I do however differ on the susceptibility and sensitivity ratings given to the local landscape and find it to be of an overall high sensitivity rather than the medium categorisation given. This may be, in part, as a result of the study area of the LVA being set at a radius of 1km from the site boundary; the rationale for which is unclear, but which has the effect of diluting the potential effects of the development. Therefore, in my view, even if the site is not part of a strictly defined 'valued' landscape at present, it is a high value landscape which is more highly sensitive to change than the LVA suggests.
15. The proposal would result in few actual direct losses or harms to landscape features, with minimal tree removals and modest areas of level changes required. However, the proposal would introduce pockets of modern estate development and a long, formal estate road across large extents of the site which would appear incongruous and harsh within the landscape setting. The transitions between the pockets of development and leftover undeveloped space would be abrupt, particularly at the edges, giving a sense of something left unfinished and not truly fitting into its landscape context.

² Draft allocation Ref DS60; Planning permission Ref MO/2022/0018

³ Draft allocation Ref DS61

⁴ Draft allocation Ref DS62; Planning permission Ref MO/2023/1154

⁵ Site Ref 18-OK-022

⁶ Surrey Landscape Character Assessment (2015) and similarly defined as part of the Wooded Weald landscape character area (LCA) in the Mole Valley Local Plan Landscape Supplementary Planning Document 2013

⁷ Supplemented with a Landscape Appeal Statement

16. The introduction of landscaping throughout and trees largely within the inner, open space would help to soften the effects of the proposal. But my view is that integrating the scheme within its landscape context successfully would take more than the landscaping scheme proposed. Even though the sight of built development in the area is relatively common, in so many ways to do with its siting, split nature and density relative to the more dispersed surrounding settlement; contemporary form and design; rigidity and engineered infrastructure, the proposal would appear something of an oddity in its landscape context.
17. Whilst visiting the site and surroundings, consideration has been given to the range of submitted visualisations from various viewpoints as part of the appellant's LVAs, assessments submitted on behalf of the Council and additional material submitted by the appellant at the hearing⁸.
18. I accept that the site benefits from a relatively high degree of visual containment. As such, for the most part, the new houses would be largely screened from Stane Street due to ground levels and intervening soft landscaping and buildings. However, there would be noticeable changes around the area of the widened access and new section of estate road which would result in a degree of harm.
19. The proposal would be too distant to cause any notable degree of harm from Leith Hill. Whilst there may be some glimpses of buildings from the Green and from Byway 158 looking south-east towards the site, particularly in winter months, the visual effects would be of a low-moderate degree of harm. Similarly, the proposal would not be extensively visible through trees in views from the footpaths running to the north and east of the site, but in winter months some glimpses would be available from certain points which would be harmful.
20. Two of the most affected viewpoints would be those on Friday Street, particularly at the gateway by Plot 7. Here the views would be changed from glimpses towards a high quality rural landscape to a housing development, albeit with the sensitivity of the viewers adjusted due to their position within an existing residential context.
21. The other most affected viewpoint would be on the rural Public Right of Way 162b, particularly in the vicinity of Plots 32 – 36. Here there would be a large block containing Plots 33 – 36, along with the bin store, car parking area and large expanses of estate road. This area would remain largely open to views down towards Friday Street. I consider that the effects here would amount to a major adverse degree of harm, even after landscape establishment.
22. There would also be changes to private views from both Elderslie and its grounds and also from Elderslie Cottage. From all of these private views there would be permanent visual change of a harmful nature, even after the establishment of landscaping.
23. Taking all of the above together, in my view, the landscape and visual effects of the proposal would be highly adverse and would bring the scheme into conflict with, in particular, Core Strategy Policies CS13 and CS14 and Local Plan Policies ENV3, ENV22 and ENV23. These Policies collectively seek to ensure

⁸ See hearing documents 18 - 29

that new development must respect and, where appropriate, enhance the character and distinctiveness of the landscape character area in which it is proposed, in a manner which is appropriate in scale, form, impact and siting.

Heritage Effects

Elderslie, including the stables – Grade II – Statutory List Entry: 1028701

24. Elderslie is a timber framed lobby entry house built in the early-mid C17 with extensions, including stable blocks, added in C18 or early C19 to form a small country house. The earlier phase of the building includes a section with five gables, 2 and a half storeys, constructed of brick and clad in pebbledash with plain tiled roofs and an impressive central chimney stack. The stable extensions are lower, more functional in appearance and retain their brick exterior. Other notable detailing across the building includes a small balcony; wooden eaves boards; a range of sash, casement, 'cross', oriel and stilted-arched windows and doors; and flanking pilaster piers surrounding a panelled door with fanlight.
25. I consider that the significance of Elderslie is partly derived from its historic, evidential and architectural values which include reference to the building's early construction date and remaining historic fabric, scale, form, plan form, fenestration and use of materials. The impressive scale of the building, its trees and extensive grounds, its prominent location close to the road and Green, and the obvious differences in character between the phases of its evolution combine to signify its role as a high status building within a rural village context. Therefore, the rural village context is an important contributor to Elderslie's significance, and in this regard, the area of the CA around the Green is well-preserved and contributes authentically to the significance of Elderslie.
26. Elderslie has three vehicular accesses onto Stane Street; two of which are in regular use. The stable block has since been converted to domestic accommodation which utilises one of the vehicular accesses. The more modest garden/courtyard space is between the house and Stane Street. The larger gardens are to the sides and east of the house and have an array of mature trees and shrubs which contribute to the character and appearance of the area. These areas also include a tennis court, swimming pool and disused ménage.
27. To the east of Elderslie is its parkland, which largely comprises a rolling agricultural landscape surrounded by trees and with trees appearing informally within the open inner space. The vastness of the private space, its tranquillity, aesthetic appeal (largely from being free of the infringement of modern development), long views towards Leith Hill and verdant qualities combine to contribute greatly to the significance of the asset. The parkland has a visual connection with the asset from many points from within the gardens and from upper floor windows and it has undoubtedly been enjoyed as an area of private countryside within the context of a rich wider setting by the many occupants that Elderslie has seen over the years. In my view, the importance of this aspect of its setting cannot be downplayed.
28. It is also possible that at a certain point in time, Elderslie had two principal elevations, with the Stane Street side providing functional access, and the eastern side being the arrival point via sweeping driveway to allow an appreciation of the splendour of the country house, its gardens and land holding. Though that has since changed with all accesses primarily from Stane

Street, the gardens and parkland, including the appeal site, still provide a good platform from which to understand the evolution of the building to a small country house and experience the dual aspect nature of the asset.

Effects on significance

29. The proposal would introduce two pockets of modern estate development to the north-east and south-east of the asset, leaving only a central east-west section without housing. The housing would be accessed via a new estate road laid to connect with the existing Stane Street access utilised by the stable block residence. The estate road would run from the broadly linear south-eastern pocket of housing, across the retained open section of parkland, to serve the more irregularly laid out pocket of development to the north-east. Whilst the estate road would run north-south between the space, the area closest to Elderslie would be managed as an area of wildflower grassland; beyond the road would be a more open area with trees to be planted either side.
30. The effects of the proposal would include the changes to the side garden through the provision of the new road and widened access. The wide, engineered form of the new access with footways either side and its visibility on the rising ground on a meandering route through the trees would signify its role as a destination to somewhere important and clearly more modern, but no longer with any connection to the host asset. This would cause a degree of harm through altering the hierarchy of accesses.
31. Even though it has been designed to sit towards the outer fringes, the proposal would be a discordant intrusion on a relatively unspoilt high quality parkland setting. Its impact would also be compounded by the disjointedness of the two separate pockets of development; the long, engineered estate road running between the two and the abrupt transitions between the relatively high density pockets of hard-edged modern estate development. There would also be domestic influences that could not be as readily controlled through design, such as the addition of enclosures, use of lighting and comings and goings of cars and people which would also undermine the appearance, tranquillity and sense of remoteness that currently contributes to the setting of the asset.
32. Even if the future landscaping and trees would aim to preserve some sense of the unspoilt and tranquil qualities of the parkland, there would still be clear signs. The intrusion of the road bisecting the space could not be so easily screened. The spaciousness, openness and informality of the parkland would appear more cluttered with a narrowed view, channelled by the placement and density of tree cover, far less private and with the likelihood of a more intense management regime.
33. Taken together, these factors would harm the significance of the asset. Though the appellant offers a view that the degree of harm would be no more than medium⁹, my view is that the degree of harm would be at the high end of less than substantial harm when considered under the terms of the National Planning Policy Framework (the Framework).

The CA

34. The significance of the CA can be attributed in a large part to the extensive, open village green, informally framed by many picturesque cottages stemming

⁹ Heritage Impact Assessment

from C17 with gothic remodelling, set apart by gaps which provide visual links out to the surrounding Weald agricultural countryside and the prominent landscape feature of Leith Hill. Whilst the built form around the Green is noted as being more linear in nature, the closer-knit, more mixed character of the built form to the south is also apparent. The landscape setting of the CA is rightfully described in the CA description as being 'splendid' and the trees that feature within the Green and in the surrounding landscape are important both within and as part of the setting of the CA. The trees within the grounds of Elderslie are also noted as being tall and important features in this context.

35. The appeal site's contribution to the significance of the CA is through holding the line of development to the edge of Stane Street, helping to define the linear form of the settlement and by providing the gaps between Elderslie and other buildings to link the village with the surrounding countryside. It also clearly offers the contribution of the important trees and the land that forms part of the high quality, rural landscape setting overall.

Effects on significance

36. Considered in a spatial context, the proposal would result in a substantial increase in the pockets of development extending away from the linear form of Stane Street to the north of the village. It would consolidate with the development along Friday Street and add a further pocket of development at odds with the general linearity of this part of the settlement. The severity of the new road cutting across the parkland, and its abrupt endings at the footpaths and eastern extremes would also insensitively detract from the form of the village and therefore, detract from the significance of the CA.
37. Considered visually, the widening of the access and introduction of the modern estate road, which would be visible from the Green, would have an urbanising effect on the character and appearance of this part of the site within the CA. Furthermore, from public vantage points around the Green and to the west, some views of modern development would be available. I appreciate that this would be largely limited to winter views, but these effects would nonetheless undermine the cohesion, character and appearance of the CA, thus affecting its significance through development within its setting.
38. Therefore, in my view, the proposal would fail to preserve the character and appearance of the conservation area, and would harm its setting, which would be at the moderate to high end of the scale of such harm.

Orchard Cottage – Grade II Listed Building

39. Alike many of the cottages within the CA, Orchard Cottage was originally built in C17 and has been altered, most recently in C20. It reveals much of its square panel timber frame with whitewashed brick infill, but has extensions constructed in red/brown brick with weatherboarding. Its roof is plain tiled, and half hipped over its extensions. It is an overall two storey height with some single storey elements with notable features such as a chimney stack and leaded casement windows.
40. Its significance lies in its evidential, historic and architectural value as a good example of a timber framed cottage built in the vernacular style with sympathetic later alterations of which much historic fabric appears intact. Whilst the main setting of the asset is its tightly defined curtilage, enclosed by

vegetation, it is also an asset better understood as part of an assemblage of cottages of a similar style and age which form a large part of the CA, set within a wider rural landscape context. Of this, its rural landscape context, including the appeal site, contributes in a modest way to its significance.

Effects on significance

41. The proposal would have a limited effect on the setting of Orchard Cottage by virtue of its urban and domestic influences on its otherwise relatively rural context. As there would be limited intervisibility due to existing tree cover, both within the curtilage of Orchard Cottage and on the northern verges of Friday Street, the prominence of such a change would be less pronounced. Nonetheless, the limited degree of less than substantial harm to the significance of this asset should also be considered.

Heritage conclusions

42. In view of the above, the proposal would harm the significance of designated heritage assets: Ockley Conservation Area, Elderslie and Orchard Cottage to varying degrees. This harm brings the scheme into conflict with Core Strategy Policy CS14 and Local Plan Policies ENV39 and ENV43. These Policies seek to ensure that areas or sites of historic importance are protected and ensure that proposals do not detract from the character or setting of any historic building or conservation area.
43. As I have identified that the harm would be of a less than substantial nature in each case, the Framework requires that an exercise is undertaken to weigh the harm against the public benefits of the proposal. I return to this below.

Housing land supply

44. In respect of the HLS position, both parties worked on the basis of a four year housing land supply requirement in the context of the Framework, given the advanced stage of preparation of the eLP. Both parties also worked to a base date of 31 March 2023 and total requirement of 2,208 dwellings for the period. I find no reason to disagree with these agreed parameters. Much of this is detailed in the appellant's *MVDC Housing Land Supply Position Statement*¹⁰ (HLS Statement) and accompanying Appendix 1 (tabulated site allocation notes).
45. The Council published the *Housing Land Supply Annual Review 2023* in February 2024 which sets out that the supply should be taken as in the region of 4.4 years' worth. By contrast, the appellant asserted that the Council could only demonstrate a 3.3 year supply, primarily due to the absence of evidence of deliverability of the draft housing allocations in the eLP. The Council's Review indicates that sites allocated in the draft Local Plan should yield 1,140 dwellings. The Appellant has discounted this to a yield of 542. This is the key difference between the parties' respective 3.3 year and 4.4 year figures.
46. In examining the tests for deliverability, it is necessary to reference the Glossary in Annex 2 to the Framework and the Planning Practice Guidance (PPG). Both of these sources reinforce that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered

¹⁰ May 2024

on the site within five years. For sites under limb b) of the definition, i.e., where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, they should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The clear evidence to demonstrate deliverability of these types of sites includes evidence of current planning status; details of firm progress being made towards the submission of an application, including written agreement of the site developers confirming delivery intentions; firm progress with site assessment work; clear relevant information about site viability, ownership constraints or infrastructure provision.

47. The Council's *Deliverability Assessment of draft Local Plan residential development sites*¹¹ (Deliverability Assessment) provides notes on the Council's review of the material to support its deliverability assumptions. The Council's Statement also provides evidence to the eLP examination document *ED71C* which is an assessment of *Deliverability of Principal Allocated Sites*¹² which predates the Deliverability Assessment. I have read across these documents and taken the appellant's Appendix 1 to its HLS Statement into account, along with verbal explanations given at the hearing.
48. The appellant takes no issue in principle with the Council's reliance on a yield from an allocated site in the eLP, where evidenced. My view is that this can also count as a source of supply with the requisite caution and rigour on deliverability evidence. No evidence beyond the Council's publications were sought by the appellant and it has consequently made its judgements about site deliverability based on the face value of the available evidence.
49. I have considered the sites where the parties were in dispute and have made deductions for a number of reasons, including, where only a telephone conversation has taken place with the site promoter, where a planning application has been refused and weakened the certainty of delivery, where the evidence of deliverability is very vague and generalised and where an anomaly has been conceded by the Council. These include site references¹³ DS5, DS6, DS11, DS14, DS22, DS41, DS42 and DS62 and a total deduction of around 217 dwellings. On the other hand, I have maintained a large number in the supply, as reading across both of the Council's key documents, there is clear evidence, including that which forms part of the eLP examination, that the sites are deliverable. Some of the notes are direct quotations from the correspondence that fed into the tables in *ED71C* and the Deliverability Assessment, indicating that there is more beneath the concisely packaged tables of information to support the Council's position.
50. I have considered the disputed position with DS8 in which the appellant seeks to discount the yield from 125 to 75 dwellings based on the market absorption of 25 dwellings per annum being more realistic than any greater number. Little evidence was offered by the appellant to support this assertion, but I consider a discount of 25 dwellings instead would seem a proportionate response in the circumstances. Therefore, the yield from DS8 should reduce to 100 dwellings in my view. This takes the total deduction from the supply to 242 dwellings.

¹¹ Appendix 1 of the Housing Land Supply Annual Review 2023 (Feb 2024)

¹² Appendix 3 to Council's Note 35 (January 2024)

¹³ See both Appendix 1 of the Housing Land Supply Annual Review 2023 and Appendix 3 to Council's Note 35

51. As the deduction of the 242 dwellings would take the supply from this source down to 898 dwellings (from 1,140), the Council would be incapable of demonstrating a four year housing land supply, but would be very close to being able to do so at around 3.9 years.
52. The outcome of my findings above indicate that, however marginal at this point in time, the Council is incapable of demonstrating the requisite four year housing land supply. In such circumstances, paragraph 11 (d) of the Framework and footnote 8 dictate that the presumption in favour of sustainable development, otherwise known as the 'tilted balance' shall be engaged, unless the circumstances set out in paragraph 11 (d) (i) or (ii) indicate otherwise. The other means through which the tilted balance is engaged is by virtue of the Council's Housing Delivery Test (HDT) results falling below the Framework's threshold of 75% over the last three years.
53. In the last three years for which the HDT results are available (to 2021/2022), the number of dwellings was 162, 274 and 247 respectively. The outcomes of the application of the HDT give a result of 58%. Therefore, despite the Council's anticipation of an imminent positive change to the rerun of the HDT on adoption of the eLP, I must regard the tilted balance engaged unless the circumstances in Framework paragraph 11 (d) (i) or (ii) are relevant. I return to this in the planning balance below.

Planning Obligation

54. The submitted S106 planning obligation provides for the provision of the 17 affordable dwellings, in terms of timing of delivery, eligibility of occupants and transfers to a registered provider or purchasers. It also provides for the financial contribution of £168,000 towards a Digital Demand Responsive Transport (DDRT) service which is required under Local Plan Policy MOV2 and would improve the bus service for new residents in the area.
55. The S106 also provides for the highway works that would be required by way of separate process under the Highways Act to create the access to the site from Stane Street and provide dropped kerbs across from Stane Street to Friday Street.
56. Having regard to the scale and nature of the development and the development plan requirements for affordable housing and proportionate highway infrastructure, I am satisfied that the planning obligation would meet the tests under Regulation 122 of the Community Infrastructure Regulations 2010, as amended, and its various obligations can attract weight in the overall balance below.

Other Matters

57. I note that reference is made to self and custom build dwellings and that up to two plots may be offered which would provide a greater range of housing. However, the scheme is a detailed application for which no plots are left without a detailed house type. Furthermore, the scheme is not described in such a way as to allow the required flexibility and nor are there any such provisions in the submitted S106 obligation. Therefore, I have not attributed any weight to this aspect as it does not form part of the proposal.

Planning Balance and Conclusion

58. In terms of the conflict with heritage policies, I regard the policies as being a degree inconsistent with the Framework, and thus, capable of attracting only limited weight. Nonetheless, the Framework itself advocates that when considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and any harm to, or loss of, significance should require clear and convincing justification. Under paragraph 208 of the Framework, it is necessary to weigh the less than substantial harm to the significance of a designated heritage asset, or assets, against the public benefits of the proposal.
59. The public benefits of the scheme would be the contribution of 42 dwellings to the local housing stock, including the provision of 17 affordable dwellings. Given the scale of the scheme relative to annual past delivery rates considered under the HDT and the shortfall of housing that I have identified, 42 dwellings is a sizeable proposal. Looking ahead, I also note that future housing delivery may prove problematic and that the large extent of landscape and policy constraints on the Mole Valley district prove challenging in this regard. Additionally, the benefit of providing 17 affordable dwellings should be framed in the context of an accepted poor affordability ratio and increasing numbers of entrants on affordable housing waiting lists in recent years. The delivery of housing therefore attracts substantial positive weight in support of the appeal scheme.
60. The other public benefit to which I attribute lesser weight includes the financial contribution towards the DDRT bus service upgrade which, whilst principally arising as a need given the scale of the scheme, would improve the public bus service for local residents as well. The dropped kerbs between Stane Street and Friday Street which would also be provided by the scheme would also be a minor public benefit, even if the need for such would principally arise from the scheme itself.
61. The development would generate benefits for the local construction industry during the build, including employment, albeit this would be temporary in nature. Thereafter, the additional residents would deliver economic benefits through the support of local businesses and services. These are limited public benefits that weigh in favour of the scheme.
62. I have not attributed more than limited weight to any tariffs payable under the Community Infrastructure Levy as such payments are intended to cover the increased infrastructure demands specifically created by new development.
63. Overall, I have reached the balanced view that the totality of the public benefits of the scheme do not outweigh the identified heritage harms in this case. In such circumstances, footnote 7 of the Framework contextualises the tilted balance where policies exist that protect areas or assets of particular importance. This list includes designated heritage assets. Paragraph 11 d) sets out that where the most important policies are out of date, permission should be granted unless, in the case of i), the application of policies that protect assets of particular importance provide a clear reason for refusing the development proposed. In this case, the totality of harms to the significance of designated heritage assets constitutes a clear reason for refusal. Consequently, the tilted balance is disengaged, and it does not form a consideration of such materiality that indicates permission should be granted.

64. In terms of the location of the site outside of the defined settlement of Ockley and its size being greater than the infill level typically permissible in such a location, I afford reduced weight to the conflict with Core Strategy Policies CS1 and CS2. I do so also in view of the direction of travel of the eLP towards the modest expansion of Ockley.
65. The development plan policies offering protection to the countryside and seeking respectful forms of development are still considered to be consistent with the aims of the Framework and, accordingly, the conflict with these policies still merits at least moderate weight.
66. I have attributed reduced weight to the conflict with various relevant policies, where identified, due to the identified housing land position. I have also weighed the range of public benefits and considerations advanced by the appellant, including conditions that would be capable of being attached to the permission. However, in my view, the proposal would conflict with the development plan as a whole and the identified material considerations in this case, including the Framework, do not outweigh that conflict or indicate that a decision should be made other than in accordance with the development plan.
67. For the reasons given above, the appeal should be dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Elizabeth Ross-Smith	Greymoor
Mr David Churchill	Carter Jonas
Mr Chris Collett	Carter Jonas
Ms Sara Davidson	HCUK
Mr Stephen Wadsworth	Briarwood Landscape Architects
Ms Ashley Masterson	Ashby Design

FOR THE LOCAL PLANNING AUTHORITY:

Ms Sherelle Munnis	Mole Valley District Council
Mr David Clarke	Mole Valley District Council
Mr Nick Harper	Harper Landscape Architecture LLP
Mr Christopher Reynolds	Surrey County Council

INTERESTED PARTIES:

Mrs Annie Burrill	Local resident
Mr Richard Burrill	Local resident
Miss Amanda Barclay	Representative of Ockley Parish Council
Mrs Lesley Fletcher	Representative of Ockley Parish Council
Mrs Katie Steel	Local resident
Mrs Ruth Gooda	Local resident

DOCUMENTS:

Document 1	Opening Statement of Mr David Churchill
Document 2	List of revised plans – 20.05.24
Document 3	Proposed Site Block Plan PL002 Rev B
Document 4	Proposed Access Strategy Plan PL1004 Rev C
Document 5	Site Parameters Plan PL1007 Rev A
Document 6	Proposed Boundary Treatments Plan PL1008 Rev B
Document 7	Landscape Proposals Sheet 1 Rev D
Document 8	Landscape Proposals Sheet 2 Rev D
Document 9	Landscape Proposals Sheet 3 Rev D
Document 10	Landscape Proposals Sheet 4 Rev D
Document 11	Hard Landscape Proposals Sheet 1 Rev B
Document 12	Hard Landscape Proposals Sheet 2 Rev B
Document 13	Hard Landscape Proposals Sheet 3 Rev B
Document 14	Hard Landscape Proposals Sheet 4 Rev B
Document 15	Overall Proposals 19 Rev D
Document 16	Open Space Proposals Sheet 1 Rev D
Document 17	Open Space Proposals Sheet 2 Rev D
Document 18	Verified views – VP14 – Existing
Document 19	Verified views – VP14 – Wireframe
Document 20	Verified views – VP14 – Year 1
Document 21	Verified views – VP14 – Year 15
Document 22	Verified views – VP15 – Existing
Document 23	Verified views – VP15 – Wireframe
Document 24	Verified views – VP15 – Year 1
Document 25	Verified views – VP15 – Year 15
Document 26	Verified views – VP16 – Existing
Document 27	Verified views – VP16 – Wireframe
Document 28	Verified views – VP16 – Year 1
Document 29	Verified views – VP16 – Year 15
Document 30	Emerging Local Plan (including Policies S1, S2, H1, H3, H9, H10, EN2, EN3, EN4, EN5, EN6, EN8, EN9, EN12, EN13, INF1, INF2, INF5 and D1)
Document 31	Combined correspondence in lieu of attendance from Councillor Mursaleen-Plank, Councillor Budleigh and Councillor Magesh
Document 32	Draft S106 Agreement
Document 33	Draft condition wording list – dated 20.05.24
Document 34	Housing trajectory (Note 35, Appx 1)

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 35	Final condition wording
Document 36	Final S106 Agreement