



Appeal Decision

Inquiry held on 8 – 10, 15 – 17, 23 – 24 April and 6 May 2025

Site visit made on 24 April 2025

by **Phillip J G Ware BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th October 2025

Appeal Ref: APP/R3650/W/3327643

Land off Midhurst Road at Scotland Park, Haslemere, Surrey GU27 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Redwood South West Limited against the decision of Waverley Borough Council.
- The application Ref is WA/2022/01887.
- The development is a hybrid proposal consisting of:

An outline application (all matters reserved except access) for up to 111 residential dwellings accessed from the proposed access road (linking to Midhurst Road), associated landscaping, restricted access for emergency access, community growing space and associated infrastructure, including green infrastructure.

A full application for the erection of 1 dwelling and associated works; a junction alteration from Midhurst Road, associated access road to serve the development (including the diversion of a public footpath), car park, associated landscaping and drainage; the erection of a scout facility/nursery (use class F) and an education facility (use class F); a Suitable Alternative Natural Greenspace (SANG).

Decision

1. The appeal is allowed and planning permission is granted for the hybrid proposal as set out above on Land off Midhurst Road at Scotland Park, Haslemere, Surrey GU27 3DH in accordance with the terms of the application Ref WA/2022/018, subject to the conditions set out in the attached Schedule.

Procedural matters

2. The Haslemere South Residents Association was given Rule 6 (R6) status and participated in the inquiry.
3. The final day of the inquiry was held (with notice having been given) virtually. This day comprised a short discussion on conditions and the full draft s106 obligation, followed by closing submissions from the main parties.
4. The signed 106 agreement was submitted on 12 May 2025, and I have taken it into account.

5. The appeal proposal is accompanied by an Environmental Statement, including technical appendices and a non-technical summary along with updates. I am satisfied that the totality of the information provided is sufficient to meet the requirements of the EIA Regulations and this information has been taken into account in reaching the decision.
6. A previous inquiry related to this appeal was held in January 2024, which led to a decision dated 24 May 2024 dismissing the appeal. This decision was quashed by order of the High Court on 30 July 2024, on the basis of procedural unfairness. As the Secretary of State conceded on this specific ground, the other grounds of challenge were not considered. I will return to the materiality of this former appeal decision below.
7. After the inquiry closed an appeal decision was issued related to a proposal in Torbay which, it was suggested by the appellant, was relevant to the current appeal.¹ Shortly afterwards the appellant drew attention to a High Court judgement related to the Turnden appeal, which had been extensively discussed at the inquiry.² The parties were notified of these matters and invited to make comments, and I have considered the decision and the judgement.

Main Issues

8. There are four main issues in this case:
 - The effect of the proposal on the landscape, with particular regard to the National Landscape (NL).
 - The effect of the proposal on housing land supply in the area.
 - The effect of the proposal on the biodiversity of the site.
 - Whether there are exceptional circumstances to justify development in the NL.
9. The third of these issues was pursued by the R6 party, and is the subject of a biodiversity Statement of Common Ground (SOCG) between the appellant and the Council.
10. Other matters which were the subject of reasons given by the Council for refusing the development have been resolved as between the Council and the appellant (as discussed below). These include matters related to affordable housing provision and highway safety.

Reasons

The site and surroundings

11. The site is around 23ha in extent adjacent to the southern edge of Haslemere. It comprises a number of fields in the northern area: Landscape Character Areas (LCA) 1 & 2, with woodland generally in the central and southern areas. The northern part of the site in LCAs 1 & 2, closest to the existing housing, is on higher ground. The remaining LCAs fall away to the south.

¹ APP/X1165/W/24/3354507

² R(CPRE Kent) v SSHCLG [2025] EWHC 1781 (Admin).



Figure 3.0: Landscape Character zones within and around the Site (SCOTLAND PARK PHASE 2, HASLEMERE REDWOOD SOUTHWEST) (APPENDIX 10.1: LANDSCAPE AND VISUAL FIGURES (Part 1 of 3), June 2022)

12. There is a footpath (37) along the southern site boundary and another (597) along Midhurst Road to the west. To the northeast is Scotland Park Phase 1 – a housing development under construction, along with a house known as Red Court to the east.
13. The site is wholly located in the Surrey Hills NL (formerly known as an Area of Outstanding Natural Beauty). The site is immediately to the south of the built up area of the town. At the more local level, it is in the Wooded Greensand Hills Landscape Character Area, adjacent to the Greensand Hills to the south.
14. The wider area exhibits a complex rolling topography, within which the amount of woodland gives rise to a generally enclosed landscape. One characteristic of the area is the way in which road and railway lines cut through the area. Some of these routes are very significant – such as the A3 at a distance to the northwest, whilst others are more akin to country lanes with accesses leading to drives of varying length.
15. The site is outside the Green Belt. It is also outside the South Downs National Park, which lies to the south of the appeal site across Bell Vale Lane (forming the southern edge of the site).

The proposal

16. The full element of the proposal is a new access road and junction from Midhurst Road to the west (in LCA 1), which would serve the entire site, and includes the diversion of the existing public footway. This part of the proposal includes open

space, a dwelling adjacent to the new entrance, a new scout facility, land for a forest school and a strategic SANG.

17. The outline part of the proposal includes up to 111 dwellings accessed from the new road. These would be located in LCA 1 and 2.
18. 78% of the appeal site would be outside the housing area and used for public/community uses and access.

Agreed matters

19. The Council and the appellant concluded a number of SOCGs, covering a range of matters.
20. In particular, specifically referencing the original reasons for refusal, the Council and the appellant (though not necessarily the R6 party) agree that the following matters are no longer at issue:
 - The setting of the South Downs National Park
 - Highways matters
 - Ecology
 - Affordable housing
 - The provision/maintenance of the SANG
 - The effect on the Rights of Way network
21. In addition it is agreed that the site is located within walking and cycling distance of a variety of services in Haslemere and accords with policies related to development in sustainable locations.³
22. The five year housing land supply is agreed as being 1.28 years. The parties agree that paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged, and that therefore the most important policies for determining the appeal are out of date.
23. Importantly it is agreed that the development is “major” development in NL terms. It is also agreed that paragraphs 189/190 of the Framework are relevant policies for the purposes of footnote 7 and para 11(d)(i).
24. Framework para.190 sets out the exceptional circumstances test. This is a central element in the determination of the appeal. In the light of this policy the parties sought to agree a list of alternative sites across the Borough which might accommodate the appeal proposal. However agreement on such a list was not possible, due to differences related to the potential inclusion of allocated sites and other matters.
25. The parties agree that the proposal is policy compliant in terms of affordable housing – at 35% this exceeds the policy requirement. The tenure and the inclusion of 5 self/custom build units is also policy compliant.

³ Particularly LPP1 policy ST1

26. A separate s106 agreement, concluded some time ago, between the Appellant and Surrey County Council, is unchanged.⁴
27. A number of landscape and visual baselines were agreed between the Council and the appellant.

Policy and legal context

28. The development plan comprises the Haslemere Local Plan Part 1: Strategic policies and sites (LPP1); the Haslemere Local Plan Part 2: Site Allocation and Development Management Policies (LPP2); and the Haslemere Neighbourhood Plan (adopted in 2021) (HNP). LPP2 was adopted in 2023, whilst LPP1 is more than five years old and has not been updated – that plan is therefore agreed to be out of date and the weight to be accorded to its policies is based on the degree of consistency with the Framework.
29. In terms of emerging policy, the Council published a ‘Call For Sites’ between December 2023 and 2024. This is intended to inform a Land Availability Assessment, but this has not yet been published. There are as yet no draft policies or allocations. The Council’s timetable indicates that a new plan will be adopted in mid-2028, although it is noted that the appellant has doubts as to whether this is a realistic timetable. I will return to that matter below.
30. The key development plan policies are summarised below. There are many other policies at play, as agreed in the Planning SOCG.
31. Dealing first with LPP1, policy SP1 establishes a presumption in favour of sustainable development, which leads into policy SP2 which sets out criteria to guide the location of development. Amongst other matters this seeks to focus development ‘at’ main settlements (including Haslemere) whilst avoiding major development in the NL. There was some debate at the inquiry as to the relevance of the word ‘at’ (as opposed to ‘in’) – but this serves only to confuse a straightforward policy. The current appeal clearly conflicts with the policy as it is major development in the NL.
32. As well as policies dealing with the NL, LPP1 policy RE1 deals with countryside beyond the Green Belt, where the intrinsic character and beauty of the countryside will be recognised and supported. LPP1 policy RE3 deals with respect for the distinctive character of the landscape, and also deals with the NL. It references the application of the NL Management Plan. It should be noted that the reasoned justification to RE3 refers to a review of the NL boundary but, although Natural England has apparently begun looking at potential additions to the NL, this work is not completed. There was a short discussion on this matter at the inquiry but speculation as to the potential implications of any review can be given extremely limited weight at this stage.
33. LPP1 policy NE1 deals with the conservation and enhancement of biodiversity. It states that new development should make a positive contribution to biodiversity.
34. Turning to LPP2, policy DM15 establishes criteria for development in rural areas. Amongst other matters it provides that this should reflect the intrinsic character of the open countryside. This is reflected in policy DM11 in relation to avoidance of detrimental impact on landscape character, unless there are wholly exceptional

⁴ A previous obligation dealing with allotments was agreed to be unnecessary and was not carried forward.

- reasons. The policy also requires development to retain woodland, important trees, groups of trees and hedgerows. Where significant harm cannot be avoided it should be adequately mitigated or as a last resort, compensated for.
35. Turning finally to the HNP, policy H9 relates to a range of matters. These include the conservation and enhancement of trees, hedgerows and woodlands. This approach is similar to LPP2 policy DM11.
36. Amongst other statutory and policy requirements, it is worth setting out the position regarding the duties related to NLs - as these matters are central to the differences between the three parties.
37. Section 245 of the Levelling-Up and Regeneration Act 2023 amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of National Parks. The new duties require that authorities "must seek to further" these statutory purposes rather than "shall have regard" to them as was set out previously. I will return to the consequences of this change below.
38. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in (inter alia) NLs which have the highest status of protection in relation to these issues... the scale and extent of development within all these designated areas should be limited. All parties agreed that this national policy is relevant to this appeal.
39. Paragraph 190 of the Framework provides that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It is worth noting that the definition of 'major development' is stated to be a matter for the decision maker. In this case all parties are agreed that the proposal represents major development – I concur with that position.
40. The policy continues to state that consideration of such applications should include an assessment of three factors, which are worth setting out in full at this point:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
41. I will return to the question of any 'exceptional circumstances' below.

Landscape and visual matters

42. As identified above, the appeal site has been divided into a number of LCAs, which all parties referred to. There is agreement that the negative effects of the proposal – and all parties accepted that there would be negative effects – would be in LCAs 1 & 2. These areas comprise the fields on top of the ridge where the proposed housing would be located, along with the rising land from Midhurst Road, where a new access would be formed, along with a new house and a roadway leading to the top of the slope. In dealing with the landscape and visual effects of the

- proposal it must be remembered that only around 22% of the overall site falls within LCAs 1 & 2.
43. The proposals for the lower areas of the site (LCAs 3-7), which are generally more densely wooded, are accepted to not harm the character of the area. However the extent of any benefit/mitigation in those areas is not agreed.
 44. In terms of landscape sensitivity, which is a judgement based on the value and susceptibility of the area, there is little of significance between the parties. Of considerable importance is the agreement that LCAs 1 & 2 are high sensitivity (or high-medium in relation to the lower end of LCA1). In my view the whole of these two LCAs are high sensitivity. In relation to the other LCAs, although there are some differences between the parties, I consider the sensitivity of these areas to be medium. I will now turn to the effects of the proposal on the LCAs.
 45. Taking LCA2 (the northern fields) first, as this is where the majority of the housing would be located, the change from fields along a ridge to housing development would cause a large adverse effect in terms of landscape character at Year 1, reducing to moderate adverse as a residual effect.
 46. In coming to this position I am conscious that the effect would be moderated over time as a result of the retention and enhancement of green infrastructure and the intended high quality of design in line with the Design Code – which would mitigate the landscape harm and contribute to the character of the NL. However the fundamental effect of the built development would persist over time. I appreciate that this area abuts the edge of the existing settlement and that the fields themselves not particularly distinctive – although they are characteristic of the fields which intersperse the wider NL. I also recognise that the development on this area would only be susceptible to very localised public views.
 47. The northern part of LCA1 shares the characteristics and effect with LCA2, which need not be repeated. However the southern part of this LCA is different in relation to its existing character and the effect of the elements of the proposal on it. This area is clearly visible from the road and the footpath to the west of the site, and is an open field running up the slope – which is characteristic of one element of the NL landscape. Its sensitivity, based partly on its visibility and slope, is high.
 48. There was considerable discussion at the inquiry as to whether Midhurst Road can be described as a characteristic ‘sunken lane’ and whether the proposed access, regrading, dwelling and access road would harm its character. The definition is frankly a semantic point which does not assist to any extent, neither is the fact that this is a trunk road is in any way determinative.
 49. However what is clear is that the formation of the access would open up views into the site in which the new roadway and other new features would be visible. In particular the new lodge house, small parking area and the new roadway running up the slope would be clearly seen.
 50. Based on the evidence and what I saw on my site visit, the new access point would not be atypical as, in common with most roads close to the edge of settlement, there are a number of existing access points. I was also provided with evidence of similar access points in the wider NL. It was suggested that this location forms a gateway into the town, which should not be broken by another access – but there is little to support that view.

51. Initially the new access would appear stark but this would soften over time and as additional planting matures. This planting would be in line with LPP2 policy DM11, and would be a benefit which would also ameliorate the effects of this element of the development. Similarly the parking area would be screened and the relocated footway would, if anything, enhance the experience of walkers whose route would be less impacted by the road. I am conscious that some trees are the subject of a TPO, and that others have been lawfully removed for unrelated highway reasons, but the detail of tree retention can be resolved when the details of the proposal are considered.
52. The detailed design of the proposed lodge house has not been the subject of objection, and the roadway can be designed to a degree to reduce its impact. From the evidence before me, the lodges, access and parkland would be far from uncharacteristic in the wider area and would comply with LPP2 policy DM4, dealing with quality places. Overall, I consider that this element of the proposal would represent a new designed landscape and that the initial slight adverse impact would reduce to a neutral effect when the scheme matures. The proposal would have little effect on the very southwestern part of LCA1.
53. I can largely take the remaining LCAs (3-7) together, as no harm is generally alleged as a result of the proposal. From the evidence it is clear that the sensitivity of these areas is medium/high, and the initial and residual effects are generally neutral to slight/moderate beneficial. (It was suggested that the effect on LCAs 4 and 5 might be low adverse, but I am not persuaded by the limited evidence to support this that this is justified.)
54. The proposal includes two elements of built form in LCA4 – the proposed scout facility and the Forest School. But such small and sensitively designed elements would fit in well with their surroundings and would be the subject of separate management arrangements with the respective groups. The remainder would be covered by a SANG/overall management plan.
55. The generally wooded slope, which is a key characteristic of the NL, would not only be retained but would be positively enhanced by the proposal. The proactive management of these areas would be assured by the s106 and would have the benefit of recovering the currently declining woodland and gradually removing inappropriate species.
56. The formation of a wetland/nature reserve at the southernmost part of the site, currently a formerly domesticated landscape, would be a beneficial effect.
57. The planting and management of LCAs 3-7 (together with the planting in LCAs 1 and 2) would be a moderate benefit arising as an integral part of the scheme.
58. Overall, there would be a landscape benefit in LCAs 3-7 when considering the characteristic woodland and steep ridges and valleys. The proposal would avoid development on slopes in line with the Surrey Hills Environmental Design Guidance. However the proposed housing development in LCA2 and part of LCA 1 would cause a large adverse effect in terms of character at Year 1, reducing to moderate adverse as a residual effect. To this must be added the slight adverse effect on the sloping part of LCA1. To a degree this would be balanced by the effect of the proposal relating to the largely undeveloped area on the sloping part of the site. But overall the totality of the proposal would still harm the natural and

scenic beauty of the landscape. This harm has been the basis of a number of objections to the proposal, including those from Natural England and the Surrey Hills NL Board.⁵

59. Given the location of the housing element of the scheme, the visual effect of the proposal is comparatively restricted. This would be limited to the residential development close to the boundary, and to those using roads and footpaths. I will deal with these in turn.
60. The houses in Scotlands Close, Scotland Park Phase 1, and Red Court would experience a change in their outlook to varying degrees, despite the existence of boundary vegetation. To this existing screening must be added the proposed planting which will mature and further reduce any impact. Only those in Scotlands Close would experience a change in their visual relationship, and this would be limited. There are also some isolated properties to the south of Bell Vale Lane – but, to the extent that they will be able to see changes to the lower slopes of the appeal site, these changes would be beneficial.
61. Users of Midhurst Lane will see the new access and lodge house, together with glimpses of the new roadway. But this would be a fleeting glimpse and not unexpected in its context as discussed above. Users of the footpaths will have more time to appreciate the visual effects, but in the main these will be at the boundaries of the site and any effects would be localised.
62. There was a suggestion from the R6 party that the development would be visible from Gibbet Hill and impact on the view. However on my visit I required binoculars to locate the appeal site, and there would be no discernible effect.
63. Dealing with landscape and visual matters together, for the above reasons, on balance the proposal would conflict with the development plan policies relating to development in the countryside and the NL.⁶

The effect of the proposal on the housing land supply in the area.

64. There is a separate SOCG on housing supply matters between the Council and the appellant. As a result of this no party considered it necessary to present evidence on this topic or dispute the agreed position.
65. With that in mind, the housing supply position can best be set out based on that agreed position. I will subsequently set out some matters which are not wholly agreed.
66. At the national level, the parties agreed that the Framework aims to significantly boost the supply of new housing through sustainable patterns of development. There is a requirement on Councils to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' supply plus an (agreed) 5% buffer.⁷
67. At the local level there is agreement that the adopted plan is over five years old, and that the Council has resolved that the strategic policies require updating.

⁵ Based in part on the Surrey Hills AONB Management Plan 2020-2025 and the Surrey Hills Environmental Design Guide (2019)

⁶ LPP1 SP2, RE1 and RE3; LPP2 DM15 and DM11

⁷ The Planning Practice Guidance defines deliverable sites.

68. The parties agree that the correct period for the purpose of assessing the 5 year supply is 1 April 2024 – 31 March 2029. The current housing requirement as at January 2025 using the Standard Method equates to 1,481 dpa. There is also agreement that the Standard Method calculation takes account of past under delivery and therefore no adjustment is required in the 5 year calculation.
69. With that background the parties agree that the total supply is 1,998 and that the total five year shortfall is 5,777, and that there is a 1.28 year supply. The Council clearly cannot demonstrate a 5 year housing land supply against either the previous or current methods of calculation.
70. It is uncontroversial that Waverley is one of the most expensive places to live outside London. It was suggested, though not fully evidenced, that average house prices are 17 times average incomes. There is also general agreement that there is an acute need for affordable housing, reflecting the national position. The appeal scheme would deliver 35% affordable housing – which exceeds the policy requirement.
71. I now turn to matters which are not agreed between the parties. It has been suggested that the scale of housing need, combined with a limited supply of sites, is such that housing need cannot realistically be met in full. In the context of this appeal, I do not have the evidence to conclude on this point. But even if that were the case, I do not accept the suggestion that this difficulty in meeting housing need should be used as an argument for downgrading the importance of the substantial shortfall.
72. A timetable for a new Local Plan is now in place, which would see the adoption of a new plan by July 2028. Again I do not have sufficient evidence to conclude that this timetable is unachievable – as the appellant suggests – but my experience indicates that it is a very challenging target. In addition, I heard of the unknown consequences of possible local government changes in the future, which adds to the uncertainty of the local plan timetable. In any case, even accepting the Council's timetable, the contribution which the new Local Plan will make to addressing the shortfall is some way off.
73. I accept that, as a principle, this type of Inquiry is not an ideal forum to address the question of whether and/or to what extent development should occur in a NL. The local plan process can take a far wider view. And I further accept that national policy does not envisage that areas such as NLs can be considered as the first port of call for meeting need.
74. However given the pressing need for housing and affordable housing in this authority, the exceptionally poor housing land supply position, and the lack of delivery of a local plan in the immediate future, it would be wholly wrong to wait for a local plan to emerge. National policy is clearly aimed at boosting housing supply, addressing affordability and facilitating affordable housing.
75. LPP1 policies ALH1 and ALH2⁸ provide for new dwellings and affordable homes in the area. The weight to be given to these policies depends on the consistency with the Framework. Given the age of some of the policies and that all parties accept that they are out of date, the weight I give to the detailed figures in the policies is

⁸ Along with HNP policy H4

very limited – however I give greater weight to the fact that they are clearly seeking the provision of a substantial amount of new housing.

76. For all the above reasons, contrary to the Council's view, the need for this development in terms of national considerations comprises an exceptional circumstance in terms of Framework paragraph 190. I return to the matter of exceptional circumstances below.

The effect of the proposal on the biodiversity of the site

77. There are two initial points of clarification.

- As the planning application was made in in July 2022, there is no statutory requirement for Biodiversity Net Gain (BNG).
- One of the reasons for refusal, dating back to 2023, referred to the potential impact on wildlife corridors and protected species.

78. However matters have moved on since that time and a separate SOCG has been concluded between the appellant and the Council. This, in summary, provides that the BNG and nature reserve would benefit the ecological resource of the area. These parties agree that the proposal is acceptable in ecological terms and that conditions can be used to secure appropriate species/habitats mitigation as required.

79. The appellant's cogently argued position is that there would be 20% BNG on site and an excess to support delivery elsewhere. The final achievement of BNG would be secured by condition.

80. The position of the R6 party is that the proposal fails to demonstrate that the development would not negatively affect and/or fragment the wildlife corridors adjacent to Midhurst Road and within the northern central area. In addition, it is contended that the proposal fails to demonstrate that there would not be a detrimental impact on protected species.

81. Particularly in relation to the northern fields, where the housing development would be located, I can appreciate the concern regarding the fragmentation of existing wildlife corridors. However, even in these areas, there would be increased planting to support the corridors. There was a discussion regarding the feasibility of constructing a dormouse tunnel under the new access road. I have to say that I was unconvinced about the practicality or utility of this idea, and I do not attach weight to it.

82. In the remainder of the site there would be a significant amount of new planting, along with much needed management of the existing areas. Without this management it is likely that the ecological and biodiversity value of much of the area will diminish over time. Overall, it is estimated (and not significantly challenged), that there would be a 33% net gain in habitat (area) units and 24% net gain in hedgerow units. This would be a significant benefit.

83. Overall, the appellant has submitted persuasive evidence of the presence and distribution of important ecological and biodiversity elements, and a clear assessment of the negative and positive consequences of the proposal. The proposed mitigation measures avoid and mitigate impacts on these elements.

84. Moving away from the site itself I have considered the potential effect on the Wealden Heaths Special Protection Area (SPA). However this is some distance from the site and, based on the evidence, it is safe to conclude that the proposal will not have an adverse effect on the SPA.
85. Overall the construction of a major housing development on a greenfield site would obviously have a negative impact on biodiversity in that part of the site – despite the mitigation intended in that area. But the management and planting works in the (larger) remainder of the site would be a substantial positive factor.
86. The policy context is set out in LPP1 (policies NE1 and NE2), LPP2 (policy DM1), and HNP Policy H12. These all seek a net gain in biodiversity, without specifying percentages. A net gain of 1% would be policy compliant – but in fact the figure would be far in excess of this. For all the above reasons the proposal would not harm the biodiversity of the site – in fact it would be an overall benefit.

Other matters

87. I will now turn to a range of other topics raised by the parties but which are not matters on which this appeal turns.

Scout Hut and the Forest School

88. The scout facilities and the forest school are potentially beneficial facilities for the future occupiers. However before turning to that point, it is also noted that these facilities would encourage additional use of and access to the landscape – which is an important benefit in recreational terms in line with LPP1 policy LRC1.
89. There was intermittent discussion during the inquiry regarding the current position of the scout group in their current location, where they are in premises on land owned by the Council. I am not going into the issue of their lease – especially as this position was not agreed at the inquiry. My understanding of the position is that, although the scouts are not in any way threatened in their current location, the proposed arrangements on the appeal site would give long term security and a new building. This is a benefit arising from the appeal scheme, which also applies to the Forest School.

Heritage

90. There was a suggestion in representations that the proposal would harm the setting of Red Court House and Lodge (Grade II) and other properties in Bell Vale Lane to the south. There was no evidence to support this, and, from my site visit, I do not consider that the setting of Red Court House would be affected due to distance and screening. The properties in Bell Vale Lane are a considerable distance away from any proposed built development – which would not be within their setting.

Receipts accruing to the Council

91. I do not give any weight to the receipts which might accrue to the Council from the development – from whatever source. This would presumably occur from any similar development and does not add weight to arguments in favour of this particular proposal.

Status of the R6 party and other matters raised by them

92. The appellant criticised the status of the R6 party, in relation to their constitution and representativeness. However that party clearly represented one body of opinion in the area, and played a full role in the inquiry. I have given their evidence due weight. That said, some of their evidence was submitted in writing and could not be tested – and as I indicated at the inquiry I have to give such evidence less weight. That established principle also applies other organisations and individuals who made representations but did not appear at the inquiry.
93. The R6 party tendered documents relating to water supply, but did not give evidence on that matter. I note that Thames Water and the Council are in agreement to the effect that there is no issue in that regard. Similarly there is no objection on flood risk grounds from the flood authority - another matter referenced but not evidenced to any degree.
94. The potential effect on the living conditions of the existing residents of Scotlands Close was referenced by the R6 party, though no specific evidence was given. I have considered the distances indicated on the plans for this (outline) part of the proposal, and conclude there is ample space to protect living conditions. The Rule 6 party did not raise highway safety in their statement, nor in evidence, but did unusually raise the issue by way of cross-examination. However I note that the access onto Midhurst Road, along with the highway aspects of the remainder of the proposal, has not been the subject of objection by the Council or the Highway Authority. Similarly there were references to Dark Skies, but this topic was not pursued at the inquiry.

'Comparable' appeal decisions

95. A considerable number of appeal decisions related to the approach taken to proposals in or close to NLs were put before me by the parties. I have carefully considered each of these and the submissions made thereon, but they are of limited assistance. None relate to the appeal site itself and many are in very different areas, some are previously developed land (unlike the appeal site), some are allocated sites within the settlement boundary (again unlike the appeal site), and the amount of landscape harm and the variable extent to which the sites typify the landscapes.

Duties in the NL

96. One case is however worthy of mention. The Turnden appeal (referenced above) was extensively discussed at the inquiry and various submissions were made on it.⁹ This has since been the subject of a judgement which, together with another case¹⁰ reaffirm the findings of an earlier case.¹¹
97. The amended duties in NLs resulting from the Levelling-Up and Regeneration Act 2023 relate to the purposes of conserving and enhancing the natural beauty of NLs. The argument was put in the above cases to the effect that the new duties should be interpreted to mean that harm to an NL should be treated as requiring refusal of planning permission - regardless of the strength of countervailing considerations.

⁹ *R (CPRE Kent) v SSHCLG* [2025] EWHC 1781 (Admin)

¹⁰ *R (Wadhurst PC) v SSHCLG* [2025] EWHC 1735 (Admin)

¹¹ *R (New Forest Park Authority) v SSHCLG* [2025] EWHC 726 (Admin)

98. The recent judgements reaffirm the finding in the earlier New Forest case that the statutory duty to seek to further conservation purposes is more demanding than the old “have regard to” test, but that the new duty is not an absolute prohibition on development. I have adopted this approach below.

The previous decision on this appeal

99. As noted above, this current appeal was the subject of a decision in May 2024, in which the inspector dismissed the appeal. That decision was quashed by the High Court in July 2024 on the basis of procedural unfairness. The Secretary of State conceded on that ground and therefore the other grounds were not considered.
100. Submissions were made to me as to the materiality of that decision. The quashed decision is treated as if it had not been made and is incapable of having had any legal effect. It is, however, capable of being a material consideration. This latter is a matter of judgment.
101. There are some similarities and some differences between the situation at the time of the previous quashed decision and the current position. The site and the proposal are essentially unaltered (save for the lawful removal of some trees), and the development plan position remains largely unchanged although moved on in time. However national housing policy has strengthened and the new duty related to NLs has changed. There has been a change to the housing supply position and calculations. For these reasons alone I would be inclined to give the conclusions of the previous inspector limited weight.
102. However, along with the procedural fairness point, the previous decision was challenged on other grounds, which were not considered by the court as they were academic - given the Secretary of State’s decision on the procedural ground. These other grounds related to apparent bias, flawed assessment of material considerations and an incorrect approach to reasoning. These matters, on which I make no comment whatsoever, are serious grounds which could taint the decision generally. For this reason, in addition to the matters in the previous paragraph, I am of the view that the previous decision is of very little weight and that it does not assist me in determining this appeal.

Obligations and conditions

103. The final s106 obligation between the Council and the appellant was dated 12 May 2025. Amongst a range of matters it deals with affordable housing, the management of the sustainable drainage system (SUD), the provision and management of the SANG, Biodiversity Net Gain, and the provision of the Scout Hall and the Forest School. The extant agreement between the appellant and Surrey County Council is unchanged.
104. Paragraph 58 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) set tests in respect of planning obligations. In particular obligations should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In this case the provisions of the obligations are directly related to the proposed development and are necessary to make the development acceptable in planning terms. They meet the relevant tests and I have taken them into account.

105. The Council and the appellant have agreed a set of conditions, and the R6 party has accepted them. Subject to minor typographical changes in the interests of clarity, I have accepted these conditions, all of which meet the relevant tests. I have summarised the reasons for the conditions below each condition. I have added a wider requirement related to the removal of non-native species and included reference to wildlife corridors – as suggested by the R6 party.

Exceptional circumstances, planning balance and conclusion.

106. As was agreed by the parties, paragraph 190 of the Framework is a key element in considering this appeal. It is accepted that the proposal represents major development, and that permission should be refused for such development other than in exceptional circumstances. I will take each element of the policy in turn.

- The need for the development focuses largely on the critical local housing need, as discussed above, and the national policy to significantly boosting the supply of homes. I attach very great weight to this matter. There is also reference to the impact on the local economy - there would clearly be a benefit to the local economy during the construction period and a widening economic base in the longer term. There is no suggestion of harm to the local economy if this proposal was refused. Overall I give benefits to the economy limited weight in favour of the proposal.
- There was much debate between the parties as to the scope for developing outside the designated area or meeting the need in some other way. The Council and the appellant differ as to whether the reference to the 'need for it' refers to the need for this particular scale of development or the need to address the overall housing shortfall.

It is obvious that the need in the area is not just for the quantum of homes proposed in this appeal, but is very significantly greater. Despite the best efforts of the Council and the appellant there is no real agreement on potential alternative sites – inside or outside the NL. There are no alternative sites capable of addressing the overall housing need in the area.

If the more restricted approach to the definition of need is adopted, it must be remembered that the proposal includes a strategic SANG, a scout facility, a forest school and significant BNG. None of the sites discussed by the two parties were suggested as being capable of accommodating the entire development. Any potential sites to accommodate elements of this specific proposal have variable delivery rates, and the evidence is not persuasive that there is scope for accommodating this proposal outside the designated area, or indeed anywhere other than the appeal site.

- The third element relates to any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. This element deals only with negative impact and potential moderation, but any beneficial effects also need to be considered. As discussed above the proposal, or more particularly the

housing element, would have a detrimental effect on the landscape. I now turn to the beneficial effects.

107. There are a wide range of benefits in relation to the landscape and recreational opportunities which fall to be considered in this case. The recreational enhancement as a result of improved access and the introduction of the forest school and the scout facility is a significant benefit – in both social and recreational terms. Additionally, the amount of planting and management which is proposed on the whole site, including reinforcement of wildlife corridors, is a significant benefit.
108. Similarly, the achievement of a substantial element of BNG on and off-site is a considerable benefit. This is especially in the context of a proposal where the statutory requirement does not apply.
109. Only part of the proposed SANG is required as a mitigation measure arising from this proposal. The remainder would be provided on a low-cost basis as strategic mitigation for other developments in the wider area. The Council suggested that sites being contemplated at the moment do not require this capacity, but this does not diminish the significant medium-term benefit of this element.
110. Overall, bearing in mind the protection given by paragraph 189 of the Framework, I conclude that there are genuinely exceptional circumstances in the public interest in terms of Framework paragraph 190. These circumstances arise in part from specific elements of the proposal – most notably the provision of much needed housing and affordable housing and the enhancement of the important landscape elements of most of the site. Whilst noting the harm arising from the housing element of the proposal, I am very conscious of the overall package of benefits. Having concluded that there are exceptional circumstances then the so-called ‘tilted balance’ applies and there is therefore overall compliance with the development plan.
111. Before turning to the important matter of the amended statutory duty related to NLs, and the overall conclusion, it is useful to summarise the development plan position.
112. The most important policies are deemed to be out of date because of the absence of a five year housing land supply. However the weight which must be accorded to these policies is a matter of judgement in the light of consistency with national policy.
113. There was a suggestion by the Council that a failure to comply with one policy in the development plan means that the proposal fails to comply with the development plan as a whole. However development plan policies may often pull in different directions. In this case the most obvious examples are policies relating to the landscape and policies related to housing provision. The fact there is conflict with one relevant policy or policies does not mean that a scheme is not in accordance with development plan as a whole. The Council’s approach is incorrect.
114. I have very carefully considered the amended duty related to NLs, and am very conscious of the conservation and enhancement which the proposal would bring to most of the site area. Nevertheless I do recognise that there remains a residual harm to the landscape arising from the housing element. However there are justified benefits and mitigation measures, as set out above, which outweigh the harmful effects.

115. For the reasons given above the appeal should be allowed.

Phillip J G Ware

INSPECTOR

Richborough

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tom Cosgrove KC
He called:

Ian Johnson
MA DipUD MRTPI

Managing Director, Luken Beck

Robert Petrow
NCH NHD BA(Hons)
DipLA(Hons) CMLI

Managing Director, Petrow Harley

FOR THE APPELLANT:

James Maurici KC and Matthew Dale Harris of Counsel
They called:

Charles Collins
MSc MRTPI

Director, Savills (UK)

Chris Jack
BSc(Hons)

Principal ecological consultant, EPR Ltd

Colin Pullan
BA PGDip (UD)

Senior design director, Pegasus group

Andrew Smith
BSc(Hons) MSc CMLI

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FOR THE RULE 6 PARTY:

Howard Brown
He called:

Chris Harrison

Community landscape witness

Dr Phillipa Guest
PHD

Ecology

INTERESTED PERSONS:

Robert Coombes

Local resident

Jan Ahern

Local resident

Cllr Jane Devlin

Parish Councillor

Danny Page	Local resident
Maggie Hamilton	Local resident
Mick Bradford	Local resident
Beavis Peters	Local resident
Dawn Brown	Local resident
Cllr Farzana Aslam	Town Council
Mr Buckler	Haslemere Scout Group
Cllr Terry Weldon	Borough and Town Councillor
Neil Strachan	Local resident
Janet Steadman	Local resident
Alex Page	Cycling UK (local branch)

INQUIRY DOCUMENTS

Core documents can be accessed at

Midhurst Road at Scotland Park, Haslemere Planning Inquiry | Waverley Borough Council

Doc 1	Appellant opening
Doc 2	Council opening
Doc 3	R6 opening
Doc 4	Robert Coombes statement
Doc 5	Jan Ahern statement
Doc 6	Cllr Terry Weldon statement
Doc 7	Maggie Hamilton statement
Doc 8	Mick Bradford statement
Doc 9	Bevis Peters statement
Doc 10	Neil Strachan statement
Doc 11	Chris Harrison photograph
Doc 12	Jane Devlin statement
Doc 13	Danny Page statement
Doc 14	Dawn Brown statement
Doc 15	Alex Page statement
Doc 16	Simon Clark statement
Doc 17	Vision Statement for 2019 public exhibition
Doc 18	Vision Transport Planning response to matters raised by Mr Clark
Doc 19	Letter from solicitors acting for Scouts
Doc 20	Letter from Council related to Scouts
Doc 21	High Pitfold committee report
Doc 22	Ecology SOCG
Doc 23	Appellant design presentation and notes
Doc 24	Waverley Landscape Designations Map

- Doc 25 Frack Free Balcombe Residents' Association v Secretary of State for Housing Communities and Local Government and Angus Energy Weald Basin No.3 Limited and West Sussex County Council [2025] EWCA Civ 495, 16/04/2025
- Doc 26 Conditions agreed between the appellant and the Council
- Doc 27 R6 comment on conditions 5/5/25
- Doc 28 Appellant comment on R6 suggested conditions
- Doc 29 R6 response to appellant comment on suggested conditions
- Doc 30 Photo of the appeal site – Howard Brown
- Doc 31 Thames Water response to R6
- Doc 32 Correspondence between EPR and Natural England
- Doc 33 Grayswood Forest School statement
- Doc 34 R6 statement on water interruptions
- Doc 35 Waverley landscape designations map
- Doc 36 R. (on the application of Samuel Smith Old Brewery (Tadcaster)) v Secretary of State for Communities and Local Government [2009] EWHC 3238, 26/11/2009
- Doc 37 Kingswood District Council v Secretary of State for the Environment and Another [1987] EWHC 2, 15/07/1987
- Doc 38 Completed s106 agreement dated 12 May 2025
- Doc 39 CIL Compliance Statement

CONDITIONS

- 1) In respect of the area of the site for which outline planning permission is granted (as shown by 6046/PL02 A – Component Plan) 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.

Reason: To comply with statute.

- 2) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. For the areas which outline planning permission is granted as shown by 6046/PL02 A – Component Plan) must be begun no 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. For the area which full planning permission is granted as shown by 6046/PL02 A – Component Plan) the development shall commence within three years from the date of this permission.

Reason: To comply with statute.

- 3) Prior to the commencement of the development hereby permitted, a phasing plan shall be submitted and approved by the Local Planning Authority. This shall include:
 - The phasing and timescales of delivery of all open space, SANGs and infrastructure (including all roads, pedestrian and cycle routes within the Access and Movement Parameter Plan);
 - The general location and phasing of key infrastructure relating to the entire development to the extent possible at that time, including surface water drainage (SUDS), green infrastructure and open space, structural landscaping, community facilities and access for pedestrians, cyclists and people in vehicles in order to demonstrate the relationships of the infrastructure elements to the phase or parcel for which reserved matters approval is being sought;
 - The open space, SUDS and Children's Play provision to be provided in advance or within any individual phase as relevant to the reserved matters application boundary.

Other than the SANG, LAPs and LEAPs, the remaining open space (as indicated by the Landscape General Arrangement Plan Ref. SL202_L_X_GA_0_00 Rev A) shall be delivered by the 83rd dwelling occupation.

The development shall be phased in accordance with the approved phasing plan.

Reason: To ensure the overall development goes ahead in a phased manner and that all facilities are included.

4) The development shall be carried out in accordance with the following approved plans:

- Drawing No. 6046/PL 01 – Location Plan
- Drawing No. 17054-002 Rev. F Midhurst Road Access (Proposed Ghosted Right Turn Lane / Priority Junction at Midhurst Road Option 2)
- Drawing No. SL202_L_X_GA_0_00 Rev. A Detailed Area Landscape Plan
- Drawing No. SL202_L_X_GA_0_01 Rev. A Planting Plan Access Road
- Drawing No. SL202_L_X_GA_0_02 Rev. A Planting Plan South West Field
- Drawing No. SL202_L_X_GA_0_03 Rev. A Planting Plan Conifer Plantation
- Drawing No. SL202_L_X_GA_0_04 Planting Plan Southern Wetland
- Drawing No. SL202_L_X_GA_0_05 Planting Plan South East Field
- Drawing No. SL202_L_X_GA_0_06 Scout Facility Planting Plan
- Drawing No. 6046/PL 04A Land Use Parameter Plan
- Drawing No. 6046/PL 05A Access & Movement Parameter Plan
- Drawing No. 6046/PL 06A Building Heights Parameter Plan
- Drawing No. 6046/PL 07A Green & Blue Infrastructure Parameter Plan
- Drawing No. 6046/PL 08A Building Density Parameter Plan
- Drawing No. 6046/PL 09A Detailed Area Slab Levels
- Drawing No. 6046/PL 10A Western Access Approach Detail
- Drawing No. 6046/PL 11A Western Woodland Detail Drawing
- Drawing No. 6046/PL 12A Central Woodland Detail
- Drawing No. 6046/PL 13A Southern Fields Detail Drawing
- Drawing No. 6046/PL 14 Eastern Development Design Framework Plan
- Drawing No. 6046/PL 02A Components Plan
- Drawing No. 6046/PL_100A Plot 1 T1 Floor and Roof Plans
- Drawing No. 6046/PL_101A Plot 1 T1 Elevations
- Drawing No. 6046/PL_109 Ramblers Park Pavilion
- Drawing No. 6046/PL_104 Scout Hut Plan
- Drawing No. 6046/PL_105 Scout Hut Elevations
- Drawing No. 6046/PL_106 Forest School Plan
- Drawing No. 6046/PL_107 Forest School Elevations
- Drawing No. 6046/PL_108 Forest School WC Elevations
- Drawing No. 492_CS_01 Landscape (Wetland) Cross Section Plan
- Drawing No. 492_D6 Landscape Boundary and Surface Treatment Plan
- Drawing No. 492_D7 Landscape Boundary and Surface Treatment Plan
- Drawing No. 492_D8 Landscape Boundary and Surface Treatment Plan
- Drawing No. 492_D1 Boardwalk Platform Plans and Elevations
- Drawing No. 492_D2 Boardwalk Platform Plans and Elevations
- Drawing No. 492_D3 Boardwalk Platform Plans and Elevations
- Drawing No. 492_D5 Tree Pit in Soft Landscape Plan
- Drawing No. 6046 / PL 03A Tree Retention and Removal Plan Sheet 1 of 2 and 2 of 2

Reason: To ensure the development goes ahead in accordance with the plans considered at the inquiry.

- 5) Prior to the approval of any reserved matters application, a Design Code shall be submitted to and approved in writing by the local planning authority. The design code shall be in accordance with the principles and parameters established by the Design and Access Statement, and shall include:
- (a) a masterplan showing the relationship of built development to open space;
 - (b) block principles to establish the location of uses including the Forest School, Scout Building, the self-build plots, density and building typologies; in addition, design principles including primary frontages, pedestrian access points, fronts and backs and threshold definition;
 - (c) principles for the road hierarchy, pedestrian and cycle connections, including the alignment, width, lighting and surface materials to be used;
 - (d) a strategy for street tree planting;
 - (e) principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges and other boundary planting);
 - (f) design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage (including features such as ponds, ditches, storm water planters and swales); (g) a car parking strategy to demonstrate how parking provision will be well integrated both with the built development and hard and soft landscaping;
 - (h) measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features; (i) details of measures to minimise opportunities for crime;
 - (j) measures to show how design, orientation and the use of materials will mitigate the landscape and visual impact of the development;
 - (k) building typologies to include information about height, scale, form, level of enclosure, building materials and design features.

Reason: In the interests of good design and the visual amenity of the area.

- 6) Subject to phasing, no above ground development associated with the dwellings hereby permitted shall commence until details and samples of the materials to be used in the external elevations for each phase have been submitted to and been approved in writing by the Local Planning Authority. Material samples should be submitted (not just photographs), with a clear plan showing the location of each material. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenity of the area.

- 7) 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.

Reason:

In the interests of the living conditions of existing residents of the area.

- 8) No development shall take place of a phase until a detailed levels plan, clearly identifying existing and proposed ground levels and proposed ridge heights, has been submitted to and been approved in writing by the Local Planning Authority. This should 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 and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the surrounding area.

- 9) Prior to the commencement of the area of land for which full planning permission is granted, and prior to or alongside the Reserved Matters applications relating to landscaping for the areas which outline planning permission is granted (both as shown by 6046/PL02 A – Component Plan) an Arboricultural Method Statement shall be submitted, by phase, and approved by the Local Planning Authority confirming how retained trees on site shall be protected during the course of construction. The development shall be carried out in accordance with agreed Arboricultural Method Statement.

Reason: In order to protect the trees that are to remain on the site.

- 10) Subject to phasing, the dwellings hereby permitted shall not be occupied until details of the boundary treatments have been submitted to and been approved in writing by the Local Planning Authority by phase. The development shall be implemented in accordance with the approved details.

Reason: In the interests of the living conditions of neighbouring residents.

- 11) No works shall commence on-site (apart from initial construction works permitted by the CTEMP condition 16) unless and until the proposed access to Midhurst Road hereby approved has been constructed and provided with visibility splays in accordance with the approved plans, Drawing No. 17054-002 Rev F, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In the interests of highway safety.

- 12) The development hereby approved shall not be first occupied unless and until the highway improvement works to Midhurst Road, and at the junction of Midhurst Road / Scotland Lane have been constructed and provided in accordance with Drawing Nos 17054-024 Rev. D (Midhurst Road Speed Roundels) and Drawing No. 17054-004 Rev. C Footway Improvements Midhurst Road/Scotland Lane.

Reason: In the interests of highway safety.

- 13) The development hereby approved shall not be first occupied unless and until a dedicated pedestrian/cyclist route has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with Surrey County Council. The scheme shall include the proposed link from the development to adjacent land (planning permission ref. WA/2020/1213) accessed from Scotland Lane. Thereafter it shall remain permanently open for public use.

Reason: In the interests of highway safety and pedestrian/cyclist convenience.

- 14) Each of the dwellings in the development hereby approved shall not be 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 and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport and in the interests of highway safety.

- 15) 50% of all visitor parking spaces and 50% of all parking spaces in association with the scout/nursery/education facilities of the development hereby approved shall be 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 and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport and in the interests of highway safety.

- 16) No development within a phase shall take place until a Construction Transport and Environmental Management Plan ("CTEMP") for that phase has been submitted to and approved in writing by the Local Planning Authority. The CTEMP shall include:

- a) The proposed construction traffic routes to the site, to be identified on a plan
- b) A programme of works including measures for traffic management including timing
- c) Area(s) for the parking and turning on site of construction vehicles and vehicles of site operatives and visitors
- d) Area(s) of the loading and unloading of plant and materials

- e) Area(s) for the storage of plant and materials used in construction of development
- f) Details of waste management and storage arrangements including waste recycling where possible
- g) Contact details of the Project Ecologist and/or Ecological Clerk of Works responsible for particular activities associated with the CTEMP
- h) Details of the location of any boundary hoarding in the vicinity of junction visibility zones
- i) A plan showing habitat areas to be specifically protected during construction
- j) Details of the measures to be used during construction in order to minimise the environmental impact of the works including potential disturbance to protected species
- k) Details of the pollution control measures necessary to minimise noise (including vibration) generated by the construction process in accordance with BS 5288 including in the selection of plant and machinery and use of noise buffers and to control the emission of dust, dirt and run-off
- l) Measures to prevent the deposit of materials on the highway
- m) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- n) Before and after condition surveys of the highway and a commitment to fund the repair of any damage caused by construction traffic servicing the site
- o) Details of any proposed temporary diversions of Public Rights of Way on the site

The construction of each phase of the development shall be carried out in accordance with the approved CTEMP for that phase.

Reason: In the interests of preserving habitat and mitigating the impact of the development on the highway network.

- 17) Each of the dwellings in the development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes have been provided for each dwelling in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport.

- 18) The details within the approved Residential Travel Plan, dated 21st June 2022, shall be implemented upon first occupation of the development and thereafter shall be maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport.

- 19) Prior to the commencement of the area of land for which full planning permission is granted, and prior to or alongside the Reserved Matters applications for the areas which outline planning permission is granted by phase (both as shown by 6046/PL02 A – Component Plan) details of the design of a surface water drainage scheme shall have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+25% 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. Where infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.8 l/s/ha applied to the positively drained areas of the site only.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers 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.
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure that the development does not increase flood risk on or off site.

- 20) By phase, prior to the completion of the development and before any occupation, 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 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.

Reason: To ensure that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere.

21) The development shall be carried out in accordance with the submitted SANG Creation and Management Plan (ref 21/09-4B dated 22 June 2022 prepared by EPR Ltd) and the following mitigation measures it details:

- There shall be no raising of existing ground levels in Flood Zones 2 and 3.
- There shall be no impedance of flood flow as a result of the development. As such, boardwalks will be open to allow floodwaters to flow freely in accordance with Boardwalk Plan and Elevation (Drawing No: 492_D1 to D3, dated 3 June 2022 prepared by Sightline Landscape)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere.

22) With the exception of any advanced planting, no development shall take place until a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation, by phase, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure that any archaeological information is preserved as a record.

23) Prior to the commencement of the area of land for which full planning permission is granted, and prior to the commencement of the area which outline planning permission is granted by phase (both as shown by 6046/PL02 A – Component Plan), 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.
- 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
 - 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.

Reason: To minimise contamination risks.

- 24) Upon completion of the approved remediation works by phase, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with Condition 25 and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.

Reason: To minimise contamination risks.

- 25) Following commencement of the development hereby approved, by phase, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 25 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 commencement of works.
- a) an investigation and risk assessment, undertaken in the manner set out in Condition 24 of this permission
 - b) where required, a remediation scheme in accordance with the requirements as set out in Condition 24(b)
 - c) following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 26.

Reason: To minimise contamination risks.

- 26) Prior to the commencement of the residential development, a scheme for the provision of a Locally Equipped Area of Play (LEAP) and two Local Areas of Play (LAPs) including the timetable for their implementation shall be submitted for approval 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.

Reason: In order to provide adequate play-space for children.

- 27) 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. 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 should 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 Local Planning Authority.

Reason: In the interests of the wider landscape character and to ensure that protected species are not endangered or disturbed.

- 28) Prior to, or alongside the submission of reserved matters for each phase a Sustainable Design and Energy Statement (based on the Sustainability and Energy Statement, dated June 2022) detailing how the proposed buildings are meeting the policy requirements of sustainable design and construction and energy production shall be submitted to and agreed in writing by the Local Planning Authority. Each phase of the development shall then be carried out in accordance with the agreed details. Details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been designed so that the potential consumption of wholesome water by persons occupying a dwelling will not exceed 110 litres of water per person per day. The dwellings shall be constructed to accord with the standard.

Reason: To ensure sustainable construction and design.

- 29) Prior to the commencement of construction and any demolition activities (including groundworks) a Waste Management Plan shall be submitted and be approved in writing by the Local Planning Authority, demonstrating that:
- a) 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.
 - b) integrated storage to facilitate re-use and recycling of waste is incorporated in the development in compliance with Surrey Waste Local Plan 2020.

Reason: In the interests of the environmental and visual character of the area.

- 30) There shall be no burning of any waste or other materials on the site during the construction phase.

Reason: In the interests of the amenity of the area.

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

Reason: To ensure sustainable design and construction.

- 32) No dwelling shall be occupied on the site until it has been demonstrated that the Suitable Alternative Natural Greenspace (SANG) has been delivered in accordance with approved details, to the satisfaction of the Local Planning Authority in consultation with Natural England.

Reason: To mitigate the impact of the proposed development on the Wealden Heath Phase I SPA.

- 33) No development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) (in general accordance with the outline LEMP dated June 2022) has been submitted to and been approved in writing by the Local Planning Authority. Proposals for ecological enhancement, and where required, compensation and mitigation put forward within the LEMP should be based on the impact avoidance, mitigation and biodiversity enhancement recommendations of Ecological Survey Report, dated October 2023, prepared by Engine Ltd, Biodiversity Net Gain and Enhancement Strategy, dated February 2023, prepared by Engain Ltd. The LEMP shall include:

- a) Description and evaluation of features to be managed and created including measures to compensate for loss of proposed tree and hedge removal;
- b) Numbers and locations of bird boxes, including provision integral to the design of the new buildings;
- c) Aims and objectives of management, with particular regard to the relevant objectives within the AONB Management Plan including wildlife corridors;
- d) Appropriate management options to achieve aims and objectives, across the site and notably in Red Court Woods, in respect of invasive species removal;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule for securing biodiversity enhancements in perpetuity;
- g) Details of the body or organisation responsible for implementation of the LEMP;
- h) Ongoing monitoring and remedial measures;
- i) Details of legal / funding mechanisms.
- j) Full detail and specification for the Mammal Tunnel to facilitate the movement of wildlife.
- k) Hazel Dormouse Mitigation and Enhancement Strategy
- l) Reptile Mitigation and Enhancement Strategy
- m) Bat Mitigation and Enhancement Strategy
- n) If demonstrated to be required, a Badger Mitigation Strategy
- o) Sensitive Lighting Management Plan
- p) Full detail on the planting specification, to include species, location(s) and numbers, for the landscaping, habitat creation and enhancement across the application site.

Reason: In the interests of providing enhanced biodiversity and safeguarding protected species.

- 34) 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 be 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 should 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.

Reason: In order that the development safeguards protected species.

- 35) Prior to the commencement of development, full details of the specification of advanced planting shall be agreed in writing with the Local Planning Authority, and then shall be installed on land around the main site access off Midhurst Road, as indicated by the Western Approach Detail Drawing (6046/PL10A) and Planting Plan Access Road Drawing (SL202_L_X_GA_0_01 Rev A). The planting works shall also include measures to restore the World War II historic asset, Spigot gun emplacement.

Reason: To ensure appropriate landscaping mitigation.

- 36) 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 must demonstrate how a minimum 10% net gain will be delivered across the scheme as a whole, and how it will 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, including habitats and species, and restoration measures for the Wildlife Corridors on the site;
- e) Details of how the minimum Biodiversity Net Gain will be delivered across the development as a whole, including details of any habitat banking arrangements necessary to secure achievement of the overall target having regard to the phased nature of the development;
- 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.

Reason: to ensure the provision of biodiversity net gain.

37) The residential dwellings once completed shall:

- a) meet the National Minimum Space Standards;
- b) comprise a minimum of 10% of Building Regulations M4(2) 'acceptable and adaptable dwellings'; and

Reason: To ensure that the housing delivery meets the Boroughs identified housing need and offers housing choice.

-----End of conditions-----