



Appeal Decision

Hearing held on 28 April 2026

Site visit made on 28 April 2026

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 01 July 2026

Appeal Ref: APP/R3650/W/25/3376467

Land to the south of Park Drive, Bramley, Surrey GU5 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Hunt, Paul Hunt Investments Ltd against Waverley Borough Council.
 - The application Ref is WA/2025/00581.
 - The development proposed is erection of 26 dwellings to include 14 affordable properties and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form, adding the postcode provided by the Council on its decision notice, in the interests of clarity. I have taken the description of development from the application form, removing wording that does not comprise an act of development.
3. The application sought outline planning permission and approval of matters including access, appearance, layout and scale. Landscaping was identified as a reserved matter and any details provided in this respect are treated as illustrative only in my consideration of the appeal.
4. Drawing number BPD:361/108 which identified the proposed elevational details of 6 x 1 Maisonettes on Plots 15-20 was omitted from the planning application submission to the Council due to an administrative error. Nevertheless, the drawing clarifies the proposed appearance of Plots 15-20 and was provided with the appeal. Parties have had the opportunity to comment on it through the appeal process and as such I do not find that anyone would be prejudiced by me taking it into account in the circumstances of this case.
5. The site is partially within the Surrey Hills National Landscape. Therefore, in considering this appeal I have applied the duty in section 85 of the Countryside and Rights of Way Act 2000 as amended by section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. In the interests of clarity, National Landscapes were previously known as Areas of Outstanding Natural Beauty, nevertheless, I will refer to them as National Landscapes (NL) throughout my consideration of the appeal in the interests of consistency.

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6. During the hearing it became apparent that a previous version of the Surrey Hills Management Plan had been provided with the appeal, rather than the most up to date one, namely the Surrey Hills National Landscape Management Plan (2025-2030). This most recent version was submitted by the Council after the hearing closed and was sent to the appellant to allow them the opportunity to comment. I have taken any comments made into consideration when determining the appeal.
 7. Two Unilateral Undertakings were submitted with the appeal. The first (UUA) would secure affordable housing and some pedestrian and cycle connectivity improvements. The second (UUB) would secure the provision of a replacement allotments facility. I will return to these legal agreements later in my decision.

Main Issues

8. The main issues in this case are:
 - whether the proposed dwellings would be in a suitable location for new housing with particular regard to the settlement strategy set out in the development plan;
 - the effect of the proposal on landscape character, including the effects on the Surrey Hills National Landscape and Area of Great Landscape Value;
 - the effect of the proposal on heritage assets, with particular regard to archaeology;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the relevant development plan policies and the provisions of the National Planning Policy Framework (the Framework);
 - the effect of the proposal on biodiversity;
 - the effect of the proposal on highway safety and whether the use of sustainable means of transport would be encouraged; and
 - the effect of the proposal on existing green infrastructure.

Reasons

Whether the site is in a suitable location for new housing

9. Policies BNP-G1 and BNP-G2 of the Bramley Neighbourhood Plan 2017-2032 (NP) set out the spatial approach for development across the parish of Bramley and how the suitability of residential development sites should be assessed. The approach supports the principle of development within the settlement boundary, on brownfield sites where schemes accord with other policies, through the conversion of existing buildings and on rural exception sites.
10. There is no dispute between the parties that the site is located outside of any defined settlement boundary for the purposes of the development plan. Neither of the parties assert that the site is entirely brownfield land, and the scheme does not involve any conversion works. The appellant also confirms that the appeal scheme is not a rural exception site.
11. As such, the site would not be in a suitable location for new housing, with particular regard to the settlement strategy set out in the development plan. The

proposal would therefore be at odds with the plan led approach and would conflict with Policies BNP-G1 and BNP-G2 of the NP.

12. Whilst Policy DM13 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies March 2023 (LPP2) was referenced on the Council's decision notice in respect of this matter, this policy does not relate to settlements that are 'washed over' by the Green Belt, such as Bramley, and it is therefore not directly relevant to the case before me.

The effect upon landscape character

13. Policy RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites February 2018 (LPP1) sets out that the protection and enhancement of the character and qualities of the NL is of national importance and will be considered through the application of national planning policies together with the Surrey Hills AONB Management Plan. The policy goes on to identify that the same principles for protecting the NL will apply to the Area of Great Landscape Value (AGLV), whilst recognising its status as a local landscape designation.
14. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues. It goes on to state that the scale and extent of development within NLs should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
15. The site is partially within the NL and entirely within the locally designated AGLV. I am told that the remainder of the site is due to be included in the NL following a review process by Natural England. Whilst that process has not yet concluded, I consider that the remainder of the site is still within the setting of the NL and therefore sensitive consideration of the whole site is necessary.
16. The Surrey Hills National Landscape Management Plan (2025-2030) (MP) is not part of the development plan but does form a material consideration. It sets out the significance of the NL as a mosaic of farmland, woodland, heaths, downs and commons which has inspired some of the country's greatest artists, writers and architects over the centuries. The special qualities include the presence of woodlands, ancient trees and boundary hedgerows, a patchwork of farmland areas with different features and identities, built heritage and the settlement pattern, tranquillity and darker skies. The MP identifies that threats and pressures on the special character of the NL include the demand for more houses and general development pressures, which have led to high land and property prices.
17. MP Policy P1 reflects the requirements of paragraph 189 of the Framework, stating that great weight will be attached to any adverse impact upon the amenity, landscape, beauty and rich and diverse ecology of the NL and that proposals should seek to contribute to the conservation and enhancement of it.
18. The appellant's Landscape and Visual Impact Assessment (LVIA) sets out an assessment of the landscape and visual effects of the proposal. The site is within the Open Greensand Hills Landscape Character Area GO6 (LCA). Some of the key characteristics of the LCA are defined as fairly irregular shaped, medium scale pastoral fields, with occasional larger arable fields; limited boundary vegetation in a number of areas but small dispersed woodland blocks, tree belts, notably along

the steep slopes, and mature trees are present; the character area abuts the edge of Bramley and includes small areas of settlement including Thorncombe Street; and rural, relatively undisturbed landscape, with a sense of tranquillity and remoteness in most areas, particularly towards the south.

19. Both parties find that the site has a medium landscape value however they assess the susceptibility of the site as a landscape receptor differently. Consequently, whereas the appellant states that the sensitivity of the site is low-medium, the Council assert that it is medium. Nevertheless, both parties agree that the magnitude of change as a result of the proposal would be substantial adverse. Combining the magnitude of change and the sensitivity of the site as a landscape receptor results in an overall significance of landscape effect as moderate adverse according to the appellant, or moderate to major adverse in the Council's view.
20. The site comprises a small field laid to grass with a small allotment area occupying a fairly central position within it. Whilst the site is largely free from development, the allotments do introduce an area of a more managed horticultural component to the landscape and an element of human activity not associated with other rural landscapes in the surrounding area. There are also the remains of an agricultural building in the form of a metal frame, located to the south of the site which appears as a derelict structure. A row of trees are located towards the northern boundary and occasional trees are present within the site. A hard surfaced pathway runs alongside the southeastern boundary.
21. To the north and east of the site is existing residential development along Park Drive and at Bramley Park Court. To the northwest and southwest are areas of woodland, with an area of residential development removed to the west which sits within the adjacent woodland. To the southeast is a larger grass field with trees located along the boundaries.
22. The site is therefore surrounded by existing residential development and woodland along all but the southeastern boundary, meaning that it appears fairly well enclosed and contained in my view. Whilst there are views across the adjacent field to the southeast, the more extensive pastoral landscape beyond is not visible nor appreciated from within the site.
23. The close relationship between the site and the settlement and the presence of the allotments and the derelict structure mean that the site does not appear distinctly rural in comparison to the more pastoral landscape beyond the adjacent field and the woodland to the south. The site appears as a landscape that is influenced both by the settlement to which it is adjacent and the surrounding countryside. I therefore find that the site is more semi-rural in character rather than representing the rurality of a medium scale pastoral field or relatively undisturbed landscape as described in the LCA.
24. Whilst the development would extend the built form of the settlement out to the southwest, this projection would not be entirely uncharacteristic of Bramley. During my site visit I walked along The Coombes, a residential road to the east of the site. The rear elevations of the dwellings located at the end of this road can be glimpsed between vegetation in views from within the site. The Coombes represents a similar arrangement to that proposed, with residential development, projecting to the southwest, being built up to and partially enclosed by a wooded boundary.

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25. During my site visit, there was some activity at the allotments, but this was limited. Whilst I found the site to be fairly peaceful, Park Drive runs alongside the site and vehicle movements do take place along this section of road, albeit it is likely that the number of movements would be more limited. However, the presence of existing residential development directly adjacent to the site does play a part in how the site is experienced and lessens the overall feeling of tranquillity at the site.
 26. Nevertheless, the more semi-rural character of the site contributes positively towards the transition in the landscape between the edge of the village and the wider rural surroundings. It provides a gradual and more gentle change in character between the more urban environment of the settlement and the open countryside. The site therefore provides a positive feature in the landscape currently, enabling a softer edge to the settlement and a more graduated transition in landscape terms, between the built form of Bramley and the surrounding rural landscape, including the NL.
 27. Whilst I accept that a landscaping scheme could be advanced at reserved matters stage that could soften the development and the Council raised no objection to the dwelling design and materiality proposed, the scheme would introduce permanent built form consisting of 26 new dwellings along with associated roads and other hard surfacing for parking on the site. The largely open and undeveloped appearance and the quiet semi-rural character of the site would be significantly eroded. Consequently, the proposal would not conserve nor enhance the semi-rural character of the site.
 28. However, given the small scale of the field, the current conditions of the site including the presence of the allotments, the enclosure of the site along three sides, the presence of Park Drive along one of the boundaries, and the clear relationship between the site and the adjacent residential development at the settlement edge, I find that the effect on the landscape would be more localised meaning that whilst there would be some harm, there would not be significant effects on the wider landscape, the AGLV or the NL.
 29. I therefore find that there would be harm to landscape character as a result of the proposal, but I am more aligned with the assessment provided in the appellant's LVIA, in that the overall significance of landscape effect would be moderate adverse.
 30. Turning now to the visual effects of the proposal. Policy BNP-G3 of the NP sets out the approach to the management of the landscape and includes Strategic Views and Vistas (SVV). The policy states that proposals for new development within a SVV are required to demonstrate that the development would not adversely impact on the views, unless they can be satisfactorily mitigated. Two of the SVVs are relevant in this case, SVV12 and SVV13. Policy R3 of the MP sets out that such viewpoints and vistas across the NL will be identified, conserved and enhanced.
 31. Whilst on site, I walked around the network of footpaths, bridleways and along the road, back to and from Bramley taking in the viewpoints identified in the LVIA. I found that any views from the Public Rights of Way (PRoW) network would be very limited, with only one view point, around the location of SVV12 being minor adverse at the construction phase reducing to a neutral effect by year 15, due to

the distance between the viewpoint and the site, the location of the site adjacent to the settlement edge and the presence of intervening vegetation.

32. There would be minor adverse changes in the view from existing dwellings on the neighbouring Hackamore Close, Bridle Place, Colt Way and Ricardo Court, from the construction phase but these would reduce to neutral effects by year 15, due to the separation between the site and those roads. Those that would be most affected by the proposal in terms of visual effects are residents of dwellings along Park Drive, where for some there are currently open views across the site, to the field beyond, albeit some of those views are filtered by the existing trees on the site. This largely reflects the position of SVV13.
33. I recognise that Park Drive is a private road at this point and therefore the users of it would be mainly limited to residents and those visiting the properties. Whilst SVV13 is identified in the NP as a SVV and there would be a negative effect on this view, it would be largely private views that would be affected. Mitigation in the form of landscaping could alter and soften the appearance of the proposed built form which would lessen the overall impact over time. I therefore find that the effects on visual considerations would be neutral to minor adverse at Year 15 as concluded by the LVIA.
34. Paragraph 190 of the Framework identifies that in the NL, 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. Footnote 67 of the Framework sets out that whether a proposal is major development should be considered, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
35. Whether a proposal amounts to 'major development' is a matter for the decision maker. At the hearing, there was some discussion on this matter. The Council confirmed that it had assessed the proposal as major development in this respect. The appellant referred to the tests set out under paragraph 190 in their written evidence and did not dispute at the hearing that the proposal should be considered major development. The Council's advisor on the NL identified that it was marginal as to whether the proposal constituted major development, but taking a precautionary approach it should be assessed as such.
36. However, there is no such precautionary approach set out in the Framework and the proposal must be considered as either major development or not. Whilst I take the points made by the parties, I am not convinced, based on the evidence before me, that the proposal would represent major development in the context of paragraph 190 of the Framework.
37. The proposal would result in housing, directly adjacent to existing residential development at the settlement edge. Whilst the setting of the site includes countryside, it also includes the edge of the village where existing residential development forms part of the character of the area. The size of the site and the scale of development would not appear overly significant when compared to the size of the village that it would be adjacent to and to which it would form a part of. Given my findings above about the nature of the site, not having the distinct features of the LCA and the localised effect on the landscape that would result, I

do not find that the proposal would be likely to have a significant adverse impact on the purposes for which the area has been designated.

38. Consequently, I do not find that the proposal would represent major development in the context of paragraph 190 of the Framework, and therefore the exceptional circumstances test set out under that paragraph are not applicable in this case.
39. I was referred to an appeal decision at the hearing at Land Lying to the South West of Tilthams Corner Road, in the context of how the harm to the setting of the NL was categorised, which was significant and substantial in that case. However, I do not have the full evidence before me on that case. From reading the appeal decision, the context of that site appears to be significantly different to that before me now in terms of its characteristics, its location and how it is viewed from PRoW. It therefore does not alter my assessment set out above.
40. I therefore find that the proposal would result in moderate adverse effects on landscape character and neutral to minor adverse effects on visual considerations at Year 15. Whilst the effects I have found would be moderate adverse or less, they would nevertheless represent harm to landscape character, the AGLV, the NL and its setting. Consequently, the proposal would not conserve nor enhance the NL or its setting.
41. As such, the proposal is contrary to Policy RE3 of LPP1 and Policy BNP-G3 of the NP, the aims of which are set out above. The proposal is also contrary to Policies DM1, DM4 and DM15b of LPP2. These policies seek, amongst other things, that proposals do not harm environmental assets, that landscape character is reinforced by new developments and that the natural beauty and undeveloped character of the open countryside is recognised.
42. I am required to undertake a balance of harm against the benefits for development in a NL, in accordance with the Monkhill¹ judgement in order to establish whether the NL as a protected area, provides a strong reason for refusing the development, as required by paragraph 11 d) i. of the Framework. In this regard although the development would result in localised landscape harm it would not have a significant adverse effect on the purposes for which the NL has been designated. In this regard I find that the economic, social and environmental benefits associated with boosting the supply of housing, the provision of affordable homes, improvements to pedestrian and cycle connectivity and bus stops and the biodiversity net gain in combination would be significant factors in the planning balance in this case and as such, I am satisfied that the harm to the NL would not constitute a strong reason for refusing the proposal in the specific circumstances of this appeal.

Archaeology

43. The application was validated by the Council despite not being accompanied by an archaeological assessment. The Council accept that whilst this is a validation requirement it employs, it did not request one and continued to assess the application without one. I asked for further information at the hearing, as to whether the site was in an area known for likely archaeological constraints, which the Council confirmed it was not.

¹ Monkhill Ltd V SSHCLG & Waverley Borough Council [2019] EWHC 1993 (Admin)

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44. Without any compelling evidence to the contrary, I find that the requirement for an archaeological assessment could be dealt with by a pre-commencement condition in this case.
 45. Whilst there would be a conflict with Policy DM25 of LPP2, which requires any site exceeding 0.4 hectares, to be supported by an initial assessment of the archaeological value as part of the planning application, I have not been told of any likely harm that would result from dealing with this matter as a pre-commencement condition. Any harm attached to the conflict with this policy would therefore be negligible.
 46. I do not find that the proposal would conflict with the requirements of Policy HA1 of LPP1, which seeks, that heritage assets are conserved or enhanced, subject to a pre-commencement condition being imposed to require an archaeological assessment.
 47. Given my conclusions above, I do not find that designated heritage assets (including non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments) provide a strong reason for refusing the development proposed when considering paragraph 11 d) i. of the Framework.

Whether the proposal would be inappropriate development in the Green Belt

48. The site is located within the Green Belt. The Framework sets out that development in the Green Belt is inappropriate unless it meets one of the exceptions. Neither party assert that the proposal would fall under any exception set out under paragraph 154 of the Framework, however, the appellant considers that the proposal would not be inappropriate development under paragraph 155.
49. Paragraph 155 of the Framework sets out that the development of homes should not be regarded as inappropriate where the development would utilise grey belt land, where there is a demonstrable need, where it would be in a sustainable location and where applicable, the 'Golden Rules' set out at paragraphs 156-157 would be met.
50. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusing or restricting development.
51. Initially both parties agreed that the site fell under the definition of grey belt, however, the Council has revisited this point in preparing for the appeal and now considers that it does not by virtue of the other reasons it refused the planning application for, including the effect on the NL and designated heritage assets. This is due to them falling under footnote 7 of the Framework as an area or asset of particular importance. However, I have found above that the NL and designated heritage assets would not provide a strong reason for refusing the scheme and therefore I must consider whether the proposal meets the remaining requirements of paragraph 155 of the Framework.

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52. Initially the Council did not raise that the site strongly contributed to purposes a) to check the unrestricted sprawl of large built-up areas, b) to prevent neighbouring towns merging into one another or d) to preserve the setting and special character of historic towns. However, at the hearing the Council altered its view on one of those purposes, stating that the site does contribute strongly to purpose a) set out at paragraph 143 of the Framework.
53. Nonetheless, Planning Practice Guidance (PPG) states that in respect of purpose a), villages should not be considered large built-up areas. Given the size of Bramley and that it is referred to as a village by the parties, I do not find that the site would be at odds with purpose a) set out under paragraph 143, in that it would not represent unrestricted sprawl of a large built-up area. At the hearing the Council did not assert that the site would strongly contribute to purpose b) or d) and based on the evidence before me and my site visit, I concur with that approach.
54. In considering the remaining criteria set out under paragraph 155 of the Framework, the Council did not raise concerns about the effect on the purposes (taken together) of the remaining Green Belt across the plan area, nor did it oppose the finding that there is a demonstrable unmet need for the type of development proposed or that the development would be in a sustainable location. I can find no reason to take a different view.
55. The Council did however raise that whilst sufficient affordable housing and on site green space would be provided as part of the scheme, one of the required 'Golden Rules' set out under paragraph 156 would not be met, namely that improvements to local infrastructure would be insufficient. However, as discussed later in this decision a range of improvements to pedestrian and cycle connectivity are proposed as part of the scheme, along with improvements to encourage the use of sustainable means of transport, which would be secured by submitted UUA and through the imposition of planning conditions. I therefore find that these improvements could be appropriately secured.
56. Considering the requirements of paragraphs 155, 156 and 157 of the Framework and for my reasons given above, I find that the proposal would not be inappropriate development in the Green Belt. As such, there is no requirement for me to consider the effect of the proposal on the openness or purposes of the Green Belt, or whether there are very special circumstances that would justify the proposal in this respect.
57. I therefore find that the proposal would comply with Policy RE2 of LPP1, which identifies that the Green Belt will continue to be protected against inappropriate development in accordance with the Framework.

Biodiversity

58. A Preliminary Ecological Appraisal (PEA), Reptile Mitigation Report (RMR), Tree Survey Schedule (TSS) and Biodiversity Net Gain (BNG) information were submitted with the application. An update letter provided by David Archer Associates in response to comments made by the Surrey Wildlife Trust (SWT) was provided with the appeal. The Council has confirmed that the update deals with its requirement for up to date information and that following the receipt of the update they have been able to consider the effect on biodiversity matters.

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59. The RMR identified the presence of a low population of slow-worms within the site. The most appropriate strategy to mitigate for the slow-worms is identified as the translocation of reptiles to a suitable off-site receptor area. A translocation site is identified in Appendix 3 of the RMR, in the neighbouring field. The report identifies that the receptor site would be enhanced and maintained for the primary purpose of supporting reptiles for at least ten years and states that this could be further secured by means of a S106 agreement or similar.
60. However, the neighbouring field is not within the red line boundary on the site location plan, and neither of the submitted Unilateral Undertakings would secure the adjacent field as a receptor site. I have not been provided with the wording of a planning condition that would appropriately secure this whilst ensuring that the tests in paragraph 57 of the Framework regarding the use of conditions would be met either. As such, I am not satisfied that the translocation of the slow-worms would be adequately secured.
61. Whilst I note that a low population was found to be present based on the RMR, slow-worms are partially protected under the Wildlife and Countryside Act 1981 (as amended), meaning that it is an offence to intentionally kill or injure them and the RMR sets out that significant direct and indirect impacts will need to be mitigated for in the event the development takes place. Circular 06/2005² sets out that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Appropriate planning conditions or entering into planning obligations to ensure that developments take steps to secure the long-term protection of the species should be considered. Given my findings above, I do not find that this matter has been appropriately addressed.
62. The Council has identified that if the appeal were to be allowed a planning condition could be used to require an updated badger survey. Based on the evidence before me, and the response provided by SWT, I concur with this approach.
63. Whilst it is unfortunate that the pedunculate oak tree was removed, there is no compelling evidence from either party as to whether it was or was not posing a health and safety risk. The appellant asserted at the hearing that the tree had been subject to 'soft felling' to ensure that any wildlife present was protected during its removal. I recognise that the PEA identified this tree as being suitable for roosting bats, but the same report identifies that the tree was being considered for felling due to health and safety concerns. The Council find that compensation for the tree and associated potential bat roosting features could be secured by planning condition, through the requirement of an Ecological Enhancement Plan. I can find no reason to disagree with the Council on this matter.
64. The willow scrub also identified on site through the PEA has also been removed through what the appellant asserts is the regular and ongoing maintenance of the site which occurs every 12-18 months alongside biannual flailing, which has been carried out since 2013. However, the PEA also identified that only a small area of suitable habitat for dormice was present on the site and overall, it was considered to have low suitability for dormice. Without substantive evidence to the contrary,

² Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system

given the low suitability, I find that compensation for the loss of any dormice habitat could also be secured by planning condition, through the requirement of an Ecological Enhancement Plan.

65. The Council raise concerns about the loss of lowland mixed deciduous woodland priority habitat, which is recorded as being on the site. However, the PEA identified that this was not present on site and in its place was modified grassland along with other lowland, mixed, deciduous woodland habitat comprising a line of trees and occasional scattered trees. There is no substantive evidence to the contrary. The proposed layout identifies the retention of the trees. I therefore consider that the protection of both on site and neighbouring trees could be dealt with by a pre-commencement planning condition.
66. Concerns regarding the ability of the proposal to meet the statutory BNG requirement is also raised by the Council. Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 sets out a statutory framework for the BNG objective which requires a 10% increase in biodiversity value.
67. The initial information provided by the appellant suggested that any remaining BNG requirement, following the drawing up of the landscaping scheme would be provided off site on other land under the control of the appellant. However, the appellant's other land referred to is not formally registered, in order for it to be used for this purpose. At the hearing the appellant confirmed that any remaining BNG requirement would instead be resolved through the use of one of the two registered sites within the borough, with the nearest at Winkworth Arboretum being the priority.
68. The PPG states that where off-site biodiversity net gains are required, applicants are encouraged to provide the local planning authority with draft heads of terms clearly setting out the obligations that they are likely to be bound by in a s106 agreement, should permission be granted. Therefore, there is no requirement for this matter to be fully resolved prior to the granting of planning permission, providing that clear information on what obligations would be necessary is provided.
69. It is clear from the application details that some BNG would be provided through the on site landscaping scheme which is a reserved matter, and that any further BNG requirements would be addressed off-site. Whilst I note that interested parties would prefer the BNG to be locally sited to benefit biodiversity in the area immediately around Bramley, the BNG legislation does allow for the use of off-site schemes to enable a 10% uplift to be achieved. I therefore find that adequate information is provided in support of the BNG objective.
70. Therefore, whilst I find it necessary to require further information in respect of an updated badger survey, ecological enhancement with regard to roosting bats and dormice, tree protection measures and BNG, I am satisfied that these matters could be adequately resolved by appropriately worded planning conditions. That said, I do not find that the translocation of slow-worms would be adequately secured and therefore the development would result in a harmful effect on biodiversity. The proposal would therefore be contrary to Policy NE1 of LPP1 and Policy DM1 of LPP2 which seek, amongst other things, that new development,

where appropriate, will be required to contribute to the protection, management and enhancement of biodiversity, following the mitigation hierarchy.

Highway safety and the encouragement of sustainable means of transport

71. Whilst I note the interested parties concerns about the effect of the proposal on highway safety, related to the resultant increase in the number of vehicles using the junction between Park Drive and the High Street (A281), the Highway Authority removed its objection to the scheme on receipt of additional information relating to vehicular speeds and visibility. Whilst I understand the concerns raised about the collection of the speed data, due to the number of roadworks that have been occurring along the A281 over a period of time and due to the ongoing impact following the covid pandemic, the Highway Authority are satisfied that the survey work is sufficient and I have no substantive evidence which suggests I should take a contrary view. I am therefore satisfied that the proposal would not result in unacceptable harm to highway safety.
72. I recognise that in the Highway Authority advice, other suggestions were identified such as the removal of the cul-de-sac arrangement, the reduction in width of the bellmouth radius and revisiting the parking layout. Nevertheless, the Highway Authority have not objected to the scheme, despite these suggestions not being incorporated into the proposal.
73. Concerns are also raised at the lack of a separate pavement along Park Drive, which I noted during my site visit. However, the submitted UUA would commit the appellant to provide certain pedestrian and cycle connectivity enhancements, including a connection to an existing pedestrian route, dropped kerbs and tactile paving. There would therefore be an option to walk into Bramley along this other designated pedestrian route, rather than walking along Park Drive.
74. The Highway Authority has stated that further enhancements would be required beyond that identified in the UUA, including a further area of tactile paving on Windrush Close, and the provision of bus stop improvements at the Bramley Grange and The Coombes bus stops, in order to encourage the use of the bus service.
75. Whilst reservations to these additional features were documented in the appellant's final comments, it was confirmed at the hearing that the appellant would be content to agree to such works in order to encourage the use of sustainable means of transport, and that these could be dealt with through a s278 agreement which could be secured by a planning condition. The Council did not provide any comments on this approach. I find that these matters could be secured via a planning condition.
76. I therefore find that the proposal would not result in unacceptable harm to highway safety and measures to encourage the use of sustainable means of transport would be adequately secured. The proposal would therefore comply with Policy ST1 of LPP1, Policy DM9 of LPP2 and Policies BNP-I1 and BNP-I3 of the NP. These policies seek, amongst other things, that developments provide safe and convenient access for all highway users, where appropriate enhance public transport infrastructure, and that contributions are sought wherever possible to improve networks for walking and cycling, including for those who are wheelchair users.

Green Infrastructure

77. As a result of the proposal the current allotments would be lost as part of the scheme. The appellant referred briefly to the provision of replacement allotments in the Design and Access Statement, although there was no specific information provided, the replacement site was not identified nor included in the red line boundary on the site location plan. I therefore accept that the certainty around securing the provision of replacement allotments, based on the evidence submitted, was lacking at the time the Council determined the application.
78. However, the appellant has since submitted a completed Unilateral Undertaking (UUB) with the appeal that would secure replacement allotment provision on the neighbouring field, also under the control of the appellant. The UUB would ensure that there would be no net loss of green infrastructure through the submission of a Green Infrastructure Scheme. The undertaking also requires that the replacement allotments would be fully laid out prior to the commencement of material works on the proposed scheme.
79. I cannot comment on the visual impact of the proposed replacement allotments, as they did not form part of the description of development and they are not included in the red line boundary. This would be a matter for the Council through agreeing to the Green Infrastructure Scheme required by the UUB.
80. I note the concerns of interested parties, with having to start again on a new allotment site, when they have been at the existing allotments for many years. I appreciate the relocation would cause disruption. I accept that allotment holders would be required to take a slightly longer walk to reach the proposed replacement allotments from the village, compared with the existing situation, although I did not find it overly far in terms of distance. I also take the appellants assertion into account that the relocation of the allotments to higher ground may resolve the current issue on the existing allotments which mean that allotment holders cannot use them over the winter months, due to them being waterlogged, a situation confirmed by the interested parties at the hearing.
81. There are concerns that the site of the replacement allotments within the field which is known by the local residents as the 'Bonfire Field' may have a detrimental effect on the annual bonfire event held there, due to insurance reasons and the reduction in the size of it. However, there is very little substantive evidence before me that this would be a resulting outcome.
82. Nonetheless, the replacement provision of an allotment facility of at least equal size fairly close to both the existing allotments and the edge of the settlement would be secured through UUB. The proposal would therefore not result in harm to the current provision of green infrastructure. The proposal would therefore be compliant with the requirements of Policy ICS1 of the LPP1 which seeks, amongst other things, that the loss of services and facilities are resisted unless an appropriate alternative is provided.

Other Matters

83. The site is adjacent to the Bramley Conservation Area (CA). The significance of the CA lies in its architectural and historical interest as well as in its settlement pattern, with ribbon development located along an ancient route through the Low Weald. I am told that Park Drive once led to Bramley Park House, the childhood

home of Gertrude Jekyll, but this was demolished some time ago, although the lodge house, stables (now Bramley Court Park which is a non-designated heritage asset) and entrance walls remain. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

84. I agree with the Council that the area around the site appears to have changed over the years with different housing developments being completed. I find that the proposal would not be out of kilter with these surrounding more modern developments. As such, I find that the proposal would preserve the character and appearance of the conservation area.
85. I am referred to an appeal decision at Land off Midhurst Road at Scotland Park³ which was a hybrid scheme including a part outline and part full application. I accept that there are some similarities in that part of the site was included within the NL. Nevertheless, the proposal in that case was for 112 dwellings, community growing space and associated infrastructure, a junction alteration, associated access road (including the diversion of a public footpath), car park, landscaping and drainage, the erection of a scout facility/nursery and an education facility and a Suitable Alternative Natural Greenspace. The scale of the scheme and what was being proposed in that case was very different to the scheme before me now and to my mind they are not directly comparable.
86. The Parish Council state that Bramley has already achieved the number of dwellings identified for delivery in the development plan figures. Nevertheless, at the hearing I was not directed to a particular policy that put a cap on the delivery of new homes in Bramley. They also state that other sites are actively being brought forward that they consider to be more preferable, although there is no substantive evidence before me on that matter.
87. The site is located in Flood Zone 1. However, from the written comments I have considered and the discussion that took place with interested parties at the hearing, I understand that there are local concerns about both foul and surface water drainage at the site currently. I note concerns from the occupants of neighbouring properties who state that after certain rainfall events, water runs from the site across Park Drive to their properties. I also witnessed the location of part of the foul drainage network and its proximity to the stream during my site visit.
88. However, whilst Thames Water confirmed there is not sufficient foul drainage capacity currently, they also recommended a condition to prevent occupation of dwellings until the necessary upgrades to the foul water network have been completed or a phasing plan for delivery has been agreed. The Council is also satisfied that surface water drainage matters can be dealt with by a pre-commencement planning condition. I have no substantive evidence to suggest that I should take a contrary approach on these matters.
89. An interested party identified that there had been a local incident in Bramley that resulted in contamination which may have long lasting environmental effects. Nevertheless, the Council has not raised this matter as a concern, and I have limited evidence to the contrary before me. A planning condition could be imposed

³ APP/R3650/W/3327643

to require action should unexpected contamination be found during works taking place. I find this would be a sufficient approach, based on the evidence before me.

90. The degree of engagement by the Council and the Parish Council is not a matter for me in my assessment of the appeal. I acknowledge that the appellant has been involved in other housing schemes in the locality of Bramley that have been delivered. Whilst I do not refute that the scheme may be deliverable, I must consider this appeal based on its individual merits.

Planning Balance

91. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
92. The Framework, at paragraph 78, states that local planning authorities should identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, including an appropriate buffer. The main parties agree that the Council is unable to demonstrate a sufficient five year supply with a figure of 1.28 years being cited by both parties. Paragraph 11 d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of two scenarios apply.
93. Firstly, paragraph 11 d) i. states that permission should not be granted when the application of policies in the Framework that protect areas or assets of particular importance, as set out in Footnote 7, provides a strong reason for refusing the development proposed. The NL and designated heritage assets are included in Footnote 7, however as stated above, I have not found that the NL or designated heritage assets provide a strong reason for refusing the proposed development in this case.
94. In such circumstances paragraph 11 d) ii. of the Framework is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
95. In terms of benefits the proposal would deliver 26 new dwellings, 14 of which would be secured as affordable homes. Whether the appellant's information from the Housing Needs Survey for Bramley or the Council's data from the Housing Register is used, the provision of 14 affordable homes would make a significant contribution to the affordable housing needs of Bramley. The affordability ratio for buying a home in Waverley is identified by the appellant in the submitted Affordability Statement, as 12.57 times the annual income. This figure was not disputed by the Council. I find this demonstrates that the need for affordable homes is a significant factor for the local area. The Council did not dispute that the affordable housing would be appropriately secured by the submitted UUA and I can find no reason to disagree.
96. The scheme would provide a valuable boost to the housing stock adjacent to a village where there would be access to services and facilities by sustainable modes of travel, in accordance with the Framework, where there is currently a

significant shortfall. It would also boost the provision of affordable homes, with a significant proportion of the total dwellings being secured as such. There would also be economic benefits during the construction phase and after with future occupants supporting local services and facilities. I attach significant positive weight to these considerations in the determination of this appeal.

97. Whilst landscaping is a reserved matter, the illustrative details suggest there would be some enhancement in this respect. I am satisfied that BNG would be achieved through a combination of on site and off site schemes. Options for sustainable travel would be improved with enhancements to pedestrian and cycle connectivity and bus stops in the locality of the site. I attach moderate weight to these benefits.
98. I have found above that the proposal would comply with the development plan in respect of matters relating to the Green Belt, highway safety and archaeology. However, a lack of harm and policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal. It is suggested that UUB would secure a larger replacement allotment facility, however the wording of the agreement only commits to the provision of allotment land of equal size or greater. Therefore, the replacement provision would also be a neutral consideration.
99. Whilst the proposal would not be in accordance with the spatial strategy set out in the development plan and would therefore not adhere to the aim of the Framework for planning to be genuinely plan led, any conflict in this respect is afforded only very limited weight, due to the current housing land supply shortfall, which I find to be significant. Given the significant shortfall in housing land supply across the Council area currently, I am of the opinion that the spatial strategy policies are not delivering the required number of homes.
100. I have found moderate harm to landscape character and the NL and its setting, nevertheless, I must attribute great weight to this harm in accordance with Paragraph 189 of the Framework. I have also found that the proposal would result in harm to biodiversity, due to the translocation of slow-worms, a protected species, not being adequately secured.
101. I understand that the appellant feels that the application of landscape policies place constraints on the delivery of new homes and therefore they should be considered out of date. Nevertheless, the aims of these policies align with the requirements of the Framework in respect of natural environment matters and therefore I consider that significant weight should be attributed to the conflict with these policies.
102. The harms that I have identified, in combination, afford significant weight against the scheme, which would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conclusion

103. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew McNaughton	Paul Hunt Investment Ltd
Ricky Gamble	Paul Hunt Investment Ltd
Paul Hunt	Paul Hunt Investment Ltd
Richard Bates	Paul Hunt Investment Ltd
Robert Petrow	Petrow Harley Landscape Architects

FOR THE LOCAL PLANNING AUTHORITY:

David Gittens	Planning Team Leader
Clive Smith	Surrey Hills National Landscape Advisor

INTERESTED PARTIES:

Jane Austin	Chair of Bramley Parish Council (also a District Councillor but not present in that capacity)
Francesca Stern	Representing Allotment Holders (also Parish Councillor but not present in that capacity)
Anna Windebank	Local resident
Wendy Hill	Local resident
Reg Peters	Local resident
Camilla White	Local resident
Claire Springett	Local resident
Alison Livsey	Allotment holder
Stuart White	Local resident