



Appeal Decision

Inquiry held on 17-20 September 2019

Site visit made on 18 September 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/R3650/W/19/3230164

Land at Windacres Farm, Church Street, Rudgwick RH12 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by William Lacey Group against the decision of Waverley Borough Council.
 - The application Ref WA/2018/1458, dated 20 July 2018, was refused by notice dated 3 December 2018.
 - The development proposed is the erection of up to 57 houses with access to be determined (scale, design, layout, and landscaping to form reserved matters) to include open space, parking, infrastructure and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved apart from access. While I have had regard to all of the submitted plans, I have treated all elements shown as indicative with the exception of access.
3. The appeal site straddles the boundary between Waverley Borough Council ('the Council') in Surrey and Horsham District Council (HDC) in West Sussex. All of the proposed housing would be located in Waverley. The only part of the site within Horsham would provide the access road from the B2128 in Cox Green. HDC has granted outline planning permission for the access road (ref DC/18/1520) with appearance, layout and landscaping as reserved matters. A Section 106 agreement prevents the implementation of the access road unless planning permission is granted for the proposal before me at this appeal.
4. The original application was refused for 8 reasons. Prior to the inquiry, the Council confirmed it would not defend reasons for refusal 4 and 6 relating to the living conditions of future occupiers and existing occupiers of April Rise respectively. Interested parties still had concerns at the inquiry relating to the effects on April Rise. Given that I am dismissing this appeal for other reasons, it has not been necessary for me to consider this issue in any detail.
5. The Council also confirmed that it would not contest reason for refusal 7 relating to leisure, recreation and education contributions due to the recent adoption of its Community Infrastructure Levy (CIL) Charging Schedule. The main parties also agreed that reason for refusal 8 (sustainable transport contribution) could be resolved through a planning obligation.

6. A completed unilateral undertaking (UU) was submitted shortly after the close of the inquiry. It would provide for affordable housing, cycle and public transport vouchers, the management of play space, open space and surface water drainage measures, and a bridleway link. It would also prevent the development's commencement until the access road has been implemented.

Main Issues

7. On the basis of the above procedural matters, the main issues are:
 - (a) the effect of the development on the character and appearance of the surrounding area;
 - (b) the effect of the development on the special interest of nearby listed buildings and the heritage significance of Rudgwick Conservation Area;
 - (c) whether the proposed housing would be in an appropriate location having regard to the development plan and national policies that seek to manage the location of new development; and
 - (d) whether the Council has an adequate supply of land for housing.

Reasons

Character and appearance

The existing situation

8. The appeal site comprises fields to the east and south of existing residential development along the B2128 (also known as Church Street) and an access point between the properties of April Rise and Trundle Mead. The western part of the site contains two relatively small fields, while the eastern part is part of a larger field. The fields are bounded by trees and hedges and were either ploughed or laid to grass at the time of my site visit. Public rights of way (PROW) run along the southern and eastern boundary of the site as part of a network of routes including the Sussex Border Path.
9. In landscape terms, the site's agricultural and green qualities broadly fit the Low Weald landscape character types at the local and national levels. This includes small fields enclosed by hedgerows. The site also lies within an Area of Great Landscape Value (AGLV) in the Waverley Local Plan Part 1 2018 (LPP1). While only a landscape designation, LPP1 Policy RE3 states that the AGLV will be retained for its own sake and as a buffer to the Surrey Hills Area of Outstanding Natural Beauty (AONB). The site falls within a part of the AGLV described as having similar characteristics to the fringe of the AONB with enclosed small to medium sized fields.
10. The site is distant from the AONB and on the very edge of the AGLV due to the adjoining county boundary (HDC has no equivalent landscape designation). Nevertheless, it forms part of the gently undulating and pastoral landscape stretching to the north. It retains historic field boundaries and is representative of the local landscape character. While the site is not publicly accessible, it can be appreciated as an area of green space in the countryside when walking along the PROWs. As a consequence, it is not seen in isolation but is within the wider landscape context of the AGLV. It makes a positive contribution to the AGLV as part of a locally valued landscape.

11. In visual terms, from the aforementioned PROW, there are glimpses of the western two fields albeit screened by the existing vegetation. The eastern field is more exposed, particularly from the eastern PROW with views of properties on the south side of the B2128 such as April Rise. Views towards the AONB are also possible across the eastern field, along with views south to the South Downs National Park (SDNP). Looking southwards from the southern PROW, it is possible to see new housing under construction at the Rudgwick Metals site. Despite the proximity of existing and new development, the site is seen as rural and tranquil, enclosed by vegetation and forming part of the approach to and from the countryside. As such, it makes a positive contribution to the character and appearance of the surrounding area.
12. The site adjoins existing development on the edge of Cox Green and Rudgwick. Historically, Cox Green was a separate hamlet, but development in the latter half of the 20th century saw it merge with Rudgwick. Nevertheless, it retains a distinctive linear character with large detached properties on spacious plots along the B2128. This character and pattern of development continues into the northern end of Rudgwick past the church and The Kings Head public house, before estate and cul-de-sac developments to the rear of the B2128 become more prevalent. New development at Summerfold and the Berkeley Homes scheme at Rudgwick Metals has brought cul-de-sac layouts nearer to the site, but there remains a gap between them and the site. As such, the site relates more closely to the dispersed and linear pattern of Cox Green and the northern end of Rudgwick than development further south.

The impact of development

13. Although all matters are reserved apart from access, it was generally accepted at the inquiry that the housing would be located in the two western fields with a play area and drainage attenuation ponds on the site's eastern part. While the proposal is for up to 57 houses, there was no other layout or plan for a smaller number of houses before me.
14. The development would largely retain existing boundary vegetation around and between the fields. The housing would not intrude on views across the eastern field towards the AONB, nor would views of the SDNP be greatly affected. Accurate Visual Representations (AVR) as part of the appellant's proof of evidence indicate that existing and proposed planting would screen housing from the two PROWs even in winter by Year 15. However, the screening is unlikely to be comprehensive as there would be gaps to provide for footpath links and the access road. The access road itself along with the drainage attenuation pond and play area would be indications of residential development and would be clearly visible across the eastern field from the PROW. There would be movement and activity along the access road and within the development, along with light pollution from housing and streetlights.
15. Only a small part of the AGLV would be lost and given the distance to the AONB this would have little effect on the buffer role the AGLV provides. The main parties agree that the AGLV designation does not preclude development. However, this local landscape designation would be eroded and the loss of fields that contribute positively to a wider pastoral and green landscape. The approach to and from the settlement along the PROW would become more urbanised and reduce the overall rural setting.

16. The development would be seen within the context of housing at Rudgwick Metals, but from a distance and only from parts of the southern PROW. The likely character and layout of the development, with estate roads and cul-de-sacs, would not be cramped or of an overly high density in itself. However, it would be at odds within its context of linear and dispersed pattern of housing.
17. In conclusion, the development would have a considerable negative effect on the character and appearance of the surrounding area. Therefore, it would not accord with LPP1 Policies RE1 and RE3 which seek to recognise the intrinsic character and beauty of the countryside and protect AGLVs. It would also not accord with LPP1 Policy TD1 and Policies D1 and D4 of the Waverley Local Plan 2002 (LP2002). Amongst other things, these policies require developments to be appropriate to the site, respect local distinctiveness and avoid harm to visual character and areas of landscape value.
18. The development would not accord with paragraph 170 of the National Planning Policy Framework (NPPF) which seeks to protect valued landscapes in a manner commensurate with their identified quality in the development plan and to recognise the intrinsic character and beauty of the countryside. There would also be conflict with NPPF paragraph 122, which seeks efficient use of land while aiming to maintain an area's prevailing character and setting, and paragraph 127 which seeks to ensure that development is sympathetic to local character including the surrounding built environment and landscape setting.

Listed buildings and conservation area

The existing setting of each heritage asset

19. The Grade I listed Church of the Holy Trinity is situated just to the east of Church Street and to the south-west of the appeal site. A medieval church with 19th century restorations, it has considerable architectural and historic interest. The church occupies a prominent position within its churchyard and has always been on the edge of the village as shown by historic map regression. It is experienced in views from Church Street and along the PROW which skirts the building to the south and heads east into the countryside past the site.
20. The wider setting of the church takes in land on both sides of Church Street and comprises leafy and largely rural surroundings beyond the village. Modern development around the church does not detract from this setting. Hawkridge forms part of the street scene along Church Street while the detached properties along Highcroft Drive are set within spacious and leafy plots. The emerging development at Rudgwick Metals is visible from the PROW as noted above, but does not dominate the approach to the church due to its distance.
21. Views back to the church along the PROW beyond the churchyard and from the site itself are limited to brief glimpses due to mature vegetation. Views from the church to the site are similarly restricted. A potential extension of the churchyard into the adjacent field could open up views of the site, but the application has not yet been determined and there are insufficient details of what might occur. Nevertheless, as part of the rural surroundings in which one experiences the church, principally from the approach along the PROW, the site contributes positively to the setting and significance of the church.
22. The Grade II listed Duke's Farm House dates from at least the early 18th century. It is located to the north of the church on the same side of Church

- Street and due west of the site. It has architectural interest as a notable Georgian house and historic interest due to its age and links with the development of Rudgwick. Map evidence suggests that the building was associated with Duke's Farm and the farming of fields around it, although the full extent of its land ownership remains unclear. An orchard between the building and the site forms part of the wider garden to what is now a dwelling.
23. The farmhouse has a rural backdrop on the edge of the village which forms part of its setting. In terms of public views, the building is best appreciated from Church Street, with little visibility from the PROW along the southern part of the site. However, there is intervisibility between the farmhouse and the western part of the site through gaps in boundary planting. The house is quite distant, but clearly identifiable. There is also a historic functional relationship between the building and the countryside. As such, the site makes a positive contribution to the setting and significance of the listed building.
24. The Grade II listed Trade Winds and Duke's Cottage are located to the north-east of the appeal site on the road through Cox Green. They date from the 16th or 17th centuries and have architectural and historic interest as timber framed buildings typical of their age and location. They are best appreciated in public views from the road although there are glimpses from PROWs to the rear. They share a rural backdrop with fields to the rear, which contribute greatly to their setting. While the site forms part of this wider backdrop, there is little intervisibility between the listed buildings (including their gardens) and the site due to the distance and boundary vegetation. Neither building faces towards the site. It is possible that the buildings may have been associated with Duke's Farm House and the land in-between including the site, but the evidence before me is limited. Therefore, the site makes little contribution to the setting and significance of these two listed buildings.
25. Rudgwick Conservation Area (CA) covers the village's historic core along Church Street and contains a number of buildings of architectural and historic interest. The boundary incorporates the church and churchyard as well as Duke's Farm House and its rear garden, where the site briefly abuts the boundary. The CA is flanked by countryside to the west and east, which forms part of its setting. Public views of the countryside from within the CA are restricted by buildings and vegetation. Nevertheless, the rural backdrop to the CA can be appreciated from the PROW past the church as well as from the rear garden of Duke's Farm House. Public views into the CA from the PROW are restricted by vegetation, but there is intervisibility with the site in a similar way to the intervisibility between the site and Duke's Farm House. As such, the site makes a positive contribution to setting and significance of the CA, albeit of a more moderate nature given that it is only a small part of the rural backdrop.

The impact of development

26. The introduction of housing into the western part of the site would result in an erosion of the rural fields on the edge of the settlement. For Duke's Cottage and Trade Winds, the distance and lack of any intervisibility, along with insufficient evidence on the links between the site and these listed buildings means that the development would have no adverse effect on their setting and would not harm their significance.
27. For the church, Duke's Farm House and the CA, the development would be seen as an extension to the village, but given the likely number and layout of

housing, it would enclose and urbanise fields immediately east of these heritage assets. Existing and proposed boundary planting would provide screening, but is unlikely to block views altogether depending on the time of year and the density of vegetation. Lighting and vehicle movements would also be detectable. Heading to and from the church along the PROW, or looking east from Duke's Farm House's rear garden, the rural backdrop would be eroded.

28. As a consequence, the development would not preserve the setting of both listed buildings and the CA. This would result in harm to the significance of these heritage assets. Therefore, there would be conflict with LPP1 Policy HA1 and LP2002 Policies HE3 and HE8, which seek to safeguard the significance of heritage assets, protect the setting of listed buildings and protect open spaces and views important to the character and setting of a conservation area.
29. The harm would be less than substantial in each case. Although the site is only one part of the setting for each designated heritage asset, the positive contribution it makes to that setting means that the harm is of a moderate rather than low level. Nevertheless, NPPF paragraph 193 states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm (with greater weight to highly graded assets). NPPF paragraph 194 states that any harm should require clear and convincing justification, with NPPF paragraph 196 requiring less than substantial harm to be weighed against the public benefits. This exercise is carried out in the planning balance section below.

The appropriateness of the location

30. The LPP1 Policies Map shows that the entirety of the site within Waverley is located within the countryside beyond the Green Belt. LPP1 Policy SP2 sets out a spatial strategy for Waverley. It is a permissive and positively worded policy setting out a settlement hierarchy in order to deliver development in a sustainable manner.
31. Due to the county/district boundary, the site adjoins a settlement in Horsham rather than Waverley. The site is situated within the parish of Ewhurst, where limb 4 of Policy SP2 allows limited levels of development in and around such villages. LPP1 Policy ALH1 requires the parish of Ewhurst to deliver a minimum of 100 new homes. However, the site is a considerable distance from Ewhurst itself and development would not be around the village. Therefore, limb 4 does not apply.
32. Limb 5 of Policy SP2 allows for only modest growth in all other villages to meet local needs. As a development of up to 57 homes, it could not be described as modest growth when 'limited' in the next tier up in limb 4 of the same policy could be as low as 15 houses as set out in Policy ALH1. Although there is an affordable housing need across Waverley, there is little evidence of the local need within the Rudgwick area. The draft neighbourhood plan for Ewhurst and Ellen's Green seeks a higher percentage of affordable housing but remains at an early stage of production. Therefore, it has not been demonstrated that the development would be meeting local needs.
33. Rudgwick is identified by Policy 3 of the Horsham District Planning Framework (HDPF) 2015 as a medium village with a moderate level of services and facilities. The Horsham Settlement Sustainability Review 2014, while part of HDPF evidence base rather than the development plan itself, indicates that

- Rudgwick should accommodate small scale development or minor extensions that address specific local needs. While small scale is not defined, there is little in the evidence before me that the proposal would meet this definition.
34. In any event, and in a similar manner to the Inspector for the recent Cox Green Road decision¹, the argument that Rudgwick could be equated to Ewhurst in terms of Policy SP2 is largely hypothetical. Rudgwick and the appeal site are in separate local planning authority areas. The development would not accord with any part of Policy SP2 in terms of its location, size or nature, and so would be in conflict with this policy.
 35. While there are belts of ancient woodland and sites where planning permission has been refused and/or the land is not developable or deliverable, there are other parcels of land adjacent to the settlement where development might be possible. This includes land in multiple ownership and with a large number of listed buildings as these are not automatic constraints on development. Therefore, it has not been adequately demonstrated that the extent of development constraints around Rudgwick is of such magnitude as to render the appeal site as one of the few options for future growth.
 36. In terms of access to services and facilities from the site, Rudgwick has a convenience store, post office, pharmacy, medical centre and public house along with a preschool, preparatory school and a primary school. Bus stops are situated along the B2128 with an hourly service between Guildford and Horsham on Mondays to Saturdays from early morning until evening.
 37. With the exception of the bus stops and public house, most of these services and facilities are located towards the opposite end of Rudgwick. The PROW past the church would provide the shortest route. Walking distances would be within a maximum of 1.95km which is considered acceptable based on research data provided by the appellant. However, it is narrow, not fully lit or tarmacked, with kissing gates and a steep slope and/or steps onto Church Street. Although the kissing gates may be removed as part of the proposal to extend the churchyard, the PROW route still would not be attractive to all occupants of the development, particularly those with mobility issues or small children.
 38. The proposed site access would provide a lit and tarmacked route onto the B2128. It would be longer than the PROW, but most of the above services and facilities would be within an acceptable walking distance. Only the schools would be slightly beyond the 1.95km limit and with small children and a gradual hill, journeys are more likely to be by car.
 39. The services and facilities are well within acceptable cycling distances and would be a reasonable option notwithstanding the B2128 and the hill. The relative infrequency of the bus service would not make this a suitable option for short trips across Rudgwick, but the hours of operation and the destinations it serves makes this a reasonable option for commuting to work and secondary schools. Overall, while the development would have some reliance on the private car to access services and facilities, it would not be overly dependent on this mode of transport.
 40. There would be no conflict with LPP1 Policy ST1 which seeks to promote sustainable transport and the development would provide occupants with

¹ APP/R3650/W/19/3227970 decision issued on 16 September 2019

vouchers for bicycles and/or bus/train passes via the UU. For a rural location, it would offer and promote a range of transport modes in accordance with NPPF paragraphs 102 and 103. It would also help to support local services and facilities as promoted by NPPF paragraph 78.

41. In conclusion, the development would not be in an appropriate location having regard to the development plan and LPP1 Policy SP2 in particular. It also has not been demonstrated that Rudgwick is so constrained that the site is one of the few options left for future growth. However, the reasonable access to services and facilities within the village and the lack of conflict with the NPPF will need to be weighed in the overall planning balance.

Housing Land Supply

Overview and approach

42. The updated housing land supply position statement dated 19 September 2019 and submitted at the end of the inquiry shows that the Council considers it has a 5.185 years' supply of housing, while the appellant considers that the supply stands at 3.67 years. It was common ground that the base date for assessment of supply is 1 April 2019, that the housing requirement is set out in LPP1, and that there has been an undersupply of 1,634 dwellings since the start of the plan period in 2013. Allowing for the undersupply and a 20% buffer following the February 2019 results of the Housing Delivery Test, it was agreed that the five-year housing land requirement stands at 5,501 dwellings.
43. The main area of discussion at the inquiry centred on whether specific sites were deliverable having regard to its definition in the NPPF glossary and the advice in the Planning Practice Guidance (PPG)². The inquiry focused on specific sites within the Council's Five Year Housing Land Supply Position Statement as at 1 April 2019 ('the April 2019 Statement'), published in July 2019.
44. There was general acceptance that the NPPF definition and the PPG advice are not exhaustive when it comes to demonstrating the deliverability of sites. The Council emphasised that the NPPF definition refers to a 'realistic prospect' that housing will be delivered on site, while the appellant emphasised the need for clear evidence that housing completions will begin on site for sites covered by part (b) of the definition. I note that clear evidence does not amount to site specific evidence, but the Council accepted in its proof of evidence that the onus is on the local planning authority to demonstrate that sites in part (b), or sites outside of parts (a) and (b) altogether, are deliverable. Thus, I have had regard to the NPPF definition and PPG advice in my assessment of specific sites below, as well as other evidence of deliverability put forward by the Council.
45. The Council relied on a Housing Land Supply and Housing Trajectory Contextual Note dated May 2017 and prepared by Troy Planning and Design (hereafter referred to as 'the Troy Note') to demonstrate the delivery rate of sites based on local evidence. It was used and accepted as evidence in the LPP1 examination. The Council has not rigidly applied the Troy Note, but the appellant challenged the note's reliability and accuracy. I note that the data is generalised and the estimates do not appear to reflect actual delivery times. Thus, while I have had regard to the Troy Note in my assessment of sites, it

² Reference ID: 68-007-20190722

has only been for a general indication of potential delivery times rather than providing certainties.

46. The appellant sought to raise past rates of under-delivery as further evidence behind their critique of present and future delivery. However, the focus should be on looking forward not back, focusing on the actual delivery of sites. A step change is required in the rate of delivery to meet targets, but apart from the critiques of individual sites, there is little to indicate that this cannot be achieved as a general approach. Arguments made by the appellant on the need for more affordable housing are noted, along with the Council's intention not to proceed with a review of LPP1. However, there is no dispute between the main parties regarding the 5 year housing requirement, which is based on LPP1.

Small and medium sized sites (1-9 dwellings)

47. The Council accepted that there was some duplication of sites in the April 2019 Statement (7 dwellings in total) and that one of the disputed sites (Cambridge House) had a lapsed permission (3 dwellings). Of the remaining disputed sites (5 dwellings in total), the Council has provided evidence indicating that permissions have been implemented and completed. There is uncertainty over whether completions occurred before 1 April 2019, but given the small number of dwellings involved, I have given the Council the benefit of doubt. Even so, the supply is reduced by 10 dwellings for small and medium sized sites.

Large sites

48. Of the initial list of disputed sites, only two have been accepted by the main parties (Chanrossa and Land at East Street, Farnham). All of the remaining disputed sites have the benefit of outline planning permission only and so fall under part (b) of the NPPF definition.
49. For the delivery of 23 dwellings at Brockhurst Farm, the evidence is lacking in terms of progress towards a reserved matters application. The trajectory data is over 2 years old and based on a higher number of dwellings for the site. Marketing evidence indicates that housing may be delivered soon, but there is no clear evidence that completions will begin on site in 5 years.
50. For the delivery of 10 dwellings in 5 years at Alfold Garden Centre, evidence provided by the appellant casts doubt over whether the outline permission will be implemented based on viability concerns raised by the developer. Therefore, there is no realistic prospect or clear evidence that the site is deliverable.
51. For the delivery of 315 dwellings at Land South of High Street between Alfold Road and Knowle Lane, the appellant accepts that 203 dwellings are deliverable over the next 5 years. A reserved matters application covering the remaining 112 dwellings is expected in early 2020. However, it would appear that delivery has been delayed with no completions on site, with longer timings than the Troy Note estimates. This raises doubts as to whether the 112 dwellings can be delivered and so no clear evidence has been demonstrated.
52. For the delivery of 224 dwellings at Land at West Cranleigh Nurseries and North of Knowle Park, the appellant only accepts that 73 dwellings are deliverable in 5 years. A pending reserved matters application relates to the Country Park element only. While there is an email from Council officers stating their confidence in the deliverability of housing, there is little evidence to support this position. An email from the developer's agent casts doubt on

deliverability, while delivery timings also appear to be longer than the Troy Note estimates. Therefore, there is no realistic prospect or clear evidence that the remaining 151 dwellings are deliverable.

53. Dunsfold Park is a strategic site allocated for 2,600 dwellings with outline permission for 1,800 dwellings. The Inspector's report on the LPP1 examination described the contribution expected from the site within the first 5 years as realistic and modest. The Council now expects 457 units to be delivered within 5 years, which is an uplift of 184 units on estimates in 2018. The Planning Performance Agreement and the awarding of Garden Village status make no reference to the delivery of a specific number of units within a set timeframe. The trajectory provides little information on how the numbers might be delivered or explain the uplift. The appellant refers to the need to obtain reserved matters approvals, discharge multiple pre-commencement conditions and carry out related highway infrastructure works.
54. While it is possible that some housing might begin to be delivered at Dunsfold Park within 5 years, it has not been demonstrated that there is a realistic prospect or clear evidence for 457 units. At best, the appellant states that 232 units should be included based on the findings of the Cox Green Road Inspector, even though this figure was considered generous by the Inspector. I have also assumed that 232 units could be delivered, which means a reduction of 225 dwellings from the Council's supply.
55. For the delivery of 49 dwellings at Firethorn Farm, this is solely based on the Troy Note. As noted above, this is too generalised and lacking in certainty. The evidence does not provide clear evidence of deliverability and so I am unable to include the 49 dwellings in the overall supply.
56. For the delivery of 200 dwellings at Milford Golf Club, the appellant accepts there is a realistic prospect of 150 dwellings being delivered in 5 years based on a single operator on site. Pre-commencement conditions are being discharged and a reserved matters application has been submitted. Notwithstanding the assumptions of the Troy Note that 2 outlets could operate on sites of this scale, the evidence for it happening here is based on an estimate of 1 or 2 operators from the developer's agent dating from 2 years ago. The Council accepts that delivery would not start until 2021/22, and with only a maximum of 50 dwellings completed per year, there is not a realistic prospect or clear evidence of 200 dwellings being delivered in 5 years. Therefore, the supply is reduced by 50. The total reduction in supply for larger sites is 620 units.

Strategic Allocation at Coxbridge Farm

57. The site is allocated in LPP1 and the Farnham Neighbourhood Plan for around 350 dwellings. The Council considers that 200 units could be delivered in 5 years, taking the middle ground between more optimistic estimates of the developer and the more conservative estimates of the Troy Note. Progress with the outline application is occurring, but no permission has yet been granted and reserved matters applications have yet to be made with no clear timetable. As such, it has not been demonstrated that there is a realistic prospect or clear evidence of the 200 units being delivered. The Cox Green Road Inspector accepted 130 dwellings could be delivered, but I do not have the evidence to support this figure either. Therefore, the supply is reduced by 200.

Other Identified Sites – sites receiving permission since the base date

58. Kings Road and Branksome House were granted planning permission via appeal after the base date of 1 April 2019. Ockford Ridge was only granted outline permission on 18 April 2019. All 3 sites post-date the base date of 1 April 2019 and 2 were being disputed by the Council at the time of the base date. As other Inspectors³ have found, the assessment of 5 year supply should be based on a specific date to avoid overinflating supply without a corresponding adjustment of need. Although all 3 sites were known to the Council on 1 April 2019, there was no guarantee that planning permission would be granted. None of the sites met the NPPF definition of deliverable on that date. Therefore, I cannot include them as part of the 5 year supply. This reduces the supply by 26 dwellings.

Other Identified Sites – brownfield register

59. A total of 6 sites are included in the supply assessment. All were known to the Council prior to 1 April 2019 in terms of the register, but this is not enough on its own to demonstrate deliverability when considering the NPPF and PPG. The Cranleigh Primary School site has had a pending outline planning application for 2 years and is dependent on the school's relocation before development can commence. The delivery of the replacement school is not certain. Thus, there is no realistic prospect or clear evidence of delivering 91 homes within 5 years.
60. The Ockford Water site has a pending planning application and could deliver within the time estimates based on the Troy Note, but there is no clear evidence on whether permission will be granted and implemented in time. Although there have been discussions between the Council and developer for the Destination Triumph site, no planning application has yet been submitted and no clear evidence on when this might occur. Thus, the evidence for both sites is not clear or realistic. The removal of both sites would reduce the supply 23 dwellings.
61. Based on evidence from the Council's Housing Development Manager, an application for Land at Wey Hill Haslemere is envisaged in November 2019 with delivery of at least 34 dwellings in 5 years. It requires the relocation of existing land uses, but there is little to suggest that this will not be achieved in time. Although the evidence is not detailed, it does indicate progress towards the submission of an application. On that basis, I am inclined to accept 34 dwellings as part of the 5 year supply.
62. The Haslemere Preparatory School site has yet to receive any planning permission through either the appeal or application route, while the Council has concerns over the total number of dwellings proposed in current applications. Like a number of other sites, the site is identified in the Land Availability Assessment (LAA). However, the PPG advises that plan-makers can use such assessments to demonstrate the deliverability of sites, with no reference made to decision-takers. Thus, there is no realistic prospect or clear evidence of delivering 19 homes within 5 years.
63. Part of the land at Wheeler Street Nurseries where 22 dwellings are proposed lies within the Green Belt. It would require the release of the land from the Green Belt as part of the Part 2 Local Plan process. The public consultation on the publication version of the Part 2 Local Plan has yet to occur and the plan's

³ For example at APP/W3520/W/18/3194926

examination and adoption would need to follow after that before the land is released. This process could take well over a year before an application could be made. There is no certainty that the release will occur or planning permission would be granted. As such, there is no realistic prospect or clear evidence of delivering 22 homes within 5 years. The total reduction in supply for brownfield register sites is 155 dwellings.

Other Identified Sites - Farnham Neighbourhood Plan (FNP)

64. For the 3 allocated sites in the FNP, the Council relies in part on information submitted to Farnham Town Council on likely delivery timescales, but this is supported by very little recent evidence. The site between Hale Road and Guildford Road has no clear indication of progress towards the submission of a planning application. The site west of Switchback Lane and the land at Little Acres and south of Badshot Lea have both been refused planning permission and await appeal decisions. It is not clear at this stage whether the reasons could be overcome through revised schemes. The Little Acres site forms part of a larger allocation which has permission and is starting to build out. However, until permission has been secured, there is no clear evidence or realistic prospect of the site being deliverable. For the above reasons, the 3 allocated sites do not count towards the supply, resulting in a reduction of 51 homes.

Other Identified Sites - FNP Review

65. The 2 sites in the FNP review (Cobgates and Kimbers Lane) are not yet allocated and so do not fall within any of the site types in part (b) of the NPPF definition of deliverable. Although both sites could come forward regardless, the evidence is limited in terms of firm progress towards planning applications. The landowner's aspirations at Kimbers Lane are also uncertain. Thus, it has not been demonstrated that there is a realistic prospect or clear evidence of either site being deliverable in 5 years. This reduces the supply by 53 homes.

Other Identified Sites - Other Neighbourhood Plan sites

66. The 5 sites in this category relate to emerging neighbourhood plans and so none have been allocated yet, notwithstanding general support for the sites in recent public consultations. Two sites in Chiddingfold (Meadows Nursery and Woodside Close) require Green Belt releases but the neighbourhood plan has yet to be submitted for examination and adoption is 12-18 months away according to the Council. It is not certain that the releases will occur let alone planning permission and construction taking place within a 5 year period.
67. Garage sites at Pathfields Close and Hartsgrove are tenanted and would require the relocation of occupants. No clarity is provided on firm progress towards a planning application other than a general commitment from the Council's Housing Delivery Manager. For the Longfields Care Home site, the County Council indicates development starting on site in 2021, but there is little other evidence to indicate firm progress towards the submission of an application. Therefore, no realistic prospect has been demonstrated that the 5 sites in this category are deliverable. This reduces the supply by 115 homes.

Other Identified Sites - Urban sites in the Waverley LAA

68. An appeal was recently dismissed for land east of Binscombe and there is little evidence before me that a revised scheme would overcome the reasons for refusal. Evidence from the landowner's agent dates back to 2017 and as noted

above, sites in the LAA are not enough on their own to demonstrate deliverability for decision-taking purposes. The central Hindhead site is dependent on the relocation of the existing users to a site in East Hampshire which could occur in the next 12-18 months according to the local planning authority there. No application for the Hindhead site has yet been received and so there is no realistic prospect of housing being delivered in time.

69. The Georgian House Hotel site is subject to a revised planning application that seeks to overcome previous reasons for refusal. However, at this stage there is no certainty that permission will be granted. The land at Highcroft site would require a Green Belt release via the Part 2 Local Plan, which pushes back the date and likelihood of delivering houses. The land at Keys Cottage awaits a revised planning application with the site owner indicating that delivery is possible within 5 years, but the evidence is limited. Therefore, no realistic prospect has been demonstrated that the 5 sites in this category are deliverable. This reduces the supply by 89 homes.

Other Identified Sites - Pending Applications

70. The Animal Snack and Tack site could commence on site within 6 months, but there is an outstanding highway authority objection that has not yet been overcome. Therefore, it has not been demonstrated that there is a realistic prospect of delivering 9 dwellings on this site.

Other Identified Sites - Other Sites

71. A prior approval application at the Godalming Business Centre was withdrawn as part of the site was D1 rather than B1(a) meaning that change of use to residential was not permitted development. It would appear that a planning application would be required, meaning that the principle of the change of use would need to be considered against development plan policies. It is not clear that permission would be granted on that basis, notwithstanding that noise concerns could be addressed. Viability evidence relating to provision of market housing needs to be provided for the Orchard Farm site. As such, it is not certain whether permission would be granted even though the parish council supports the proposal.
72. For land at Critchmere Lane, an appeal was dismissed and another withdrawn. Although the Council indicate that the reasons for refusal could be overcome, there is little evidence to support this position. Finally, with Dene End Farm, no applications were submitted in late 2018 as planned, and there is no clear evidence of progress towards them. Although the Council indicates a scheme could be acceptable, there is little evidence that permission would be granted. Therefore, it has not been demonstrated that there is a realistic prospect of delivering dwellings on these 4 sites in the next 5 years. This reduces the supply by 79 homes.

Conclusion on housing land supply

73. On the evidence before me, I am unable to conclude for most of the above sites that there is a realistic prospect of housing being delivered within 5 years. For those sites that fall within part (b) of the NPPF definition, clear evidence is also lacking in many cases. As a result, a total of 1,407 dwellings are removed from the Council's stated supply of 5,704 dwellings. This gives a projected supply of 4,297 dwellings and a 5 year housing land supply of 3.9 years.

Planning balance

74. The lack of a 5 year housing land supply triggers NPPF paragraph 11(d) and the need to consider the presumption in favour of sustainable development. At the inquiry, it was accepted by the main parties that LPP1 Policy SP2 as one of the policies most important for determining the appeal would be out of date. The appellant has not sought to argue that any other policy most important for determining the application is out of date, but suggested that LPP1 Policies RE1 and RE3 and LP2002 Policies HE3 and HE8 were not consistent with the NPPF.
75. Policy RE1 goes further than the NPPF in requiring the countryside's intrinsic character and beauty to be safeguarded as well as recognised. However, the policy also says this should be done in accordance with the NPPF, which means its application should have regard to the NPPF. There is no presumption that the countryside should be protected for its own sake and regard should be had to the Council's spatial strategy. Thus, the policy is consistent with the NPPF.
76. Policy RE3 states that the same principles for protecting AONB should apply to AGLV until the Surrey Hills AONB boundary is reviewed. While the part of the AGLV in which the site is situated may not be added to the AONB, it is possible that other parts will be. Therefore, it is not inconsistent with the NPPF to apply AONB principles to parts which may be included. Moreover, Policy RE3 goes on to recognise the protection of the AGLV is commensurate with its status as a local landscape designation. This reflects NPPF paragraph 170(a) which refers to valued landscapes. Therefore, the policy is consistent with the NPPF.
77. Policy HE3 states that proposals which harm the setting of a listed building will be refused. This does not reflect the approach of the NPPF to weighing the harm against any public benefits. While NPPF paragraph 193 places great weight on the conservation of designated heritage assets and the statutory duty in Section 66 of the LBCA Act 1990 sets out the desirability of preserving the setting of listed buildings, neither state that any harm should be refused. Therefore, there is a degree of inconsistency with the NPPF, which reduces the weight to any policy conflict.
78. Policy HE8 sets out a number of aspects relating to preservation or enhancement of conservation areas. This includes protecting open spaces and views important to the character and setting of the area. However, unlike Policy HE3, it does not state that any harm should be refused. Therefore, the policy is broadly consistent with the NPPF.
79. NPPF paragraph 11(d) has two limbs. The first requires decision-takers to consider whether the application of NPPF policies that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the proposed development. The assessment of heritage impacts above found a moderate amount of less than substantial harm to the CA and 2 listed buildings including the Grade I church.
80. The proposal's public benefits include the provision of up to 57 houses against the context of a significant housing land supply shortfall of around 1,400 homes. There is no immediate sign of the shortfall being overcome, with the Part 2 Local Plan some way off adoption and little evidence that neighbourhood plans alone could resolve the issue. The proposal would also include the provision of 30% affordable housing having regard to the extent of affordability issues in Waverley. Thus, significant weight can be attached to these benefits.

81. The mix of unit sizes and types are not particularly noteworthy and so carry little weight. The provision of public open space, landscaping enhancements and drainage ponds along with cycle and public transport vouchers is largely to address the impact of the proposal rather than meet any identified existing issue, and so carries little weight. The provision of bridleway improvements would help with connections between the village and countryside and so carries moderate weight. Given that policy conflicts and adverse effects have been identified as a result of the proposal, it is not possible to say that the proposal would be a sustainable extension and thus a public benefit.
82. Economic investment arising from the development's construction and subsequent expenditure on local services from future residents carries no more than moderate weight as it has not been shown that there is a need for such investment. New homes bonus would represent a moderate benefit. Contributions to CIL are largely to mitigate the effect of the development on matters such as education and leisure facilities within Waverley. There is no clear mechanism for ensuring such payments go towards Rudgwick in a different local authority area.
83. The evidence before me regarding whether HDC can demonstrate a 5 year housing land supply is not conclusive. Even if it could not, it would have no implications for the triggering of NPPF paragraph 11 as it relates to a different local planning authority area. Likewise, the delivery of housing via this proposal would make no difference to the HDC supply as it would only be counted against Waverley. Therefore, I attach very little weight to the proposal benefiting housing supply in HDC.
84. As noted above, the harm to the listed church and farmhouse and the CA would be less than substantial and moderate in magnitude. Although great weight should be given to the conservation of designated heritage assets irrespective of the level of harm, the heritage balance indicates that the public benefits would outweigh the harm in this instance. There would be no conflict with NPPF paragraph 196 and the weight to the conflict with Policies HA1, HE3 and HE8 is reduced. As such, NPPF paragraph 11(d)(i) would not apply. Therefore, the tilted balance in NPPF paragraph 11(d)(ii) needs to be applied.
85. The location of the development would not be appropriate having regard to the spatial strategy and there would be conflict with Policy SP2. However, the reasonable access to services and facilities combined with the lack of housing land supply moderates the weight I give to this policy conflict.
86. In contrast, the effect of the proposal on the character and appearance of the area would be considerable due to the change in landscape and visual character and the incongruous form of development in this part of Rudgwick and Cox Green, contrary to Policies RE1, RE3, TD1, D1 and D4 and NPPF paragraphs 122, 127 and 170. The moderate harm to heritage assets, although not enough on its own to outweigh the benefits, should also be considered in the overall balance.
87. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The presumption in favour of sustainable development would not apply. The proposal would be contrary to the development plan with no material considerations to indicate that planning permission should be granted.

Conclusion

88. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT

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He called:

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Asitha Ranatunga of Counsel, instructed by Lewis Jones, Planning Solicitor of Waverley Borough Council

He called:

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INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Michael Ellis	Local resident
Terry Walker	Local resident
Paul Kornycky BSc (Hons) ACII	Local resident
Charles Pinney	Local resident
Roger Nash	Local resident
David Buckley	Chair of Rudgwick Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 Appeal Decision APP/R3650/W/19/3227970
- Doc 2 Appellant's opening statement
- Doc 3 Council's opening remarks
- Doc 4 Presentation by Michael Ellis
- Doc 5 Presentation by Terry Walker
- Doc 5 Presentation by Paul Kornucky
- Doc 6 Presentation by Charles Pinney
- Doc 7 Presentation by Roger Nash
- Doc 8 Presentation by David Buckley
- Doc 9 Letter from Council dated 20 August 2019 notifying parties of the inquiry date and venue, along with notification list
- Doc 10 Redacted version of Tab 2W in the Council's housing land supply rebuttal statement
- Doc 11 Email from Berkeley Group dated 3 September 2019 regarding Knowle Lane, Cranleigh
- Doc 12 Site visit itinerary
- Doc 13 Errors in proof of Kate Edwards
- Doc 14 Transport Statement (July 2018) by Bellamy Roberts
- Doc 15 Locations of notable facilities in Rudgwick
- Doc 16 Bus timetable for route 63 Guildford to Horsham
- Doc 17 Letter from Surrey Wildlife Trust dated 13 November 2018
- Doc 18 Draft unilateral undertaking
- Doc 19 Updated housing land position between the Council and appellant
- Doc 20 Rudgwick Neighbourhood Plan Housing Needs Assessment Review and Update Feb/March 2019
- Doc 21 Housing Needs Assessment Rudgwick Parish Council July 2017
- Doc 22 Letter from John W Bailey dated 19 September 2019 and associated documents regarding the proposed extension of the churchyard at Holy Trinity Church
- Doc 23 Email exchange between WYG and the Council from April 2018 regarding restrictive covenants
- Doc 24 Draft planning conditions
- Doc 25 Final draft unilateral undertaking
- Doc 26 Council's closing submissions
- Doc 27 Barnwell Manor Court Judgment [2014] EWCA Civ 137
- Doc 28 Wavendon Court Judgment [2019] EWHC 1524 (Admin)
- Doc 29 Appellant's closing statement

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- Doc 1 Completed and executed unilateral undertaking
- Doc 2 Letter from appellant dated 4 October 2019 enclosing a recent statement published by Waverley Borough Council on a potential review of Local Plan Part 1
- Doc 3 Email dated 21 October 2019 from Waverley Borough Council responding to the appellant's letter of 4 October 2019