



Appeal Decision

Inquiry held on 14-15 and 21 May 2024

Site visit made on 16 May 2024

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 18th July 2024

Appeal Ref: APP/C3620/W/24/3336607

Land west of Reigate Road, Hookwood, Horley, Surrey

- 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 Rydon Homes Ltd against the decision of Mole Valley District Council.
 - The application Ref MO/2023/1125/OUT MAJOR, dated 21 July 2023, was refused by notice dated 3 November 2023.
 - The development proposed is outline application with all matters reserved except means of access for residential development of up to 446 dwellings (Use Class C3), community building(s) up to 1,500sqm (Use Class E and/or F), gypsy and traveller pitches up to 0.2ha, public open space, landscaping, surface water drainage and all associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for outline application with all matters reserved except means of access for residential development of up to 446 dwellings (Use Class C3), community building(s) up to 1,500sqm (Use Class E and/or F), gypsy and traveller pitches up to 0.2ha, public open space, landscaping, surface water drainage and all associated infrastructure at land west of Reigate Road, Hookwood, Horley, Surrey in accordance with the terms of the application, Ref MO/2023/1125/OUT MAJOR, dated 21 July 2023, subject to the conditions set out in the attached schedule.

Procedural and preliminary matters

2. The planning application to which the appeal relates was submitted in outline form with all matters reserved except for access. Plans for determination are the site plan, parameter plan and those relating to access. An indicative layout and other plans were submitted with the planning application, but the Appellant confirmed at the Inquiry that these are for illustrative purposes only.
3. Charlwood Parish Council was granted Rule 6 status for the Inquiry.
4. Prior to the start of the Inquiry the Appellant identified a minor land ownership discrepancy within the red line site boundary and requested that an alternative site boundary plan be submitted. This results in the removal of a small area of private land adjacent to the proposed emergency access. The area of land was included in error and is not required for the development to be delivered. I raised this matter during my opening at the Inquiry and none of the parties

- present expressed any concerns. As such, I am satisfied that no interests have been prejudiced by allowing the submission of this amended site boundary plan. I have therefore used this amended plan in reaching my decision on this appeal.
5. Agreed Statements of Common Ground (SoCG) have been submitted. Those between the Appellant and Council include a main planning SoCG as well as topic based SoCG specifically on affordable housing, housing land supply, ecology, and self-build and custom housebuilding. Highway and transportation matters have been agreed between the Appellant and Surrey County Council (as the Highway Authority) and are set out within another SoCG. There is also a separate SoCG between the Appellant and Rule 6 party.
 6. Since the submission of the appeal and as set out in the agreed SoCG dated 11 March 2024, the Appellant has submitted further evidence on highway matters. Consequently, the Highway Authority has confirmed that, subject to the imposition of suitable conditions, it does not object to the scheme on highway grounds. On this basis, the Council has confirmed that the reason for refusal relating to such matters has been overcome.
 7. The Appellant has submitted additional ecological information. The Council has confirmed that, subject to the imposition of suitably worded conditions, the reason for refusal on ecological matters has been overcome.
 8. A dated and signed planning obligation in the form of an agreement pursuant to section 106 of the Town and Country Planning Act 1990 (S106), was submitted, as agreed, after the Inquiry closed. This has been agreed between the District Council, Surrey County Council and the owners of the site. The Council has confirmed in its statement that the submission of such an agreement securing necessary planning obligations would overcome the reasons for refusal relating to the provision of affordable housing, biodiversity net gain and financial contributions for local healthcare and educational facilities.
 9. The adopted development plan comprises of a number of development plan documents. Those relevant to this appeal are The Mole Valley Local Development Framework Core Strategy (2009) (CS) and the Saved Policies of the Mole Valley Local Plan (2000) (SP). The appeal site currently lies outside the adopted settlement boundary of Hookwood, within the Metropolitan Green Belt.
 10. The appeal site is identified as a draft allocation within the Council's emerging Mole Valley Local Plan (2020-2037) (eLP) under policy DS41 (Land West of Reigate Rd, Hookwood) which is currently at examination. Whilst the eLP does not currently form part of the development plan I nevertheless need to consider its weight as a material consideration for this appeal. I turn to this shortly.
 11. The main parties have agreed that, as defined by current planning policy, the proposal would represent inappropriate development in the Green Belt. Therefore, in accordance with paragraph 152 of the National Planning Policy Framework (the Framework) the proposal would be harmful to the Green Belt and should not be approved except in very special circumstances. The main parties also agree that there would be an adverse impact on the openness of the Green Belt, albeit the level of harm is considered to be limited by the

- Appellant, whilst the Council suggests it would be more significant. Notwithstanding the level of harm relating to openness, the main parties agree that such harm carries substantial weight against the proposal, in accordance with paragraph 153 of the Framework. The main parties also agree that the proposal would result in other identified harms relating to character and appearance and the settings of listed buildings, albeit that there is disagreement on the level of harm for the former, and the latter is outweighed by the public benefits. I discuss these as main issues within my decision.
12. Notwithstanding the harms identified, the Council confirmed in its Statement of Case (dated 11 March 2024), the agreed Planning SoCG (dated 21 March 2024) and its Updated Position Statement (dated 16 April 2024) that it no longer sought to defend the reasons for refusal at the Inquiry. This was reiterated again in the Council's opening statement and is due to the significant progress that has been made on the eLP examination and the greater weight that should be attached to this Plan. Consultation on the Inspector's schedule of main modifications was completed in April 2024 and the Council is now awaiting the Inspector's report. As the appeal site is a site allocation under eLP Policy DS41 and is proposed to be removed from the Green Belt, the main parties consider that substantial or very substantial weight should be attached to this.
 13. Paragraph 48 of the Framework states that when determining planning applications, weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the Framework. It specifies that the more advanced the emerging plan's preparation, the less significant the unresolved objections, and the closer the policies are to those within the Framework, the greater the weight that may be given.
 14. The background to the progression of the eLP examination is clearly set out in the evidence and I do not need to repeat it here. The main point is that further progress has been made since the publication of the revised Framework in December 2023 and the eLP is now clearly at a very advanced stage. I also acknowledge that the Council is committed to adopting the eLP as soon as possible once the Inspector's report is received.
 15. Whilst I accept that the schedule of main modifications proposes changes to some of the criteria within eLP Policy DS41, the principle of the site as an allocation for residential development and its removal from the Green Belt remains unaltered from the submitted Plan. Without prejudice to the examining Inspector's report, this would imply that exceptional circumstances for changes to the Green Belt boundary in this location have been demonstrated and that the allocation is wholly consistent with the Framework. If it was not, the examining Inspector would have proposed other main modifications to ensure the eLP would be sound. Furthermore, at this stage in the examination process, only comments relating to the specific main modifications remain outstanding for the Inspector to consider.
 16. Therefore, taking the above into account, and being mindful of paragraph 48 of the Framework, I give substantial weight to relevant policies within the eLP whilst determining this appeal.
 17. In response to the changed position of the Council the Rule 6 party advised that they would no longer present evidence at the Inquiry objecting to the proposal in accordance with their original statement of case. This was

confirmed in the Appeal Position Statement of Charlwood Parish Council (dated 28 March 2024). In addition, the Rule 6 party's SoCG with the Appellant confirms that no areas of dispute remain.

18. In light of these changed positions, all parties agreed it was unnecessary to cross examine any witnesses. Accordingly, the Inquiry proceeded in the form of roundtable sessions.

Main Issues

19. The agreed position that the proposal would be inappropriate development in relation to the Green Belt is my starting point in determining this appeal. Whilst I acknowledge the changed positions of the Council and Rule 6 party on this case, it is still necessary for me to consider whether this and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. As such, the main issues are:

- The effect of the proposed development on the openness of the Green Belt and on the purposes of including land within it;
- The effect of the proposal on the character and appearance of the site and surrounding area;
- The effect of the proposal on nearby listed buildings; and
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Openness of the Green Belt and the purposes

20. The appeal site is predominantly open and undeveloped land, comprising of pastoral fields subdivided by a mix of fencing, hedgerows, trees and woodland areas. A public right of way (PROW) runs through the site from the south-east to its western edge. The site lies immediately to the west and north of the settlement of Hookwood, a large rural village. Residential development lies to the east of the appeal site, Farmfield Hospital to the west and Gatwick Business Park to the south with Gatwick airport beyond.
21. As identified above, it is agreed between the parties that the appeal scheme would cause harm to the openness of the Green Belt in this location, albeit there are different views on the level of harm. The same agreement has been reached on the effect of the proposal on the purposes of including land in the Green Belt, again with differing views on the level of harm.
22. The extent to which a proposal may cause harm to openness, might depend on a range of factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
23. The introduction of built form to this undeveloped site would inevitably reduce its spatial and visual openness and result in a much more intensive use of the land. Whilst the site currently lies adjacent to some other open fields, it is also located adjacent to existing development and is in close proximity to Gatwick Airport. It is also relatively well contained due to its generally flat topography

and the presence of existing hedgerows, woodland areas and trees within and bounding the site and that most of these natural features would be retained. Additional landscaping is also proposed which would further filter some views. Furthermore, almost half of the site area would form open space and therefore would remain open. So, whilst there would inevitably be a permanent change in the use of the site, which would spatially and visually be perceived to varying degrees by users of adjacent highways, footpaths and occupiers of some adjacent properties, the loss of openness, in Green Belt terms, would be tempered to some extent by these factors.

24. On considering the effect of the proposal on the purposes of including land in the Green Belt, I note the Appellant's assessment that due to the site's location, self-containment and extent of existing adjacent development, it provides a limited contribution to the first Green Belt purpose 'to check the unrestricted sprawl of large built-up areas', and a 'limited to some' contribution to the third purpose 'to assist in safeguarding the countryside from encroachment'. The Appellant considers that overall, there would be limited harm to these Green Belt purposes. The Council agrees that there would be harm to the Green Belt but considers the development would have a significant and permanent impact.
25. The proposal is of a considerable size in this locality and would inevitably extend development into the countryside beyond the current settlement boundary of Hookwood and encroach into the countryside. I therefore agree with the assessment that there would be conflict with the first and third Green Belt purposes, albeit that taking account of the site's self-containment, proximity of existing urban form and retention and enhancement of landscape features I consider this would result in minor harm. I have no reason to dispute the findings on the other three purposes either.
26. Overall, taking the above into account, I conclude that the proposed development would result in a moderate loss of openness to the Green Belt and limited harm to the purposes of including land within the Green Belt. This would be contrary to CS Policy CS1 which sets the spatial strategy for the district and CS Policy CS2 which identifies the locations for housing development. In accordance with paragraph 153 of the Framework, this harm carries substantial weight against the proposal.

Character and appearance

27. The main parties agree that the proposed development would have an adverse effect on the character and appearance of the site and surrounding area, albeit there is a differing view on the level of harm. There is however agreement that when considered against the eLP, and specifically Policy DS41, the proposal could be accommodated without causing undue harm to the character of the locality. Whilst that is a matter to be given due weight within the Green Belt balance, I must nevertheless consider the harm against the adopted development plan.
28. As set out above, the proposal would clearly introduce built form into an undeveloped rural site and permanently change its overall character. It would add a considerable amount of development to the village of Hookwood and some local resident views would change. However, it does not automatically follow that this would result in significant harm. Indeed, detailed matters

relating to factors including design, density, layout and the overall appearance of the development would be determined at the reserved matters stage.

29. Taking account of the above and the context of the site, including its relatively well contained nature, the proposed retention of many trees and hedgerows, the provision of considerable areas of open space and landscaping, and the proximity and character of surrounding residential uses and other forms of development, I conclude that the proposed scheme would result in some limited harm to the overall character and appearance of the site and surrounding area. This would be contrary to adopted LP Policy ENV23 which seeks development that respects its setting including in regard to the Green Belt and CS Policy CS14 which seeks amongst other things, development that respects and enhances the character of the area.
30. Having considered the other policies referenced within the Council's reasons for refusal in this regard I see no conflict with LP Policies ENV22 and ENV24 which relate respectively to design and layout and density, as these elements can be considered under reserved matters.

Listed buildings

31. It is common ground between the main parties that there would be a low level of less than substantial harm to the setting of nearby listed buildings and that taking into account the public benefits of the scheme this would be outweighed. Accordingly, this was not a reason for refusal. However, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, when considering relevant development proposals.
32. I agree with the main parties' position that the development would result in less than substantial harm to the settings of Hookwood Manor and Westlands Farmhouse, which are both Grade II listed buildings. On this basis, I conclude that this would lead to material harm to their significance. In accordance with national planning policy this harm carries great weight.
33. Whilst local residents have raised concerns about the impact of the proposal on other heritage assets within the locality the available evidence does not demonstrate that there would be harm to the significance of these assets.
34. In accordance with the above duty, and as required under paragraph 208 of the Framework, I now turn to consider the heritage balance.
35. I have carefully considered the public benefits identified by the Appellant, Council and the Rule 6 party, together with the suggested weightings. I note that the weightings to be afforded to these benefits have largely been agreed and where there is disagreement the parties agree that this is not material when considering the overall balance.
36. The proposal, for up to 446 homes would contribute significantly to boosting the supply of housing in the district and assist in meeting local housing needs. As well as providing market housing the appeal scheme would also include up to 201 affordable homes which at around 45% of total dwellings within the site would be above the 40% policy requirement set out in CS Policy CS4.

37. Notwithstanding the Council's view that it is able to demonstrate a four year housing land supply, and as referenced under my 'other matters', it has not met the Housing Delivery Test. The Framework clearly seeks to significantly boost the supply of homes, meeting identified needs by providing different types and tenures of housing for different groups in the community. This includes people requiring affordable housing, travellers, and people wishing to commission or build their own homes.
38. The evidence clearly shows there is an acute need for affordable housing within the district and that this is an important priority for the Council. It has been agreed within the Affordable Housing SOCG that the affordability indicators support giving increased weight to the provision of affordable housing. Indeed, the provision of up to 201 affordable homes within the site would provide an important contribution towards these needs.
39. Accordingly, based on the evidence and the specifics of this case, I am of the view that in this instance the provision of both market and affordable housing carry very substantial public benefits.
40. The proposed development would also include the provision of up to 0.2 ha of land for four gypsy and traveller pitches. The Council has confirmed that there is a significant unmet need for this type of specific housing within the locality. This public benefit therefore carries substantial positive weight.
41. The development would also deliver up to 22 serviced plots for self-build and custom-build housing as required by eLP Policy DS41. There was some discussion and disagreement between the main parties at the Inquiry on the level of identified need for this form of housing within the district and the different approaches applied. In assessing this however, I do not consider it necessary for me to conclude on this, because even if I were to accept that the Council's approach is preferred, the need identified by the evidence and the limited delivery is still considerable. The provision of up to 22 plots would therefore contribute significantly to boosting the supply of this form of housing within the district. In my view this carries substantial weight in favour of the proposal.
42. The delivery of a community building required by eLP Policy DS41 and proposed to be located on the eastern edge of the appeal site, close to existing residential development, would likely be used by the wider local community as well as future residents of the development. This therefore carries substantial positive public benefit.
43. The provision of public open space, allotments, play space, additional landscaping and the retention of most of the existing woodland areas, trees and hedgerows would predominantly be necessary to provide for the future occupiers of the development and to mitigate for any harm. Nevertheless, some of this new green and blue infrastructure including the allotments would be accessible to and likely to be used by some existing residents within the locality. The provision of biodiversity net gain and the natural flood management scheme would also provide some public benefits. Overall these benefits carry moderate positive weight.
44. The development site is large, and construction would last several years. It would therefore provide construction jobs and support local building trades, albeit for a temporary period. Future occupants of the development would likely

support businesses and facilities within the local area to some extent. In my view these benefits weigh very moderately as public benefits.

45. The planning obligations set out in the S106 planning agreement include a range of other contributions that would be provided were the appeal to be allowed. Except for those already highlighted above I have not found it necessary to consider in detail these other contributions here as they are intended to mitigate the effects of the development and render it acceptable in planning terms. They therefore do not constitute public benefits.
46. In the context of paragraph 208 of the Framework and taking account of the weight I have attached to the public benefits as identified above, I concur with the main parties' assessment and conclude overall that when the public benefits are taken as a whole, they outweigh the less than substantial harm to the settings of the nearby listed buildings.

Other considerations and whether very special circumstances exist

47. Taking account of my findings as set out above, and in accordance with the balance required under paragraph 153 of the Framework, I now consider whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, before determining whether very special circumstances exist to justify inappropriate development.
48. I have determined above that the proposal would be inappropriate development in the Green Belt and would result in modest harm to openness and limited harm to the purposes of including land within the Green Belt. In accordance with national policy this harm carries substantial weight against the proposal. I have also found limited harm to character and appearance.
49. I have already given substantial weight to the site's allocation under eLP Policy DS41. I have also considered the public benefits of the scheme under the heritage planning balance and whilst I take them into account here there is no need for me to repeat them again.
50. In addition, the appeal site is in a sustainable location due to its proximity to Hookwood, Horley and Gatwick Airport with accessibility by sustainable modes of transport to services, facilities and potential employment opportunities. Whilst the proposed development would conflict with the adopted development plan as regards the site's location outside the settlement boundary and within the Green Belt, its sustainable location is a material consideration which weighs moderately in favour of the proposal.
51. Overall, in considering these matters in combination, I conclude that the substantial harm by reason of inappropriateness and the other harms identified would be clearly outweighed by these other considerations. I therefore conclude that very special circumstances exist to justify inappropriate development in the Green Belt.

Planning obligations

52. The signed S106 planning agreement dated 10 June 2024 includes a range of contributions that would be provided were the appeal to be allowed. As set out above, this includes the provision of affordable housing, self-build and custom home plots, gypsy and traveller pitches, a community building, on-site open space and biodiversity net gain. It also includes the provision of car club

- facilities and a travel plan, as well as monetary contributions towards education, sustainable transport, a car club vehicle and healthcare and a travel plan monitoring fee. It clearly sets out details of what the different contributions would provide and where they would be spent.
53. None of these contributions are in dispute between the main parties and the District Council and Surrey County Council have provided evidence, including detailed Community Infrastructure Levy (CIL) compliance statements, that justify the requirements and amounts sought.
54. There was some discussion at the Inquiry as to whether any necessary education and healthcare contributions would instead be provided via CIL, rather than through the S106. The District Council confirmed that it would need to bid for CIL funding for these forms of infrastructure, but there was no guarantee that the CIL bids would be successful. I am satisfied that the clauses in the S106 clarify that should the Council be successful in gaining unconditional CIL funding for healthcare and education purposes that relate to the needs arising from the development, then such amounts would be deducted from the corresponding planning obligations contributions, to ensure there was no double counting.
55. There was also some initial disagreement on whether provision of funding towards a car club vehicle would meet the required tests, but following further discussions the Appellant confirmed at the Inquiry that this was no longer disputed. As the proposal would lead to an increase in vehicular movements to and from the site, I agree that the provision of a car club scheme and facilities within the site boundary, would provide opportunities for future residents of the site to access a well maintained electric vehicle on a flexible trip by trip basis, without the need for car ownership. As such, this would likely result in environmental and cost benefits. There is no demonstrable evidence of any other car club being easily accessible to future residents of the development. I therefore consider this obligation meets the tests.
56. Implementation of the travel plan for the site would require monitoring over an extended period. The travel plan monitoring contribution would be necessary to go towards assisting with this monitoring and meets the required tests.
57. The S106 at clause 8 includes indexation, confirming that all financial contributions payable to the District Council and/or the County Council would be index linked. This is also clarified within the relevant Schedules.
58. It is clear from the submitted evidence that all the provisions and contributions set out within the planning agreement are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed. They therefore satisfy the tests within Regulation 122 (2) of the Community Infrastructure Levy 2010 and paragraph 57 of the Framework, and I take them in to consideration in reaching my decision.

Other Matters

59. There is some disagreement regarding the extent of the Council's housing land supply position. The Council considers it is able to demonstrate a four year supply of deliverable housing sites for the purposes of paragraph 77 of the Framework. The Appellant considers the Council's supply sits below four years

- predominantly due to the inclusion of sites currently in the Green Belt being in this supply.
60. Notwithstanding this disparity in views, the main parties have confirmed that it is not necessary for me to make a finding on the extent of the Council's housing land supply, because the presumption in favour of sustainable development under paragraph 11 d) of the Framework applies in this case anyway by virtue of the Council's failure to meet the Housing Delivery Test. I concur with this assessment and consider this further in my overall planning balance.
61. Concerns have been raised by local residents about highway safety matters including the site's access point, increased traffic levels, traffic congestion, vehicle speeds, parking issues and existing road junctions. Highway improvements are proposed as part of the appeal scheme including a new signalised junction arrangement for the main access, together with other traffic calming measures and a pedestrian crossing.
62. I am mindful that paragraph 115 of the Framework clearly states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Whilst I have given careful consideration to the concerns about local traffic incidents and accidents, the evidence does not demonstrate that the proposal would have a material impact in these regards. Furthermore, and as stated in my preliminary matters, the Highway Authority does not object to the proposal and based on the available evidence I have no reason to disagree with this assessment.
63. Whilst I acknowledge the concerns raised about sustainable construction and delivery of energy efficient homes, such matters can be considered in more detail at the reserved matters stage.
64. Whilst other concerns have been raised on matters including air and noise pollution and the proximity of the Horse Hill oil drilling site, I have insufficient evidence to demonstrate that the development would result in material harm in these regards. I note that no objections have been raised by the statutory authorities on these matters.
65. Whilst I have considered concerns about the effect of the proposal on the living conditions of occupiers of neighbouring properties these are matters that would be considered in detail at the reserved matters stage. Furthermore, matters such as drainage and issues around construction vehicles could be adequately dealt with through the imposition of suitable conditions. Concerns about crime prevention and reduction can be considered at the detailed design stage at reserved matters, and through financial contributions under CIL and future Council tax payments from the future occupiers.
66. As regards concerns about flood risk the proposal would include sustainable drainage systems, natural flood management measures and suitably worded conditions. Sewage and clean water utilities would be provided within the site and appropriately managed through Thames Water and Sutton and East Surrey Water respectively, under their relevant statutory duties. The evidence shows that the fuel pipeline running through the site would remain in situ with the required easements, and no houses would be built within the identified area.

67. As regards other concerns about infrastructure provision, including healthcare and education, financial contributions are proposed through the S106 and/or CIL.
68. My attention has been drawn to another appeal decision for one house within the Green Belt within the locality, which was dismissed in November 2022. I do not have full details of the decision but as the scale of the proposal and the policy framework at that time was different to that proposed for this appeal it is not directly comparable and I therefore give this no weight in my decision.

Conditions

69. I have considered the suggested conditions in light of the discussion at the Inquiry, the policies in the Framework and the advice given in the national Planning Practice Guidance (PPG). The conditions are set out in the attached schedule. I impose all of them but have combined two and amended some wording where necessary in the interests of conciseness, precision and enforceability. The numbers referred to below relate to the corresponding condition in the schedule. I am satisfied that the conditions set out in my decision, including the pre-commencement conditions, meet the tests within the Framework and PPG.
70. Conditions on setting reasonable time limits and the provision of details on reserved matters are necessary as the application made is for outline permission [1-4]. However, reserved matters for the self-build or custom housebuilding plots [3-4] may well come forward on an individual basis over a longer timescale. Therefore, and as discussed at the Inquiry, whilst the inclusion of a timescale for the submission of reserved matters for these plots is necessary to promote and ensure delivery within a reasonable period, I have extended the timescale to five years [4].
71. I have imposed a condition specifying the approved plans for reasons of certainty, though as agreed I have included the site plan and the up to date drawing numbers for accuracy [5].
72. I have included pre-commencement conditions on matters requiring the submission of phasing plans [6 and 7] and existing and proposed ground, floor slab, road and driveway levels [8], as these are fundamental to ensuring that the development is satisfactory, particularly in ensuring living conditions are acceptable for existing residents and future occupiers.
73. Pre-commencement conditions requiring the submission of details on sustainable drainage systems (SUDS) and any wetland areas together with bird hazard management plans, landscaping and a construction management strategy are necessary to avoid endangering the safe movement of aircraft and the operation of London Gatwick Airport [9-12]. The SUDS and landscaping conditions are also necessary in the interests of the character and appearance of the area and to protect and enhance ecological interests. The construction management strategy condition is also required to protect the environment and living conditions for neighbouring residents.
74. A further condition setting out the detail required for submission on the design of a surface water drainage scheme for each phase is necessary to ensure that the national Non-Statutory Technical Standards for SUDS are met, and the final design does not increase flood risk on or off site [14]. I have incorporated the

- separate suggested condition on outfalls to watercourses within this condition. As discussed at the Inquiry, I also include a further criterion relating to the Natural Flood Risk Management Scheme for reasons of precision and enforceability. A further condition verifying that the surface water drainage scheme has been implemented to the required standards and as approved is necessary to ensure the development is satisfactory [27].
75. I impose an archaeological condition to ensure satisfactory archaeological investigation and recording of the site [13].
76. A condition requiring a scheme of noise and vibration attenuation and enhanced ventilation details is necessary to minimise impacts on health and ensure an acceptable quality of life for future occupiers [15]. To ensure there is sufficient provision for waste management within the development, condition 16 is imposed, though I add an implementation clause for reasons of precision and enforceability. A separate condition for the storage of waste within the gypsy and traveller pitches is also necessary for reasons of the health and quality of life for future occupiers and to ensure an acceptable appearance [28].
77. Pre-commencement conditions requiring the submission of a scheme for the provision and management of the river buffer zone, details on permanent lighting, a Construction Environmental Management Plan, a Landscape and Ecological Management Plan (LEMP), and amphibian and reptile mitigation strategies are required to protect and enhance ecological interests [17-22]. The lighting condition would also avoid endangering the safe movement of aircraft and the operation of London Gatwick Airport. I have removed reference to the 'Final Biodiversity Net Gain Assessment and Strategy' within the LEMP condition as this is covered in the S106.
78. To ensure a satisfactory form of development and in the interest of highway safety, I attach a condition requiring an approved scheme of highway works [23]. A condition requiring the submission and implementation of a Construction Management Transport Plan is necessary to ensure that highway safety is not prejudiced during construction and other highway users are not inconvenienced [24].
79. A condition requiring ground contamination investigations is imposed to ensure that living conditions for future occupiers of the development are acceptable [25]. A further condition on carbon emissions and energy efficiency is necessary to optimise renewable energy options [26].
80. Conditions requiring safe and suitable access and visibility splays, the Toucan crossing and shared footway/cycleway on Reigate Road, and the provision of the emergency access are imposed to ensure highway safety [29-31]. Additional conditions are required to secure suitable cycle parking and charging points for vehicles and e-bikes for the benefit of future occupiers of the development, to promote sustainable forms of transport and to ensure highway safety [32 and 33].

Planning balance and conclusion

81. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with s38(6) of the Planning and Compulsory Purchase Act (2004).

82. I have concluded above that the proposal would be inappropriate development in the Green Belt but that very special circumstances necessary to justify the development exist. In taking this into account when considering the application of paragraph 11 d) of the Framework and the presumption of sustainable development, it follows that the Green Belt does not provide a clear reason for refusing the proposed development as per paragraph 11 d) i.
83. I therefore move on to consider paragraph 11 d) ii. As I have already taken all relevant considerations into account as part of the Green Belt balance and concluded that very special circumstances exist, I also find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development applies in this case.
84. Taking the above into account and considering the overall s38(6) balance I conclude that the presumption in favour of sustainable development and any other material considerations, indicate that the decision should be taken otherwise than in accordance with the adopted development plan. Therefore, for the above reasons I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Young KC	Barrister, No5 Chambers instructed by Kim Cohen, Stantec
Kim Cohen BSc (Hons) MSc MRTPI	Planning Director, Stantec
Jane Harrison BSc (Hons) MSc MRTPI	Planning Associate Director, Stantec
Jacqueline Mulliner BA (Hons) BTP (Dist) MRTPI	Managing Director, tor&co
James Stacey BA (Hons) Dip TP MRTPI	Managing Director, Tetlow King
Andy Moger BA (Hons) MA MRTPI	Director, Tetlow King
Matthew Chard BA (Hons) Dip (Hons) MAUD FLI	Landscape Director, Stantec
Lorraine King MA MSc MSc IHBC	Heritage Planning Director, Stantec
Ian Dimbylow MEng CEng MICE MCIHT	Transport Director, RPS
Jan Kinsman CEng MICE BSc (Eng) ACGI	Associate Director, EFM
Vaughan Anderson BA Arch Pg.Dip Arch MAUD	Urban Design Director, Stantec
Alistair Baxter BA(Hons) MA (Oxon) MSc CEcol CEnv MIEEM	Senior Director, Aspect Ecology
Timothy Wood BEng (Hons) M.IWEM CWEM	Consultant, Stuart Michael Associates Limited

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Henderson	Barrister, Landmark Chambers, instructed by Louise Nolan, Development Manager, Mole Valley District Council
Katrina Sullivan-Watkins	Principal Planning Officer, Mole Valley District Council

FOR THE RULE 6 PARTY:

Colin Smith MRTPI	Consultant, Colin Smith Planning instructed by Charlwood Parish Council
Lisa Scott	Chairperson, Charlwood Parish Council

INTERESTED PARTIES:

Richard Parker	Local resident
Simon Collins	Local resident and Trustee of the River Mole Riverwatch Charity
Robin Lightwood	Local resident and Committee member of the Norwood Hills Residents Association
Tim Freeman	Local resident
Sue Crofts	Local resident
Anthony Hazelgrove	Local resident
Nicholas Parrish	Local resident
Douglas Stewart FRICS	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1 Updated Parameter Plan RG-M-08 Rev A
- 2 List of documents submitted in chronological order
- 3 Council's opening statement

- 4 Rule 6 party's opening statement
- 5 Third party statement – Tim Freeman
- 6 Third party statement – Robin Lightwood
- 7 Extract from Surrey Mirror newspaper dated 4 April 2024
- 8 Third party statement – Sue Crofts
- 9 Third party statement – Alan Burnett (not present – submitted by Sue Crofts)
- 10 Third party statement – Patrick Moore (not present – submitted by Sue Crofts)
- 11 Third party statement – Darryl Bekoe and Delores Bekoe (not present – submitted by Sue Crofts)
- 12 Photos submitted by Anthony Hazelgrove
- 13 Third party statement – Douglas Stewart
- 14 Council's Annual Infrastructure Funding Statement for reporting period 1 April 2022 to 31 March 2023
- 15 Council's Infrastructure Delivery Plan August 2021
- 16 Report on the Examination of the Draft Mole Valley District Council Community Infrastructure Levy Charging Schedule dated 14 July 2016
- 17 Court of Appeal Judgment dated 29 April 2016
- 18 Chronology of S106 engagement
- 19 Council news release on Community Infrastructure Levy dated 9 June 2022
- 20 A3 copy of suggested walking route plan for site visit – LN-LP-07
- 21 A3 copy of suggested walking route plan for site visit – LN-LP-07 Rev A
- 22 Updated draft version of S106
- 23 Council's closing statement
- 24 Rule 6 party's closing statement
- 25 Appellant's closing statement

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- 26 Planning obligation by deed of agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), signed and executed on 10 June 2024

SCHEDULE OF CONDITIONS

1. Approval of details of the layout, scale, external appearance of the buildings, and the landscaping of the site (hereinafter called the market and affordable 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and carried out as approved.
2. Plans and particulars of the reserved matters referred to at condition 1 shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout and scale reserved matters of any self-build or custom housebuilding plot (hereafter called the SBCH reserved matters), shall be submitted to and approved in writing by the Local Planning Authority before any development relating directly to that self-build and custom housebuilding plot begins and the self-build and custom housebuilding development shall be carried out as approved.
4. Plans and particulars of the reserved matters referred to at condition 3 shall be submitted in writing to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Boundary Plan: RG-M-01-D
 - Parameter Plan: Land Use Plan – RG-M-08-A
 - Proposed Emergency Access – JNY9469-17
 - Proposed Crossing – JNY9469-07B
 - Proposed Signalised Access Arrangement – JNY9469-12B
 - Proposed Traffic Calming - JNY9469-18
6. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved phasing plan.
7. Concurrent with the submission of the first reserved matters a Community Infrastructure Levy Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority and the Phasing Plan shall be implemented as approved.

8. No development of any phase or part of any phase shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of each building, and the finished levels of any access road and driveway showing their relationship with the existing levels of the immediately adjoining land and buildings for that phase or part of phase, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
9. Development of any phase or part of any phase shall not commence until details of the Sustainable Urban Drainage Scheme (SUDS) & wetlands for that phase or part of phase have been submitted to and approved in writing by the Local Planning Authority in consultation with the Gatwick Aerodrome Safeguarding Team. Details must comply with the requirements of CAP772 – Wildlife Management Hazards at Aerodromes (or as amended) and the specific requirements of the Gatwick Aerodrome Safeguarding Team. The submitted Plan shall include details of:
- Profiles and dimensions of waterbodies and wetlands;
 - Attenuation times;
 - Details of marginal planting

No subsequent alterations to the approved SUDS/wetlands scheme are to take place unless first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

10. Development of any phase or part of any phase shall not commence until a Bird Hazard Management Plan for that phase or part of phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Gatwick Aerodrome Safeguarding Team. The submitted plan shall include details of:
- Monitoring of the earthworks phase of the development;
 - Monitoring of any temporary or permanent standing water within the sustainable Urban Drainage Systems (SUDS) and wetlands;
 - Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting and roosting birds;

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force in perpetuity.

11. No development of any phase or part of any phase shall take place until full details of soft and water landscaping works for that phase or part of phase have been submitted to and approved in writing by the Local Planning Authority in consultation with the Gatwick Aerodrome safeguarding Team. These details shall include:
- Any earthworks;
 - Grassed areas;
 - The species, number and spacing of trees and shrubs;
 - Maintenance of planted and landscaped areas

The scheme shall be implemented as approved.

12. Development of any phase or part of any phase shall not commence until a construction management strategy for that phase or part of phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Gatwick Aerodrome safeguarding Team covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of cranes and other tall construction equipment (including the details of obstacle lighting) – such schemes shall comply with CAP 1096 'Guidance to crane users on aviation lighting and notification' available at www.caa.co.uk;
- Control of activities likely to produce dust and smoke etc;
- Details of temporary lighting;
- Control and disposal of putrescible waste to prevent attraction of birds

The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

13. No development of any phase or part of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase or part of phase, to be conducted in accordance with a written scheme of investigation (WSI). The WSI shall comprise a programme of geophysical survey followed by a trial trench evaluation and shall be submitted to and approved, in writing, by the Local Planning Authority.

14. Each phase of the development hereby permitted shall not commence until details of the design of a surface water drainage scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, the National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details must include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved surface water drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 4.0 l/s/ha applied to the positively drained areas of the site.
- b) Detailed surface water drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including details of any lining requirements to prevent ground water ingress to the proposed attenuation basins and swales.
- c) Evidence should be supplied detailing the retention of the existing on-site Ordinary Watercourse network and the easements proposed to enable maintenance access.

- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the surface water drainage system.
- f) Details of how the surface water drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the surface water drainage system is operational.
- g) Details of the proposed outfalls to existing watercourses for each phase. The outfalls must ensure there is no negative impact on the receiving watercourses, including but not limited to, including water quality, biodiversity and physical habitats (riverbanks and bed).
- h) Prior to the commencement of works, details of the proposed Natural Flood Risk Management Scheme along the Hookwood Common Brook, demonstrating flood risk betterment to the wider catchment, shall be submitted to and approved in writing by the local planning authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details.

15. Prior to the commencement of any phase or part of any phase of development, a scheme of noise and vibration attenuation and enhanced ventilation sufficient to prevent overheating and maintain thermal comfort for that phase or part of phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and shall be based on the principles and findings of the Phlorum Noise Impact assessment September 2023 and the scheme of ventilation in the exposed habitable bedrooms shall assume windows closed to ensure suitable mitigation of impulsive L_{Amax} events from the neighbouring industrial estate. The scheme shall include details of post construction validation and all work must be carried out by suitably qualified persons. Thereafter the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

16. Prior to the commencement of any phase or part of any phase of works, a Waste Management Plan (WMP) for that phase or part of phase shall be submitted to and approved in writing by the Local Planning Authority. The WMP must:

- a) Provide details of the waste storage and recycling facilities on site, and demonstrate that adequate controls exist to ensure that waste storage and recycling is maintained and managed for the life of the development;
- b) Demonstrate that any Construction, Demolition and Excavation Waste generated as a result of the development is limited to the minimum quantity necessary, and opportunities for re-use and recycling of Construction, Demolition and Excavation Waste is maximised.

Thereafter the WMP shall be implemented in accordance with the approved details.

17.No development shall take place until a scheme for the provision and management of the river buffer zone (8m from the top of bank where the ground levels off) shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the development has been carried out in accordance with the approved scheme.

The scheme shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the river buffer zone.

The scheme shall include the following elements:

- Details of fencing positions, design dimensions and proximity to the top of bank.
- Details of any proposed footpaths, lighting and planting within the river buffer zone.
- Plans showing the extent and layout of the river buffer zone.
- Details of maintenance and management regimes.
- Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of proposed habitats and watercourse enhancements.

18.Prior to commencement of development, details of the permanent lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. This will include a Sensitive Lighting Design for bats. The Sensitive Lighting Design should include, but not be limited to:

- Details of the creation of bat hop-over features in the location of the central woodland, with evidence provided to demonstrate that the number proposed be sufficient. The suitability of the hop-over features should include evidence through horizontal illuminance contour plans.
- Evidence of continuous dark corridors for the hedgerows within and as a boundary of the application site. The suitability of the continuous dark corridors for bats should include evidence through horizontal illuminance contour plans.

The approved lighting scheme is to be implemented as approved.

19.Prior to commencement of the development hereby permitted (excluding demolition), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should include, but not be limited to:

- a) Map showing the location of all of the ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protected fences, exclusion barriers and warning signs

The CEMP shall be implemented as approved.

20. Prior to the commencement of development an appropriately detailed Landscape and Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that could influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule.
- g) Body or organization personnel responsible for implementation of the plan.
- h) Monitoring and remedial measures.
- i) Funding resources and mechanisms to ensure sustainable long-term delivery of the proposed management.
- k) Bat Mitigation Strategy
- l) Ecological Enhancement Plan

The LEMP shall be implemented as approved.

21. Prior to the commencement of development, an Amphibian Mitigation Strategy, including updated great crested newt eDNA surveys carried out in suitable seasons and weather conditions should be submitted to and approved in writing by the Local Planning Authority. The Amphibian Mitigation Strategy shall be implemented as approved.

22. Prior to the commencement of development, a Reptile Mitigation Strategy, including updated reptile presence/likely absence surveys carried out in suitable seasons and weather conditions shall be submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall be implemented as approved.

23. Before any of the operations hereby approved are commenced on site of the new development, a scheme of works on the public highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be constructed prior to first occupation of the development. These works comprise the following:

- Upgrading the Reigate Road bus stops and the westbound Povey Cross Road bus stop with bus shelters, accessible pedestrian crossing facilities with tactile paving and Real Time Passenger Information (RTPI) with sufficient power supply,
- Accessible 125mm-140mm raised kerbing for a length of 9m to enable the comfortable boarding and alighting of passengers on these bus stops,
- Reconfiguration of the existing laybys to maximise ease of bus manoeuvres,

- Speed reduction facilities on the 30mph section of Reigate Road between the A217 roundabout and Povey Cross Road as generally illustrated on plan JNY9469-18.

24.No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) measures to prevent the deposit of materials on the highway
- (h) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction of the development.

25.Prior to commencement of construction above ground of any phase or part of phase of the development hereby approved, a scheme of ground contamination investigation, including a schedule of investigation work to be carried out, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall be carried out within three months of commencement above ground of each relevant phase or part of phase and a risk assessment and if necessary a scheme of decontamination, clean cover and verification shall be submitted to and approved in writing by the Local Planning Authority within 1 month of completion.

The scheme as approved shall be implemented before any part of the development hereby permitted is occupied and shall be verified in accordance with the approved details.

26.Before any above ground works take place, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low carbon energy sources shall be submitted and approved in writing by the Local Planning Authority and be implemented prior to the first occupation of each phase or building.

27.Prior to the first occupation of any phase or part of phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system for that phase or part of phase has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

28. Prior to occupation of the gypsy and traveller pitches, full details of the provision of facilities for storage of waste on the gypsy and traveller pitches shall be provided and approved by the Local Planning Authority. The facilities as approved by the local planning authority shall be operated for as long as the use is continued and there shall be no storage of waste of any kind outside of the approved facilities.
29. No part of the development shall be first occupied unless and until the proposed Toucan crossing on Reigate Road is constructed and provided together with a 3m shared footway/cycleway along the site frontage and extending north to the Mill Road/Horse Lane junction, have been provided in accordance with approved plan JNY9469-07B by the Local Planning Authority.
30. No part of the development shall be occupied unless and until the proposed vehicular access to Reigate Road has been constructed and provided with visibility splays in accordance with approved plan JNY9469-12B by the Local Planning Authority. The proposed access shall be subject to detailed design and Surrey County Council's full technical and road safety auditing requirements and thereafter the visibility splays shall be kept permanently clear of any obstruction between the height of 0.6 and 2.0 metres above the level of the carriageway.
31. No more than 200 homes shall be occupied until the proposed emergency access onto Charlwood Road has been provided and constructed in general accordance with the approved plan JNY9469-17 by the Local Planning Authority and subject to detailed design and Surrey County Council's full technical and road safety auditing requirements.
32. Each phase or part of phase of the development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided for the phase or part of phase within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
33. Each dwelling hereby approved shall not be occupied until that dwelling is provided with an EV charging point in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.