



Appeal Decision

Site visit made on 24 November 2025

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/L3815/W/25/3367053

Land north of 1 to 16 Sturt Avenue, Camelsdale, Linchmere, West Sussex GU27 3SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Soobadoo of Casa Coevo Group Limited against the decision of Chichester District Council.
 - The application Ref is LM/23/02758/FUL.
 - The development proposed is the erection of 9no. dwellingshouses together with associated access, infrastructure, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, the appellant has submitted a wide range of additional evidence with related updates to the plans. This includes changes to the position of some windows to some of the dwellings, additional flooding and ground water information, lighting plans and details, and arboricultural revisions. The Council object to this additional information being considered at the appeal stage.
3. The Procedural Guide: Planning appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.
4. I have considered the revisions and information submitted at the appeal stage in the light of the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the “Wheatcroft principles” set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982).
5. The changes to the plans are reasonably minor and consist mainly of transferring windows from the elevations of the houses 6-9 which face north west to other elevations¹. These are the units furthest from existing properties in Sturt Avenue. Other details include additional lighting plans and specifications, again evidence that would not materially affect any neighbours. Other details consist of additional evidence on groundwater and some trees now proposed not to be removed.
6. The Procedural Guide indicates that it is possible that a series of small incremental amendments to a scheme could result in a substantial difference or a fundamental change. However, in this case, the changes to the plans are fairly modest and

¹ There is a very minor shift of two windows within the same elevation for houses 1-5.

would not materially affect interested parties because of their nature and position. Changes to the tree plans are also fairly limited in their extent. The other information is predominantly additional evidence and justification to seek to support the appellant's arguments. Such submissions are presently not unusual at the appeal stage. Looking at the information and updates as a whole I do not consider that they make a substantive change to the scheme under consideration and would not lead to procedural unfairness. I will determine the appeal based on the additional and updated information submitted at the appeal stage.

7. Also at the appeal stage, a Unilateral Undertaking has been submitted which obligates a payment for affordable housing. I will examine this matter later.
8. A planning appeal² in October 2023 considered a housing scheme broadly similar to the present proposal, and other appeals at that time determined a bridge and access scheme to the site³. The bridge scheme, with the same scheme submitted to both Waverley Borough Council and Chichester District Council, because the Council boundary runs through that part of the site, was approved and is extant. The bridge would provide the only road access into the site. The housing scheme for 9 units was dismissed. I have had regard to the findings of that Inspector in my considerations.
9. It should be noted that some of the planning circumstances have changed since the housing appeal decision. In particular, at that time, the Council was unable to demonstrate a 5 year supply of deliverable housing land. Since that time and indeed, since the Council made a decision on the present proposal, it has adopted on 19 August 2025 the Chichester Local Plan 2021-2039 (the Local Plan). The Council can now show a Framework compliant supply of housing land.
10. The appellant has had the opportunity to comment on the implications of the adoption of the Local Plan as part of the appeal submissions and therefore there is no procedural unfairness in determining the appeal based on the adopted Local Plan which now forms part of the development plan.
11. Finally, On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

12. The main issues are:
 - whether or not the scheme would represent an acceptable form of development having regard to any flood risk, the provisions of the development plan and the Framework,
 - whether or not the site would be safe in respect of ground water conditions for the residential use proposed, including the access and risk elsewhere in a flood event,

² APP/L3815/W/22/3298478

³ APP/L3815/W/23/3318265 and APP/R3650/W/23/3318221

- the effect of the scheme on biodiversity, including with regard to tree loss,
- the effect of the proposal on the integrity of the Ebernoe Common Special Area of Conservation (SAC).

Reasons

Flood risk

13. To the broadly east of the appeal site lies the River Wey. The appeal site red lined area is drawn to exclude areas at risk from flooding from this river. Outside the appeal site, but within the blue lined area, there is a small area of the woodland that falls within Flood Zone 3. In the nearby area, there is a reasonably sized section of Sturt Avenue which also falls within Flood Zone 3. Sturt Avenue forms part of the only vehicular access road into the site and therefore in the event of a flood it may not be possible to access or egress the site by vehicle while flood waters are raised. Furthermore, as part of the representations submitted at the appeal stage, photographs from a local resident show a section of the access to the Thames Water Treatment Works, which would also form the access to the proposed housing development, partly covered with water.
14. The site itself falls within Flood Zone 1 for fluvial flooding. However, the information in the Flood Risk Assessment and Drainage Strategy (February 2024), notwithstanding that the hydrogeology report and pit hole evidence at those times indicates that the ground water does not reach the surface, explains that from the BGS dataset for Below Ground Flooding obtained from the Envirocheck report located in the Phase 1 Geo-Environmental Risk Assessment that there is a risk due to ground water flooding at the surface. This section of the report also explains that perched water can be seen in the undulations on the site after prolonged periods of rain (which it is explained would be addressed by the SuDS system).
15. The previous Inspector noted that land within the site was prone to waterlogging. At my site visit I also noted, particularly towards the eastern section of the site, that there were areas of waterlogging and also areas of water.
16. Additional background to this issue is provided from the consultation response from the Coast Protection and Land Drainage Engineer on behalf of Chichester Borough Council. The Engineer refers to the comments of Kevin Macknay at the Lead Local Flood Authority in October 2021 in respect of the previous proposal where he had commented that photos sent to him by the residents of Sturt Avenue and the Parish Council show the proposed development site flooded during periods of heavy summer rainfall and during the winter months due to high groundwater levels.
17. I am also aware of the representations from local residents in respect of this proposal. Most of the comments that refer to flooding issues, and the attached photographs of flooding, concern sites close to but outside the appeal site. It is evident that flooding is a serious and regular local issue. In terms of the appeal site itself, there are some directly relevant information, including commentary and photographs, that indicate that the site is often waterlogged and sometimes partly under water.
18. For instance, at the application stage, the resident of 8 Sturt Avenue has included a range of photographs of flooding and these include a section of the appeal site

behind 17 Sturt Avenue which is shown to be under sections of water on 9 February 2024 and photographs of the rear garden of 6 and 7 Sturt Avenue which are attributed to S Middler. These latter photographs of flooding to this area are said to appear to be ground water flooding with water coming directly up from the ground rather than from the river. The commentary with the photographs explains that the gardens are on significantly higher ground than the land behind so that any flooding issues would be worse there.

19. I will look in more detail at the reports, trial pits and investigations of the groundwater levels in the second main issue and there is an interrelationship between the first two main issues. However, I conclude that the available information, when considered as a whole, indicates that the site appears to be at risk of ground water flooding.
20. The Framework requires that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. The Planning Report explains that the Council has undertaken a Strategic Flood Risk Assessment (Level one, 2023) which includes a ranking table of sites in support of its then emerging Local Plan and which evidences that it is possible for the development to be located on areas with a lower risk of flooding (taking into account wider sustainable development objectives). The appeal site has not been allocated or identified for development in the Local Plan and falls beyond the settlement boundary.
21. The Framework also explains that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Given the risk of ground water flooding the scheme should be subject to the sequential test.
22. Notwithstanding the appellant's position that a sequential test is not required, reports have been submitted to seek to demonstrate that it is passed by the scheme on this site. This includes an Addendum to Flood Risk Sequential Test (Luken Beck – October 2024) (the Addendum Sequential Test).
23. The Planning Practice Guidance (the PPG) explains that for individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The PPG confirms that the catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. A recent update to the PPG explains that for a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.
24. The Framework defines major development as a housing development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. In this case, while the scheme is for 9 units, the site area, as detailed on the application form, is 0.62 hectares. It is, therefore, major development.
25. The Addendum Sequential Test identifies the search area as the northern section of the Chichester Borough Council area outside the South Downs National Park area. This leaves quite a modest area of search for a scheme that seeks to build 9 open market four bedroom houses. The overall housing supply figures in the Local

Plan are district wide and therefore I am concerned that the area of search is too narrow and does not reflect the catchment area for the type of development proposed.

26. Furthermore, while a modest search area of the Chichester District has been investigated as part of the sequential test, the development would adjoin the boundary with Waverley Borough Council and, in particular, the town of Haslemere. In effect the scheme would provide housing where occupants would likely use services and facilities in the settlement of Haslemere and that they would feel that is the town they lived and associated most with. Indeed, the initial Flood Risk Sequential Test (November 2023) did include an area of search 2km from the site as a representative catchment and which included Haslemere. However, the more recent, Addendum Sequential Test report does not include an analysis of potentially available sites within Haslemere which I consider is part of a catchment area appropriate to the nature and scale of the proposal. Consequently, there may now be sites not examined by the Addendum Sequential Test report that are nearby with a lower flood risk that could accommodate part or all of the 9 units.
27. The PPG also explains that sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. An alternative site does not need to be owned by the applicant to be considered 'reasonably available'.
28. The Addendum Sequential Test lists and assesses 64 sites within the search area. The analysis discounts some sites for understandable reasons. However, there are other sites which are identified and appear to be developable with a lower flood risk than the appeal site and these are discounted on the basis that "site in developer control, not available". However, they appear to be able to accommodate some or all of the 9 dwellings of the open market type and size proposed, and these sites appear to have been discounted because these sites are not owned or controlled by the appellant. In terms of the PPG these sites should be considered reasonably available and would provide options for the provision of the 9 houses, either alone or as part of a larger scheme.
29. In the light of the above analysis, the sequential test does not examine a sufficiently wide search area, appears to discount some sites that may be considered reasonably available and therefore does not fully investigate potential sites that could provide the housing within an area where there is a lower risk of flooding. For these reasons, the sequential test is not passed. It has not been shown that the development of the appeal site would steer new housing to areas with the lowest risk of flooding from any source. In these circumstances it is not necessary to consider the exception test.
30. To conclude, the appeal site appears to be subject to potential groundwater flooding and the development of housing on the site has not been shown to pass the sequential test for development. As a consequence, the scheme would not be an acceptable form of development having regard to its flood risk situation. The proposal would, therefore, be in conflict with Policy NE16 of the Local Plan and the Framework which notably set the approach to the location of development and flood risk.

Flooding and residential use of the site

31. The appellant has engaged with the Council and its advisers over a prolonged period to seek to address and satisfy the Council on the ground water and related flood risk issues. I have taken all the submissions from the appellant into account and appreciate that these are submitted from qualified professionals. The Ground Water Monitoring Report (V3.01 April 2025) explains that ground water monitoring was undertaken during November 2023, February 2024 and on 6 dates between 18 February 2025 and 17 April 2025. The ground water did not reach the surface during any of these occasions, with the closest being recorded as less than 0.30m. It is noted that the section of the report, following the two earlier investigations in 2023 and 2024, is caveated by the comment that exact groundwater levels may only be determined through long term measurements from monitoring wells installed on-site.
32. The Council's Coastal and Water Management Engineer who has commented that the second phase of site works were undertaken on the 14th February 2024 and comprised the hand auguring of 9No. Trial Pits (HA10 HA18) to 1.50 1.70m bgl, where trial holes could not be excavated further due to groundwater intrusion causing instability. In the judgement of the Engineer this leaves concerns about ground water levels and ground water emergence on site unresolved, especially given that Ordnance Survey mapping layers show multiple springs and points where ground water issues in the vicinity of the site.
33. The Local Lead Flood Authority (LLFA) in its response of 12 June 2024 commented that further groundwater monitoring is required, in particular to understand the 'waterlogging' of the site mentioned by the Planning Inspector and full winter ground water monitoring was requested. The LLFA had previously commented that further ground water monitoring is required over all winter months (October to March) as ground water levels take longer to respond.
34. I have taken into account all the appellant's responses on this and other matters including that the statement that it is extremely unlikely that there are spring lines on site. However, I am still not convinced that there is sufficient and conclusive information to satisfactorily address these important concerns raised by the professional advisers to the Council and to overcome the evidence of local residents with firsthand experience of the site.
35. While the appeal submission was subsequently accompanied by the further trial hole investigations during 2025 this does not amount to full ground water monitoring.
36. In support of this approach for full ground water monitoring the Adopted Surface Water and Foul Drainage Supplementary Planning Document (20 September 2016) (the Surface Water SPD) explains, in paragraph 11.5, that residential developments in excess of five properties will require ground water monitoring to be carried out between October and March inclusive, prior to construction.
37. From the information available the ground appears to be waterlogged on many occasions and there is some evidence of ground water being at or near the surface causing flooding. In these circumstances, while I understand and note the trial hole data, and the appellant's consultants detailed and consistent arguments in support of its case, I am also conscious of the professional advice to the Council is that the information is not sufficient to clearly demonstrate that the situation is

satisfactory. I agree with this judgement and, given the often waterlogged circumstances of this site, the known concerns with ground water and the requirements in the Surface Water SPD, I am not satisfied that the case has been sufficiently and clearly demonstrated that the site is not, and would not be, susceptible to ground water flooding on some occasions.

38. The mitigation schemes to deal with the surface water, on a site where infiltration is poor and on the basis of the level of ground water could be near or at the surface at times may, therefore, not be adequate because the precise levels of ground water may not be known due to the lack of continuous ground water monitoring. In support of this view, I note that paragraph 11.4 of the Surface Water SPD explains that any SuDS or soakaway design must include adequate ground water monitoring data to determine the highest winter ground water level in support of the design.
39. While the revised plans show areas of swales and the enlarged pond, they are modest in extent and the scheme relies heavily on the underground attenuation tank/crates near the access. I appreciate that the site drains to that corner but the LLFA has advised having a scheme that relies less on attenuation tanks/crates and more on swales to accord with the drainage hierarchy. To deal with this particular issue, this may require less housing and related hard surfaces so as to provide more open land to form a greater area of green cover.
40. Consequently, based on the concerns with the ground water monitoring and the extent of water that may need to be dealt with, together with the design of the drainage system, I am not satisfied that the proposed residential development of the site would be suitable. While it is argued that the finished floor levels would be sufficient to prevent the buildings from flooding, the gardens of some of the properties have the potential to be at least waterlogged, and potentially flooded, and I have highlighted above that parts of Sturt Avenue, which is required to access the site, are within Flood Zone 3 and there is evidence of water at times in parts of the access to the Treatment Works.
41. There is uncertainty with the level and volume of ground water to be dealt with in a flood event and therefore I do not have sufficient certainty, that with the addition of surface water which would also need to be managed, there would not be a risk elsewhere in a flood event. That a new bridge is permitted that would lead to an improved ability to access the woodland does not in itself justify the permission of housing development on the land.
42. For all these reasons, I conclude that the site is sub-optimal for residential development from a flooding and water management perspective. The scheme would be in conflict with Policy NE16 of the Local Plan and the Framework which sets the approach to address flood risk and water management.

Trees and biodiversity

43. The site is very largely covered by mixed woodland. While there are some individual trees of good quality, most of the trees are of average or poor quality. However collectively they form a valuable and attractive feature that is protected by a Woodland Tree Preservation Order (TPO).
44. The development has been designed so as to retain quite a few of the individually most significant trees which would be positioned around the site and amongst the

dwellings. However, there would be a considerable loss of trees and tree cover to the site. Despite the amended details the trees numbered 1, 2, 11, 12, 27, 31, 34, 35, 44, 47, 52, 53, 55-59, 62-73, 77-86, 88-99 and 102 would be felled. The situation would be that even with the planting of additional trees and a generous landscaping scheme, the site would effectively become a housing development interspersed by trees. In this respect I disagree with the previous Inspector who considered that the trees would remain a dominant feature. In my judgement, based on all the information and my site visit, the collective value of the woodland would be severely undermined and, consequently, the scheme would fail criterion 1 of Policy NE9 of the Local Plan which requires that proposals conserve and, where appropriate, enhance existing valued and protected trees, hedgerows and woodland.

45. The previous Inspector did not object to the change to the character and appearance of the area resulting from the development. This would have involved the loss of many trees. However, that Inspector does not appear to give weight to the Woodland TPO. In this case, the loss of the trees protected by a Woodland TPO forms part of a reason for refusal and, therefore, is a matter that I consider should be examined. With the recent adoption of the Local Plan, I am required to consider the scheme against the requirements of Policy NE9 and I find that the loss of the trees would be harmful and would not be policy compliant.
46. The application was submitted prior to statutory requirements for Biodiversity Net Gain (BNG). However, with the adoption of Policy NE5 of the Local Plan there is a requirement to demonstrate that proposals provide a minimum of 10% net gain in biodiversity against a pre-development baseline.
47. The Ecological Impact Assessment (3 November 2021) explains that the scheme would result in the loss of 0.44ha of priority lowland mixed deciduous woodland and the Biodiversity Metric undertaken on 21 February 2024 shows that there would be about an 87% loss of habitat area units.
48. The appellant has explained that the Council has been provided with details of a number of sites that could meet the off-site BNG requirements to accord with the need to demonstrate net gain. A draft legal agreement has been included at the final comments stage to identify a donor site⁴ that would provide the BNG and alternatively it is argued that it would be possible to purchase BNG credits to ensure that the scheme was policy compliant.
49. The previous Inspector was concerned with this issue and also noted that a potential site had been identified for mitigation and enhancement. However, he found that its use had not been secured, and the required measures had not been specified. While I note the draft legal agreement, I consider that I am in much the same position as the previous Inspector and lack certainty on the nature and deliverability of the off-site BNG.
50. Again, this would need a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into and in accordance with the PPG this is unlikely to be appropriate in the majority of cases. I am not convinced that there are exceptional circumstances, even taking into account that the applicant is a SME and that credits could be

⁴ The draft legal agreement at the final comments stage appears to indicate a site for the off-site BNG near Guildford, Surrey while other information had previously indicated the option that the donor site would be in central West Sussex.

purchased, albeit that I do not have details of the credit scheme before me. As a consequence, the development would result in the fairly significant loss of biodiversity area units on the site and off-site biodiversity net gain has not been adequately demonstrated and secured.

51. I conclude that the scheme would have an adverse effect on biodiversity, including with regard to the loss of protected trees within this woodland. There would be conflict with Policies NE5 and NE9 of the Local Plan and the Framework which, amongst other things, seeks that all development shall ensure the conservation, protection, enhancement and restoration of biodiversity.

Ebernoe Common SAC

52. Ebernoe Common SAC is an extensive woodland site that supports populations of rare bat species and a key reason for designation is the populations of Barbastelle and Bechstein's bats. The housing site would be within about 9km of the Ebernoe Common SAC. The Ecological Impact Assessment (3 November 2021) showed the use of the site by a low number of foraging bats, with the notable identification of a barbastelle bat.
53. Given the foraging distances of barbastelle bats, the Habitats Regulations Assessment (Shadow) (6 May 2024) advises that, in the absence of mitigation measures, increased lighting within the site during its operational phase has the potential to restrict or even prevent the movement of barbastelle bats through the site. This could result in habitat fragmentation by preventing individuals of the Ebernoe Common SAC bat population moving to/from the SAC and suitable habitat connected via the development site. Without mitigation the scheme would likely have a significant effect either alone or in combination upon the SAC.
54. To address this matter with suitable mitigation it is recommended in the HRA Shadow that the scheme includes a sensitive lighting scheme and the establishment of a dark corridor through the site. The plans show a landscaped corridor along the north eastern and north western sides of the appeal site.
55. At the appeal stage, a detailed lighting scheme has been submitted and some of the windows of the dwellings have been relocated to elevations that do not face the corridor around those edges of the site. The lighting scheme is comprehensive and also involves schedules for the lighting inside some of the rooms of the dwellings. In these circumstances, the HRA (Shadow) concludes that the proposed development is unlikely to give rise to significant adverse effects on the integrity of Ebernoe Common SAC and the favourable conservation status of its qualifying features.
56. However, I agree with the Council that there is little detailed evidence to demonstrate that the width of the corridor would be suitable for its intended purpose. Furthermore, the dwellings along the north western side would also be fairly close to the corridor and would still have some windows facing that direction, such that, despite the internal lighting scheme and the tall fence bounding the gardens to the corridor, some artificial light would likely be perceptible outside of these windows and illuminate to some extent the corridor. The gardens to these properties are also fairly modest and, therefore, it would be reasonable to assume that much of the external space would wish to be utilised, even at times during dark evenings. For some residents wishing to regularly use the external space in the evenings, I consider that, in time, there would be a desire for more external

lighting to assist the enjoyment, safety and security of these gardens above that proposed in the scheme that limits external lighting.

57. I am concerned that the lighting scheme has had to be so detailed in its specification, including how future residents may light the insides of parts of their houses, that in reality it would not be reasonable to so restrict such lighting nor in the medium to longer term that it would be likely to be maintained in the specified way. The closeness of the dwellings and their gardens along the north west side of the site to the corridor, and the likely changes in due course so that residents can light their houses as they wish, both inside and outside, is likely to incrementally undermine the lighting scheme. This in turn would detract from the provision of the dark corridor. In these circumstances, the movement and foraging ability of bats, in particular barbastelle bats that may originate from the Ebernoe Common SAC, would be undermined.
58. Given that the lighting scheme would appear to need to be so detailed in its specification to meet its intended purpose, and this would be a requirement of a number of households to maintain, it would not be reasonable or practical to enforce in the future. Consequently, the requirement to implement and maintain such a scheme as part of any approval would not meet with the tests for planning conditions.
59. I am aware that Natural England has not objected to the development. However, I am the competent authority for the purposes of the assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
60. In the circumstances, I am not satisfied that the corridor and lighting schemes would be effective in protecting the ability of barbastelle bats to forage and move through the site, within this buffer zone of the SAC. It follows that I am unable to conclude that the proposal, either alone or in combination with other schemes, would not have a likely significant and adverse effect on the integrity of the Ebernoe Common SAC. Consequently, I conclude that the proposal would not meet with the legislative requirements of the Habitats Regulations. The scheme would also be in conflict with Policy NE6 of the Local Plan and the Framework which set the approach for development that may affect the area's internationally and European designated habitats.

Other Matters

61. I have had regard to the objections to the scheme including from local residents, Lynchmere Parish Council, Andrew Griffith MP, Camelsdale Primary School, Thames Water, the Haslemere Society and the River Wey Trust. Most of the key issues raised have been considered above. However, other matters such as the highway safety concerns with the road access to the site and the design of the development were not issues that the previous Inspector considered to be harmful and are not reasons for refusal. I have found no reason to disagree.

Unilateral Undertaking

62. A completed Unilateral Undertaking (UU) has been submitted which obligates the payment of a significant and worthwhile financial sum towards affordable housing. While there is no on-site affordable housing delivery, the Council considers that the UU meets with the requirements for planning obligations in the Community

Infrastructure Levy Regulations 2010 and, having regard to Policy H4 of the Local Plan, I agree. I attach full weight to the obligations in the UU.

Planning Balance

63. The scheme would not be acceptable in terms of its implications for flood risk and the related issues in respect of ground water conditions, would cause undue harm to biodiversity with the loss of the woodland trees and would not be acceptable in relation to the integrity of the Ebernoe Common SAC. These are serious matters that weigh to a substantial extent against the scheme. Collectively it should be considered that the scheme would conflict with the development plan as a whole.
64. On the other hand, the scheme would deliver 9 family homes, on a windfall site and at a location close to Haslemere where occupants would have access to services and facilities without the need to always use the private vehicle. Occupants would be provided with a good standard of accommodation, built to highly sustainable standards, and the site could be constructed by a small or medium sized builder and be delivered reasonably quickly. There would be economic and social benefits during construction and in subsequent occupation. Planning permission has already been granted for the bridge to access the site.
65. There are extensive sections of the woodland dominated by up to 8 invasive species, such as bamboo, Japanese knotweed and Himalayan balsam. The development of this site includes a scheme for dealing with these invasive species and in the absence of an approval this is unlikely to happen.
66. However, with the adoption of the Local Plan, the Council is able to demonstrate a 5 year housing land supply. This is a material difference compared with when the previous Inspector determined the appeal for housing on this site in 2023. I appreciate that the housing requirements and the number and types of units to be delivered are not maximums or limits. Nevertheless, the site is located outside the settlement boundary and there is now no need for such sites to contribute housing to meet a Framework compliant supply. While I have noted all the other cases that the appellant has referenced regarding the weight to be attached to the provision of housing, these are on other sites, at different times, and where there would have been particular local and policy issues that led to those conclusions. The circumstances on this site are specific to this case, and I attach limited weight to those other cases elsewhere.
67. In this case, given the recent adoption of the Local Plan and its housing supply figures, that the site is outside the settlement boundary, that 9 four bedroom units are proposed which have not been shown to meet the mix requirements of Policy H5 of the Local Plan⁵ and the related supporting text, despite the boost to housing supply, I attribute limited weight to the housing provision. The contribution to affordable housing via the UU is meaningful and worthwhile and I attribute this medium weight in favour of approval.
68. Overall, the collective benefits should be attributed a medium level of weight in favour of approval, whilst the identified harm and related policy conflicts should afford substantial weight against. It follows that the benefits would not outweigh the harms and policy conflicts.

⁵ The previous Inspector considered the housing mix acceptable, but since that time Policy H5 of the Local Plan has been adopted, and this is a change in circumstances against which the present scheme should be considered.

Conclusion

69. The proposal conflicts with the development plan when considered as a whole, and planning considerations do not indicate that permission should be determined other than in accordance with the development plan. I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR