

Paper:	<b>BERKELEY HOMES CONSULTATION RESPONSE</b>
Reference	<b>21P/01306 AND 21P/01283</b>

## **EXECUTIVE SUMMARY**

### **CONSULTATION RESPONSE: STRONG OBJECTION**

EPC strongly opposes both applications and considers them to be misleading and lacking in transparency. It is our belief that the scheme (“The BH Masterplan.”) should be revisited in whole.

The following points are made and evidenced in the body of this representation:

- 1) EPC assert that Application 21/P/01306 now requires a whole new application to assess the impact of 409 homes to enable the construction of a new 2000 pupil school.
- 2) The green belt balancing exercise carried out in the Inspector’s report on the 2018 scheme is significantly altered by the following factors which support the assertion that a wholesale review and re-presentation of the plan is required:
  - The adoption of the Local Plan means Guildford Borough now has a 5-year housing land supply, the lack of which was previously a key factor driving the appeal decision.
  - The demand for additional school places needs to be re-evaluated in the light of the secondary school provision included in the adopted Local Plan and additional school developments and expansion in the surrounding area including Mole Valley, Elmbridge and Woking. Surrey County Council have not highlighted a deficit in school planning places that supports the proposed expansion by THPT.
  - The design of the school now substantially exceeds EFA space standards and guideline costs. It is no longer the least expensive solution as was credited in the original balancing argument and should be completely reviewed. Neither is it a financially viable nor cost effective solution to address the issues claimed by the school.
  - The impact on openness of 273 homes instead of 159 on green belt land at Effingham Lodge Farm and the new total of 409 homes against the 295 proposed under the original consent should be re-examined in the planning balance for this

development. If BH wants to build 114 additional houses and to use the benefits arising from the school to evidence very special circumstances, it needs to apply the test correctly and take account of the harm by reason of inappropriateness of all 409 houses which, the applicant asserts, are now necessary to finance its construction.

- The cumulative effect of increased traffic on Effingham's rural roads and already limited infrastructure systems commensurate with a further 38% increase in the number of additional homes as part of the expanded scheme.
- A more extensive impact on wildlife corridors, biodiversity and climate change impacts due to built development closer to the SNCI of Thornet Wood and in the current context of heightened climate concerns.

- 3) The Financial Viability Assessment as presented is insufficient to justify this application. Specifically, it still presents a project that is financially unviable, and it does nothing to present a balanced view of costs and value derived from changes to the housing market. It suggests that changes since 2014 have made the project unviable. However, in 2017, when BH signed the Section 106 Agreement to deliver the new school, the project was deemed financially viable and the Section 106 money was predicated upon the that assessment of its costs.
- 4) Neither does the viability assessment seek to explain why the design of the school is markedly out of step with national and local benchmarking costs for school construction. A view supported by Wilmott Dixon, expert builders in school construction, whose response to the design when asked to quote for building the school is attached in appendix 2. BH should provide the original viability assessment and explain clearly what has changed since August 2019, when they presented a revised design for the school to representatives of EPC, GBC, SCC and resident associations. At that meeting, BH, supported by detailed costings from Wilmott Dixon, stated the cost of the revised school design to be £40m. At this point - August 2019 - no additional greenbelt land was required to deliver the school. BH should explain why the additional 114 homes and further greenbelt land are now required to make the scheme viable. The Viability Assessment submitted in July 2021 totally fails to do this.
- 5) Application 21/P/01283 to reduce the site boundary in the consented 2018 scheme and replace the open space by residential development of 54 homes is a clear material amendment to the original scheme. It is also submitted 11 weeks post the deadline for amendments to the scheme and further points to the need for a whole new application.
- 6) Application 21/P/01306 cannot rely on the consented 2018 scheme to justify a case for Very Special Circumstances to allow inappropriate development in the green belt as the original consent relies so heavily upon circumstances that are now greatly different to those that existed at the time. Most notably, there is now an adopted Local Plan with a HLS in excess of 5 years and a fully approved and adopted

Neighborhood Plan. In our view, BH have not put forward any cogent argument that supports a case for very special circumstances for either application. They are relying solely upon prior consent for which the circumstances are substantively and materially changed.

- 7) Other reasons for refusal include:
- The significant reduction in openness of high sensitivity green belt land at Effingham Lodge Farm
  - The harmful effect of increased traffic on Effingham's rural roads and infrastructure from 114 extra homes
  - The harmful impact on wildlife corridors and biodiversity by bringing built development closer to the SNCI of Thornet Wood and building upon a parcel of land specifically designated as part of the wildlife corridor connecting SSSIs in the wider area.
- 8) The application 21/P/01306 conflicts with several policies in the adopted Effingham Neighbourhood Plan, specifically:
- a) ENP-H1 of the ENP, clearly set out the requirements for housing in Effingham based on a local needs assessment which supplements the GBC 'West Surrey Strategic Market Housing Needs Assessment' (SHMA)
  - b) ENP-G5, under which any residential development proposals must not cause harm to the openness of green belt land, result in the loss or harm to biodiversity or wildlife corridors or harm the historic open setting of the village.
  - c) ENP-H2 Housing Mix. The proposed scheme is in conflict with ENP-H2 which specifies that 60% of market homes is dedicated to 2-bedroom homes. The scheme proposes 38% (although it has not specified which is provided by market or affordable homes) In addition, this policy supports the Guildford Borough minimum specification for 40% of new homes to be 'affordable homes.' The proposals include less than half this figure.
  - d) Policy ENP-ENV2, which identifies a highly valuable wildlife corridor designed to link woodlands and other semi-natural habitats to each other.
  - e) ENP-ENV4 stipulates the plan policy for 'Dark skies' and explicitly states that:  
  
*"Particular locations to be protected from artificial lighting include Effingham common, Banks common, Ancient Woodland Areas, ponds and lakes, Wildlife Corridors and Stepping Stones as defined in the plan."*
  - f) Both the Local Plan (P4) and the ENP policy ENP-G4 discourages building in area of high flood risk. Guildford Surface Water Management Plan (SWMP) has identified the risk of flooding from surface water run off at multiple locations along Effingham common Road, immediately adjacent to this site.
- 9) Significant community open space facilities are already available in Effingham, including the King George V Fields and the golf club. There is no justification to support additional community facilities as part of this application, which may cause harm to the Thornet Wood SNCI and wildlife corridors, in order to prop up a case for

very special circumstances. The village is very well served by leisure and fitness facilities and has an abundance of natural footpaths and countryside to explore without removing valuable habitat from protected areas to create the artificial recreation spaces proposed in the hybrid application.

- 10) **21/P/01283 directly conflicts with Condition 1 and condition 7 of Reserved Matters (20/P/02048).** The reason given for the inclusion of Condition 1 of Reserved Matters was: “To ensure that the development is carried out in accordance with the approved plans.” Approval of P21/01283 would result in an additional 30% increase in homes on the original site, and radically change the balance of open to built land on that site. This is compounded by the conflict with condition 7 of Reserved Matters which specifically mandates Sites A and C for essential landscaping to maintain the openness of the site. This must amount to a material change in the original condition requiring a resubmission of the BH Masterplan.

## **CONCLUSION**

**EPC STRONGLY OBJECT TO BOTH 21P/01306 AND 21P/01283. AND RESPECTFULLY ASK THAT GBC REJECT THEM**

## DETAILED RESPONSE

### 1. CONTEXT FOR APPLICATIONS 21P/01306 AND 21P/01283

- On 21 March 2018, the Secretary of State allowed an appeal against the decision of Guildford Borough Council (hereafter, GBC) to refuse planning permission for the erection of a replacement secondary school and up to 295 residential dwellings, and granted permission for the scheme, subject to conditions, (hereafter, ‘the 2018 scheme’).
- Berkeley Homes (hereafter, BH) signed a Section 106 agreement on 23 June 2017 agreeing the terms on which the new school would be delivered, and the financial contributions and highways works which would be undertaken. By doing so, BH clearly indicated that on that on that date the Financial Viability of the whole scheme was sound.
- The original cost of the new and expanded school for 2000 pupils in the consented application allowed on 21<sup>st</sup> March 2018 was £37.96m. (Proof of Evidence: Design of the school. Michael Olliff at Scott Brownrigg. Planning Appeal 2018. Option 7B.) BH assert that the consented development is no longer financially viable and have stated that costs have changed materially in the 6 years following approval. However, the costs associated with the school build were all detailed as part of the proof of evidence dated April 2017 and the Financial viability assessment that supported the section 106 agreement of the same year. Only 3 years have lapsed before BH began their consultation exercise for the most recent applications. During the public consultation exercise BH claimed that the cost of the new school has increased from £31.9m in 2014 to £43m in 2021. This was misleading and will have influenced the public’s perception during consultation, as the £31.9m budget was attached to Option 7A, a new school for 1600 pupils. Furthermore, the cost quoted for the school in the Viability Assessment submitted with this application in July 2021 is not consistent with any of these figures. Taking the base cost submitted in the proof of evidence (£37.96m) compared to that quoted in public webinars during the consultation period gives an increase of 13%. This is consistent with RICS cost indices over the relevant period for public buildings. (Appendix 1)
- In responding to the new applications, EPC have researched the costs of building a school based on the broad specification for the new Howard. Surrey County Council Schools and property teams have suggested that an appropriate cost would be around £45m. A national cost benchmarking study undertaken by Hampshire County Council in conjunction with East Riding of Yorkshire Council and the Education and Skills Funding Agency places a similar cost on the school. BH now wish us to believe that the cost of the school has increased to £53m. However, in their consultation Q&A they have listed the cost of the school in 2014 as £32m and claim that the costs have increased by 35% over 6 years since 2014. This translates to a cost of £43.2m and is not consistent with the figures now being claimed in the viability study.

- EPC are of the opinion that the BH viability study, which was only produced AFTER the application was put forward to GBC, is highly misleading and lacks transparency. BH should produce a comparative and detailed review of revenue and costs associated with the project and the changes since 2017. They need to account for the gross variation in costs since the public consultation in 2019 and the meeting with stakeholders in August 2019 at which point the revised and redesigned school approved under Reserved Matters, was presented.
- BH wants to build new houses on green belt land that it acquired in April 2020 for £1.25m and has submitted a hybrid application (the “masterplan extension”) which it is seeking to integrate into the enabling development for the school “to redress the lack of viability inherent in the approved masterplan.” Yet, they have produced no evidence that additional land and enabling of this scale was required and it was not apparent from the designs upon which the Section 106 agreement was based nor that presented in the reserved matters application.
- In parallel, it has applied for a variation to condition 1 of the 2018 permission to remove two parcels of land from the consented development (site A and site C on the plans). This land would then form part of the hybrid application site area, and about 54 of the additional 114 homes would be built on site A. This is a flagrant attempt to reframe a material change to the original consent and would result in a 30% increase in housing (and corresponding loss in openness and permanence on greenbelt land) on the original site area.
- In addition to the housing, the proposals would provide for public open space, a village green, and additional community open space. No further community buildings are proposed. However, the space is already naturally open, and the proposed development of the land will be in open conflict with the protected wildlife corridors and habitats protected under the Effingham Neighbourhood Plan.
- Lodge Farm remains in the green belt under the Guildford Local Plan adopted in April 2019 and is not an allocated site. The Green Belt and Countryside Study (volume II addendum) states that the land parcel within which Lodge Farm is located satisfies four out of five of the purposes of green belt set out in the Framework and is therefore categorised as “high sensitivity” green belt land.
- In its cover letter, dated 8 June 2021, BH requested that the council consider the applications 21/P/01283 and 21/P/01306 “together, given their interrelation.” EPC assert that it would be wholly appropriate to revisit the entire application, given “the interrelation” of the latest applications and the overall “BH Masterplan.”

## 2. INCONSISTENCIES REGARDING THE APPLICATIONS

- *21/P/01306 | Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-*

*410 Lower Road, Effingham following demolition of all existing buildings: and full planning permission for the erection of 110 dwellings, with access, parking, community assets, landscaping, and associated works on land at Effingham Lodge Farm, Lower Road, Effingham. | Land at Effingham Lodge Farm, Lower Road, Effingham, Leatherhead, KT24 5JP*

The hybrid application area overlaps with the 2018 permission and includes some of the school grounds and part of a sports pitch specifically protected under the original consent. To address these overlaps, BH submitted an application to vary the condition:

- *21/P/01283 | Variation of condition 1 (approved plans) of planning permission 14/P/02109, approved at appeal on 21/03/2018, to refer to updated parameter plans annotated to show the areas no longer to be developed pursuant to that application to address the area of overlap. | Howard Of Effingham School, Lower Road, Effingham, Leatherhead, KT24 5JR*

**However, under Condition 7 of 20/P/02048 for the new school, the land now being proposed for building 54 of the 110 homes on Site A was specifically mandated as greenspace and landscaping. Thus, 21/P/01283 is in direct conflict with already consented planning conditions for this site under “Reserved Matters for the school.”**

### **3. CONSULTATION RESPONSE: STRONG OBJECTION**

EPC strongly opposes both applications and considers them to be misleading and lacking in transparency. It is our belief that the scheme (“The BH Masterplan.”) should be revisited in whole.

## **4. ANALYSIS**

We have structured our consultation response into two parts: the first deals with the procedural issues raised by both the hybrid application and the variation of condition 1 of the consented development and considers the appropriate treatment of these applications by GBC. The second part of our response considers the hybrid application for 114 houses on green belt land as a discrete proposal, for the reasons we outline below.

### **4.1 PROCEDURAL ISSUES**

#### **1. Scope of original permission**

EPC propose that by requiring an additional 114 houses on green belt land in order to deliver the original scheme, amending the boundary of the consented development and changing some of its use, the applications take the approved scheme out of its original permission, and should therefore be treated as a material amendment (under the Town and Country Planning Act 1990) which requires a whole new application.

BH characterises the additional housing as an “amendment” to “the masterplan” which it submits is necessary to deliver the benefits of the school. Paragraph 6.33 of the planning statement states: “the proposed development effectively represents an extension to the approved masterplan.” Part of the new site falls outside the boundary of the consented development – a technicality which allowed BH to submit it as a separate application. However, approximately 54 homes (almost half of the total for the additional development) will now be added to land covered in the original permission. This represents a 30% increase in housing density on the land included within the original permission, alongside a reduction in land set aside for landscaping and school playing areas – Condition 7 of reserved matters.) EPC asserts this is a significant change in the original consent which supports the view that the proposed changes are a material change to the original planning permission and should be treated as such.

**We consider that the extra houses, the variation of condition 1 and the violation of condition 7 of reserved matters effectively takes the original scheme outside the scope of its permission by:**

- a. *de facto* changing the site area
- b. significantly changing the character and nature of the original permission – in which the replacement school was enabled by 295 houses, 159 of which were planned on the Lodge Farm site.
- c. changing the use of parcels of land within the approved site area
- d. changing the density and distribution of houses on the plot and;
- e. reducing areas of open land that were incorporated into the original scheme

**2. Balance of Greenbelt argument supporting the original consent of ‘Very Special Circumstances’.**

For these applications, BH is relying upon the balance of argument put forward in the original consent to support its argument for ‘Very special circumstances.’ However, this suggests that there has been no material change in circumstances since the original decision. The appeal decision clearly stated that its analysis was:

*“in the context of a prolonged and significant period of undersupply and at a time of increasing unaffordability in the region’s housing market. These are considerations of very substantial weight.”*

It is our contention that the Greenbelt balancing exercise undertaken for the original consent is no longer accurate and cannot be used to justify additional housing. Guildford now has an HLS in excess of 5 years and Effingham has a Neighbourhood Plan that is already delivering the local housing that people need. BH cannot rely upon the weight of argument governing the prior consent. Taken on its own merits, the application should fail.

### 3. Financial viability assessment

#### **Lack of transparency and inconsistency in the numbers.**

BH contends in their Planning Statement that in the six years since plans were first submitted, there has been, “a significant increase in build costs resulting in a funding gap to deliver the new school.” However, the appropriate time period to consider is less than three years. BH signed the Section 106 agreement to deliver the school in June 2017 and presented revised plans to stakeholders in August 2019 that did not require the acquisition of additional greenbelt land. The design costs initially associated with the school build date from April 2017 and were used in the 2018 appeal decision. A revised design was introduced in August 2019 to stakeholders and was presented in the reserved matters application. Again, this design did not require the acquisition of additional land to support further enabling development.

The financial viability assessment dated July 2021 (a month after the submission date of the applications and released only after specific requests to complete one.) claims that build costs for the new school have risen but makes no comment about the rise in market value of the 295 homes. According to ONS, new house prices for Guildford and therefore revenue, have increased by about 29% since 2015. ONS estimate that construction costs have increased by 16% over a similar period. On this basis, the consented scheme should be showing a significant increase in profitability.

(APPENDIX 1)

EPC contend that without the original financial profile for the consented scheme and given the lack of consistency and transparency in the viability assessment provided, it is impossible to make a rational decision based on financial viability to support these BH applications.

#### **Inflated costs of an inappropriate school design and space specification.**

EPC also consider that the proposed build cost for the school in the viability study has been significantly inflated because:

- DfE benchmarking costs for a school for 2000 pupils within Surrey support a cost in the region of £45m based on DfE design standards.
- By applying ONS index of build cost increases in the south east, to the original cost of the school in the planning consent (£38m as estimated by Michael Olliff in 2017) the revised cost of the new school should be a maximum of £46m in 2021.
- BH own public consultation claimed that the price of the school had increased from £32m in 2014 by 35% in 2020. This equates to a revised build cost of £43.2m.

EPC also point to evidence that the Scott Brownrigg design of the school is beyond that which it is reasonable to expect from a publicly funded state school. Expert School Development company Willmott Dixon Construction advised Berkeley Homes that this was the case in March 2019 when they were asked to quote for the construction of the new school. They stated:

***“The areas calculated from the Scott Brownrigg proposal exceed those we would expect to deliver for a publicly-funded state school. Given the aspirations of the school, we understand that there is little appetite to revisit the concept design, and programme constraints may prohibit doing so.”*** (APPENDIX 2)

It is clear from this that the primary driver of cost for the project is the school’s desire for a design that goes well beyond the recommended standards set out by the Department for Education. Wilmott Dixon included comparative schedules in their quotation that demonstrate the school design has a Gross Internal Floor Area 21% greater than the recommended EFA standards. Even so, the building quotation provided by Wilmott Dixon to deliver the revised school design (GIFA 17307 sqm) was £39.6m.

The figure of £39.6m corresponds to an update provided by BH to representatives of EPC, Effingham Residents Association, Surrey County Council and GBC on August 16<sup>th</sup>, 2019 by Tony Pidgely (Chairman of BH) and Harry Lewis (MD of BH). (See 3.16 BH viability assessment) EPC Minutes of that meeting, published on the EPC website at that time, recorded that BH informed the stakeholders:

- ***The cost of the new school has increased from £32 million at the time of the public inquiry to £40 million today***
- ***To fill the resultant funding gap, BH propose to change the boundary between the school land and the residential land on Effingham Lodge Farm. Two pieces of land would come out of the new school site, one on the Lower Road frontage and one piece from the west of the playing field land, some 3.3 acres in total. That land would be attached to the original residential site and be used for 55 additional dwellings.***
- ***additional housing would include 40% affordable (in line with Local Plan requirements) and S106 obligations would be increased proportionately.***
- ***BH have now submitted the reserved matters application for the new school to GBC (the new site boundary is used) and the reserved matters application for the residential site allowed at appeal will be submitted in a few weeks.***

***(APPENDIX 3)***

The design discussed in this meeting and presented in this application is the same proposed in the reserved matters application and still represents a design that is substantially beyond that which would be expected for a publicly funded state school, but here it was costed at £40m and did not require additional land. The meeting is directly referenced in point 3.16 of BH viability assessment.

The inflated school costs date from the availability of the additional land at Lodge Farm, rather than further design changes to the school. EPC believe this reflects BH desire to substantially increase their profit from the scheme. (Alluded to in point 3.19 of BH viability assessment) ***It is clear from the Wilmott Dixon costings and BH own statements during consultation that a school built to the standards set out by the EFA is well within the financial viability of the original enabling programme. For this reason, no weight should be afforded to the current applications by way of the contribution they make (or rather do not make) to enabling the school project.***

Also included within the BH costs are a number of elements which EPC consider should be funded either by BH margin on the project or THPT:

- The Callum centre should and is funded directly from grants to THPT via the Callum Trust. It should not be mis-represented as driving costs on the project. (FVA 3.13)
- Build costs for the Admin and leadership offices of £3.5m should be discounted. These are included for the convenience of THPT and should be funded by THPT. There is no benefit to the community or the pupils in locating the offices within the new Howard school and they can be accommodated within the existing estate of the Howard Trust. These should be identified as a distinct element within the build cost.
- A marketing fee of £4.5% (£10m) of total revenues has been included to cover marketing costs associated with the new homes. EPC believe this is excessive and should be a maximum of 2.5% based on other recent schemes presented to GBC. (Orchard Walls viability assessment 3.5.11)
- A finance rate of 7% pa has been proposed. EPC advice suggest this to be significantly inflated. A finance rate of 3.5 -4.5% is standard for the industry. As a major player within construction BH should be able to achieve a rate at the lower end of this scale.
- A benchmark land value has been used with no detail of how this is calculated for all the sites in the consented scheme as well as the new proposal. The updated NPPF gives guidance and states that a Benchmark Land Value should:
  - 'be based upon existing use value' (EUV)
  - allow for a premium to landowners (including equity resulting from those building their own homes).

In their calculations, BH have used land values of £152,000 per hectare. However, Effingham Lodge Farm is currently poor arable farm land, the average benchmark cost of which, according to Knight Frank (2020), is £60,800 per hectare. EPC believe it is inappropriate for BH to use a benchmark cost for developed land in Surrey. The base cost for the total quantum of land should be £559,000 plus a reasonable premium for the land owner. As such, the benchmark land value cost should be less than 50% of that quoted by BH in the viability assessment.

- The NPPF guidance further states that: ‘*“Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.” It goes on to state: ‘Policy compliance means that the development complies fully with up to date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan.”*
- BH cannot rely on the land cost to support their contention that they cannot afford to meet the requirements for affordable housing.
- The currently quoted £3.8m land cost should not be a valid reason to support the reduced level of affordable homes propose this should be limited in line with Planning Practise Guidance Paragraph: 018 Reference ID: 10-018-20190509.

We further note that Olliff's evidence at the public inquiry considered various options including refurbishment and replacement of the school on its current site. The inspector's report considered this in detail in paragraphs 217 – 221 and in conclusion stated at para 443:

*“It is evident that in seeking to address condition as well as suitability and sufficiency, the least expensive option is the rebuilding of the school on the only other available identified site. In this context these matters too merit being afforded very substantial weight in favour of the proposals in the Green Belt Planning balance.”*

(APPENDIX 4)

However, the information presented in the evidence actually points to options 5 and 6 as being the least expensive options – new builds on existing school sites - and that the least expensive option as agreed in the consent at appeal was for a school for 2000 pupils at cost of £37.9m. It is by no means clear that the proposed solution would be the least expensive option today.

In addition (as noted by the inspector in the 2018 decision), cost is not directly related to the planning merits. The fundamental purpose of good planning extends beyond financial viability to ensure the best use of land and this is where the application runs into more difficulties. Broadly understood, scheme viability is a consideration in determining the right level of contribution from the private sector for a proposed development. In this specific case, the application of 'viability' in the context of the replacement school does not apply in quite the same way. The construction of the new school was not a requirement imposed by the council to mitigate the potential harm arising from a new development. Nor was the need for a replacement school identified by Surrey County Council, which saw no need for expansion or for development on the green belt of the scale proposed.

A new and expanded school was an integral part of the THPT vision. It is THPT driving the expansion of the school, not the planning authority and not the education authority. It is also unclear from the submitted application documents what is driving the excessive designs which “exceed those [Willmott Dixon Construction] would expect to deliver for a publicly- funded state school,” and which results in the provision of a school well in excess of EFA standards. It is unlikely that a school proposed to these standards would be considered good value for money by the EFA.

If the original application, enabled by 295 homes cannot support the expansion, the entire scheme should be reappraised including the justification of the approved scheme as the least expensive option. The least expensive option would be a rebuild of the school on its existing site. Further greenbelt land should not be sacrificed to support what school construction experts, Willmott Dixon, suggest is overdesigned even within the context of the Reserved Matters Application.

In 2018, the government revised the NPPF and PPG on viability and altered the way in which viability was to be considered in decision-taking, even questioning the need for

them to be tested at the decision-making stage. As per the updated NPPF Paragraph 57:

*“the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.” Crucially, the onus is firmly on the developer to justify their case with no compunction on the decision maker to accept it, or, as in this case, to approve the application even if it accepts the argument that costs have increased.*

BH asserts that the permitted development is no longer financially viable. Indeed, by its own admission, the new scheme is also not viable. There is a deficit of £11m which if we are to take BH figures as a guide, is also likely to increase further over the next few years. It is therefore up to BH to identify other options or indeed do nothing at all. If BH decides not to implement the 2018 permission, that is a matter for BH. If, however, BH decides to proceed with the scheme on the basis of 409 homes and not 295, it needs to evidence that very special circumstances still exist today and demonstrate that they are such as to clearly outweigh harm to the green belt by reason of inappropriateness.

#### **4. Variation of condition 1 as a ‘minor material amendment’ 21P/01283**

BH used reserved matters to remove land previously required in the design of the school on the pretext that it was “surplus to the requirements of the original scheme.”<sup>1</sup> However, Condition 7 of Reserved Matters mandated that this land be used for landscaping:

*“Before the development hereby approved is first occupied, a planting and landscaping scheme (which shall include any fencing, gates and/or boundary treatments) for the two areas of the site which have been removed from the curtilage of the school (i.e. the land fronting Lower Road to the south-west of the site and the land to the north-west of the large car park) shall be submitted to and agreed in writing by the Local Planning Authority.”*

BH plans are now in clear conflict with this condition. Suggesting that the variation of condition 1 is a “minor material amendment” to the consented development because the land in question is “surplus to requirements” is clearly untrue. The land is essential to meet the requirements of condition 7 for landscaping. In attempting to vary the plans agreed under condition 1, they are in direct conflict with Condition 1 of Reserved Matters “To ensure that the development is carried out in accordance with the approved plans.” A 30% increase in housing on the consented site is a substantial change and would not be consistent with the requirement to develop the land as approved in Reserved Matters.

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<sup>1</sup> cover letter, 8 June 2021, paragraph 4.2.

In proposing to build 54 of the 110 new homes in application 21P/01306 on this site, it has elevated the importance of this portion of land to critical in the delivery of the original scheme. BH cannot have it both ways. **Either the land is surplus to requirements or it is critical to support the viability of the original scheme, which de facto makes it as a material amendment to the consented scheme which should not be permitted without a wholesale re-submission of the scheme.**

In the 2018 appeal, the planning inspector recognised that this land contributed to the openness of the Lodge Farm site (para 368) with the expectation that it would not be developed:

“Moreover, each component of the proposed development incorporates areas of open land. **Although the northern element comprising the sports pitches will require a degree of re-profiling, it will be entirely free of built development.** The element accommodating the replacement school would also comprise an area of open space immediately to the north of Lower Road, whilst the residential site too allows for a further area of open space incorporating a balancing pond to its north west. Again, though indicative, **this arrangement suggests that less than half the greater site would be built on.**”

GBC has previously recognised the importance of this land remaining open when considering the reserved matters application (20/P/01284). Condition 7 of that approval required both pieces of the land removed from the curtilage of the school to be landscaped in the interest of visual amenity.

*“Before the development hereby approved is first occupied, a planting and landscaping scheme (which shall include any fencing, gates and/or boundary treatments) for the two areas of the site which have been removed from the curtilage of the school (i.e., the land fronting Lower Road to the south-west of the site and the land to the north-west of the large car park) shall be submitted to and agreed in writing by the Local Planning Authority. The approved schemes shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.*

**Reason:** *to ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.”*

The effect of the variation applied for under 21/P/02183, if approved by GBC, would be inconsistent with previous determinations made by the council on the importance for openness of this area of greenspace. EPC contend that this should not be undertaken without a full-scale review of the scheme as such a change in use of this land would constitute a material change to the approved scheme.

While there is no statutory definition of minor material, non-material or material amendments, there is guidance: Local authorities must consider the local context and have regard to the effect of the change (and also whether there has been organised local opposition to a proposal, as is the case here). A 'minor material amendment' is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. This might include changes where:

- i) The site boundary is not changed
- ii) The siting, landscape, scale and height is not significantly changed
- iii) The use is not changed
- iv) The appearance is not adversely affected
- v) The change is compliant with local planning policy and with the conditions attached to the original permission
- vi) The interests of parties consulted about the original application are not disadvantaged.

Material amendments, for which a new application may be required, could include but may not be limited to:

- a significant increase in size
- changes to the application site area
- changes that would affect objections to the original proposal
- changes that alter the description of development

We submit that the variation of permission 1 is a material amendment because it:

- i) *de facto* changes the application site area
- ii) alters the description of the development in respect of the open land
- iii) changes the use of sites A and C within the approved site area
- iv) changes the density and distribution of homes on the plot and;
- v) reduces areas of open land that were incorporated into the original scheme

[Government guidance](#) states that local planning authorities should in making their decision focus attention “on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”

We consider that the reduction in the application site boundary and a change in use of the land within that boundary for the purpose of enabling additional homes on an adjacent development on green belt land, satisfies the criteria for a material amendment. EPC believes the correct approach is to treat the proposals in both applications as a material amendment to the original permission that necessitates a whole new application. In our opinion, GBC should therefore refuse permission for both applications as currently made.

## **5. Summary – Procedural considerations**

EPC believes there is inconsistency in the manner in which BH has approached this application:

- They have amended and confused the scope of the original application to avoid bringing forward a substantive review of ‘The Masterplan,’ but attempted to support additional housing by relying upon the Very Special Circumstances afforded to the original consent.
- They have argued that design changes enforced upon them have driven the cost of the school to unacceptable levels. However, up to August 2019, the original permission could still support the revised design for the school. Certainly, with the benefit of increased revenues from substantially increased house prices in 2021, there is no question that enabling of 295 homes should deliver a high-quality school for 2000 pupils.
- They have allowed the specification to grow well beyond the practical requirements normally considered appropriate for a modern state-of-the-art secondary school. By the admission of their own partners the school design is substantially over specified.
- Their financial viability assessment lacks transparency and any point of comparison with the previous scheme. It is overloaded with inappropriate costs and allowances.
- They have placed information in the public domain that is at best misleading and is likely to have created a false impression of the financial profile of the scheme amongst stakeholders.

The remainder of this consultation response will now consider the hybrid application for an additional 114 homes on green belt land (**21/P/01306**), which we now treat as a discrete application for the reasons discussed above.

## **4.2 CONSIDERATION OF HYBRID APPLICATION**

### **1) Description of proposals**

BH has submitted plans to build 110 homes on undeveloped green belt land as further enabling development to support its application for the new home for the Howard of Effingham. The site is outside the inset area of the village of Effingham in an area designated as wildlife corridor and stepping-stone within the Effingham Neighbourhood Plan, and sits within the 5km zone of influence for the Thames Basin Heath SPA. It includes an area of ancient woodland, but it is largely an open site, with far reaching views across open land, that links to the ancient woodland of Thornet Wood and Littlelee wood. Effingham itself is a rural settlement, which has developed over the centuries and yet retains many historic buildings. The parish sits within the triangle formed by Sites of Special Scientific interest of Bookham Common, Ranmore common and Sheepleas, and a substantial part of the parish lies within the Surrey hills AONB. The buildings are generally set in clearly defined plots with areas of open greenspace and pasture. The village scene is enhanced by the presence

of many mature trees and hedgerows and retains an open aspect with far reaching views.

## 2) Planning history

There have been no prior planning applications on this site. As part of the Lodge Farm site it was considered for inclusion within the Guildford Local Plan Land Assessment but was not deemed to be an acceptable strategic site, given that this is defined to be 'high sensitivity' green belt land. Nearby, the field south of the site next to the St Lawrence Primary School playing field, and the Leewood Farm Field (opposite) have been proposed for development by owners as part of the Local Plan and the Effingham Neighbourhood Plan, but both were rejected on the basis of their designation as Green belt, and their importance in terms of the permanence, setting, character and context of the village and the role they play in preserving local habitat and ecology.

## 3) Planning context

BH has submitted a discrete proposal to build 110 homes on the Effingham Lodge Farm North site yet seeks to support the application with recourse to the benefits of the consented development and the case for very special circumstances. ***As BH contend that the consented development is no longer economically viable and so cannot be built as per the scope of its approval, no benefits will accrue.***

We set out our case on the procedural issues above, but also wish to draw attention to the planning context, which now includes an adopted Local Plan, the formal adoption of a Neighbourhood plan for Effingham, a revised NPPF and PPG which give less weight to viability issues, and greater clarity from the supreme court on the concept of openness.

Effingham Parish Council contend that this application either be considered as a housing application in its own right, completely independent of the school and enabling application or that a whole new application is submitted for the school and the 409 homes that are now required to deliver it.

## 4) Planning considerations relevant to this application

### a. National Planning Policies

The proposed site sits within green belt and includes ancient woodland designated as a site of nature conservation interest. The NPPF (para.133) provides a definition:

*“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

The new homes would constitute a significant body of new development within the green belt, which would inevitably result in a very significant degree of reduction to its openness.

The construction of 110 homes on green Belt land fundamentally conflicts with the NPPF. Both the land and its open character will be lost forever. The loss of openness (i.e., unbuilt on land) within the green belt is of itself harmful to the underlying policy objective. The concept of “openness” is generally considered to being free from built development, the absence of buildings - as distinct from the absence of visual impact.

The impact on the Lodge Farm site of the additional homes is even more pronounced than for the scheme as a whole. The residential component of LF consists of 159 homes - the additional homes represent a 69% increase on a green belt site and a further marked reduction in openness. The Green Belt and Countryside Study (volume II addendum) states that the land parcel within which Lodge Farm is located satisfies four out of five of the purposes of green belt set out in the Framework and is therefore categorised as “high sensitivity” green belt land.

The applicant claims that development would not give rise “to any risk of coalescence as Thornet Wood provides an absolute buffer, permanently separating Effingham from settlements further to the north.” The applicant further notes that the additional housing would not be visible from the greater settlement of Effingham. What the applicant appears to overlook is the fact that green belt land serves five purposes:

- i. to check the unrestricted sprawl of large built-up areas
- ii. to prevent neighbouring towns merging into one another
- iii. to assist in safeguarding the countryside from encroachment
- iv. to preserve the setting and special character of historic towns; and
- v. to assist in urban regeneration, by encouraging use derelict and other urban land.

***The loss of openness (i.e., unbuilt on land) within the green belt is of itself harmful to the underlying policy objective.*** The additional homes proposed here will result in harm to openness and permanence of greenbelt land, regardless of the claim by BH that they will be well screened.

The concept of "openness" is a broad policy concept. Naturally read, it refers to the underlying aim of the green belt policy "to prevent urban sprawl by keeping land permanently open."

Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the green belt. The proposal would inevitably result in a very significant reduction to its openness, so conflicting with the primary expectations of the Framework and contrary to its designation as a site of high sensitivity. The development would therefore result in a degree of harm meriting substantial weight when considered in the final green belt balance.

The proposals will also have a substantial impact on biodiversity and wildlife. Para. 175(b) of the NPPF also states that:

*“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.”*

And para.174 c states:

*“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*

There are no “wholly exceptional reasons” to support this application. NPPF specifies national infrastructure projects where the public interest clearly outweighs the impact on the biodiversity and habitat – we submit that a housing project where there is no defined local need does not meet the threshold.

The harm presented by this application to the SNCI of Thornet Wood, an area of Ancient Woodland is very substantial. It is part of the wildlife corridor and a designated stepping-stone within the Effingham Neighbourhood Plan. It is vital part of a critical network of stepping-stones and corridors linking SSSIs nearby including Bookham Commons, Sheapleas, Ranmore Common, and the grasslands at Effingham Common. Surrey Wildlife Trust view the ancient woodlands as building blocks within the ecological network of international, national and locally designated sites of importance for biodiversity.

## **b. Guildford Planning Considerations**

- i. Within Guildford Borough Council’s ‘Settlement Hierarchy and Profiles.’ (SHIER) Effingham is considered to be unsuitable for substantial growth but capable of accommodating a proportionate extension. The study concludes that as a village inset within the greenbelt, development outside of the inset area but considered to be within the area of the village is limited to infilling provided the development is in keeping with

the character of the village.” The proposed scheme is substantial in scale and is situated in open green belt land outside of the inset area of the village. It does not meet the criteria for limited infilling within the existing inset boundary of the adopted Guildford Local Plan.

- ii. As the site sits within green belt and because GBC is able to demonstrate a five-year housing land supply with an appropriate buffer, BH cannot rely upon local housing need to support a claim of special circumstances to support this application. Currently, housing land supply is assessed as 6.42 years based on the most recent evidence reflected in the GBC LAA (2020). In addition to this, the Government’s recently published Housing Delivery Test indicates that Guildford’s 2020 measurement is 90%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (75%). Therefore, the local plan and its policies are regarded as current in terms of paragraph 11 of the NPPF and special circumstances cannot be met by reason of insufficient supply of local land for housing.

The Planning Statement (PS) makes various assertions about the green belt purposes of the North Lodge Farm site, which we refute. In particular:

- Green belt purpose i)  
PS para 6.54.2 argues that the ‘urban sprawl’ permitted by the 2018 scheme means this is no longer a constraint. However, the 2018 has not yet been implemented and it seems it will not be implemented unless 21/P/01306 is allowed, so this is an illogical circular argument. The current position is that Effingham Lodge Farm remains open countryside.
- Green belt purpose iii)  
PS para 6.54.4 argues that North Lodge Farm is isolated and ‘cannot be described as countryside’. This is an extraordinary statement. North Lodge Farm is clearly open countryside surrounded at present by other open countryside, and hence should be protected under purpose iii) of green belt land.

- iii. The Guildford local plan specifies that a development of this scale should provide a minimum of 40% affordable homes. It considers almost all housing development in the borough is capable of supporting this contribution:

“Our viability evidence shows that the vast majority of housing developments in most locations in the borough are viable providing an affordable housing contribution of 40 per cent.”

Where a development proposes a variation to this level the local plan states:

“The need for a viability assessment at planning application stage will thus need clear justification by the applicant in line with paragraph 57 of the NPPF. Should this need be accepted, the Council will need to weigh the outcomes and implications of the viability assessment against all circumstances relating to the case as part of considering the acceptability of the proposal.”

BH proposes only 20% affordable homes on this site as a maximum and has submitted a viability assessment to support its case. In linking the application to the prior consented scheme to justify the reduced level of affordable housing, GBC should have regard to **all circumstances** relating to the case as part of considering acceptability of the proposal and take into account the lesser weight that now attaches to these assessments, as per the revised NPPF and PPG. Taken as a discrete proposal there is no justification to support the reduction from the 40% specified in the adopted Local Plan.

c. **The Effingham Neighbourhood Plan (ENP)**

- a) The proposals are in prima facie conflict with a number of policies within the approved plan, which was formally adopted in 2018, following a referendum in which over 90% of residents voting supported the plan. Specifically:
- i) This site has not been designated as a development site under ENP-G1 – a Spatial Plan for Effingham. It is in conflict with ENP-G2 which seeks to conserve the essential landscape, heritage and rural character of the plan area and requires that any proposals must “respect the rural and landscape character and setting of Effingham identified within the GBC Landscape Character Assessment and the SHIER. In particular, by conserving open countryside in and around the village area and the key strategic views and vistas.” The proposed site sits within a network of footpaths from which some of the finest views and vistas across the village, can be enjoyed. The proposed scheme would obliterate these views which would constitute substantial harm to enjoyment of the Green belt.
  - ii) The proposals are also in direct conflict with policy ENP-G5 of the Neighbourhood Plan, failing to meet any of the specified criteria for sustainable development. To be considered sites must be:
    - 1. Inset from the green belt; or
    - 2. Constitute limited infilling (development of a small gap, small scale development or redevelopment of an existing plot) or
    - 3. Previously developed brownfield site.

- b) In addition, under ENP-G5, any residential development proposals must not cause harm to the openness of green belt land, result in the loss or harm to biodiversity or wildlife corridors or harm the historic open setting of the village. These proposals would result in the building of 110 homes on open countryside in the green belt, within a designated wildlife corridor incorporating Ancient Woodland and habitat for protected species of birds and bats. AS such they are in direct conflict with ENP-G5.
- c) ENP-H1 of the ENP, clearly set out the requirements for housing in Effingham based on a local needs assessment which supplements the GBC ‘West Surrey Strategic Market Housing Needs Assessment’ (SHMA) The ENP identified sustainable options for development within the settlement to meet the requirements of the housing needs assessment. There is no evidence to support additional local need or demand for further housing which would support building on this site.
- d) ENP-H2 Housing Mix. The proposed scheme is in conflict with ENP-H2 which specifies that 60% of market homes is dedicated to 2-bedroom homes. The scheme proposes 38% (although it has not specified which is provided by market or affordable homes) This is disappointing as ENP-H2 addresses a need specifically highlighted within the ENP. Effingham has 30% fewer 2 bed properties than the average for Guildford Borough. Smaller properties have a vital role to play as starter homes for young people accessing the property ladder and this policy is critical to providing the size of homes that local people want and need. In addition, this policy supports the Guildford Borough minimum specification for 40% of new homes to be ‘affordable homes.’ The proposals include less than half this figure. This is in direct conflict with a key policy within both the Local Plan and the ENP. Any proposal seeking to secure very special circumstances on the basis of meeting local housing need must meet this target. The application does not contribute to local housing need and should not be accorded any weight on this basis.
- e) Policy ENP-ENV2, identifies a highly valuable wildlife corridor designed to link woodlands and other semi-natural habitats to each other. The designated corridors connect SSSIs at Ranmore Common and Sheepleas to the Bookham Commons SSSI sites via stepping stones such as the Great Ridings Wood, Littlelee Wood, Thornet Wood and Effingham Golf Course SNCI sites. The application is in direct conflict with the purposes of ENP-ENV2
- f) ENP-ENV4 stipulates the plan policy for ‘Dark skies’ and explicitly states that:

*“Particular locations to be protected from artificial lighting include Effingham common, Banks common, Ancient Woodland Areas, ponds and lakes, Wildlife Corridors and Stepping Stones as defined in the plan.”*

Under this application significant and substantial artificial lighting would be introduced into areas of Ancient Woodland (Thornet Wood) and the western

wildlife corridor as designated in the ENP. This would be particularly detrimental to the protected priority species of bats that are known to inhabit Thornet Wood and the surrounding area, as established in the audit and report by The Ecology Co-op in 2019. This would be in conflict with GLP 2003 saved policies on species protection (Policy NE4)

- g) The design of the scheme as currently proposed seeks to address some of the criteria required for sustainable development in Effingham under the ENP and D1 Place Shaping of the Local Plan. In particular, the proposals for open space, orchard / allotment is positively received. However, the sensitivity of the site and its importance as a centre of nature conservation, biodiversity and wildlife neutralises the positive aspects. Such man-made features and the intrusion that follows with them will have a negative impact on the environment rendering them redundant. Fundamentally, the site already exists as a natural and open greenspace which supports wildlife habitat and biodiversity which will be adversely impacted if this proposal goes forward. Overall, 110 homes on open green belt and trespassing upon Ancient Woodland will have a devastating impact on local wildlife and the environment that supports it. No number of positive features can offset the devastation to this natural environment that will arise from daily use of the site by several hundred people and their domestic pets.
- h) Both the Local Plan (P4) and the ENP policy ENP-G4 discourages building in area of high flood risk. Guildford Surface Water Management Plan (SWMP) has identified the risk of flooding from surface water run off at multiple locations along Effingham common Road, immediately adjacent to this site. Further development on this site will exacerbate the risk of flooding from run off, potentially cutting off the principal route to the local transport hub of Effingham Junction and the road network to the A3/M25.
- i) Effingham Parish Council are also concerned by the potential impact on infrastructure by a further substantial addition to development in a village with limited infrastructure. There is no health centre, local bus services are limited, footpaths to local shopping amenities are restricted and the small village primary school which will be stretched to accommodate demand for primary places from this development. The local train station at Effingham Junction is already proposed to accommodate additional developments for 2000 homes at Wisley. It cannot possibly cope with further additional demand from this application.
- j) Further concern resides on increased traffic through small rural roads. The development will place considerable strain on morning traffic flow towards the station along the Common road and towards Guildford and Leatherhead which will require passing through The Street which is narrow and has limited crossing places for pedestrians. The congestion around the lower road roundabouts linking The Street with Lower Road and Effingham common Road is a major concern. The impact on air quality will be substantial, representing a substantial risk to children and people with respiratory conditions, congregating in the area of the school which sits at the junction of the roundabouts.

## 5) Impact upon wildlife and specially designated sites

When the consented development was approved a condition attached to it was that:

*“in respect of ecological matters on the School and Lodge Farm sites a condition is necessary to secure a Biodiversity, Mitigation, Management and Enhancement Plan (BMMEP) incorporating measures to include biodiversity enhancement.”*

The already substantial impact of the approved plan upon the biodiversity, wildlife corridors and habitats of protected species must be a consideration in this application. The application site is of vital importance in offsetting the impact of the existing plans on the Effingham Lodge Farm site. The new application risks further substantive erosion of habitat and Ancient woodland upon which several protected species including Bats, Dormice, ground nesting birds such as skylarks, and crested newts, rely.

As the site for the 110 homes includes part of Thornet Wood, plans for this to be used as a recreation area is of great concern. Currently, Thornet Wood is in private ownership with no public access, so using part of Thornet Wood Ancient Woodland as a SANG will cause damage, such as:

- Compaction of the soil where people walk
- Damage to tree roots
- Loss of ground flora where people walk
- Disturbance to wildlife by dogs, impacting snakes, ground nesting birds, Dormice.
- Disturbance of nesting birds by walkers
- Increased predation of birds and reptiles by domestic cats
- Light pollution has a proven negative impact on plants, nocturnal wildlife such as insects, bats, and owls.
- Increased risk of trespass into adjoining part of Thornet Wood.
- Inadequate buffer zone between Thornet Wood and houses. The houses on this site will be a lot closer than they are on the ELF site.
- Standing dead wood and fallen trees are extremely valuable habitat but are incompatible with Health & Safety requirements where there are public paths, and children might play.

NPPF has included protection for Ancient Woodlands in para 175, which states:

*“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”*

There are no wholly exceptional circumstances to support the need for additional public amenities in this area. There are already Public Allotments within the village, and at

Bookham. There is a public orchard and growing space in the heart of the village. There are playing fields at King George V playing fields which include two purpose-built play facilities, outdoor fitness equipment, sports pitches including an all-weather court, and extensive grassland and woodland areas fully accessible to the public. There are two golf courses - one within the village and one at Effingham Junction. The village is very well served by leisure and fitness facilities and has an abundance of natural footpaths and countryside to explore without removing valuable habitat from protected areas to create artificial recreation spaces.

## **CLOSING ARGUMENTS**

By requiring an additional 114 homes on green belt land in order to deliver the original scheme, amending the boundary of the consented development and changing some of its use, the applications take the approved scheme out of its original permission, and should therefore be treated as a material amendment (under the Town and Country Planning Act 1990) which requires a whole new application.

It is not possible to make a well-reasoned and rational decision on a partial application without proper consideration of the wider harm to the permanence and openness of the green belt, and the changed planning and policy context of 2021. To reiterate, when it comes to housing, as the appeal examiner concluded in the 2018 decision, the weight attached to additional housing was considered:

*“in the context of a prolonged and significant period of undersupply and at a time of increasing unaffordability in the region’s housing market. **These are considerations of very substantial weight.**”*

GBC now has a substantial housing land supply and Effingham has an adopted Neighbourhood Plan which more than adequately provides for affordable housing of an appropriate scale and mix. **We also note that the new application does not positively contribute to affordable housing as specified in the adopted local plan and results in a 69% increase in proposed housing on a Green belt site.**

For these reasons, we consider that this application cannot rely on the consented 2018 scheme to justify a case for Very Special Circumstances to allow inappropriate development in the green belt. In our final analysis, we have therefore considered the application on its own merits, as a discrete proposal without recourse to or reliance on the consented development and respectfully ask that GBC do likewise.

In considering the hybrid application, we do not consider that the harm to the green belt by reason of inappropriateness is clearly outweighed by other considerations and submit that the very special circumstances necessary to justify development in the green belt do not exist in this case.

EPC have exhaustively reviewed the evidence in relation to this hybrid application. We are firmly of the view that:

1. BH have presented an application that wholly and inappropriately relies upon the prior consent granted to an application which they now submit is not viable and for which the circumstances surrounding the original grant of appeal are now wholly different. The prior consent relied heavily upon the lack of housing land supply within the borough to justify that grounds for very special circumstances had been met. This is no longer the case and the application cannot be justified by reliance upon the original and now outdated appeal decision.
2. The current application is also presented as not financially viable. Given the huge impact on the community, environment and wildlife imposed by this development GBC should not approve another application that is clearly predicated on a proposal for which there is already a huge financial deficit. How will they bridge the £11m gap? The people of Effingham have been living under the cloud of this development for the better part of a decade. GBC must reject an application that BH state from their own application cannot currently be delivered.
3. Taken on its own merits, the weight and balance of the argument against this proposed development of 114 homes is very substantial. In its favour it cannot claim that the benefit of the homes proposed meet the requirements for very special circumstances to outweigh all the harms and conflicts with planning policies set out in the above analysis. The homes are not necessary, are of the wrong mix to address local needs and do not contribute to affordable housing.
4. If the application is to rely so extensively upon arguments from the prior consent, making material changes to the original scheme and bringing further substantial harm to the greenbelt, then it must bring forward the original consent for review. Not to do so is illogical and any decision arising from such an incomplete and unbalanced review must surely be considered irrational.

**EFFINGHAM PARISH COUNCIL STRONGLY OBJECT TO APPLICATIONS 21P/01306 AND 21P/01283 AND RESPECTFULLY ASK THAT GBC REJECT THEM.**