



**Effingham Parish Council**

**Proof of Evidence  
Planning**

**Liz Hogger**

BSc (Hons) BA MSc DIC ARCS

In respect of

**APPEALS BY BERKELEY HOMES (SOUTHERN) LTD:**

**LAND AT EFFINGHAM LODGE FARM, LOWER ROAD,  
EFFINGHAM, LEATHERHEAD, SURREY, KT24 5JR  
HYBRID APPLICATION**

**Planning Inspectorate Ref: APP/Y3615/W/22/3298341**

**Local Authority Ref: 21/P/01306**

and

**HOWARD OF EFFINGHAM SCHOOL, LOWER ROAD,  
EFFINGHAM, LEATHERHEAD, KT24 5JR  
RESERVED MATTERS APPLICATION (RMA)**

**Planning Inspectorate Ref: APP/Y3615/W/22/3298390**

**Local Authority Ref: 21/P/00428**

**August 2022**

**Effingham Parish Council**

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## QUALIFICATIONS AND EXPERIENCE

### **ELIZABETH IRENE HOGGER, BSc (Hons), BA, MSc, DIC, ARCS**

Known as LIZ HOGGER

I graduated with a BSc in Physics from Imperial College London and a BA in mathematics and history from the Open University, and later completed an MSc in Foundations of Advanced Information Technology also at Imperial College London. I am now retired, following a career as a research scientist and university lecturer in computer science.

I have lived in Effingham since 1979, and my two sons attended the Howard of Effingham School during the period from 1992 to 2000.

I have been a member of Effingham Parish Council since 1995, and as a member of the Effingham Neighbourhood Plan Advisory Group, I was closely involved in the preparation of the Neighbourhood Plan adopted in April 2018.

I have been the Guildford Borough Councillor for Effingham since 1999, and during all that time I have been a member of the Borough Council's Planning Committee. However at this Inquiry I am giving evidence as a Parish Councillor and I am not speaking on behalf of the Borough Council.

I am very familiar with all the sites in the appeal proposal, and have been on site at the Howard School on many occasions, as a parent, in my role as councillor, and on the Planning Committee site visit in February 2016.

## 1. INTRODUCTION AND SCOPE OF EVIDENCE

1.1 Effingham Parish Council (EPC) is a Rule 6 party to the two appeals by Berkeley Homes (Southern) Ltd (**'the appellant'**) which are the subject of this inquiry.

1.2 The 'Hybrid' application 21/P/01306, was refused permission by Guildford Borough Council (GBC) on 4 April 2022:

*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.*

This is hereafter described as **'the hybrid proposal'**.

1.3 The reserved matters application (RMA) 20/P/00428, was refused permission by GBC on 23 March 2022:

*Reserved matters application pursuant to outline permission 14/P/02109 approved on 21/03/2018, to consider appearance, landscaping, layout and scale in respect of the erection of 99 dwellings.*

This is hereafter described as **'the RMA proposal'**.

1.4 My Proof of Evidence amplifies and summarises the case for dismissal on planning policy grounds of these two appeals, as set out in EPC's Statements of Case.

1.5 In respect of the hybrid proposal, I will present evidence concerning:

- Conflict with the Guildford Local Plan adopted in April 2019
- Conflict with the Effingham Neighbourhood Plan adopted in April 2018
- The Very Special Circumstances (VSC) case which must be made for this inappropriate development in the Green Belt
- The planning balance of harms and benefits
- The harm to the rural character of the area

1.6 In respect of the RMA proposal, I will present evidence concerning:

- The harm to the setting of the Little Bookham Conservation Area
- The harm to the setting of All Saints Church and its graveyard

1.7 Both appeals are linked to the 2014 planning application (14/P/02109) for a replacement enlarged secondary school and 295 dwellings as 'enabling homes' to pay for the new-build school. The application was refused by GBC and, following a Public Inquiry in May 2017, allowed by the Secretary of State in March 2018. This permission is hereafter referred to as **'the consented scheme'**.

1.8 I will describe the planning history of the consented scheme and its relationship to the appeal proposals. I will give evidence concerning the changes in planning policy and circumstances since that scheme was allowed at appeal by the Secretary of State in March 2018, and how these changes impact the decision to be made on the appeal proposals.

1.9 The 'Summary and Conclusions' in Section 6 serve as my Summary Proof of Evidence.

## **2. PLANNING POLICY AND GUIDANCE**

2.1 This Proof of Evidence makes use of the following current planning policy and related documents.

### **National Planning Policy Framework 2021 (NPPF)**

### **National Design Guide 2019**

### **Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS)**

2.2 The LPSS was adopted in April 2019. The policies relevant to the appeal proposal are

P2: Green Belt

D1: Place shaping

### **Effingham Neighbourhood Plan 2016-2030 (ENP)**

2.3 The ENP was adopted in April 2018 and is now part of the Guildford Development Plan. The policies relevant to the appeal proposal are

ENP-G1 A spatial plan for Effingham

ENP-G2 Landscape, heritage, character and design

ENP-G5 Assessing suitability of sites for residential development

ENP-H1 New homes in Effingham

ENP-ENV1 Local Green Spaces

ENP-C6 Schools

ENP-SA1 Land at Church Street known as the 'Church Street Field'

ENP-SA2 Previously developed land at Effingham Lodge Farm

### 3. THE PLANNING HISTORY AND THE CURRENT POSITION

#### The consented scheme

- 3.1 In 2014 a planning application for a replacement Howard of Effingham School, expanded to accommodate 2000 pupils instead of the current 1600, and 295 dwellings as ‘enabling homes’ to pay for the new-build school, was submitted to GBC (application 14/P/02109).
- 3.2 The three sites involved in this consented scheme were all within the Green Belt at that time:
- Site 1: The existing Howard of Effingham School, Lower Road – outline permission for up to 99 homes, with all matters apart from access reserved.
- Site 2: Browns Field, Browns Lane – full permission for 37 homes on land within the Effingham Conservation Area
- Site 3: Land at Effingham Lodge Farm, Lower Road – outline permission for a new-build replacement Howard of Effingham School together with up to 159 homes, with all matters apart from access reserved
- 3.3 This was refused permission by GBC in 2015. The applicant appealed the decision and a Public Inquiry took place in May/June 2017.
- 3.4 The financial viability of the scheme was not scrutinised at the Inquiry, and Berkeley Homes’ financial viability assessment was not available for public scrutiny, as explained in EPC’s Statement of Case (Section 5). However EPC and local residents understood that in signing a Section 106 at the time of the Inquiry the appellant had agreed that it was financially viable at that time for them to deliver the benefit of the new school together with a percentage of affordable housing and highways improvements.
- 3.5 The appellant signed the Section 106 planning obligation [APP 3.1] on 23<sup>rd</sup> June 2017, agreeing to deliver the new secondary school, together with a nursery school for not less than 26 children, in return for building 295 ‘enabling’ homes, 20% of which would be affordable. Part B of Schedule 3 of that deed is particularly relevant to the current appeal:
1. *DELIVERY OF THE SCHOOL*
    - 1.1 *The Developer [Berkeley Homes] and the Second Owner [The Howard Partnership Trust] covenant as follows:*
      - 1.1.1 *not to Commence Development until they have entered into contracts for the delivery of the School and for the sale and purchase of the land on which the School is constructed and evidence that such contracts have been entered into shall be provided to the Borough Council and the County Council;*
      - 1.1.2 *that no more than 50 (fifty) Residential Properties shall be occupied until the School has been Practically Completed and transferred to the Second Owner; and*
      - 1.1.3 *that works to demolish the existing school shall not commence until the School has been Practically Completed and transferred to the Second Owner.*
- 3.6 There is no evidence that the appellant had entered into the contracts required in 1.1.1 prior to 2021, when they apparently signed a contract committing to deliver the school if the additional enabling homes were permitted, i.e. if the hybrid appeal proposal is given consent. This is further explored in paragraph 3.25 below.

- 3.7 The definition of ‘Commence Development’ in the Section 106 means that work such as site clearance, tree felling and temporary construction access and highways work does not count as commencing development. It is however surprising and disappointing that various operations having a significant effect on the local community have been carried out before clear contracts to deliver the school were in place. These operations have included:
- Felling valued mature trees on the grass verge along Lower Road (on highways land)
  - Demolishing buildings on the Lodge Farm site, including a building in good use as a nursery school (and no replacement pre-school places have yet been provided)
  - Constructing a road access from Effingham Common Road on which work has now stopped, leaving an unsightly blot on the landscape and blighting nearby houses
- 3.8 It is apparent that no contract was ever signed to deliver the new school on the basis of the consented scheme as it was when given permission in 2018. It was only in July 2022 that we learnt there is now a contract, but this is apparently dependent on the release of more green belt land to accommodate another 114 ‘enabling’ homes. The lack of any contract to deliver the school until three years after the consented scheme was allowed at appeal is more evidence that the finances of the entire scheme were not thoroughly worked out in advance, and the financial viability of the scheme was uncertain at the time of the 2017 Inquiry.
- 3.9 The appeal was recovered by the Secretary of State for his determination and it was allowed in March 2018. In his report (paragraph 59), the Secretary of State commented:

*“If there is a funding gap which cannot be bridged, the permission will not come to fruition, but that is not directly related to the planning merits.”*

This comment suggests that the Inspector and the Secretary of State expected that the permission would not be pursued if there was a funding gap. This strengthens EPC’s case that the consented scheme cannot be relied on as a basis for justifying the hybrid appeal proposal, and the harms and benefits of the consented scheme must be re-examined in the light of changed policy context and other circumstances.

### **Meeting with Berkeley Homes 2019**

- 3.10 EPC and many local residents were disappointed by the appeal decision, but accepted that Berkeley Homes were entitled to implement the scheme, and took comfort from the S106 agreement which seemed to assure us that the community would gain a new-build school to offset the harm to the village from the development in the Green Belt. I was part of a Liaison Group with representatives from EPC and Effingham Residents Association (EFFRA) which endeavoured to work with the appellant to ensure the best outcome for our community from the consented plans.
- 3.11 In 2019, the Chairman of Berkeley Homes, the late Tony Pidgley, asked to meet with me, parish councillors and other local representatives. This meeting took place on 16 August 2019, and the outcome was discussed at a meeting of the Effingham side of the Liaison Group on 19<sup>th</sup> August 2019. A Note of that meeting is provided in Appendix 3.2. At the meeting, we were informed that:
- a) *The cost of the new school has increased from £32 million at the time of the public inquiry to £40 million today. At the same time, house prices are depressed and building costs have increased because of Brexit.*

- b) *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.*

3.12 Following this meeting, Berkeley Homes provided us with the letter and construction cost estimate for the new school from Willmott Dixon Construction Ltd to Berkeley Homes (Southern) Ltd, 7 March 2019. This was provided as Appendix 5.4 of EPC's Statement of Case. It should be noted that Mr Olliff's evidence to the Inquiry (Appendix 5.3 to EPC's Statement of Case) estimates the cost of a new-build school on Lodge Farm for 1600 pupils as £32 million, and the cost of a 2000 place new-build school as £38 million, which is more nearly consistent with the quotation given by Willmott Dixon of £36.8 million to construct the school. No clear explanation has been provided as to why the assumed cost of the school had risen from £32 million to apparently nearer £40 million in 2019. The appellant claims that changes in the design resulted in a more expensive construction cost; however that would not explain why the appellant's own witness at the 2017 inquiry estimated that the cost of a 2000 place new build school on Lodge Farm would be £38 million.

### The overlap land and reserved matters applications

3.13 The two pieces of land referred to at that meeting correspond to the areas of 'overlap' between the original site area of the consented scheme and the current hybrid appeal proposal. They are shown coloured yellow in Figure 1 below, which is taken from Fig 2.1 in the Appellant's Statement of Case.



Figure 1: The 'overlap' areas

- 3.14 Berkeley Homes had already submitted on August 15<sup>th</sup> 2019 a reserved matters planning application 19/P/01451 for the new school, with a curtilage which excluded both overlap areas. There were 48 objections to this application, most of them based on local concern that Berkeley Homes intended to build more homes on those areas.
- 3.15 It was important that these areas should be kept as open green space to respect the comments in the Inspector's report on the consented scheme:

368. 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.**
406. **Similarly fears that the combined residential components of sites Nos 1 and 3, with the new enlarged replacement school, would result in the tangible visual coalescence of the two settlements have some resonance in light of the conclusions on openness set out above. However, the area of open land proposed to the north of Lower Road (though partly covered by car parking to the east) would still serve as a strong visual break to the development as it is perceived along the road, with the school complex a recessive feature seen behind from this perspective.** That being said, more sedentary views from the road at this point to the west of the Vineries Garden Centre looking north, do offer one of the key prospects of the open rising grassland towards Thornet wood where a clear sense of the rural context of both settlements is appreciated.

3.16 The reason for the Inspector's comments is clear from the original indicative masterplan of the consented scheme, as in Figure 2 below.



Figure 2: Lodge Farm section of the indicative masterplan of the consented scheme

3.17 The planning case officer agreed to my suggestion that condition 7, requiring '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', should be attached to the approval of 19/P/01451. This was intended to ensure the maintenance of the same amount of open space on the Lodge Farm site as in the consented scheme. The application was then approved by the Planning Committee on 8<sup>th</sup> February 2020.

- 3.18 The same condition was applied to the approval of the revised reserved matters planning application 20/P/02048 for the new school, submitted in November 2020 in an apparent attempt to reduce the construction cost by way of a redesign. This revised application attracted little opposition, and it was approved on delegated authority on 1 March 2021.
- 3.19 The two remaining reserved matters applications on the Effingham Lodge Farm part of the consented scheme, 19/P/01760 for 159 dwellings and 20/P/00249 for a nursery school and caretaker's lodge, were approved by the planning officer on delegated authority on 18 February 2020 and 15 April 2020 respectively, both with fewer than 20 objections.

### **The RMA appeal proposal**

3.20 The reserved matters application (20/P/00428) for the re-development of the existing school site, the RMA appeal proposal, was submitted to GBC on 1 March 2021. During the application process, I drew the officer's attention to two matters of concern to the community, which were then resolved by negotiation before the application came before the Planning Committee on 21 March 2022:

- i. The pedestrian / cycle route down the eastern boundary, required under the parameter plans of the consented scheme, was originally omitted from the proposal, and has now been included.
- ii. The boundary treatment and proposed pedestrian access onto the adjoining King George V Fields to the south was not acceptable to Effingham Village Recreation Trust (EVRT), the charity that owns the Fields, on security grounds. This pedestrian access has been removed from the plans and a more suitable boundary fence is now proposed.

3.21 This application attracted 25 objections and one letter of support. It was refused permission at the Planning Committee solely on heritage grounds:

*By virtue of the location and arrangement of built form along the eastern boundary of the site, the scale of the built form in this area of the site, and the lack of planting to screen the built form along the southern section of this boundary, the proposal would harm the tranquillity, setting and significance of the Little Bookham Conservation Area, and the listed building (and its curtilage) known as All Saints Church. Their setting is an important contributor to the heritage significance of these designated heritage assets and the tranquillity of the Church yard and the rural character of its setting adds specifically to the significance of All Saints Church. The proposal would result in less than substantial harm (toward the higher end of this scale) to their significance. This harm is considered to be greater than the harm identified by the Inspector in the appeal decision giving outline consent. The proposal is therefore contrary to policy D3 of the Local Plan: Strategy and Sites, saved policies HE4 and HE10 of the Local Plan 2003, and policy ENP-G3 of the Effingham Neighbourhood Plan, as well as Chapter 16 of the National Planning Policy Framework 2021.*

3.22 In proposing refusal at planning committee, we held the view that this reason for refusal could be overcome by further negotiation with GBC planning officers as to the layout and landscaping of the eastern end of the appeal site, so as to lessen the harm to the heritage assets, and delivering a development that would be acceptable. I regret that the appellant has chosen to take this decision to appeal rather than attempting to resolve the matter by negotiation, as was done for the matters described in 3.20.

## Section 73 application

- 3.23 A Section 73 application 21/P/0128, which had the effect of formally removing the overlap areas described in 3.13 from the consented scheme, was submitted to GBC on 8<sup>th</sup> June 2021, and approved at planning committee on 30 March 2022:

*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.*

This application was understood by the local community as intended to enable the application for 114 additional homes, and there are 839 objections registered on the GBC planning portal, with just two in support.

- 3.24 The effect of this approval is that having removed the overlap land from the consented scheme as being 'surplus to requirements', and the original consented scheme being one which the appellant cannot (or will not) build out, that original consented scheme should not inform whether permission should now be granted for the hybrid appeal proposal. The consented scheme has now changed since some of the land has been removed from the scope of the permission; the overlap areas removed are simply open green belt with no permission for development on it currently in place. The use of this land should now be considered solely in relation to green belt considerations, and there is no 'fall-back' scenario for this land based on the original consented scheme allowed at appeal in 2018.

## The hybrid appeal proposal

- 3.25 In January 2021, GBC permitted Berkeley Homes to give a presentation to members of the Council describing their intention to submit an application for additional 'enabling' homes on Effingham Lodge Farm, stating this was needed to allow the new-build Howard School in the consented scheme to be delivered. When asked what their intentions would be if the new application was refused, they stated they would build the first 49 dwellings of the consented scheme on Lodge Farm, but would then 'walk away', as they would be unable to construct the new school. Several councillors present expressed great concern over this. I asked GBC officers to check the Section 106 agreement signed in June 2017, which stated that development could not commence, i.e. no houses could be built, until Berkeley Homes had entered into contracts to deliver the new school and evidence of those contracts given to GBC ad SCC (see paragraph 3.5 above). It seemed that no such contracts were in place at that time. GBC contacted Berkeley Homes, and their Development Director subsequently emailed me withdrawing that suggested approach. (The email is provided in Appendix 3.3.) It seems contracts to deliver the school dependent on permission being given for the additional homes were subsequently signed.
- 3.26 The application 21/P/01306, the hybrid proposal which is the main subject of this appeal, was submitted to GBC on 10 June 2021, and refused at planning committee on 30 March 2022, with 8 members voting in support of the motion to refuse and 4 against. 733 objections are registered on the GBC planning portal, with just 7 representations in support. The two main reasons for refusal supported by EPC are:
1. *The proposal represents inappropriate development within the Green Belt which is harmful by definition. In addition, due to the quantum of development and its location, the proposal would result in a harmful loss of openness to the Green Belt and would result in further encroachment into the countryside, thereby conflicting with the purposes of including land within the Green Belt. The case for very special*

*circumstances has been considered, however, the benefits of this proposal are not considered to clearly outweigh the inherent harm to the green belt (and any other harm). As such, the proposal is contrary to policy P2 of the Guildford Borough Local Plan Strategy and Sites, policies ENP-G1 and ENP-G5 of the Effingham Neighbourhood Plan and chapter 13 of the National Planning Policy Framework.*

2. *Taking into account the rural character of the surroundings, the proposal would represent an overly urban form of development which would result in harm to the character and appearance of the area, including the prominent views of the development from Effingham Common Road. The proposal is therefore contrary to policy D1 of the Guildford Borough Local Plan Strategy and Sites, policy ENP-G2 of the Effingham Neighbourhood Plan, chapter 12 of the National Planning Policy Framework and the National Design Guide.*

Reasons 3 and 4 were based on the lack of completed planning obligations, and these are expected to be resolved by negotiation between GBC and the appellant.

- 3.27 Objections to this scheme are mainly based on the proposal to build 110 additional homes on site A, with about half of these to be constructed on the northern area of 'overlap' land now removed from the original consented scheme. This can be clearly seen in Figure 1 in paragraph 3.13 above. This overlap land was to be kept as open green space (part of the school's playing fields) in the original consented scheme, and under the amended consented scheme it is simply green belt with no planning permission applying to it.

## Summary

- 3.28 This section has set out the history and current context of the appeal schemes, based on my experience as a member of GBC's Planning Committee, and my understanding of local community feeling based on my position as borough and parish councillor for Effingham.
- 3.29 The complicated planning history supports the view that either the consented scheme was in deficit at the time of the 2017 Inquiry, or else the cost of constructing the new school to the standard expected by the Howard Partnership Trust was not properly understood or agreed at that time, since:
  - The appellant stated at the meeting described in 3.11 that the presumed cost of the new school at the time of the inquiry was £32 million but had now risen to £40 million, as demonstrated by the Willmott Dixon quote. This compares with the £38 million cost estimated by Mr Olliff for a 2000 place school at the time of the Inquiry, when he also estimated the cost of a 1600 place school as £32 million.
  - The appellant did not enter into the contracts to deliver the new school, required under the 2017 s106 agreement, until 2021, when the contracts were predicated on permission being granted for the hybrid proposal.
- 3.30 The balancing exercise carried out by the Inspector when considering the appeal for the consented scheme gave weight to the benefit of an expanded school of up to 2000 places. The history set out here suggests that the construction cost assumed in the original financial viability assessment was £32 million, but by the time of the Inquiry, this was estimated to be sufficient for only a 1600 place school. The Secretary of State's comment, *"If there is a funding gap which cannot be bridged, the permission will not come to fruition, but that is not directly related to the planning merits"*, is very significant in these circumstances, as it

indicates that the Inspector was judging the merits of the scheme mainly on the balance of the harm to the green belt of the 295 enabling homes weighed against the benefit of a new-build expanded school. If in fact a much greater number of homes were required to pay for a new build expanded school, the planning merits of the consented scheme may have been assessed differently.

- 3.31 EPC and the Effingham community were disappointed by the 2018 appeal decision, although the prospect of the delivery of a new-build school did mitigate that to some extent. However, over four years on from the Secretary of State's decision to allow the consented scheme, the only results visible to the local community are the felling of valued trees, the loss of a nursery school and an unsightly 'temporary' road access from Effingham Common Road, as described in 3.7. This frustration about failure to deliver the promised school under the terms of the original consented scheme explains the high number of objections to the hybrid appeal proposal, and the negligible level of representations in support. It is clear from the objections submitted that the main concerns of the Effingham community are the threat of more housing being added to the 295 homes already approved, increasing the harm to the rural character of the village, and worry about the impact of extra traffic on village roads.
- 3.32 The consented scheme has been amended by the s73 permission removing the two areas of 'overlap' land from the site area. The hybrid proposal to construct homes on the northern area of overlap land is now simply subject to green belt considerations, and judgement of that cannot depend on the consented scheme.

## 4. THE HYBRID PROPOSAL – AMPLIFICATION OF CASE

### 4.1 Introduction

4.1.1 The appellant states that the hybrid appeal proposal is an enabling development of additional housing to fund a claimed shortfall in funding for the new build replacement Howard of Effingham School, without which, the appellant claims, the consented scheme cannot be delivered. The three sites making up the proposal can be seen on Figure 1 (at paragraph 3.13 above):

Site A The land in the north-western part of Effingham Lodge Farm, including the northern ‘overlap’ land now removed from the consented scheme.

Site B Land at 408 and 410 Lower Road, a small parcel of land on the northern side of Lower Road

Site C A small triangle of land on the northern side of Lower Road, the southern ‘overlap’ area now removed from the consented scheme.

4.1.2 If approved, the hybrid appeal proposal together with the amended consented scheme would constitute a material amendment to the consented development, since the proposed extension and amendments to the “Approved Masterplan” entail:

- a substantial increase in the number of homes required to deliver the new school;
- changes to the application site area; and
- a diminution of open space;

all of which are inconsistent with the original plans. In line with Planning Practice Guidance Paragraph: 001 Reference ID: 17a-001-20140306, these substantial amendments would justify the submission of a new planning application for the whole scheme, to be considered in the context of current planning policy and circumstances. EPC has been consistent in asserting that the appellant should revisit the whole ‘masterplan’ and design a scheme which meets the current needs of the community for improved school facilities, without sacrificing yet more green belt land. It is regrettable that the appellant has instead continued to pursue the provision of an expanded school using a contrived process: first declaring the overlap land in the consented scheme to be surplus to requirements, then proposing to build more housing on that very land in order, it is claimed, to make the consented scheme financially viable.

4.1.3 The appellant has submitted the hybrid appeal proposal as a discrete application which must be determined on its own merits, but seeks to carry over planning benefits linked to the consented scheme. It is necessary therefore to take into account the substantial change in circumstances which affects the planning context and balance afforded to the consented scheme at the appeal in 2018. In particular, a thorough review of all harms and benefits of the consented scheme in that changed context must be taken into consideration, as well as the harms and benefits from the hybrid proposal itself.

4.1.4 In essence, the decision on the hybrid appeal proposal, to be made in the context of current planning policy and circumstances, cannot simply carry over the assessment of harms and benefits on the consented scheme, since that assessment was made under the different planning policy context and circumstances of 2018, and the consented scheme itself has been materially changed by the approval of the s73 application to remove the overlap land areas.

- 4.1.5 In this section, I shall consider how the adoption of the Guildford Local Plan (LPSS), the adoption of the Effingham Neighbourhood Plan (ENP) and the updated NPPF of 2021 affect both the decision to be made on the hybrid proposal and the assessment of the harms and benefits of the consented scheme.
- 4.1.6 I shall demonstrate how the revised planning balance of harms and benefits means that the case for very special circumstances for development in the green belt has not been made, taking into account changed circumstances which show:
- There is no longer a need for an expanded Howard of Effingham School providing additional places.
  - The financial viability assessment shows that there is significant uncertainty that the appeal proposal will deliver the new-build school.
  - A presumption in favour of an expanded new-build school on Effingham Lodge Farm can no longer be made, since refurbishment and remodelling of the school buildings on the existing site may be the most cost effective and environmentally sustainable way forward.

## **4.2 The adopted Guildford Local Plan**

- 4.2.1 The Guildford Local Plan (LPSS) was adopted in April 2019. The adoption was challenged in high court litigation by several parties on the issue of removing sites from the green belt and allocating them for housing development, but was eventually upheld.
- 4.2.2 The Green Belt and Countryside Study (GBCS), carried out by Pegasus Planning on behalf of GBC, formed part of the evidence base for the development of the LPSS. This Study identified Potential Development Areas (PDA), including sites that could potentially be removed from the green belt and allocated for development. The original Study, published in 2013, identified land parcel D10, including Effingham Lodge Farm, as a PDA since it had defensible boundaries.
- 4.2.3 An addendum to the GBCS published in April 2014 refined the description of green belt PDAs by classifying them as high, medium or low sensitivity Green Belt, assessed according to the extent to which they clearly serve the purposes of Green Belt set out in the NPPF. The classifications are included in Appendix 1, 'Green Belt Purposes Schedule', of the Volume II Addendum.
- 4.2.4 The Addendum classifies the land parcel D10, which contains Effingham Lodge Farm, as 'high sensitivity' Green Belt as it satisfies four of the five purposes of Green Belt set out in NPPF paragraph 138. The relevant page of the Addendum, explaining the classification for land parcel D10, is attached as Appendix 4.1 to this Proof.
- 4.2.5 In response to the large number of objections received during consultation about allocating Green Belt land for development, GBC made the strategic decision in developing the Local Plan to avoid, as far as possible, taking land out of the Green Belt that was classified as 'high sensitivity' in the GBCS.
- 4.2.6 The adopted Local Plan (LPSS) now allocates sufficient land to meet both the objectively assessed housing need of the borough and the need for additional secondary school places arising from residential development in the east of the borough, without any requirement for increased places at the Howard of Effingham School. There was no requirement for Effingham Lodge Farm to be removed from the Green Belt, which would be in breach of

the revised strategy to protect ‘high sensitivity’ Green Belt, in order to provide housing and an expanded school.

- 4.2.7 As a result, Effingham Lodge Farm is not an allocated site for development in the LPSS: both the hybrid appeal site and site 3 of the consented scheme remain within this area of ‘high sensitivity’ green belt.
- 4.2.8 The Infrastructure Schedule of the LPSS sets out the key infrastructure requirements on which the delivery of the plan depends. In the east of Guildford Borough, the Schedule for Secondary Schools includes:
- SED1 A four-form entry (4FE) secondary school on the Gosden Hill strategic site (Site Allocation A25), with 2FE needed to serve the strategic site and the remainder to serve new housing development in the wider area
  - SED2 A four-form entry (4FE) secondary school on the former Wisley airfield strategic site (Site Allocation A35), with 2FE needed to serve the strategic site and the remainder to serve new housing development in the wider area

The proposal for an expanded Howard of Effingham School is not included in that Schedule.

- 4.2.9 The decision to include these two sites in the Infrastructure Schedule, in preference to the proposal for expansion of the Howard School, was based on the 2017 Land Availability Assessment (LAA 2017) which formed part of the evidence base for the submission version of the LPSS submitted for Examination in December 2017. The relevant page from the LAA 2017 is in Appendix 4.2 to this proof, and it is shown there that GBC considered that the Howard School expansion could provide only 1FE to cater for new housing development in the LPSS, due to the need to accommodate demand from the 295 ‘enabling’ homes associated with the consented scheme. This decision was reinforced by the ‘Guildford Draft Local Plan: Education Review’ (Appendix 4.3) from SCC, also part of the evidence base, which suggested for secondary school provision: *‘In the east 8FE could be split between Wisley former Airfield and Gosden Hill, with 4FE co-located with each site.’*
- 4.2.10 A planning application for housing development on the major part of the former Wisley airfield strategic site was submitted to GBC in July 2022 (application number 22/P/01175) which includes an outline application for the phased development of part of a residential-led new settlement comprising up to 1,730 dwellings, and including a secondary school. This raises the possibility that this new school may be delivered in the near future, making the need for additional places at the Howard of Effingham School even more redundant.
- 4.2.11 Following the adoption of the LPSS in 2019, GBC is able to demonstrate a five-year housing land supply, and based on the most recent evidence, this housing land supply is currently 7 years. This significantly reduces the weight to be given to the benefit of the provision of housing on both the appeal site and the sites of the consented scheme, and will be a factor in the altered planning balance.
- 4.2.12 It should be note that the emerging Mole Valley Local Plan in the neighbouring district, currently at Regulation 19 Examination stage, does not assume an expansion of secondary places at the Howard of Effingham School in the near future, even though many pupils from Mole Valley attend the Howard School now. The Infrastructure Delivery Plan in the evidence base, dated August 2021 (Appendix 4.4), comments on page 28:

*‘In the Leatherhead secondary school planning area, the data shows a modest shortfall over most of the period to 2020-30, with the maximum shortfall being 55 pupil places (equivalent approximately 2FE) in the 2023-24 academic year. This*

*means that there is not a requirement to construct entire new schools and MVDC has formulated policies within the Local Plan to allow SCC to expand facilities within the school estate where and when they are required.*

*The Dorking secondary planning area is projected to be in surplus throughout the 10-year forecasting period.*

*It should be noted that Howard of Effingham Secondary School has consent to relocate and expand by an additional 2FE. If this goes forward, additional capacity will be created within the Leatherhead secondary planning area.*

*The forecasts only cover a 10-year period and SCC advises that, whilst at present there is no identified need for additional schools and school places can be accommodated within the existing school estate, the need for additional infrastructure should not be discounted. Pupil place need will be reviewed as part of a future five-year review of the Local Plan.'*

Given the falling demographic demand for secondary school places highlighted in the proof of evidence of EPC witness Julie Iles, it is unlikely that expansion of the Howard School will be required to serve the Mole Valley district in future years. Instead, the emerging Mole Valley Local Plan caters for the possibility of future demand for more secondary school places by expecting any expansion to be paid for by developer contributions. Policy D1 of the emerging Plan, Appendix 4.5, says:

*'New developments must contribute towards the delivery of infrastructure facilities and services. This includes the provision of mitigation to avoid any substantial cumulative effects on the existing infrastructure services. When it is necessary to forward fund infrastructure projects in advance of anticipated housing growth, such as secondary school expansions, developer contributions may be required for the infrastructure after its delivery.'*

### **4.3 The adopted Effingham Neighbourhood Plan**

- 4.3.1 The Effingham Neighbourhood Plan (ENP) was adopted in April 2018, just two weeks after the consented scheme was allowed at appeal. The adoption followed a parish-wide referendum on 22 February 2018, when the ENP was supported by 93.5% of voters in Effingham. It is notable that the ENP allocates three sites in the parish for housing development; Effingham does not take a 'NIMBY' approach but seeks the provision of new housing to meet local need. Planning permission has been given for 8 new homes on one of the allocated sites, including 4 two-bedroom homes to meet the requirement of the ENP for smaller homes for down-sizing and for young families, and there is a current planning application for ten new homes on another allocated site.
- 4.3.2 Both the hybrid proposal and the consented scheme conflicts with several ENP policies, and these will be considered in turn. They are all relevant to the final planning balancing exercise of harms and benefits.
- 4.3.3 ENP-G1 requires that development proposals are located within the formal Settlement Area set out in the Local Plan (now the inset area of the village), and that any proposals outside that area are not inappropriate development in the green belt and conserve the rural landscape. The hybrid proposal and the development of site 3 of the consented scheme is clearly contrary to this policy, being outside of the inset area and in green belt.

- 4.3.4 ENP-G2 requires that the rural and landscape character and setting of Effingham is respected by conserving the open countryside in and around the village area; site A of the hybrid proposal and site 3 of the consented scheme are contrary to this policy.
- 4.3.5 ENP-G5 sets out that the general principle that residential development is only acceptable on sites which are inset from the green belt, constitute limited infilling within the village, or is previously developed land. Development on site A of the hybrid proposal and site 3 of the consented scheme are clearly contrary to this policy.
- 4.3.6 ENP-ENV1 designates Browns Field as a Local Green Space due to its recreational value and its historic significance. This is site 2 of the consented scheme, and its loss to housing development adds to the heritage harm of the consented scheme.
- 4.3.7 ENP-C6 supports proposals for new developments, refurbishment or extensions to improve the educational facilities of the Howard of Effingham School on its existing site. This policy supports EPC's contention that refurbishment and remodelling the existing school buildings would be a more sustainable alternative to new build on Lodge Farm.
- 4.3.8 ENP-SA2 allocates the small parcel of previously developed land at Effingham Lodge Farm for up to six new homes (in addition to the two homes at 408 and 410 Lower Road already on the site). This allocation is subject to the signing of a Section 106 planning obligation to ensure that the remainder of Lodge Farm is either kept in agricultural use or managed as open natural grassland, with controlled community access to protect wildlife. Although the hybrid proposal offers some open space with community access on site C and a small part of site A, the development of 110 homes on site A, together with 159 homes and a new school on site 3 of the consented scheme, is overwhelmingly in breach of this policy.

## 4.4 The 2021 NPPF

- 4.4.1 The latest version of the NPPF, published in July 2021, puts clear emphasis on policy to tackle climate change, gathering together relevant policy expressed in paragraphs 17, 93 and 95 of the 2012 NPPF which was in place at the time of the appeal decision on the consented scheme. Paragraph 152 of the 2021 NPPF says (our emphasis in bold):

*152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings**; and support renewable and low carbon energy and associated infrastructure.*

The appellant has made no attempt to revisit their proposals in the light of this clear NPPF requirement to support the transition to a low carbon future. This is considered in detail in the Proof of Evidence of EPC witness Steven Pidwill.

## 4.5 Claimed very special circumstances

- 4.5.1 The hybrid proposal involves residential development on Green Belt land. NPPF paragraph 147 is clear that this is inappropriate development which is by definition harmful and should not be approved except in very special circumstances (VSC).

- 4.5.2 The case for VSC involves an assessment of the weight to be assigned to the benefits of the proposal and a judgement as to whether these outweigh the harm to the green belt by reason of inappropriateness and any other harms. The appellant has stated that the consented scheme will not be implemented unless the hybrid proposal for additional housing in the green belt is permitted. Rather than submitting a new application for the whole scheme, the appellant has chosen to submit the hybrid appeal proposal as a discrete application which must be determined on its own merits, but seeks to carry over, essentially unchanged, the planning benefits linked to the consented scheme.
- 4.5.3 Given the substantial change in circumstances which affects the planning context and balance afforded to the consented scheme at the appeal in 2018, it is necessary to carry out a thorough review of all harms and benefits of the consented scheme in that changed context, as well as considering the harms and benefits from the hybrid proposal itself. If the appellant seeks to carry forward benefits from the consented scheme, such benefits must be subject to scrutiny at this appeal, as must the corresponding harms; both should be considered in the light of current circumstances and the current planning and policy context.
- 4.5.4 The appellant's statement of case refers to the importance of consistency in planning decisions (para 7.12) in justifying the weight to be given to the appeal decision on the consented scheme. However a different decision can be legitimately reached if there have been significant changes in planning policy or other circumstances, as is the case here. For this reason, although the existing permission given at appeal is a material consideration, it does not carry 'considerable weight' as claimed in the appellant's statement of case (para 7.85). Neither should it be accepted at face value when, by the appellant's own case, the scheme benefits for which the consent was granted cannot be delivered within the existing scope of the consented scheme. Indeed, delivery of those benefits remains uncertain since there is a significant financial deficit in the financial viability assessment of the whole extended 'Masterplan'.
- 4.5.5 Since the consented scheme will not be built out without the hybrid scheme, then logically the baseline for assessing the planning weight of benefits and harms of both the hybrid proposal and the consented scheme (as amended by removal of the overlap land) must be the situation as it now exists on the ground. The hypothetical situation in which the consented scheme has been built out is not a planning fall-back, since according to the appellant it cannot happen unless the hybrid scheme is permitted.
- 4.5.6 The situation on the ground at present is as follows, where all sites are on green belt land:
- Site A of the hybrid proposal is entirely undeveloped open land, comprising mainly grassland, some of which is overgrown with young trees, together with an area of ancient woodland at Thornet Wood in the north of the site.
  - Site B of the hybrid proposal contains two derelict detached houses with their front gardens, now neglected grass.
  - Site C of the hybrid proposal is mainly grassland, now cleared of buildings.
  - Site 3 of the consented scheme remains mainly undeveloped grassland, with a short section of new road to provide access from Effingham Common Road, and an area of cleared buildings and derelict glasshouses immediately to the north of Lower Road
- 4.5.7 The proposed residential development on Site A is inappropriate development which requires justification by VSC (NPPF paragraph 147). Although Site B is partly previously

developed land, the development proposed here is inappropriate since the self-build homes will have a greater impact on openness than the two houses currently on the land (NPPF paragraph 149 (g)). Site C is proposed as open community space which is not inappropriate in the green belt (NPPF paragraph 150 (e)). The development of a school and homes on site 3 of the consented scheme is inappropriate development in the green belt, notwithstanding the small area from which derelict buildings and glasshouses have been cleared.

- 4.5.8 In summary, inappropriate development in the green belt is clearly proposed for site A of the hybrid proposal and site 3 of the consented scheme, and the case for VSC must be considered for both these sites.

## 4.6 Green belt issues

### Hybrid appeal proposal

- 4.6.1 The proposal for development of 114 dwellings on appeal sites A and B constitutes inappropriate development in the Green Belt according to paragraph 147 of the NPPF.
- 4.6.2 The hybrid appeal proposal on site A clearly breaches two of the five purposes of Green Belts set out in paragraph 138 of the NPPF, since it results in urban sprawl, being a significant extension of Effingham village to the north, and it is a clear encroachment into the countryside.
- 4.6.3 The development on appeal site A results in a substantial loss of openness of the Green Belt, both in terms of physical built form and visual impact. The appellant's statement of case in para 7.69 downplays the 'incremental' harm to openness on site A of the hybrid proposal, by talking of the enclosed nature of the land and quoting the GBC officer's report on the screening provided. However this ignores the substantial extra volume of physical built-form from the 110 homes proposed for site A.
- 4.6.4 In their Statement of Case, the appellant remarks:
- 1.13 *The S73 application, which was approved by GBC, ensures consistency with the parameters for the wider development, thus enabling the appeal proposals to be consented without conflict with the 2018 permission.*
- 1.14 *It is the Appellant's case that the land required for the additional dwellings falls within the same contained area of land as the consented development and that its development would not add materially to the harm to Green Belt which has already been accepted.*

However, as discussed in paragraphs 3.23 and 3.24 above, the effect of the approval of the S73 application was to create a consented scheme which is materially different from that permitted at appeal. The 'overlap' land has been removed from the original consented scheme and must now be regarded as green belt land with no permission for development. The building of 110 homes on site A, which is all currently open green belt land with no permission in place for development, clearly causes material harm to the green belt, both by reason of inappropriateness and by loss of openness.

- 4.6.5 Development on appeal site B results in a moderate loss of openness, since part of this site is previously developed land. Appeal site C is proposed as community open space and involves no loss of openness.

## The consented scheme

- 4.6.6 The adoption of the LPSS in 2019 means that only site 3, Effingham Lodge Farm, remains in the Green Belt now. The Green Belt harm for this site identified by the Inspector at appeal still stands: this is inappropriate development in the Green Belt, and there is a substantial loss of openness on Effingham Lodge Farm from the new school plus 159 dwellings.

## **4.7 Character and appearance of the area**

### Hybrid appeal proposal

- 4.7.1 The change in the character and appearance of the area would be particularly noticeable in views from Effingham Common Road and Lower Road. The view to the east from Effingham Common Road, clearly visible from the new roadway entrance, is currently across open fields, with a line of grey poplars visible in the distance. The view to the north-west from Lower Road, looking from the east of Site C, currently crosses open fields to Thornet Wood. Under the hybrid appeal proposal, both these green rural vistas would be blocked by dense housing development on Site A.
- 4.7.2 The Landscape and Visual chapter (LVIA) quoted in the appellant's statement of case in para 7.81 onwards, does not reflect the reality on the ground. For example, it is incorrect to suggest there would only be 'glimpsed views' to the site through the boundary vegetation as suggested in para 7.83. The newly-constructed roadway access to the site of the consented scheme from Effingham Common Road, which would form the road access to the hybrid proposal, creates a significant gap in the boundary vegetation and opens up clear wide views of the buildings on site A for pedestrians, cyclists and motorists. This will be discussed in more detail in the following paragraphs, and will be apparent on the appeal site visit.
- 4.7.3 The character and appearance of the area will in fact be significantly affected by residential development on appeal site A. The entry to the village from the north along Effingham Common Road has the appearance of a rural green gateway, with trees and open countryside to both sides on approaching the boundary of the inset area of the village. The view to the east across open fields from the raised footway on the eastern side of Effingham Common Road would be particularly impacted by the development.
- 4.7.4 Site A is an entirely undeveloped green field, bounded by a hedge along Effingham Common Road and containing many young trees as well as the portion of Thornet Wood at the northern end. The land is at a higher level than the road level of Effingham Common Road, with the footway alongside the hedge running along a raised bank at the same level as Site A.
- 4.7.5 The land opposite Site A on the western side of Effingham Common Road is also a green open field bordered by a hedge and trees, also raised up above the level of the road.
- 4.7.6 This open land on both sides of the road forms a green gateway to the well-defined settlement boundary edge of the village, at the point where the 30 mph speed limit starts, emphasising the rural setting of the village.
- 4.7.7 The landscape character of Effingham Lodge Farm, including Site A, is classified as 'Ockham and Clandon Wooded Rolling Claylands' in the 'Guildford Landscape Character Assessment' (published by GBC in 2007 and updated in the 'Surrey Landscape Character Assessment - Guildford Borough' published by Surrey County Council in 2015 [EPC SoC APP 9.1]). Key

characteristics of this landscape include pastoral and arable farmland with woodland; rural agricultural setting / wooded setting / enclosed by woodland and hedgerows. ENP policy ENP-G2 requires development proposals to *'respect the rural and landscape character and the setting of Effingham identified within the Guildford Borough Council Landscape Character Assessment; in particular by conserving the open countryside in and around the village area'*.

4.7.8 The 2015 Landscape Character Assessment (p 80) lists the key positive features that contribute to the 'Wooded Rolling Claylands' landscape character and that should be conserved and enhanced:

- Peaceful rural character.
- Network of hedgerows, hedgerow trees and field trees.
- Woodland blocks including substantial areas of ancient woodland of high biodiversity value.
- Commons with their heathland vegetation, Open Access Land and function as a rural setting to roadside development.
- Historic parklands and designed views.
- Historic villages and farmsteads.
- Sparse settlement pattern of scattered farmsteads in some sections especially to the south.
- Views to the unsettled rural backdrop of the chalk ridge to the south.

4.7.9 Effingham Common Road passes through countryside with most of these key characteristics of the Wooded Rolling Claylands landscape type. Much of the land surrounding Effingham Common Road is common land, not only Effingham Common belonging to Guildford Borough Council and the privately owned common to the eastern side but also much of the verges of the road. This extends to some 320 metres north of the land in question. The road has some housing on both sides but this is in dispersed blocks and gaps prevent it from being linear, and houses are set back well from the road with either grassland or tree and hedge cover between them and the road. A number of the homes are listed and non-listed old farmsteads and the more recent (largely pre-war) houses were built to match the old farmsteads in type and are set back from the road. This provides a rural and attractive approach to the village. This landscape character would be harmed by the proposed denser housing development on Site A, which would fill in one of the important gaps between the scattered housing sections along Effingham Common Road.

4.7.10 In summary, the 110 homes proposed for site A would be highly visible from Effingham Common Road, particularly when viewed from the roadway entrance to the consented site which has already been constructed. This would be a significant intrusion of development into the rural landscape to the north of the village settlement boundary, creating an urban appearance and destroying the rural setting of the northern edge of the village. This is particularly clear from Figures 1 and 2 in paragraphs 3.13 and 3.16 of this Proof.

4.7.11 Moving on to the urban form of the hybrid appeal proposals, the design of the larger buildings proposed on Site A is rather plain, with limited detailing and extensive bland

brick elevations. These are out of character with existing varied housing in Effingham village.

- 4.7.12 The apartment blocks in units 95 – 106, 42—47 and 48 – 53 in the southern portion of Site A are a particular concern, because of their height and bulk. The site section F-F below, taken from application drawing 01023C-S02, shows on the left the apartment block for units 42-47 and on the right the apartment block for units 95-106. These two blocks are placed in a sensitive location at the end of the west-east portion of the access road, and so would be very visible from Effingham Common Road. This dense urban form of development would also be clearly visible from Lower Road, intruding into the view across open fields to Thornet Wood.



- 4.7.13 The plain design, scale and density of buildings on Site A, particularly the apartment blocks, results in an overly urban form of development which results in significant and permanent harm to the character and appearance of this rural area, and is contrary to policy D1 of the LPSS, policy ENP-G2 of the ENP, and paragraph 130 (b) and (c) of the NPPF.

#### The consented scheme

- 4.7.11 The Inspector's report for the consented scheme stated in paragraph 480: '*... particularly with regard to Site No.3 (Lodge Farm) the sum of development here would cause harm to the rural character of this northern fringe of the settlement.*' This harm remains unchanged since 2018.

## **4.8 Provision of replacement school**

- 4.8.1 The principal benefit claimed for the hybrid appeal proposal is that it would enable delivery of the new-build enlarged replacement Howard of Effingham School as in the consented scheme given planning permission at appeal in March 2018. The planning policy context which has changed since then with the adoption of the LPSS and the ENP is described in sections 4.2 to 4.4 above. In brief, the Howard of Effingham School is not included in the Infrastructure Schedule for Secondary Schools in the LPSS, and the ENP supports proposals for new developments, refurbishment or extensions to improve the educational facilities on the Howard School's existing site. In addition, the NPPF places clear emphasis on supporting the transition to a low carbon future in a changing climate. Paragraph 152 states that the planning system should '*encourage the reuse of existing resources, including the conversion of existing buildings*'.
- 4.8.2 The need for, and delivery of, this benefit depends on several factors which have changed since permission was given for the consented scheme in March 2018. These were set out in

EPC's Statement of Case, and are addressed in detail by other EPC witnesses. They are summarised briefly below.

- 4.8.3 In the 2018 appeal decision the Secretary of State considered, in paragraph 26 of his report, that the provision of school buildings which met modern educational and social need carried very substantial weight based on the fact that the new school was the least expensive option:

26. *For the reasons given at IR434-443, the Secretary of State agrees with the Inspector at IR443 that there are very significant issues with the fabric of the school and the ongoing funding of its repair and maintenance in the current budgetary context. He further agrees 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, and that these matters carry very substantial weight.***

These factors informed his planning balance and overall conclusions.

- 4.8.4 The appellant now asserts that the consented scheme is no longer financially viable and cannot be delivered. The appellant's case for needing the additional 'enabling homes' to fund the cost of construction of the replacement school is outlined in the Planning Statement for the hybrid proposal (our emphasis in bold):

6.22 *Navigating the planning process to arrive at the implementation stage took over six years. During this period, the cost of delivering the school has substantially increased. Since the new school would not yield any revenue for the Applicant and **any increases in house prices have been substantially outstripped by the soaring build costs**, the scheme is therefore no longer viable.*

:

8.3 *There remains a profound need for a new home for the HoE school, but **the viability position has significantly deteriorated since the original hybrid application.** Navigating the planning process to arrive at the implementation stage took over six years. During this period, the cost of delivering the school has substantially increased. The increased costs of the school mean that the development cannot proceed without the support of the additional enabling residential development to which this application relates.*

- 4.8.5 The VSC argument used by the appellant is based on the claim that the financial viability has deteriorated, and that the cost of building the school has increased more than the increase in revenue from the 295 homes in the consented scheme. However the appellant has failed to provide proper evidence to support this claimed deterioration in viability. It is also uncertain whether or not the new school would now be regarded as the "least expensive option" and in revisiting the viability assessment viability it may be there are other more cost-effective options, such as phased refurbishment, that demand fresh consideration. This is considered in more detail in the proof of evidence of EPC witness Perry Stock.
- 4.8.6 The option of refurbishing and remodelling the existing school on its current site, with some extension as necessary and without expansion in pupil numbers, may now be more cost-effective and would be consistent with current policy to tackle climate change. This more environmentally sustainable option would be consistent with NPPF paragraph 152, and with policy ENP-C6 of the ENP, and might be achieved with less harm to the Green Belt. This is considered in detail by EPC witness Steven Pidwill.

- 4.8.7 The appellant's Statement of Case claims in paragraph 7.23 that "A further review of the possible alternatives for the provision of a new school building on the Lodge Farm site has been undertaken, based on the additional level of enabling homes, from which it is evident that the new school building remains the most cost-effective option." Some revised costings and brief details of an additional option for refurbishment were provided by the appellant on 17 August, six days before the proofs of evidence were due to be submitted. EPC has not had enough time to consider this new information prior to the submission of this proof.
- 4.8.8 In his report giving permission for the consented scheme in 2018 (paragraph 59), the Secretary of State commented:
- "If there is a funding gap which cannot be bridged, the permission will not come to fruition, but that is not directly related to the planning merits."*
- This comment suggests that the Inspector and the Secretary of State expected that the permission would not be pursued if there was a funding gap. This strengthens EPC's case that the consented scheme should not be relied on as a basis for justifying the hybrid appeal proposal.
- 4.8.9 Evidence is provided in the proof of EPC witness Julie Iles that there is now no need for the expansion of the Howard School, and that policy statement "Planning for Schools Development" [APP 6.7 in EPC's Statement of Case] issued by the Government in 2011 has been complied with by the local school authority. SCC has supported development in the school system 'to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities.' so that provision of places is already substantially above that required and choice in provision has already been substantially expanded.
- 4.8.10 These considerations demonstrate that there is now great uncertainty about the benefit of the delivery of a new-build expanded replacement school on Effingham Lodge Farm, which must be taken into account in the planning balance.

## 4.9 The Cullum Centre

- 4.9.1 The Cullum Centre is considered in detail in the proof of evidence of EPC witness Julie Iles. As she points out, the development of the Cullum Centre at the Howard of Effingham School is not dependent on delivery of a new-build school on Effingham Lodge Farm, since the funding for the Cullum Centre was secured in 2014 on the basis of the existing school, before the planning application for the consented scheme was submitted to GBC. It was not in any way linked to the consented scheme. The Cullum Centre could potentially be accommodated in an alternative scheme of refurbishment of the existing HoE school buildings together with some remodelling and limited new build on the existing site.

## 4.10 Provision of housing

### Hybrid appeal proposal

- 4.10.1 The hybrid appeal proposal includes the provision of 114 additional dwellings, including 25 affordable dwellings. Following the adoption of the LPSS in 2019, GBC is able to demonstrate a five-year housing land supply, and based on the most recent evidence, this housing land supply is currently 7 years. Nevertheless, the benefit of the provision of housing, including some affordable homes, merits some weight in the planning balance, even though appeal site A is not an allocated site in the LPSS and remains within the green belt.

- 4.10.2 In considering the weight to be given to this benefit in the planning balance, I refer to the appeal decision on 20<sup>th</sup> December 2021 for 17 new dwellings, including 40% affordable homes, on land at Church Street, Effingham, (APP/Y3615/W/21/3276229). This land is inset from the green belt, within Effingham Conservation Area, and allocated for up to 9 dwellings in the ENP site allocation policy ENP-SA1. In his report [APP 8.1 in the EPC Statement of Case], the Inspector attributed **limited** weight to the provision of housing.
- 4.10.3 The hybrid appeal site is unallocated land in the Green Belt, and provides only 20% affordable homes compared with the 40% required by policy H2 of the LPSS. EPC accepts that the provision of housing should be afforded some weight, and arguably merits just limited weight using the comparison with Church Street appeal decision. However, since the hybrid proposal would deliver a larger quantity of new homes than the Church Street site, we have afforded it moderate weight in the planning balance.

#### The consented scheme

- 4.10.4 Since none of the sites in the consented scheme are allocated for development in the LPSS, site 3 (Effingham Lodge Farm) remains in the Green Belt, and only 20% of homes are affordable, the argument presented above also applies to the provision of housing in the consented scheme.

### **4.11 Heritage**

#### Hybrid appeal proposal

- 4.11.1 EPC accepts that site A of the hybrid proposal is sufficiently distant from the Effingham Conservation Area and other designated heritage assets as to have no impact on their setting.
- 4.11.2 Site B immediately adjoins the Effingham Conservation Area and the impact of four self-build homes on the Conservation Area and nearby listed buildings must be considered. However this land currently contains two derelict detached houses of nondescript design, and we consider it should be possible to ensure at reserved matters stage that the development of this site as proposed will conserve and enhance the setting of these heritage assets as required by policy D3 of the LPSS and policy ENP-G2 of the ENP.

#### The consented scheme

- 4.11.3 Heritage harm to the Effingham Conservation Area by development of site 2 in the consented scheme, Browns Field, was identified by the appeal inspector. This heritage harm continues to exist, and is amplified by the adoption of the ENP in April 2018. Policy ENP-ENV1 designates Browns Field as a Local Green Space due to its recreational value and its historic significance.

### **4.12 Community benefits**

#### Hybrid appeal proposal

- 4.12.1 The appeal proposal offers community open space by way of a 'village green' at site C and wild flower meadows and community orchards and gardens on site A. This would provide some benefit to Effingham residents, but this is limited since the village already has significant open community space including woodland and grassland areas on the King George V Fields in Effingham, as well as allotments run by EPC, and residents have easy access to the footpath network, woodland at Great Ridings Wood managed by the Woodland Trust, and open common land at GBC-owned Effingham Common.

## The consented scheme

4.12.2 The consented scheme offered community benefits including a contribution towards improvements at the King George V Hall, and this will be unchanged.

## **4.13 The Green Belt planning balance**

4.13.1 The appeal proposal involves residential development on Green Belt land. NPPF paragraph 147 states that this is inappropriate development which is by definition harmful and should not be approved except in very special circumstances (VSC). NPPF paragraph 148 defines VSC:

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

In this section I will consider that planning balance and demonstrate that the potential harm to the green belt and other harms from the hybrid proposal and the linked consented scheme are not clearly outweighed by the potential benefits.

4.13.2 The hybrid appeal proposal and the consented scheme are closely linked, since it is the appellant's own case that the consented scheme will not be built out unless the hybrid proposal is given permission. For this reason, the planning balance must take account of the harms and benefits from both the hybrid proposal and the consented scheme, and in the latter case the weightings must be revised to take account of changed policy and circumstances since the consented scheme was given permission in 2018.

4.13.3 In Sections 4.6 to 4.12 above I have discussed the various factors in both the hybrid proposal and the consented scheme which must be considered in the planning balance of harms and benefits.

### **Harm from the hybrid appeal proposal**

#### Green belt

4.13.4 The proposal for development of 114 dwellings on appeal sites A and B constitutes inappropriate development in the Green Belt. In accordance with paragraphs 147 and 148 of the NPPF, this harm must be accorded **substantial weight**.

4.13.5 The hybrid appeal proposal on site A clearly breaches two of the five purposes of Green Belts set out in paragraph 138 of the NPPF, since it results in urban sprawl, being a significant extension of Effingham village to the north, and it is a clear encroachment into the countryside.

4.13.6 The development on appeal site A results in a substantial loss of openness of the Green Belt, both in terms of physical built form and visual impact.

4.13.7 Development on appeal site B results in a moderate loss of openness, since part of this site is previously developed land. Appeal site C is proposed as community open space and involves no loss of openness.

4.13.8 Overall, the harm to the Green Belt caused by the breach in the purposes of Green Belt, together with the loss of openness, is in conflict with the NPPF, LPSS policy P2 and ENP policies ENP-G1 and ENP-G5, and should be accorded **substantial weight**.

#### Character and appearance of the area

4.13.9 As explained in Section 4.7, the rural character and appearance of the area will be significantly harmed by residential development on appeal site A. This harm should be given **significant weight**.

### **Harm from the consented scheme**

#### Green Belt

4.13.10 At the time of the 2018 appeal decision, all three sites 1, 2 and 3 of the consented scheme were in the Green Belt. The adoption of the LPSS in 2019 means that only site 3, Effingham Lodge Farm, remains in the Green Belt now. However this is the largest of the three sites, with permission for the replacement school and 159 dwellings. The Green Belt harms identified by the Inspector at appeal still stand: inappropriate development in the Green Belt must be given **substantial weight**, and the loss of openness on Effingham Lodge Farm from the new school plus 159 dwellings should also be given **substantial weight**.

#### Heritage

4.13.11 As discussed in Section 4.11, the heritage harm to the Effingham Conservation Area by development of site 2 in the consented scheme, Browns Field, was identified by the appeal inspector. This heritage harm continues to exist, and is now amplified by ENP policy ENP-ENV1.

4.13.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) requires the decision maker to give special attention to the desirability of preserving or enhancing the character and appearance of designated conservation areas within which development may occur. Paragraph 199 of the NPPF states that great weight should be given to a designated heritage asset's conservation, and that this is irrespective of whether harm is substantial or less than substantial.

4.13.13 Although the appeal inspector carried out a public benefit assessment, the public benefit of the consented scheme is no longer sufficient to outweigh the heritage harm, since the appellant states that the new school can no longer be delivered on the basis of the consented scheme alone. Therefore **substantial (great) weight** and considerable importance should be afforded to the heritage harm to the Conservation Area.

#### Character and appearance of the area

4.13.14 Harm to the rural character of the area from the site 3 of the consented scheme was noted by the appeal inspector. This harm from the consented scheme is unchanged and should be given **moderate weight**.

### **Benefits from the hybrid appeal proposal**

#### Provision of replacement school

4.13.15 The considerations detailed in section 4.8 above demonstrate that the benefit of the delivery of a new-build expanded replacement school on Effingham Lodge Farm no longer

merits a weighting of ‘very substantial’ as in the inspector’s report on the consented scheme. Although the provision of better school facilities and a new building is of some benefit, the following factors reduce the weight in the planning balance:

- There is no need for an expanded school providing additional places. The benefit of an expanded school should therefore carry no weight.
- The financial viability considerations show that there is significant uncertainty that the appeal scheme will deliver the new-build school.
- A new-build school may no longer be the preferred option, since refurbishment and remodelling of the school buildings on the existing site may be the most cost effective and environmentally sustainable way forward. The appellant cannot rely solely upon their assertion that a new build school is the ‘most cost-effective solution,’ since all harms and benefits need to be thoroughly re-evaluated.

The benefit of delivery of the replacement school therefore carries **limited weight**.

#### Provision of housing

4.13.16 The hybrid appeal proposal includes the provision of 114 additional dwellings, including 25 affordable dwellings. Following the adoption of the LPSS in 2019, GBC is able to demonstrate a five-year housing land supply, and based on the most recent evidence, this housing land supply is currently 7 years.

4.13.17 After comparison with the appeal decision for the nearby Church Street site, discussed in Section 4.10 above, this benefit should be given **moderate weight**.

#### Community open space

4.13.18 Given the significant amount of open community space which already exists within Effingham, described in Section 4.12 above, the benefit of the additional open space in the appeal proposal is therefore of **limited weight** in the planning balance.

### **Benefits from the consented scheme**

#### Cullum Centre

4.13.19 As discussed in Section 4.9 above, the grant of funding for the Cullum Centre was not in any way linked to the consented scheme. The Cullum Centre could potentially be accommodated in an alternative scheme of refurbishment of the existing HoE school buildings together with some remodelling and limited new build on the existing site. For these reasons, the benefit of the provision of the Cullum Centre as part of the consented scheme should now be given **limited weight**.

#### Provision of housing

4.13.20 At the time of the appeal decision in 2018, GBC did not have an adopted Local Plan and GBC’s housing land supply stood at just 2.1 years. The appeal inspector therefore gave very substantial weight to the provision of 295 homes in the consented scheme. The situation now is radically changed. The LPSS was adopted in 2019 and GBC currently has a housing land supply of 7 years. Since none of the sites in the consented scheme are allocated for development in the LPSS, site 3 (Effingham Lodge Farm) remains in the Green Belt, and only 20% of homes are affordable, the argument presented in Section 4.10 above also applies to the provision of housing in the consented scheme, and therefore this benefit should be afforded no more than **moderate weight**.

Community benefits

4.13.21 As discussed in Section 4.12 above, the community benefits offered by the consented scheme are unchanged and should continue to be afforded **moderate weight**.

**4.14 Conclusion**Reason 1 for refusal

4.14.1 The overall balance of harms vs benefits discussed in Section 4.13 is set out in the table below.

		<b>WEIGHT</b>
<b>HARM</b>	<b>Harm from appeal proposal</b>	<b>Weight of harm</b>
	Green Belt – inappropriate development	<b>Substantial</b>
	Green Belt – loss of openness and harm to purposes	<b>Substantial</b>
	Character and appearance of the area	<b>Significant</b>
	<b>Harm from consented scheme</b>	
	Green Belt – inappropriate development	<b>Substantial</b>
	Green Belt – loss of openness and harm to purposes	<b>Substantial</b>
	Heritage	<b>Substantial (great weight)</b>
	Character and appearance of the area	<b>Moderate</b>
<b>BENEFITS</b>	<b>Benefits from appeal proposal</b>	<b>Weight of benefit</b>
	Provision of replacement school	<b>Limited</b>
	Provision of housing	<b>Moderate</b>
	Community open space	<b>Limited</b>
	<b>Benefits from consented scheme</b>	
	Cullum Centre	<b>Limited</b>
	Provision of housing	<b>Moderate</b>
	Community benefits and highways improvements	<b>Moderate</b>

4.14.2 It is clear from this balancing exercise that once the benefits and harms of the consented scheme have been revised to take account of the current planning policy context and other changed circumstances, then the combined benefits of the appeal proposal and the consented scheme do not outweigh the combined harms of the appeal proposal and the consented scheme.

4.14.3 Therefore the benefits of this appeal proposal clearly do not outweigh the inherent harm to the green belt (and any other harm), and Very Special Circumstances to justify inappropriate development in the Green Belt do not exist. Thus the appeal proposal is contrary to policy P2 of the LPSS, policies ENP-G1 and ENP-G5 of the ENP and chapter 13 of the NPPF.

4.14.4 Reason 1 for refusal should be upheld.

Reason 2 for refusal

4.14.5 I have demonstrated in Section 4.7 of this Proof that the hybrid proposal would result in a dense urban form of development which would be highly visible both from Effingham Common Road and from Lower Road, resulting in harm to the rural character and appearance of the area. This would be contrary to policy D1 of the LPSS, policy ENP-G2 of the ENP, chapter 12 of the NPPF and the National Design Guide.

4.14.6 Reason 2 for refusal should be upheld.

## 5. THE RMA PROPOSAL – AMPLIFICATION OF CASE

5.1 EPC's main case for dismissal of the RMA appeal was set out in full in EPC's original Statement of Case for appeal APP/Y3615/W/22/3298390, local authority ref: 21/P/00428, and that is not repeated here. The planning history of the RMA proposal is described in paragraphs 3.20 to 3.22 of this proof.

5.2 The appellant's Statement of Case for the RMA appeal states in paragraph 7.3:

*However, it is worth noting the reason for the wider HoE development, i.e. to deliver a new and improved school. There remains an acute need and the proposed development is a key contributor, which must go ahead if the new school is to be funded and delivered. The matter of viability is dealt with in the linked appeal for refusal of the hybrid application by GBC for additional enabling development but the needs case for the school remains relevant here, together with the design considerations so far as they relate to the reason for refusal of the RMA concerning the nearby heritage assets.*

5.3 EPC disagrees that the matter of viability of the consented scheme is relevant to the RMA appeal, and our case rests solely on the single heritage reason for refusal. Our case for dismissal of this RMA appeal is therefore based on

- The harm to the setting of the Little Bookham Conservation Area
- The harm to the setting of All Saints Church and its graveyard

5.4 As stated in paragraph 3.22, EPC holds the view that this reason for refusal could be overcome by further negotiation with GBC planning officers as to the layout and landscaping of the eastern end of the appeal site, so as to lessen the harm to the heritage assets, and delivering a development that would be acceptable. It is regrettable that the appellant has chosen to take this decision to appeal rather than attempting to resolve the matter by negotiation, as was done for the other matters described in paragraph 3.20.

5.5 For ease of reference, EPC's summary of our case is given below.

5.6 We have demonstrated that due to the changed layout and scale of the built form on the eastern end of the appeal site, and the lack of significant screening and green planting, the appeal proposal would cause greater harm to designated heritage assets than the illustrative masterplan in the consented scheme.

5.7 The appeal proposal would cause less than substantial harm at the upper end of that scale to the setting and significance of the Little Bookham Conservation Area and All Saints Church and its graveyard.

5.8 The appeal proposal is therefore contrary to policy D3 of the Local Plan Strategy and Sites, saved policies HE4 and HE10 of the Local Plan 2003, and policy ENP-G3 of the Effingham Neighbourhood Plan, as well as Chapter 16 of the National Planning Policy Framework 2021, and the appeal should be dismissed.

## 6. SUMMARY AND CONCLUSIONS

### The Hybrid Appeal

- 6.1 In respect of the hybrid appeal proposal, I have presented evidence concerning:
- Conflict with the Guildford Local Plan adopted in April 2019
  - Conflict with the Effingham Neighbourhood Plan adopted in April 2018
  - The Very Special Circumstances (VSC) case which must be made for this inappropriate development in the Green Belt
  - The planning balance of harms and benefits
  - The harm to the rural character of the area
- 6.2 The hybrid appeal proposal and the consented scheme are closely linked, since it is the appellant's own case that the consented scheme will not be built out unless the hybrid proposal is given permission.
- 6.3 The hybrid appeal proposal involves residential development on Green Belt land. NPPF paragraph 147 states that this is inappropriate development which is by definition harmful and should not be approved except in very special circumstances (VSC).
- 6.4 The case for VSC for the hybrid appeal proposal requires an assessment of the weight to be assigned to the benefits of the proposal and a judgement as to whether these outweigh the harm to the green belt by reason of inappropriateness and any other harms. The appellant has stated that the consented scheme will not be implemented unless the hybrid proposal for additional housing in the green belt is permitted. Rather than submitting a new application for the whole scheme, the appellant has chosen to submit the hybrid appeal proposal as a discrete application which must be determined on its own merits, but seeks to carry over, essentially unchanged, the planning benefits linked to the consented scheme. For this reason, the planning balance must take account of the harms and benefits from both the hybrid proposal and the consented scheme, and in the latter case the weightings must be revised to take account of the substantial changes in policy and circumstances since the consented scheme was given permission in 2018.
- 6.5 The major issues which must be taken into account in this planning balance are:
- The claimed deficit in the financial viability of the consented scheme and the implications for the weight to be given to the provision of the new school
  - The provision of the Cullum Centre
  - The weight of benefit of the provision of housing
  - The harm to the green belt both directly from the hybrid proposal and carried over from the consented scheme
- 6.6 The validity of the appellant's financial viability argument is questionable, since complicated planning history supports the view that either the consented scheme was in deficit at the time of the 2017 Inquiry, or else the cost of constructing the new school to the standard expected by the Howard Partnership Trust was not properly understood or agreed at that time.
- 6.7 The weight to be given to the provision of the new-build expanded school on Effingham Lodge Farm in the planning balance is now greatly reduced due to the following factors:

- There is no need for an expanded school providing additional places. The benefit of an expanded school should therefore carry no weight.
- The financial viability considerations show that there is significant uncertainty that the appeal scheme will deliver the new-build school.
- A new-build school may no longer be the preferred option, since refurbishment and remodelling of the school buildings on the existing site may be the most cost effective and environmentally sustainable way forward. The appellant cannot rely solely upon their assertion that a new build school is the ‘most cost-effective solution,’ since all harms and benefits need to be thoroughly re-evaluated.

The benefit of delivery of the replacement school therefore carries **limited weight**.

- 6.8 As discussed in Section 4.9, the grant of funding for the Cullum Centre was not in any way linked to the consented scheme. The Cullum Centre could potentially be accommodated in an alternative scheme of refurbishment of the existing HoE school buildings together with some remodelling and limited new build on the existing site. For these reasons, the benefit of the provision of the Cullum Centre as part of the consented scheme should now be given **limited weight**.
- 6.9 The hybrid appeal proposal includes the provision of 114 additional dwellings, including 25 affordable dwellings. The consented scheme would deliver 295 homes, 159 of which would be on green belt land. Following the adoption of the LPSS in 2019, GBC is able to demonstrate a five-year housing land supply, and based on the most recent evidence, this housing land supply is currently 7 years. Nevertheless, the benefit of the provision of housing, including some affordable homes, merits some weight in the planning balance, even though appeal site A is not an allocated site in the LPSS and remains within the green belt. After comparison with the appeal decision for the nearby Church Street site, discussed in Section 4.10, this benefit should now be given **moderate weight** for both the hybrid appeal proposal and the consented scheme.
- 6.10 There is substantial harm to the green belt from both the hybrid appeal proposal and the consented scheme.:
- The proposal for development of 114 dwellings on appeal sites A and B constitutes inappropriate development in the Green Belt. In accordance with paragraphs 147 and 148 of the NPPF, this harm must be accorded **substantial weight**.
  - The hybrid appeal proposal on site A clearly breaches two of the five purposes of Green Belts set out in paragraph 138 of the NPPF, since it results in urban sprawl, being a significant extension of Effingham village to the north, and it is a clear encroachment into the countryside. The development on appeal site A results in a substantial loss of openness of the Green Belt, both in terms of physical built form and visual impact. Overall, the harm to the Green Belt caused by the breach in the purposes of Green Belt, together with the loss of openness, is in conflict with the NPPF, LPSS policy P2 and ENP policies ENP-G1 and ENP-G5, and should be accorded **substantial weight**.
  - At the time of the 2018 appeal decision, all three sites 1, 2 and 3 of the consented scheme were in the Green Belt. The adoption of the LPSS in 2019 means that only site 3, Effingham Lodge Farm, remains in the Green Belt now. However this is the largest of the three sites, with permission for the replacement school and 159 dwellings. The Green Belt harms identified by the Inspector at appeal still stand:

inappropriate development in the Green Belt must be given **substantial weight**, and the loss of openness on Effingham Lodge Farm from the new school plus 159 dwellings should also be given **substantial weight**.

- 6.11 The overall balance of harms vs benefits is set out in the table in paragraph 4.14.1 of the Proof. It is clear from this balancing exercise that once the benefits and harms of the consented scheme have been revised to take account of the current planning policy context and other changed circumstances, then the combined benefits of the appeal proposal and the consented scheme do not outweigh the combined harms of the appeal proposal and the consented scheme.
- 6.12 Therefore the benefits of this appeal proposal clearly do not outweigh the inherent harm to the green belt (and any other harm), and Very Special Circumstances to justify inappropriate development in the Green Belt do not exist. Thus the appeal proposal is contrary to policy P2 of the LPSS, policies ENP-G1 and ENP-G5 of the ENP and chapter 13 of the NPPF.
- 6.13 The hybrid proposal would result in a dense urban form of development which would be highly visible both from Effingham Common Road and from Lower Road, resulting in harm to the rural character and appearance of the area. This would be contrary to policy D1 of the LPSS, policy ENP-G2 of the ENP, chapter 12 of the NPPF and the National Design Guide.
- 6.14 This proof demonstrates that Reasons 1 and 2 for refusal of the hybrid appeal proposal should be upheld, and the appeal dismissed.

#### **The RMA Appeal**

- 6.15 EPC disagrees with the appellant that the matter of viability of the consented scheme is relevant to the RMA appeal, and our case rests solely on the heritage reason for refusal as set out in our Statement of Case for this appeal.
- 6.16 We have demonstrated that due to the changed layout and scale of the built form on the eastern end of the appeal site, and the lack of significant screening and green planting, the appeal proposal would cause greater harm to designated heritage assets than the illustrative masterplan in the consented scheme.
- 6.17 The appeal proposal would cause less than substantial harm at the upper end of that scale to the setting and significance of the Little Bookham Conservation Area and All Saints Church and its graveyard.
- 6.18 The appeal proposal is therefore contrary to policy D3 of the LPSS, saved policies HE4 and HE10 of the Local Plan 2003, and policy ENP-G3 of the ENP, as well as Chapter 16 of the NPPF, and the appeal should be dismissed.