

INITIAL RESPONSE TO THE CHAPEL LANE PLANNING INSPECTORATE JUDGEMENT

There is much to digest in this decision, and I hope to be able to dedicate more time to looking through this in coming days and weeks. Nonetheless, I wanted to record an initial concern with this decision.

This explicitly relates to a claim made by The Inspector, Richard Aston, in paragraph 9 of his Appeal Decision [See Figure 1]. The Inspector rightly identifies the Surrey Heath Local Plan (SHLP) 2000 and its policies to be instructive in this case. Policy “H3” of the SHLP relates explicitly to “Housing Allocation Sites” and the Inspector notes that Policy H3 allocates 150 Net Units (i.e. dwellings) to the “Notcutts Nursery and Woodside Cottage, Bagshot” site. This is confirmed by Policy H3 [Figure 2, below].

Density and Quantum

39. The quantum of development proposed was partly raised in the context of the Brief that seeks a lower density for part of the entire allocated site. Policy H3 states the ‘Net Units’ for the whole allocation as 150 and does not express that number in any way as a maximum. Paragraph 122 of the Framework supports the efficient use of land and 123 requires that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. The policy text also guides against lower densities.

Figure 1. Paragraph 39 from Appeal Decision (21 Dec 2020), p. 7

POLICY H3: HOUSING ALLOCATION SITES 2001-2006	
The sites identified below are allocated for housing development in the period 2001-2006:	
	Net Units
Sergeants Mess, Bellew Road, Deepcut	25
Alma and Dettingen Barracks, Deepcut (Phase II)	145
Grange Nurseries/No 11 Coleford Bridge Road and Linsford Bungalow, Mytchett	38
Notcutts Nursery and Woodside Cottage, Bagshot	150
83 College Ride, Bagshot	30
Dyckmore, Streets Heath, West End	10
Salisbury Terrace, Mytchett	16
Whitehill Farm, Kings Ride, Camberley	10
Total	424

Figure 2: Policy H3. Surrey Health Local Plan (2000), p. 75

The “Notcutts Nursery and Woodside Cottage, Bagshot” is defined in Appendix 5 of the Surrey Heath Local Plan [and reproduced here in Figure 3] and is shown to incorporate the site of the now already-constructed “Earlwood Park” development (totalling 183 dwellings) and the Woodside Cottage/Chapel Lane site, which is the subject of this planning appeal decision.

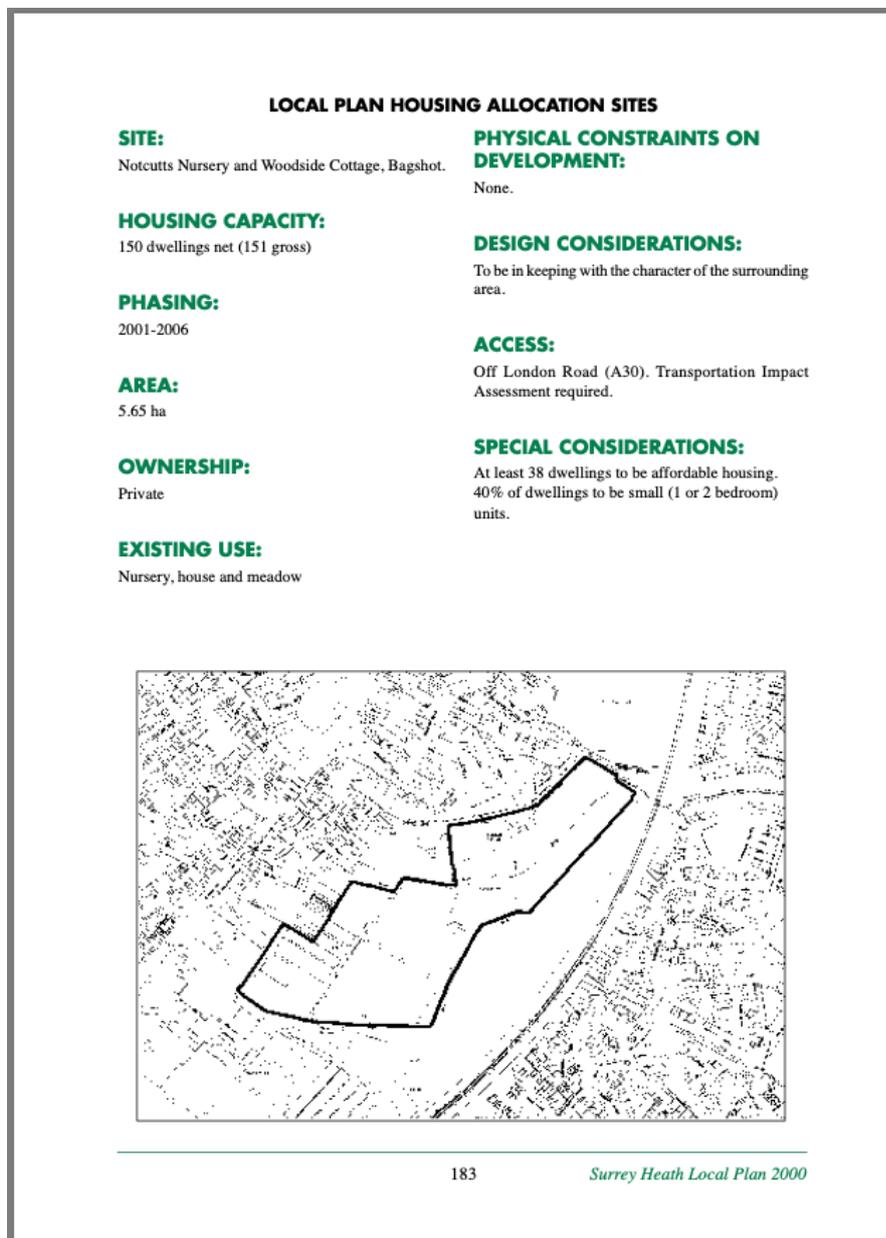


Figure 3. Appendix 5. Surrey Heath Local Plan, p. 174

The Inspector states in Paragraph 39 of his decision that Policy H3 “does not express that number [the 150 Net Units] in any way as a maximum”.

I would offer two immediate points in direct response and refutation of this claim:

1. Policy H3 must be read and understood in the context of (and with reference to) the Surrey Heath Local Plan, which defines “Gross” and “Net” in the following terms [See Figure 4]:

8.16 In providing for the new housing provision it is important to ensure that all of the sites are available for development. The total net provision set out in Policies H2 and H3 below is 701 dwellings. This represents an over provision of 93 dwellings compared with the Structure Plan requirements. For the purposes of the policies of this chapter, the terms “net” and “gross “ are defined as follows:

Gross– is the total number of dwellings proposed to be built on the site.

Net– is the increase in the number of dwellings on the site, that is the gross figure minus the number of existing dwellings on the site.

Figure 4. Para 8.16. Surrey Health Local Plan (2000), p. 73

Paragraph 8.16 makes it clear that the Gross numbers of dwellings proposed to be built are “totals” (i.e. the whole/absolute number).

2. Further, whereas Policy H3 may not, in itself, explicitly state that the 150 Net Units is a maximum, Policy H4 does (see Figure 5). In clarifying the conditions by which a site might receive a “lower dwelling provision”, Policy H4 clarifies that Policy H3 is a statement of a site’s “dwelling capacity” (i.e. the maximum amount that a site can contain).

POLICY H4:
MAINTENANCE OF HOUSING CAPACITY
This Policy applies to proposals for development on those Housing Allocation Sites identified in Policies H2 and H3 and on those Sites with Planning Permission identified in Table H2. Proposals for housing development on such sites will not be permitted where this would result in a lower dwelling provision than the dwelling capacity stated in the Policy or Table, unless good reason has been demonstrated for the shortfall.

Figure 5. Surrey Health Local Plan (2000), p. 75

Given that the “Notcutts Nursery and Woodside Cottage, Bagshot” site has already received 183 dwellings as part of the Earlswood Park development, it is evident that this site has already exceeded its recognised and agreed dwelling capacity (of 150) by **22%**. Rather than recognising and/or condemning this prior breach (or the previous Conservative-led administration that enabled this to occur), this Appeal Decision compounds the overdevelopment of the “Notcutts Nursery and Woodside Cottage, Bagshot” site, which, after the completion of the proposed 44 additional dwellings by Cala Homes, will have exceeded its recognised and agreed dwelling capacity by **51%**.

CONCLUSION

Bagshot has borne an excess of development over the past decades, and this decision further compounds the issues and challenges this poses for the community in terms of extra traffic and pressure on local services.

Development is necessary, of course it is, but it must be done in a way that is environmentally sustainable, properly planned, and undertaken in a way that accords with the principles of good and democratic governance, and all the while being open and transparent to the public. The (over)development of the “Notcutts Nursery and Woodside Cottage” site has fallen short on all of these bases, and local decision-makers and officials—past and present—within Surrey Heath Borough Council should make themselves available to the public to provide a full explanation of the events that have led to this moment as well as a commitment that a situation such as this can never happen again.

Dr Alasdair Pinkerton
22 December 2020

Sources:

Richard Aston (2020), Appeal Decision: Woodside Cottage, Chapel Lane, Bagshot (Published 21st December), Available online: https://publicaccess.surreyheath.gov.uk/online-applications/files/3008D08E01C7E1382C418C7C382B99B2/pdf/19_0235-APPEAL_DECISION_AND_COSTS_DECISION_FROM_PLANNING_INSPECTORATE_REC_D_21.12.2020-1478762.pdf

Surrey Heath Borough Council (2000), Local Plan (adopted 8 December 2000). Available online: <https://www.surreyheath.gov.uk/residents/planning/planning-policy/other-planning-documents/local-plan-2000>