



CHOBHAM PARISH COUNCIL

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23rd June 2026

Planning Policy and Conservation
Surrey Heath Borough Council
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GU15 3HD

By email: planning.consultation@surreyheath.gov.uk

Dear Sir or Madam

Letter of Representation

Surrey Heath Local Plan (2019 – 2038) Main Modifications Consultation

Thank you for the opportunity to comment on the Main Modifications. Whilst the Parish Council is broadly supportive of the Local Plan and wishes to see it progress to adoption, it has identified a small number of concerns regarding the proposed amendments. In the Parish Council's view, certain modifications introduce uncertainty and inconsistency which may affect the clarity and effectiveness of the Plan, both in terms of its comprehension and in a decision-making context. The comments below therefore relate to matters of soundness.

1. Use of the phrase “will be permitted” or “granted”

A number of the policies state that certain development "will be permitted" (or similar wording such as "granted") where criteria of that policy are met. The Parish Council considers this wording to be unduly permissive.

Planning applications must be determined in accordance with the development plan as a whole, unless material considerations indicate otherwise. Compliance with a single policy cannot, in itself, guarantee that planning permission will be granted where other policies within the Plan may not be satisfied.

The phrase "will be permitted" therefore risks implying a degree of certainty that cannot be provided by an individual policy. More appropriate wording would be "will be supported" or "encouraged" or similar, or by adding additional wording which expressly states that proposals must accord with the development plan as a whole.

There are many instances of "will be permitted" or similar (e.g. "supported by granting planning permission" on Policy H7). Examples include:

- MM19 – Policy H5: Range and Mix of Housing
- MM20 – Policy H6: Specialist Housing
- MM25 – Policy H11: Gypsies and Travellers and Travelling Showpeople
- MM46 – Policy E3: Biodiversity Net Gain

It is noted that through the modifications, some policies have been changed from "will be permitted" (or "will be granted") to alternatives such as "will be supported" or "encouraged", examples being:

- MM45 – Policy E2: Biodiversity and Geodiversity
- MM59 – Policy DH7: Heritage Assets
- MM60 – Policy DH8: Building Emission Standards

The reason why some policies use terminology that could be construed as guaranteeing a positive outcome ("permitted" or "granted") is unclear. It would be helpful if the Planning Authority either explained the differing approach or adopted consistent terminology throughout the Plan. In any case, it should be made clear that no application "will be permitted" based on satisfying the criteria of a single policy, to avoid the risk of challenge or other unexpected outcome.

2. Inconsistent use of cumulative policy tests

A concern is raised that there is inconsistency in the way policy criteria lists are drafted across the Plan.

Some policies clearly state that proposals must meet "all of the following criteria" and utilise conjunctive wording ("and") before the final criterion. This provides certainty that the criteria are to be satisfied in their entirety and it is not an "either/or" situation. For example Policy H10 (MM24) states "will be permitted where they meet all of the following criteria" and proceeds to list the criteria in a clearly cumulative manner.

By contrast, a number of other policies simply refer to "the following criteria" or "where the following criteria are met" without expressly stating that all criteria must be satisfied, or using the word "and" before the final criterion.

Examples include:

- MM20 – Policy H6: Specialist Housing
- MM25 – Policy H11: Gypsies and Travellers and Travelling Showpeople
- MM38 – Policy IN2: Transportation

The Parish Council considers that the differing drafting approaches create unnecessary uncertainty as to whether criteria are intended to be met in their entirety or whether some may be treated as alternative considerations.

It is therefore suggested that all policies be reviewed and, where full compliance with listed criteria of a policy is intended, amended to state: "(...) where all of the following criteria are met" or similar wording, with the format consistent across all of the Plan's policies.

3. Softening of policy requirements through inclusion of wording such as "have regard to"

The Parish Council is concerned that a number of Main Modifications replace strong/clear policy requirements with the phrase "have regard to" or similar, introducing uncertainty as to what is actually expected.

Phrases such as "have regard to" or "take account of" require only that a matter is taken into consideration. It does not require a proposal to reflect, accord with, meet, deliver or otherwise achieve a particular outcome.

A notable example is MM21 – Policy H7: Affordable Housing. Criterion 1(b)(i) is amended from wording requiring affordable housing tenure mixes to reflect local needs to wording requiring only that they "take account of" local needs. Similarly, criterion 1(d) requires dwelling sizes merely to "have regard to" instead of reflect the Local Housing Need Assessment.

The Parish Council is concerned that such changes may make it more difficult to secure affordable housing tenures and dwelling mixes that genuinely correspond with identified local needs. In practice, applicants could demonstrate that local evidence has been considered whilst still proposing a tenure or size mix that departs significantly from that evidence.

Other examples include:

- MM8 – Policy HA1/06: Chobham Rugby Club
- MM19 – Policy H5: Range and Mix of Housing
- MM20 – Policy H6: Specialist Housing

The Parish Council considers that stronger wording such as "reflect", "accord with", "meet", or at least "be informed by and broadly reflect" would provide greater certainty and effectiveness, whilst still allowing flexibility where justified by site-specific circumstances.

4. MM23 Policy H9: Rural Exception Sites – relaxation of policy requirements

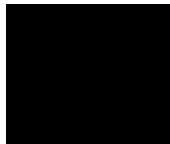
In 1(b), The Parish Council recognises that the amendment is intended to ensure consistency with national policy. However, the term “closely related to” is not defined and is open to widely differing interpretation. The Parish Council challenged this type of ambiguous and loose language in its consultation response to the NPPF reforms.

It is requested that supporting text is added to provide guidance on how this phrase will be interpreted in Surrey Heath, including the factors that will be taken into account when assessing whether a site is “closely related” to a settlement.

The Parish Council is otherwise generally supportive of the Main Modifications and considers that the matters raised in this letter could be addressed through relatively limited drafting amendments to improve the certainty, consistency and effectiveness of the Plan.

Thank you for taking this representation into consideration. If the Parish Council can provide clarification or any further information in relation to the points raised above please do not hesitate to contact me.

Yours faithfully



Ms C Cooper
Planning Co-ordinator