

OPENING STATEMENT BY LOCAL PLANNING AUTHORITY

1. Mr Russell Harris QC on behalf of the Appellants, made, at the pre-inquiry meeting, a very astute remark when considering whether this public inquiry should be truly public or virtual. He said, and was correct to say, that for a proposal such as this it was necessary to have full consciousness of the design to secure an almost visceral feel for what was proposed. This precluded the virtual but demanded a proper, without unduly denigrating the virtual, public inquiry.
2. Mr Harriss's insight is in perfect harmony with the subject matter of this case. It will have been noted that there is very considerable agreement, as expressed in the statement of common ground, which not only lessens the amount of inquiry time but also serves to put into sharp focus what this case is truly about. In the Appellant's evidence reference is made, in various places, to the subjective nature of the considerations that arise. Such references are apt.
3. One way to appreciate the heart of this inquiry is to notice that, essentially, it could be called an adjectival inquiry. What qualifier, in other words, should be used in respect of the impacts we can all notice? If one looks at the important policies CS 21 and CS 24 one cannot help but notice the number of adjectives used which are referable to local circumstances.

Additionally, the verbs used tend towards the subjective or the visceral, where, of course, local considerations and circumstances must prevail.

4. Thus, in CS 24 one has (for the purpose of protecting local character) an expectation that development should enhance existing character and conserve and where possible enhance townscape character. In CS21 one has criteria including due regard to scale, height, proportions, building lines layout and other characteristics of adjoining buildings and land. A satisfactory relationship has to be achieved to adjoining properties to avoid significant harmful impact. Other policy documents as particularised in the reasons for refusal support the approach given by CS 21 and 24.
5. It is, of course, correct that tall buildings could be supported in Woking Town Centre if justified within the context. It is worth noting that in the preparation of the proposal height was reduced in response to local representation. The language of CS21 is clear and reveals a starting point which is local character first with the consideration whether a proposal can sit with that character. This can be contrasted with an approach that says here is a scheme, let the local character fit with that.
6. This leads to an important consideration. The decision on the appeal is made as if the application were before the Secretary of State in the first instance: section 79 of the Town and Country Planning Act 1990. But the appeal requires all material considerations to be brought into account, see section 70 of the 1990 Act and section 38 of the Planning and Compulsory Purchase Act 2004.
7. One such consideration is plainly the adjectival or visceral exercise that has been performed by elected members representing the community. This resulted in a refusal of planning permission following consideration of a

report, that was full and clearly showed the character of that which was proposed. Indeed the report is, as it is understood, praised by the Appellants. From any perspective it is powerful piece of work.

8. This step by elected members is a highly material consideration. In an adjectival, subjective or visceral inquiry we can properly note that the expression of the community view is important. A contrast can be made with an inquiry having as its principal concern (say) retail impact or housing land supply.
9. There is considerable common ground in respect of the reasons for refusal (CD 6.1.4). The operative sentence in the first reason refers to there being impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties; such appears, in the generality at least, to be agreed and it will be important for you to determine whether such is the case. The question then becomes whether one uses the adjective harmful; it may be difficult not to do so.
10. There then has to follow an assessment whether that harm is significant. This is a contextual question in which one must not overlook the benefits of the proposal. However, one must be careful not to underplay the harm simply because there are benefits, which no one doubts.
11. The same holds true for the second reason for refusal, which includes reference to the proposed development having an impact on the character of the surrounding area. Plainly, that proposition is a statement of the obvious. But what adjective or qualifier should one put in front of impact? The inquiry will have to consider that question, which is of great importance to Woking, those who come to Woking and those who live in Woking.

12. The character of a place is something that defies a ready statement. I do not attempt to do so here. It plainly embraces all manner of circumstances and considerations. However, we can readily agree that a proposal for 929 residential units within 5 blocks varying between 9 and 37 storeys with a variety of other uses will have a substantial effect on the character of the surrounding area. We can also agree that the character of that surrounding area is, speaking generally, markedly different from the character of the proposed development.

13. This does not, of course, show that the impact is harmful but it reveals at the least the importance of the question. Further, something that is out of character is more likely than not to jar with some other character.

14. I do not wish here to anticipate the evidence but I do wish to acknowledge, in part so as to save inquiry time, and in part because it would be churlish not to do so that there are many considerations that Mr Harris can properly pray in aid in support of his case. However, these should not allow us to lose sight of the visceral or of the adjectival nature of the case.

15. I do not wish to say anything here about the third or fourth reasons for refusal save to emphasise the importance of the matters that lie behind them, cycle parking, conservation and other proper matters of funding.