



Planning Enquiries  
Planning Department  
Guildford Borough Council  
Millmead House  
Millmead  
Guildford GU2 4BB

16<sup>th</sup> March 2026

Dear sir or madam

**26/P/00146 Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 21 (approved drawings) to replace drawing reference 2176-A-3025-D (Browns Field Plots 11-16 Affordable Flats Plans) to remove reference to affordable housing (and thereby removing the requirement to provide affordable housing), of planning permission 21/P/01283 (for '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').**

Howard Of Effingham School, Lower Road, Effingham, Leatherhead, KT24 5JR

Effingham Residents Association (EFFRA) objects strongly to this planning application and its associated planning application 26/P/00147.

This letter of objection is in two parts. The first part records how Berkeley have continually sought and obtained concessions to the scheme since it was agreed in 2018. The second part gives EFFRA's specific objections to these two new planning applications.

## **1. Changes to the scheme since 2018**

The first planning application 14/P/02109 submitted in November 2014 was to build 295 enabling residential dwellings, of which 20% were to be affordable, in return for the rebuilding of the Howard School and its increase in size to 2,000 pupils. The application was refused by Guildford Borough Council but agreed at appeal on 21<sup>st</sup> March 2018 based on very special circumstances. Berkeley gave evidence at the appeal which assured Guildford Borough Council that this scheme was financially viable.

This current application, together with planning application 26/P/00147, form the latest of a number of proposals by Berkeley based on their claims of non financial viability of the scheme. An increase to

405 residential dwellings on a larger site was refused by Guildford Borough Council, but agreed at appeal in 2022. Planning application 25/P/01128 for a simpler design to the school and a decrease in pupil size from 2,000 to 1,600 pupils was submitted in August 2025 and is awaiting a decision. Berkeley justifies this application by (a) the lack of need for a larger school despite the extra demand from the new houses and (b) stating that the previously agreed scheme was no longer financially viable. These latest applications to delete the requirement to build any affordable housing and to more than double the number of new homes to be occupied in advance of practical completion and transfer of the new school, follow this disturbing pattern. (The appendix lists the main planning applications associated with this scheme. It is noteworthy that the Planning Committee refused the two main applications based on the arguments of residents about the failings of the scheme. It is regrettable that these have been overturned at appeal, since later applications have indicated that the Planning Committee's concerns were justified).

In the eight years since it was given permission for the original scheme, Berkeley has done only enough to obtain reserved matters planning permission, to extend the planning approval and meet some minor planning conditions. In the meantime, the site, which was agricultural land, has become overgrown unused land, and the condition of the school buildings has worsened considerably due to only essential maintenance being carried out. EFFRA and residents in Effingham who have always been against this scheme are frustrated by the continuing concessions to Berkeley and the changes to the scheme. It now bears little resemblance to the scheme that was originally approved at appeal in 2018. It is disappointing that the planning system has allowed this continual erosion of the terms of the originally agreed scheme based on claims by Berkeley of lack of financial viability. EFFRA questions whether this scheme was financially viable in the first place.

Over the years, the figures submitted by Berkeley have not been transparent and have varied considerably, especially regarding the cost of building the school. This continues to be the case and the financial viability should be scrutinised very carefully by an independent body. The original application in 2014 claimed the scheme was financially viable. Even with the rise of construction costs, the scheme should be even more profitable with all the concessions Berkeley has since been given and more so if the school is reduced to 1600 pupils. There appears to be no justification to drop the affordable homes target and allow more homes to be completed before the building of the school is completed.

The costs of building the new school appear to be overstated. They seem to be considerably more than the costs of a public sector school project, particularly as the design of the school is now more basic than the original ambitious design. The cost per pupil of building the school in the Berkeley proposal is over £40,000, whereas a recent study for the Department of Education gives an average of £21,000<sup>1</sup> for rebuild and extension projects (new build figures not being available for the last two years). These costs should be reviewed by an independent expert with experience of building schools in the public sector.

We believe the applicant has not provided sufficient evidence to support these applications and the risks that the school is not built as a result are too great for them to be agreed. After eight years of applications to substantially vary the agreed scheme, there has been no attempt to actually start the development. As more evidence arose that the original scheme was not financially viable, perhaps it would have been better if the Howard Partnership Trust had withdrawn from it and instead planned the long term refurbishment of the existing school buildings.

---

<sup>1</sup> National School Delivery Cost Benchmarking Primary, Secondary & SEN Schools June 2025

## **2. EFFRA's specific objections to these two new planning applications**

### **i. Proposal to Remove Affordable Housing in planning applications 26/P/00146 and 26/P/00147**

EFFRA considers there is a lack of evidence for the financial benefit of removing affordable homes. The application seeks to remove the obligation to provide the affordable housing from the S106 agreement which required 20% of the homes to be affordable. Berkeley states the current scheme is not financially viable and this can only be remedied by removing the affordable. EFFRA cannot see any evidence to support this statement in the Financial Viability Report which only sets out the value and cost of the proposed development if the affordable housing component is removed. It does not give the value and cost of the affordable housing. It is therefore impossible to assess whether the removal of the affordable housing improves the financial viability of the scheme.

EFFRA points out the importance of affordable homes to the original agreed scheme. Quod (on behalf of the applicant) claims the affordable housing provision was never an important part of the agreed scheme and therefore it can be removed to increase profitability.

*"While BHSL maintained this commitment (20% affordable housing) as an additional benefit of the scheme, it was never a fundamental component of the Very Special Circumstances case, which has always centred on addressing the inadequacy of the existing Howard of Effingham School."* (cover letter of 2nd February 2026)

That is incorrect. The Planning Inspector in his 2018 report devoted considerable time to the importance of the provision of affordable housing and the lack of such housing in Guildford.

*247. The appeal proposals promote the development of 295 dwellings, of which it is now agreed that 20% (61) would be affordable (comprising affordable rent, shared ownership and discount market sale dwellings). The evidence demonstrates that there is a particularly acute housing need in the Borough generally, including a pressing need for more affordable homes. (Report APP/Y3615/W/16/3151098 14\_P\_02109-APPEAL\_DECISION-1145908 page 52)*

In the Inspector's summing up of the planning balance and overall conclusions, both affordable and market housing as well as the provision of school buildings are given "very substantial weight" .

*37. The Secretary of State considers that the provision of affordable and market housing carries very substantial weight. He also considers that the provision of school buildings which meet modern educational and social need; addressing the condition of the school; and meeting need for school places each carry very substantial weight (Report APP/Y3615/W/16/3151098 14\_P\_02109-APPEAL\_DECISION-1145908 page 6)*

### **ii. Proposal to increase number of new homes which can be occupied from 50 to 159 homes in advance of practical completion and transfer of the new school in planning application 26/P/00146**

EFFRA believes there is a lack of evidence for this proposal. No evidence is provided in either the cover letter or Financial Viability Report to explain the financial benefit of an increase in the number

of homes which can be occupied in advance of practical completion and transfer of the new school. It should be noted that the associated planning application 26/P/00147 seeks a similar increase from 50 to 99 homes which can be occupied in advance of practical completion and transfer of the new school. The total requested is therefore 258 homes.

### **Potential Implications if these changes were to be agreed**

#### **a) Further concessions might be sought in the future.**

The Report forecasts a deficit of £46,616,057 or -16.94% of Gross Development Value. Yet Berkeley says in its Financial Viability Report that it is “prepared to take a commercial view on market improvements in order to ensure the delivery of the scheme and other local facilities”. This is based on assuming that “planning consent is achieved at local level as quickly as possible” and that “Any delay risks further significant cost inflation on the school” and broad legal disclaimers are included.

It would therefore be highly likely Berkeley would seek future concessions or permissions claiming financial viability had worsened further. EFFRA considers a group such as Berkeley would not support a scheme forecast to make substantial financial losses.

#### **b) The September 2030 school opening date will not be achieved.**

The Financial Viability Report contains a timetable for the residential buildings but not for the school. The covering letter does not include any reference to when the school would be started or completed. The Howard Partnership Trust told parents in a letter of 6th February 2026 that:

*“Following one final stage of approval, we expect to be able to confirm that the new school buildings will open no later than September 2030”.*

This date was also quoted at a meeting attended by EFFRA, Effingham Parish Council, Berkeley Homes and the Howard Partnership Trust Chief Operating Officer on 18th February when it was suggested that the building of the school would start in the summer of 2028. It is concerning that neither date is included in the application or Financial Viability Report. However, the Financial Viability Report suggests the September 2030 school opening date is not achievable, as in section 8 it is estimated that 4 homes would be sold “off plan” per month. It would therefore take 64.5 months or 5 years 5 months to sell the 258 homes (requested in both applications) and, if the school was not completed until the homes were occupied, the opening date would be pushed out to 2032/33.

#### **c) Risk of school not being built.**

If the requested increase in the number of homes which can be occupied in advance of practical completion and transfer of the new school is allowed, Berkeley would be able to build most of these homes without starting or completing the school. It is also relevant that Berkeley has permission to build 269 homes in total on land it owns – not much above the number of 258 sought in total from both applications. The remaining 136 homes (of the 405 homes agreed) are on land owned by the Howard School and rely on the school being built. In view of the past history of this scheme and the dilatory and non transparent behaviour of Berkeley throughout, EFFRA points out the potential risk that the school will not be built despite a significant number of homes being completed. This concern also arises from the lack of any supporting evidence in the Financial Viability Statement to justify the increased number of occupied homes in advance of practical completion and transfer of the new school.

## **EFFRA's Requests to Guildford Borough Council**

EFFRA therefore requests Guildford Borough Council to refuse these two planning applications.

EFFRA has not been able to fully assess the details of these proposals as the only details are short statements in the applicant's covering letter. Any draft Heads of Terms or proposed Deed of Variation of the S106 Agreements should therefore go out for consultation.

Should Guildford Borough Council approve these applications, EFFRA would urge the council to find a method of legally ensuring that Berkeley is committed to complete the new school - perhaps by way of a bond.

We also believe the ecology of the site is now likely to be richer because it has been largely undisturbed for twelve years and that an updated ecological report with appropriate mitigation measures should be required.

Yours faithfully for EFFRA

Vivien White, Chairman

## **Appendix – Other Main Planning Applications for the Scheme (excluding those for reserved matters and conditions)**

1. Planning application 14/P/02109 for 295 homes as enabling development with 20% affordable for a new 2,000 pupil Howard School and separate Cullum Centre for children on the autistic spectrum on their land at Effingham Lodge Farm submitted in October 2014; refused by Guildford Borough Council Planning Committee in March 2016 and approved at appeal on 21 March 2018.
2. Planning application 21/P/01283 submitted on 8 June 2021 and agreed on 16 September 2022 removed areas from the parameter plan including from the area agreed for the school.
3. Planning application 21/P01306 submitted on 10 June 2021 and refused on 5 April 2022 and agreed at appeal on 28 November 2022 enabled by 21/P/01283 for a further 110 dwellings with 20% affordable on an additional piece of land at Effingham Lodge Farm to the original scheme and four self-build dwellings on grounds that the scheme was no longer financially viable.
4. Planning application 25/P/01128 submitted on 8 August 2025 in which Berkeley applied for a simplified school design for 1,600 pupils without a separate Cullum Centre – again on the grounds that the modified scheme was not financially viable. This is still under consideration by Guildford Borough Council.