

Summary Proof of Evidence of Simon Slatford

BA (Hons) BPI MRTPI

Land at Chichele Road, Oxted

Appellant: CALA Group Ltd

Planning Inspectorate No. Appeal:

APP/M3645/W/24/3345915

Tandridge District Council Application No. TA/2023/1345

03 September 2024

LICHFIELDS

1.1 My name is Simon John Slatford. I am a Town Planner and a hold a BA (Hons) Degree in Town and Country Planning.

1.2 I am instructed by CALA Homes (South Home Counties) Ltd, (the “Appellant”) to provide evidence to this Inquiry in respect of the refusal of a full planning application by Tandridge District Council for residential development at Land at Chichele Road, Oxted, Tandridge.

Scope of Evidence

1.3 My evidence addresses all planning policy matters, including the framework of planning policy against which the Appeal proposals should be judged at both a local and national level. I consider the weight to be given to the policies of the development plan, as set out in the reasons for refusal and the Rule 6 Party and whether the planning application accords with the development plan.

1.4 I also deal with the ‘very special circumstances’ (“VSC”) case for development in the Green Belt, relevant material considerations, the weight to be given to the benefits associated with and any harm arising from the scheme and the planning balance. In this case, I also consider the potential implications of the draft NPPF (July 2024) which, while in draft now, may be in final form before the determination of the application.

Reasons for Refusal

1.5 On 26 February 2024 the Council refused the application under delegated authority. Seven reasons for refusal (‘RfR’) were given. Since that time, the Council has confirmed that they are now satisfied on the position regarding the impact on trees and have therefore withdrawn reason 6. The Council have also advised that on BNG (Reason 3), they would like more detail and assurance on delivery from the Appellant but considered that this could be discussed and agreed in the lead up to opening the inquiry. The submitted

revised ecological surveys have satisfied the Council on the baseline ecological value of the site. Through further clarification and discussions, it has also been agreed that the proposals would not harm the Ancient Woodland, provided that planning obligations are framed in a suitable way.

- 1.6 Therefore, the main issues are now on the impact on the Green Belt, the setting of the National Landscape and the landscape, and whether the proposals would be sustainable development, together with third-party highways and drainage concerns.

The Appeal Site and Proposals

- 1.7 It is important to note that the Appeal Site is located approximately 450m to the north of the centre of Oxted and 600m to the north of Oxted train station. It is highly accessible. The site is bound by existing residential properties on Chichele Road to the southwest, the grounds of St Mary's C of E Primary School to the northwest, and the grounds of Oxted Secondary School to the southeast and east. To the wider northeast of the site are fields in agricultural use.
- 1.8 The Appeal Site is not located within a Conservation Area and there are no designated heritage assets within the site. Part of the woodland at the northern border of the site is designated as Ancient Woodland. The Woodland to the north of the site lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB, now National Landscape - NL)) and an Area of Great Landscape Value (AGLV). The main field forming the vast majority of the site ('the development area') is adjacent to, but outside of the AONB/NL and AGLV. The site lies within the Green Belt.

Policy

- 1.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination of a planning application must be made in accordance with the

development plan, “*unless material considerations indicate otherwise*”. The current development plan relevant for the purpose of determining this Appeal comprises the Core Strategy Policies (‘CSP’) adopted in October 2008 (CD4.1); and the Local Plan Part 2 Detailed Policies (‘DP’) adopted in July 2014 (CD4.2). In addition to the above there are material considerations of relevance in the determination of this Appeal including the National Planning Policy Framework ‘NPPF 2023’ (CD8.1) and draft National Planning Policy Framework ‘NPPF 2024’ (CD8.3).

- 1.10 The NPPF (2023) contains a number of policies that are material to the determination of this Appeal, most significantly Green Belt policies and the effect on the setting of the National Landscape (AONB/NL), but the overarching thrust of the Framework is that sustainable development is to be pursued in a positive way, with the presumption in favour of sustainable development (paragraph 11) setting out how that should be achieved for plans and decision-taking. Planning policies in up-to-date Local Plans that are fully consistent with the NPPF (2023) can be given significant weight.
- 1.11 However, as it is agreed that the District cannot currently show a 5-year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
- 1.12 Paragraph 11(d) of the NPPF also sets out that the policies which are most important for determining housing applications are out of date in situations where the housing delivery test (HDT) indicates the delivery of housing was lower than 75% of the housing requirement over the previous three years. The HDT results show that the Council has delivered well below its required

housing (50% in 2020, 38% in 2021, and 38% in 2022) and this is currently on a downward trend.

- 1.13 The Tandridge Core Strategy was adopted in October 2008 and pre-dates the introduction of the NPPF. In a number of important respects, particularly regarding the delivery of new homes, the statutory development plan is out of date and inconsistent with the policies and objectives of the NPPF. While no weight can now be given to the withdrawn emerging plan policies, the evidence base for that Plan can be a material consideration which can be given some weight.

Main Issues

- 1.14 Before and following the Case Management Conference (CMC), the Inspector has identified the main issues for the inquiry. I address each of these in my evidence, as far as they relate to planning policy, but they are also addressed in detail in the evidence prepared by the Appellant's witness team.

Benefits

- 1.15 There are many benefits of the Appeal Scheme which can be given degrees of weight in the consideration of this case. On the Appeal Scheme itself, the Council has agreed that:

- a The affordable housing provision is in excess of adopted policy.
- b The housing mix is appropriate.
- c There is a good level of amenity and play space that meets policy.
- d The site is accessible, with respect to public transport and local services.
- e There is no impact on highways grounds.
- f The proposed quantum of parking is acceptable.

- 1.16 There are no objections from statutory consultees on flood risk, heritage, surface water drainage or contamination.
- 1.17 I consider that the delivery of new homes in this area is a significant issue in this Appeal. The Council does not have an up-to-date development plan in place to ensure the delivery on new homes and Mr Taylor notes in his evidence that there is a very real and urgent need for housing in the District due to the significant shortfall in the five year housing land supply and the HDT. As a consequence, I consider that the provision of market and affordable housing should carry substantial weight in the planning balance.
- 1.18 In my view, the proposed development represents sustainable development.

Green Belt

- 1.19 In the reasons for refusal, the Council mentions Policy DP1 on sustainable development, DP10 and DP13 of the Local Plan Part 2 and the NPPF. I give full weight to Policies DP1 and DP10, as these are broadly in line with the NPPF.
- 1.20 Paragraph 152 of the current NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
- 1.21 Having regard to Policy DP1, if very special circumstances are demonstrated to exist, the development would be compliant with national Green Belt policy as set out in the current NPPF. In these circumstances, a conflict with Policy DP1

and DP10 of the LP would not occur and, as such, I would maintain that the development would be sustainable.

- 1.22 The NPPG notes that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Mr Gibbs provides extensive evidence looking at the role that the site plays in the functions of the Green Belt and the spatial and visual harm to it. Overall Mr Gibbs considers that there would be limited harm to the Green Belt.

Landscape

- 1.23 RfR1 states that the development would have an urbanising effect upon and fail to conserve and enhance the setting of the Surrey Hills National Landscape (AONB/NL). Reason 4 states that the development would adversely impact the character and distinctiveness of the landscape and countryside of the site and wider area and significantly detract from the overall character and appearance of the area. Reason 7 refers to the Natural England Consultation Surrey Hills National Landscape Boundary Variation Project.

- 1.24 The Council maintain that the Appeal Scheme is contrary to Policies CSP20 and CP21 of the Core Strategy and Policies DP1, DP7, DP10 and 13 of the Local Plan Part 2. Paragraph 182 of the NPPF confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs/National Landscapes, but also states that development ‘within their setting’ should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 1.25 Paragraph 180 (a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value.

- 1.26 NPPF policy is not that there can be no development in the setting of the AONB/National Landscape, but that it must be sensitively located and the scheme designed to ‘avoid or minimise’ adverse impacts. There is no national

policy which requires the character or appearance of the setting of a National Landscape to be conserved or preserved.

1.27 Mr Gibbs has undertaken extensive assessment of the impact of the Appeal development on the AONB/National Landscape and whether the Appeal Site is a 'valued landscape' and he concludes that any effects are geographically limited and do not materially affect the wider landscape. Mr Gibbs concludes that no material harm would be caused to the setting of the SHNL.

1.28 Mr Gibbs also considers design matters as they are relevant to the setting of the AONB/National Landscape and concludes that the design of the scheme has been arrived at through the careful consideration of the constraints and opportunities presented by the site. On this basis, I conclude that the Appeal proposals are not contrary to the development plan or the NPPF with regard to impact on the National Landscape.

1.29 Mr Gibbs is also of the view that whilst pleasant, the developed part of the site does not contain any features of specific value that raise the developed part of the site above that of mere countryside. As such he does not find that the proposed developed area of the site to be a 'valued landscape' as protected by §180a of the Framework.

1.30 Since all appropriate mitigation measures have been adopted, it must be concluded that even if some harm to the AONB/National Landscape is identified, the impact upon the AONB/National Landscape has been minimised. As a result, the proposed development accords with paragraph 182 of the NPPF and the duty within the CROW Act 2000.

1.31 I acknowledge that the proposed extension of the AONB/NL boundary to include the site is a material consideration in any planning determination relating to the site and that the weight to be given to this matter is for the decision-maker. As part of that process, it is necessary to consider the stage reached in the process towards extension and the extent of, and nature of, any

outstanding objections received to the extension and it would appear to me that the process is a very long way from completing. As such, where the outcome of the review is unknown and the process is likely to take some time, the weight to be attached to this should be reduced as the final outcome cannot be known.

Impact on Ancient Woodland

- 1.32 Reason for refusal 2 states that the development would be likely to cause a deterioration of Ancient Woodland and fails to properly consider its protection. Reason for refusal 5 states that by reason of siting, form and appearance the proposed development would harm the Ancient Woodland. Paragraph 186 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 1.33 I understand that the Council will no longer be pursuing this reason for refusal as they now have sufficient assurances. Nevertheless, following the evidence of Mr Carter I conclude that, subject to the revised layout and management strategy there would be no loss or deterioration to Ancient Woodland and that the proposed development would therefore comply with National Planning Policy Framework 2023 and the development plan.

Natural Environment

- 1.34 Reason for refusal 3 states that it has not been demonstrated that the proposed development will contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. The NPPF states that local planning authorities should apply the principle that development whose primary objective is to conserve or enhance biodiversity should be supported.

1.35 Mr Phillips and Mr Carter conclude that the scheme avoids impacts on the Ancient Woodland through the exclusion of residents from the woodland and buffer area. On this basis, the scheme does ‘minimise impacts’ on the Ancient Woodland and the proposals will enhance the immediate habitats adjacent to the Ancient Woodland which will be an ecological enhancement.

1.36 Mr Phillips is also of the view that the scheme is capable of avoiding or mitigating all impacts on protected species. He considers that the scheme and the proposed mitigation and enhancement measures are in line with the NPPF and local policies CSP17 and DP19. 10% BNG can be achieved by way of a condition.

Impact on Trees

1.37 The reason for refusal on the impact on trees has been withdrawn by the Council. Nevertheless, this matter is addressed by the Appellant team.

1.38 The NPPF states that existing trees should be retained ‘wherever possible’. On the basis of Mr Carter’s evidence, I conclude that the proposed development complies with Policy DP7 and Policy CSP18. I am of the view that the Appeal proposal is not contrary to the policies of the development Plan or the NPPF.

Highway Matters

1.39 Evidence is provided on highway safety matters by Mr Whittingham who notes the concerns raised by Oxted Parish Council, as a Rule 6 Party, and local residents and addresses each one in his proof. He considers that he has appropriately demonstrated why these are not valid concerns and he is satisfied that the Appeal proposals are fully compliant with policies CSP 11 and 12 of the Core Strategy, DP5 and DP7 of the Local Plan, Healthy Streets for Surrey and sections 8 & 9 of the NPPF. Based on Mr Wittingham’s evidence, the Appeal Scheme accords with the NPPF and development plan policies. I note that this was not a reason for refusal.

Drainage and flooding

- 1.40 Drainage was fully assessed at the application stage and the Lead Local Flood Authority raised no objection, suggesting that should planning permission be granted, suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 1.41 A technical note is appended as Appendix 1 to my proof which specifically responds to the concerns raised by local residents. Drainage is not a reason for refusal and I am satisfied that the Appeal Scheme accords with the development plan policies in this regard.

Very Special Circumstances

- 1.42 Substantial weight should be 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.
- 1.43 Having considered the site, planning context, the proposed development and the conclusions of the Appellant’s team, I am of the view that the harm to the Green Belt and any other harm identified by the Council and Rule 6 Party is limited. In the context of limited harm, I set out the considerations that would outweigh that level of harm.
- 1.44 Consideration of very special circumstances and whether these are sufficient to outweigh the harms is a judgement call by the decision maker, having regard to the degree of harm, the reasons for the proposal and the extent of the benefits. I am of the view that there are a combination of factors that exist that, taken together, would outweigh any harm to the Green Belt and constitute the very special circumstances necessary to justify a grant of planning permission. In this context it is also important to note that this is a

very accessible location and, as stated above, development on Green Belt sites in the right location can be regarded as sustainable.

Implications of New NPPF (2024)

1.45 On 30th July 2024 the Government put out to consultation a revised NPPF (CD8.2). While limited weight can be given to the current draft of the NPPF or the Secretary of State's WMS (CD8.5), they are material considerations at the Inquiry and it is possible that a decision on this Appeal will not be made before the new NPPF is published. As such I consider that it is appropriate to consider the Appeal proposal in the light of the emerging NPPF.

1.46 The proposed changes to the current NPPF are significant with particular regard to the delivery of new homes and the approach to Green Belt and would have a material bearing on the consideration of this Appeal in a number of ways.

1.47 If this Appeal was determined after the proposed new NPPF is released it should be considered in the context that:

- 1 For the new Local Plan, the Council should be meeting a higher housing requirement in full and that this will involve the release of Green Belt land;
- 2 The Appeal Site should be considered as Grey Belt land;
- 3 Housing development in the Green Belt should not be regarded as inappropriate if it meets the three tests in proposed paragraph 155.

Planning Balance

1.48 Framework paragraph 11 indicates that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including Green Belts and National

Landscapes, provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

1.49 As outlined above, there would be limited harm to the Green Belt and no material harm to the setting of the AONB/National Landscape. While harm to the openness of the Green Belt and the scenic beauty of the National Landscape attracts great weight, very special circumstances exist to justify this development in the Green Belt. I have found no other significant potential conflict with policies in the Framework that protect areas or assets of particular importance. Consequently, no such policies of the Framework provide a clear reason for refusing the proposed development.

1.50 If the Inspector does not agree, and considers that the Appeal proposal is contrary to the policies of the development plan, I consider that there are material considerations to outweigh any such. I conclude that there are no other considerations which would support a refusal of permission and conclude that full planning permission should therefore be granted.

