

Land at Chichele Road, Oxted, Tandridge

Appellant's Statement of Case

Planning Application Ref. TA/2023/1345

CALA Homes (South Home Counties) Ltd

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1.0 Introduction

- 1.1 This Statement of Case ("SoC") has been prepared by Lichfields on behalf of our client, CALA Homes (South Home Counties) Ltd ("the Appellant"). It sets out the case that the Appellant intends to present during the forthcoming appeal against the refusal of a full planning application for residential development of Land at Chichele Road, Oxted, Tandridge, RH8 0NZ ("the site").

Background

Pre-Application

- 1.2 Prior to the submission of a planning application, the Appellant received formal pre-application advice from the Council on both 9 December 2022 and 24 July 2023, in relation to proposed residential development of up to 125 homes at the site (pre-application ref. PA/2022/282). The issues and potential impacts raised within the pre-application responses were considered and directly addressed within the Planning Statement (Section 5.0) and relevant technical assessments accompanying the application.
- 1.3 In addition, a public exhibition was held at the Oxted United Reformed Church on 12 July 2023, following a leaflet drop to 851 homes in the wider area surrounding the site. The exhibition was welcomed by residents and the feedback from the event helped to shape the development, as set out in the Statement of Community Involvement.
- 1.4 An Environmental Impact Assessment (EIA) Screening Opinion in relation to proposed development at the site (ref. 2023/714/EIA) was also issued by the Council on 3 July 2023, concluding that residential development of approximately 125 dwellings would require an EIA. The reasons for this conclusion relate to ecology/biodiversity and landscape/visual effects, with no other likely significant effects identified for other topic areas. Subsequent to this opinion, the Appellant lodged a request for an EIA Screening Direction from the Secretary of State. The resulting decision received on 7 February 2024 (ref. PCU/EIASC/M3645/3328595) agreed with the Council's view that EIA is required in relation to ecology, but not landscape/visual effects.

Planning Application

- 1.5 An application for full planning permission was submitted to Tandridge District Council ("the Council") on 26 October 2023 and subsequently validated on 6 November 2023 (reference TA/2023/1345). The application proposed the following:
- "Proposed residential development (Class C3) including affordable housing with associated access, car parking, soft landscaping and play provision."*
- 1.6 The application was given a statutory determination date of 26 February 2024.
- 1.7 During consideration of the application, the Appellant responded to comments from the case officer(s) and consultees and submitted further supporting information as well as revised plans. A brief summary of the timeline of consultee comments received during the determination of the planning application is provided at Appendix 1.

- 1.8 Regarding revised plans, the application was originally submitted with a plan showing the proposed 'Planning Layout' (drawing reference CB_36_313_001). During determination of the application, amendments to this and other associated plans have been made and submitted as follows:
- Affordable Housing Plan (drawing reference CB_36_313_004 Rev A) submitted 1 February 2024 to change the proposed tenure of plots 73 (3-bed house) and 74 (2-bed house) from shared ownership to affordable rent, in accordance with the request by the Council's Housing Development Support Officer and to reflect the high demand for affordable rented homes.
 - Housing Mix Plan (drawing reference CB_36_313_003 Rev A) submitted 2 February 2024 to correct the colour of the proposed two bed units according to the plan key.
 - Planning Layout (drawing reference CB_36_313_001 Rev B) submitted 6 February 2024 to add a proposed footpath to the northeast boundary of the site which links to PRow Footpath 75, following agreement with the adjoining landowner. This also included the affordable housing tenure change above.
 - Planning Layout (drawing reference CB_36_313_001 Rev C) submitted 23 February 2024 to amend the configuration of car parking spaces to the south of plots 75-84, to address the Council's Tree Officer concerns and demonstrate that impacts on tree T50 can be mitigated. This moves three parking spaces outside of the Root Protection Area (RPA) of this tree further east; it does not change the number of spaces proposed.
- 1.9 The updated Planning Layout (Rev C) was submitted by the Appellant to the Council on Friday 23 February 2024, prior to determination of the application on Monday 26 February 2024. Although the proposed changes do not appear to have been considered within the decision, they were submitted during determination of the application, and are in any case considered to be acceptable as a revision to the appeal scheme under the Wheatcroft Principle. This is because the proposed changes are limited to a minor reconfiguration of the parking area to reduce the effects of the scheme on tree T50. The changes proposed by Planning Layout (Rev C) are not substantial and would not prejudice any party. It is therefore considered that amended plans 'for approval' which reflect this change can be accepted through the appeal process.
- 1.10 An Environmental Statement (ES) was submitted with the planning application in October 2023, following receipt of TDC's EIA Screening Opinion in July 2023 which stated that the proposals are considered to be EIA development. The ES, which focussed on two technical topics of Ecology and Landscape and Views, assessed the original proposed 'Planning Layout' (drawing reference CB_36_313_001). Given the minor nature of the amendments to the Planning Layout within Rev C, including the addition of a footpath to the northeast boundary of the site and amendments to the configuration of car parking spaces to the south of plots 75-84, there would be no change to the findings of the submitted ES. The effects and conclusions of the assessment of the Proposed Development on Ecology and Landscape and Views remains the same.

Determination

1.11

On 26 February 2024 (at 16 weeks, in accordance with the determination period for major planning applications subject to an EIA), the Council refused the application under delegated authority. Seven reasons for refusal ('RfR') were given, as follows:

- 1 The proposed residential development represents inappropriate development in the Green Belt that would result in significant harm to openness both spatially and visually. The proposed development would also result in significant other planning harm in that it would have an urbanising effect upon and fail to conserve and enhance the setting of the Surrey Hills National Landscape defined in the development plan and would fail to safeguard the open countryside from encroachment and would not be seen to check the sprawl of large built-up areas. Very special circumstances do not exist to override the very substantial weight that must be afforded to the harm to the Green Belt and other harm resulting from the proposal. As such, the proposed development is contrary to policy CSP20 of the Tandridge District Core Strategy 2008 and policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014) and paragraphs 152, 153 and 182 of the NPPF (2023).*
- 2 By neglecting to provide a sufficient semi natural buffer, the proposed development would be likely to cause a deterioration of ancient woodland and fails to properly consider its protection contrary to NPPF 2023 paragraph 186 (c) which requires that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss. Impact or loss should not just be mitigated, but overall ecological benefits should be delivered.*
- 3 The proposed development is contrary to the provisions of the NPPF paragraph 180 d) because it has not been demonstrated that it will contribute to and enhance the natural environment by minimising impacts on, and providing net gains for, biodiversity. Likewise, the proposed development is contrary to the provisions of Tandridge District Core Strategy policy CSP17 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 because it has not been demonstrated that biodiversity will be protected, maintained and enhanced.*
- 4 The application site is sensitive in terms of its proximity to the National Landscape and Ancient Woodland. The proposed development would by reason of its siting and form and appearance adversely impact upon 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. As such, the proposed development would be contrary to the provisions of Tandridge Core Strategy 2008, Policy CSP21 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.*

- 5 *The proposed development by reason of its siting, form and appearance would result in harm to the Green Belt, the National Landscape, Ancient Woodland, open countryside and potentially biodiversity. The proposal therefore does not constitute 'sustainable development contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.*
- 6 *Due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas, the application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape. As such, the proposal is contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017.*
- 7 *The current proposal in the Natural England Consultation Surrey Hills AONB Boundary Variation Project is that the application site should be included in the AONB, and this is now a material planning consideration in the determination of this planning application. A grant of planning permission that would nullify the proposed Boundary Variation Project findings which are based on advice of expert landscape consultants would be unjustified. Based on the precautionary principle, planning permission should not be granted for development such as now proposed that would prejudice the outcome of the Boundary Variation Project.*

The Appeal

- 1.12 There are several complex technical issues arising from the reasons for refusal which will require cross-examination. This, together with the scale of local interest in the proposed development at the application stage, mean that the Appellant considers that the appeal should be dealt with by way of an Inquiry. The full reasons for this are set out in the accompanying Appeal Procedure Note submitted with the appeal.
- 1.13 This SoC explains why the Appellant believes the appeal should be allowed and why planning permission should be granted for the development. It has been drafted in accordance with the guidance at Section 12 of the Planning Inspectorate's Procedural Guide for Planning Appeals in England (updated 11 January 2024). The Appellant reserves the right to expand or vary its stated case as necessary in response to any relevant change in circumstances and/or evidence that might arise during the appeal process.
- 1.14 A draft Statement of Common and Uncommon Ground ('SoCUG') has also been prepared by the Appellant and submitted with the appeal. This has not yet been agreed with the Council, but the draft is intended to reflect discussions with the case officer(s) and statutory consultees to date.

Structure of this Statement

- 1.15 The remainder of this SoC is structured as follows:
- **Section 2.0** provides a description of the appeal site and appeal proposal
 - **Section 3.0** sets out the relevant planning policy context for the site

- **Section 4.0** details the Appellant's case
- **Section 5.0** provides information on planning conditions and obligations
- **Section 6.0** summarises the Appellant's position

2.0 Appeal Site and Proposal

Site and Surroundings

- 2.1 A full description of the appeal site and surroundings, designations and relevant planning history is set out in full in the application submission documents and the draft Statement of Common and Uncommon Ground ('SoCUG').
- 2.2 The site is 6.36 hectares in size and comprises an irregularly shaped agricultural field, located approximately 450m to the north of the centre of Oxted. The site lies to the northeast of Chichele Road and north of Bluehouse Lane. Oxted train station lies 600m south of the site and existing bus stops are located on Chichele Road and Bluehouse Lane.
- 2.3 The site is bounded by the rear of 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 (with playing pitches/sports facilities for both forming the immediate uses bordering the site, separated by existing hedgerows and pockets of woodland). To the wider northeast of the site are fields in agricultural use, beyond which lies the M25 motorway.
- 2.4 Access to the site is via a strip of land adjacent St Mary's School which leads to Chichele Road, and pedestrian access is also possible via Bluehouse Lane. There are no Public Rights of Way ('PRoW') within the site and no formal public access. PRoW Footpath 75 (Greensland Way) lies to the east of the site, providing links from Oxted to the wider area, including north of the site into the Surrey Hills.

Designations

- 2.5 The site is not located within a Conservation Area and there are no designated heritage assets within the site. The nearest listed building is the Grade II listed Church of All Saints (ref. 1245423) located on Ward Lane, less than 100m from the southern corner of the site. The nearest Conservation Areas are located approximately 500m southwest of the site.
- 2.6 Part of the woodland at the northern border of the site is designated as Ancient Woodland. This woodland is covered by a Tree Preservation Order – and a further TPO is located around a singular oak tree to the southeast boundary of the site adjacent to Oxted School.
- 2.7 The woodland to the north of the site also lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The main field forming the vast majority of the site is therefore adjacent to, but outside of the AONB and AGLV.
- 2.8 The vast majority of the site, with the exception of the proposed access routes, lies within the Green Belt.

Relevant Planning History

- 2.9 In May 2021, an earlier Order made by Surrey County Council in August 2018 to modify the Definitive Map relating to several new footpaths within and beyond the site was not confirmed, following an Inquiry held by the Planning Inspectorate (i.e. the proposed public rights of way were not established). This is relevant insofar as the proposed scheme would

introduce new formal routes through the site, and would also seek to mitigate against continued unauthorised access of the Ancient Woodland. The Order Decision (ref. ROW/3225371) is provided at Appendix 2.

- 2.10 There is no other planning history for the site of relevance to this appeal, beyond the Environmental Impact Assessment (EIA) Screening Directions noted above.

Appeal Proposal

- 2.11 The planning application submitted to Tandridge District Council, which is the subject of this appeal (reference TA/2023/1345), is seeking full planning permission for 116 new homes, comprising 70 market homes and 46 affordable homes (40% affordable housing provision), alongside associated landscaping, open space, parking, and infrastructure. The mix of homes will range from smaller (one-bedroom) apartments to larger (five-bedroom) detached houses, as well as the potential to deliver two custom build plots. The majority of homes will be two storeys, with some two and a half storey detached houses and apartment buildings.
- 2.12 The proposed development also includes 1.2 ha of public open space, including an equipped play area in the west of the site and a smaller play area to the eastern boundary (totalling 390sqm play provision).
- 2.13 Primary vehicular access to the residential development is proposed from a widened access point onto Chichele Road to the west of the site. Pedestrian and cycle access points are proposed around the site, including from Bluehouse Lane to the south and from a new pedestrian link to the northeast boundary of the site to an existing PRoW.
- 2.14 Further details of the proposed scheme are included in the Planning Statement (Section 3.0) and Design and Access Statement submitted with the application.

3.0 Planning Policy Context

- 3.1 This section contains details of key legislation, national and local policies, and other material considerations relevant to this appeal. The Appellant will refer to, and analyse, the statutory development plan policies and guidance pertaining to this appeal, in addition to the National Planning Policy Framework ('NPPF') (December 2023) and Planning Practice Guidance ('PPG') in demonstrating the scheme's comprehensive policy compliance.
- 3.2 The Appellant reserves the right to add to this list as part of the preparation of detailed evidence, particularly in light of any updated evidence base documents and/or the receipt of the Council's own statement of case.

Statutory Development Plan

- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, and that the determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.4 The statutory Development Plan relevant to the site currently comprises:
- The Core Strategy Policies ('CSP') adopted in October 2008;
 - The Local Plan Part 2 Detailed Policies ('DP') adopted in July 2014; and
 - The documents of the Surrey Minerals and Waste Development Framework.
- 3.5 The following policies are of relevance to the site and appeal proposal. This includes those referenced on the decision notice within the RfR, as follows:
- Core Strategy Policy 1 (Location of Development)
 - Core Strategy Policy 4 (Affordable Housing)
 - Core Strategy Policy 7 (Housing Balance)
 - Core Strategy Policy 11 (Infrastructure & Services)
 - Core Strategy Policy 12 (Managing Travel Demand)
 - Core Strategy Policy 13 (Community, Sport and Recreation Facilities & Services)
 - Core Strategy Policy 14 (Sustainable Construction)
 - Core Strategy Policy 15 (Environmental Quality)
 - Core Strategy Policy 17 (Biodiversity) **(RfR3)**
 - Core Strategy Policy 18 (Character & Design) **(RfR6)**
 - Core Strategy Policy 19 (Density)
 - Core Strategy Policy 20 (Areas of Outstanding Natural Beauty) **(RfR1)**
 - Core Strategy Policy 21 (Landscape & Countryside) **(RfR4)**
 - Local Plan Part 2 Detailed Policy 1 (Sustainable Development) **(RfR5)**
 - Local Plan Part 2 Detailed Policy 5 (Highway Safety & Design)

- Local Plan Part 2 Detailed Policy 7 (General Policy for New Development) **(RfR2)** **(RfR4)** **(RfR6)**
- Local Plan Part 2 Detailed Policy 9 (Boundary Treatments)
- Local Plan Part 2 Detailed Policy 10 (Green Belt) **(RfR1)**
- Local Plan Part 2 Detailed Policy 13 (Buildings in the Green Belt) **(RfR1)**
- Local Plan Part 2 Detailed Policy 19 (Biodiversity, Geological Conservation & Green Infrastructure) **(RfR2)** **(RfR3)**
- Local Plan Part 2 Detailed Policy 21 (Sustainable Water Management)
- Local Plan Part 2 Detailed Policy 22 (Minimising Contamination, Hazards & Pollution)

3.6 Due weight should be given to the policies of the adopted Development Plan according to their degree of consistency with the NPPF, and the Appellant will refer to these policies as necessary. In a number of important respects, the statutory development plan is out of date, not least because its strategic policies pre-date the introduction of the NPPF and it does not make provision for an up-to-date assessment of development needs.

3.7 Moreover, the NPPF makes clear that for applications involving the provision of housing, Development Plan policies which are most important for determining the application are considered to be out-of-date where the Council cannot demonstrate a five-year (or four-year if applicable) housing land supply, or where the Housing Delivery Test ('HDT') result was lower than 75% over the previous three years (Paragraph 11d).

3.8 Tandridge District Council fails against both of these criteria; the Council's position on housing land supply was last set out in the Annual Monitoring Report ('AMR') (2021-22) which considers that the Council can only demonstrate a supply of 1.57 years, albeit the Appellant contended within its application material that it is even less than this, and the HDT results show that the Council has delivered well below its required housing (50% in 2020, 38% in 2021, and 38% in 2022). While this position will be re-assessed at the time of the Inquiry, the planning policies most important for determining this appeal are therefore out-of-date.

3.9 There are no relevant policies within the Surrey Minerals and Waste Development Framework which affect the site (i.e. it is not within any safeguarding zones or similar).

Other Material Considerations Relevant to the Appeal

National Planning Policy and Guidance

- National Planning Policy Framework 'NPPF' (MHCLG, December 2023)
- Planning Practice Guidance ('PPG') (MHCLG, various dates)

Local Policy, Evidence and Guidance

- Withdrawn Tandridge Our Local Plan 2033 (Regulation 22 submission, 2019)
- Emerging Local Plan Evidence Base, including Green Belt Assessment (2018) and Housing and Economic Land Availability Assessments (HELAA) (2017/18)
- Parking Standards SPD (2012)

- Trees and Soft Landscaping SPD (2017)
- Tandridge Housing Strategy (2019)
- Annual Monitoring Reports (including Housing Land Supply Statement) (various dates)
- Surrey Hills AONB Environmental Design Guidance (2019)

4.0 Case for the Appellant

4.1 This section sets out the basis on which the Appellant considers that planning permission should be granted for the proposed development, concentrating upon the matters raised by the Council during the determination of the application. The proposal would deliver much needed new housing to meet the requirements of the district and it is sustainable development, in a sustainable location, and with significant benefits, which should be granted planning permission as soon as possible in accordance with national planning policy.

4.2 Having regard to the reasons for refusal, which are considered to be somewhat sprawling and overlapping, it is currently considered by the Appellant that there are four areas that comprise the Council's substantive objections to the appeal, with other matters of detail being resolved prior to an Inquiry. The potential main issues are:

- 1 The principle of development in view of the site's current designation as Green Belt land, and whether any 'very special circumstances' ('VSC') exist.
- 2 The impact of the proposed development on the setting of the Surrey Hills National Landscape (AONB) and open countryside, including impact on landscape character.
- 3 The inclusion of the site as a 'minor boundary refinement' in Natural England's 'Surrey Hills AONB Boundary Variation Project', and whether granting planning permission for the proposed development would prejudice the outcome of this.
- 4 The impact of the proposed development on the adjacent Ancient Woodland.

4.3 Other issues primarily relate to outstanding statutory consultee responses or the need for further technical information to be submitted to and/or consulted on with the relevant statutory consultee. The Appellant expects discussions to continue with the various statutory consultees at the earliest opportunity to resolve these matters and considers that they will be agreed with the Council through a SoCUG prior to an Inquiry. This includes:

- 1 Impacts on, and details of protection for, important trees.
- 2 Impacts on, and providing net gains for, biodiversity and the natural environment.

4.4 The Appellant's case on each of these matters is set out below.

4.5 While this Statement seeks to provide full disclosure of the details of the Appellant's case and the arguments being put forward, there is potential for other matters to be raised during the appeal process including any relevant change in circumstances and/or evidence. The Appellant therefore reserves the right to expand or vary its stated case as necessary to respond to such matters, if raised.

Matters Forming Reasons for Refusal (RfR)

Principle of Development and Green Belt (RfR1 & RfR5)

4.6 The first and fifth reasons for refusal refer to the proposed residential development comprising inappropriate development in the Green Belt. It is alleged by the Council that the proposal would result in significant harm to openness, both spatially and visually,

whereby the VSC necessary to override this harm (and other harms) do not exist. It is also alleged that the proposal does not constitute sustainable development.

- 4.7 By virtue of the site's location on the edge of Oxted in proximity to the train station and local facilities/services, the Appellant will contend that the site is a highly suitable and sustainable location for residential development. It accords with Core Strategy Policy CSP1 which seeks to promote sustainable patterns of travel by directing development towards Category 1 settlements, including Oxted. Evidence will also demonstrate that the appeal site is comparatively considered as one of the most appropriate options for Green Belt release, having regard to its in-principle planning suitability (i.e. lack of constraints), sustainability (i.e. location within Oxted as the most sustainable settlement within the district), and low contribution to Green Belt function (i.e. the five Green Belt purposes).
- 4.8 The Appellant acknowledges that the whole site is currently designated as Green Belt in the adopted Statutory Development Plan and as such, the proposed development for the scale and type of housing proposed constitutes, by definition, 'inappropriate development' (NPPF Paragraph 154, TLP Part 2 Policy DP10).
- 4.9 However, the Appellant will demonstrate that the proposed development presents a combination of factors that together constitute the VSC which justify the grant of planning permission for the scheme, and which outweigh any harms that arise. The Appellant will argue that as VSC are considered to exist, the proposal is therefore in accordance with the Statutory Development Plan (TLP Part 2 Policy DP10).
- 4.10 The Appellant will further demonstrate that harm to spatial and visual openness is largely limited to the definitional harm that arises from all inappropriate development in the Green Belt, and that there is relatively limited impact on openness (spatially and visually) beyond this. The Appellant also submits that there is relatively limited conflict with the five purposes of including land in the Green Belt, including safeguarding the open countryside from encroachment and checking the sprawl of large built-up areas. While the scheme would inevitably reduce the spatial 'openness' of the Green Belt in this location, by introducing new homes on an open field, this must be considered within the context of the site. It is well contained, seen in the context of the settlement of Oxted with development on three sides, and with the sensitive landscaping proposed the purpose of the wider Green Belt in this location would remain.
- 4.11 The Appellant will contend, as it did within the Planning Statement accompanying the application, that the VSC in this case includes the following factors – which do not, in and of themselves, have to be rare or unique – expanding upon these with evidence and reference to case law where necessary:
- 1 **The failure of plan-making in Tandridge** – The emerging Local Plan was submitted for examination in January 2019, and subsequently withdrawn, being unsound, over five years later in April 2024. The Council is now starting work on a new Local Plan, the adoption of which will be several further years away. The ongoing failure to progress a new Local Plan to adoption is leading to sustained and worsening housing affordability outcomes locally and is holding up the delivery of much needed housing on otherwise suitable sites. The Appellant submits that the only way to rectify this in the short term is to address sites and housing delivery under the VSC test.

- 2 **Sustainable location** – The appeal site is in a highly accessible and sustainable location that is well-served by public transport; it is located on the edge of Oxted (a sustainable settlement designated as Tier 1 in the Council's settlement hierarchy), and future residents/visitors will have a realistic opportunity to utilise sustainable modes of travel for meeting day-to-day needs. The Council's own evidence (HELAA) identifies the site as sustainable, and evidence will demonstrate that by comparison, the appeal site is closer to the train station and better served by public transport than several other Green Belt sites that were proposed for allocation in the now withdrawn Local Plan.
- 3 **Severe 5YHLS position** –The latest five-year housing land supply position published by the Council (set out in the AMR published November 2022 and covering the period 2022/23 to 2026/2027) indicates that the Council can only demonstrate a supply of 1.57 years, whilst the Appellant's review (submitted as part of the application) suggests this could be as low as 1.38 years – equating to a shortfall of 2,791 homes. The extent of the 5YHLS shortfall is acute. The proposed scheme is submitted by a well-established national housebuilder which could be delivered in the short term.
- 4 **Affordable housing need and delivery shortfall** – The Council has historically failed, and continues to fail, to deliver sufficient homes. The district therefore has a significant shortfall in housing delivery which has led to acute affordability pressures and a high need for affordable housing. The Council's latest evidence on housing need (updated SHMA Affordable Housing Needs Assessment, June 2018) identified an annual need for 310-391 affordable homes per year; lower quartile (i.e. most affordable) house prices and private monthly rents are significantly higher than national and regional averages; and the Council has a substantial housing waiting list. The provision of 46 affordable homes (40% and in excess of the adopted Core Strategy Policy CSP4 requirement of 34%) will make a very important contribution in addressing this.
- 5 **The necessity of Green Belt development** – Tandridge has a long-standing history of having the highest percentage (94%) of Green Belt land of any local authority in England, and the withdrawn Local Plan process clearly established the need (exceptional circumstances) to remove land from the Green Belt for the provision of housing. As a key urban settlement in the top tier of the Council's spatial strategy, there is an expectation that Oxted will make a significant contribution to delivering new homes. In short, the district's future housing needs can only be achieved by building in the Green Belt, and the Appellant considers the appeal site is one of the most suitable for development.
- 6 **Play space and enhanced accessibility** – The proposed provision of play space within the site directly responds to identified needs within Oxted and Limpsfield, where the Council's evidence (Tandridge Open Space Strategy 2021-2025 and earlier Open Space Assessment) identifies access deficits and quantity shortfalls. The provision of 390 sqm of new high-quality play opportunities (exceeding the policy standard requiring 140 sqm) will improve the availability of high-quality recreational space in the local area and make an important contribution in addressing those needs, providing wider benefits to the community. In addition, the proposals would formalise public routes through the site to PRow Footpath 75 to the east. This will benefit from improvements to the quality and accessibility of the surrounding environment and

allow enhanced accessibility to the Green Belt and Surrey Hills National Landscape from the centre and north Oxted.

- 7 **Sustainable design** – The new homes have been designed to be far in excess of both TDC’s policy requirements on energy efficiency and sustainable design standards, as well as current building regulations. This includes timber frame construction systems, air-source heat pumps and hot water heat pumps (gas-free), solar photovoltaic panels on roofs, and electric vehicle charging points alongside a car club. Overall, these sustainable measures means that the proposed specification of the scheme will be delivering a total carbon efficiency saving of 69.8% from the implementation of fabric efficiency measures and on-site renewable energy sources, which significantly exceeds current local planning policy requirements (20%) and existing building regulations (31%). The scheme will also deliver biodiversity net gain.
- 8 **Economic and social benefits** – The proposed scheme represents an important opportunity for investment within the settlement of Oxted, and the provision of new housing (including affordable housing) and new open space will generate a range of economic and social benefits that will contribute to the local economy and community. Development will also lead to indirect socio-economic benefits, such as reducing homelessness (and the associated societal costs), alleviating local housing affordability issues, and increasing productivity, through improved opportunities for community development and community interaction.

4.12 The Appellant reserves the right to further refine the consideration of VSC as part of the submission of detailed evidence in due course.

4.13 Overall, the Appellant will demonstrate that any notional harm to the Green Belt and any other harm is clearly outweighed by the multiplicity of important VSC that arise from the development proposals as listed above.

4.14 The Appellant will also demonstrate that the appeal scheme complies with all other relevant Development Plan policies. This is set out further below (see ‘Other Considerations’).

Landscape Impacts and Impact on National Landscape (RfR1, RfR4 & RfR5)

4.15 The first, fourth and fifth reasons for refusal refer to adverse impacts on the National Landscape, open countryside, and overall character and appearance of the area. In particular, the Council allege that the proposed development would fail to conserve and enhance the setting of the Surrey Hills National Landscape.

4.16 A comprehensive landscape and visual impact assessment accompanied the application forming part of the Environmental Statement. The Appellant is also aware of comments made in respect of the application by Natural England and the Surrey Hills National Landscape as statutory consultees. The latter considered that the proposed development would have little impact upon public views into or from the National Landscape, that the impact would be localised, and that this would be seen in the context of the built-up area of Oxted.

4.17 The Appellant will demonstrate through evidence that any landscape effect or urbanising effect on the local landscape would be largely confined to the appeal site itself. The

Appellant will also show that setting of the Surrey Hills National Landscape would be conserved.

- 4.18 With regard to the wider area, the Appellant will show that due to the largely enclosed nature of the site, the siting and form of the proposed development results in effects on landscape character and distinctiveness that are almost entirely confined to the appeal site itself, with limited effects on the wider landscape.

Prejudice to the National Landscape Boundary Variation Project (RfR7)

- 4.19 The seventh reason for refusal considers that granting planning permission for the proposed development would “*prejudice the outcome of the National Landscape Boundary Variation project*”. The Appellant considers this reason for refusal (being distinct from the landscape impact reasons for refusal discussed above) relates to the ‘prematurity’ of the appeal scheme.
- 4.20 Notwithstanding, the Appellant will demonstrate that whilst the area around Oxted was included as part Evaluation Area EA10 Greensand Hills and Low Weald, the site itself was not included in EA10, and does not form part of the Proposed Limpsfield extension identified in the consultation. The appeal site appears merely as a potential Minor Boundary Refinement. The outcome of the consultation is still undetermined and whilst it is a material consideration, the site currently falls outside of the National Landscape designation.
- 4.21 The Appellant will also present in evidence that the site does not have “sufficient natural beauty to be designated”. Furthermore, evidence will be presented that it does not fulfil the criteria to be classed as an anomaly (boundary refinement) and has consistently, and deliberately, been excluded from any landscape designation.

Impacts on Ancient Woodland (RfR2, RfR4 & RfR5)

- 4.22 A number of the reasons for refusal refer to the impact of the proposed development on the adjacent Ancient Woodland. In respect of the application, this was first mentioned within the Surrey Hills National Landscape response (2 January 2024) which ultimately defers to the advice of Natural England; whose subsequent response on 30 January 2024 sets out that Natural England only provide bespoke advice on Ancient Woodland where it forms part of a Site of Special Scientific Interest or in exceptional circumstances.
- 4.23 The detailed concern regarding the impact of the proposed scheme on Ancient Woodland therefore lies within the Surrey Wildlife Trust comments (19 January 2024) which are reflected by the Council’s in-house ecologist response (5 February 2024). The Appellant responded to these concerns (see Appendix 1), and received further comments on 20 February 2024, less than one week prior to the decision notice being issued. The Council, in its reasons for refusal, allege that the scheme does not provide a sufficient semi-natural buffer to the Ancient Woodland and fails to properly consider its protection. The Appellant has therefore sought to address these concerns as follows.
- 4.24 The Appellant will demonstrate through evidence that the size of the proposed buffer zone between the Ancient Woodland and the proposed development exceeds the minimum size

set out in the current Government guidance (and drawing upon relevant appeal precedent), thereby refuting the Council's position that the proposed buffer is insufficient.

- 4.25 In respect of the desirability for landscaping and/or boundary treatments within or to this buffer, the Appellant considers a planning condition can appropriately address the requirement for this, in accordance with NPPF para 55/56, and it should not therefore represent a reason for refusal by the LPA.
- 4.26 The Appellant will seek to agree a proposed fencing and planting scheme for the proposed buffer zone between the Ancient Woodland and the proposed development, that follows current Government guidance and will avoid harm to and deterioration of the Ancient Woodland. The Appellant considers that suitable protective fencing will prevent recreational human access, but allow wildlife to pass through, while appropriate planting of semi-natural habitats (such as native tree, shrub and herbaceous species) in the buffer zone will enhance the effectiveness of the buffer in respect of providing protection to the Ancient Woodland. The Appellant contends that these measures are achievable through the agreement of an appropriately worded pre-commencement planning condition, which requires the submission and implementation of such landscaping details.
- 4.27 The Appellant will further contend that the creation of the new public footpath access in the northeastern corner of the site will divert pedestrian traffic away from existing informal pedestrian paths through the Ancient Woodland that have been used unlawfully by the public. This would provide an alternative route through the site that connects with the existing paths network and avoids the Ancient Woodland altogether, reducing the current detrimental impact on the Ancient Woodland and creating an ecological betterment.
- 4.28 The Appellant also considers that the planting scheme for the proposed buffer zone between the Ancient Woodland and the proposed development (that would be agreed via condition) will actively reduce public and recreational access to the buffer zone, compared to the existing open field situation at the site.
- 4.29 Taking the above two points together, the Appellant considers that the impact on the Ancient Woodland is not just mitigated by the appeal scheme but would result in overall betterment as a result of preventing/dissuading existing unauthorised public access, providing alternative routes to nearby footpaths, providing buffer planting, and protecting the Ancient Woodland via an appropriate management plan.

Impact on Important Trees (RfR6)

- 4.30 The sixth reason for refusal relates to the potential impact on important trees, including encroachment into root protection areas (RPAs) and pressure on retained trees due to proximity to dwellings and parking areas. The Council alleges that the proposed development fails to recognise the constraints posed by important existing trees.
- 4.31 The Appellant submits that the removal of the parking bays over the RPA of tree no. T50, as proposed in the Planning Layout drawing no. CB_36_313_001 Rev C has largely addressed this reason for refusal. As set out earlier in this Statement, the layout directly addresses the Council's concerns by reconfiguring car parking spaces to the south of plots 75-84 outside of the RPA of tree T50, to mitigate this tree impact, and it is considered this minor change, which has already been put forward to TDC albeit at such a time that it was seemingly not

considered by the Council before a decision was issued, is acceptable under the Wheatcroft Principle.

- 4.32 The Appellant considers that the only location that is suitable for the construction of the main site access road passes over the RPA of tree nos. T65, T66 and T70. Therefore, if the site is to be developed for residential use, this encroachment into the RPA of these trees is unavoidable, and therefore justified. Notwithstanding, the Appellant submits that an appropriate technical solution that prevents damage to the roots of these trees has been proposed, and that the proposed main access road complies with the requirements of Section 5.3.1 of British Standard 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*' as set out in the ACD Arboricultural Impact Assessment & Method Statement submitted with the application (ref. CALA24033aia-ams Rev A). The Council can therefore ensure this technical solution is implemented by applying an appropriately worded planning condition, requiring compliance with the Arboricultural Impact Assessment & Method Statement.
- 4.33 The Appellant will seek to explore with the Council via the Statement of Common and Uncommon Ground ('SoCUG') agreement that there is no impact on important trees. The Appellant considers that RfR6 could be removed by the time of the Inquiry.

Biodiversity and Natural Environment (RfR3)

- 4.34 The third reason for refusal considers that the proposal has not demonstrated that it will contribute to and enhance the natural environment. Specifically, the Council alleges that it has not been demonstrated that biodiversity will be protected, maintained, and enhanced, by minimising impacts on and providing a biodiversity net gain (BNG).
- 4.35 Foremost, in order to fully address any outstanding concerns held by the Council's ecologist (as referred to within the Officer Report), the Appellant will provide updated survey information in relation to key habitats and protected species. This is proposed to include further bat surveys (monthly April to October), three bird surveys (April to June), reptile surveys (April/May), a great crested newt survey (April) and an Ancient Woodland botanical survey (April/May). Due to the work being seasonally constrained, the surveys were unable to be carried out earlier this year, however they are currently being undertaken and it is anticipated that these further surveys and subsequent updated reports will enable full assessment and resolution of any outstanding ecology matters with regards to the nature conservation importance of the site.
- 4.36 The Appellant submits that the scheme contributes to improving biodiversity and delivering BNG (in accordance with Core Strategy Policy 17). Indeed, following initial consultation on the application with Surrey Wildlife Trust and the Council's Ecology Officer, the Appellant submitted further information including a completed BNG metric which showed the proposed scheme will result in a gain in habitat units (+10.13%) and hedgerow units (+11.72%) through a combination of on and off-site ecological enhancement.
- 4.37 The level of BNG proposed is significantly above any policy requirement (while Core Strategy Policy CSP 17, Local Plan Part 2 Detailed Policy 19 and the NPPF paras 180 and 185 provide a policy requirement for BNG and the enhancement of the natural environment, they do not set any minimum percentage gain) and the statutory requirement for 10% BNG under the Environment Act 2021 does not apply to the proposed development

(as it is only applicable to major applications made after 12 February 2024). The Appellant therefore considers the level of BNG proposed is a benefit that should be given positive weight in the planning balance. The Appellant will seek to agree this matter by securing the provision of BNG via a planning condition (and/or if necessary, the Section 106 agreement) requiring the submission of a Biodiversity Gain Plan prior to the commencement of development, in line with the statutory framework.

4.38 Further, the Appellant will demonstrate that the scheme design, construction, and operational phases of the proposed development have followed the mitigation hierarchy, and that the scheme will not result in any significant harm to biodiversity through the implementation of the proposed ecological mitigation measures, which can be secured by appropriate conditions.

4.39 Overall, the Appellant will seek to explore with the Council via the SoCUG agreement that biodiversity will be protected, maintained and enhanced. The Appellant considers RfR3 could be removed by the Inquiry.

Other Matters

4.40 As noted earlier in this Section, other technical inputs have been discussed with the Council and relevant statutory consultees as part of the planning application and are considered to be agreed between the Council and the Appellant before the Inquiry. It is anticipated that these issues will be reflected in a SoCUG for the purposes of the Inquiry, and the Appellant expects to agree a finalised set of planning conditions and S106 agreement pertaining to these issues.

4.41 Notwithstanding, we are aware that third parties have raised matters beyond those identified in the reason for refusal and we address these as follows.

Transport, Highways and Access

4.42 Detailed discussions have been held with Surrey County Council (SCC) as County Highway Authority (CHA) and these have enabled the Appellant to address all outstanding highways and transport matters. SCC is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway. They state that if planning permission is granted this should be subject to conditions and a separate legal agreement relating to offsite highway works and monitoring a travel plan.

4.43 Similarly, National Highways (NH) is satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT circular 01/2022, and DHLUC NPPF 2023) in this location and its vicinity. This is reflected within their consultation response submitted to the Council dated 11 January 2024.

4.44 As such, there are no outstanding objections to the proposal from SCC as CHA or NH.

Design and Layout

4.45 The design and quality of the proposal is of a high standard which has sought to respond to its local setting and the opportunities and constraints of the site, as well as guidance on design, including through the density, position and setting back of buildings and the use of

amenity space and extensive new planting. The design of the scheme and how it has evolved to respond to the opportunities of the site are set out in the accompanying Design and Access Statement and reflect the requirements at NPPF Paragraph 135 on design as well as within the National Design Guide. Overall, there are no outstanding objections to the proposal on design grounds.

Third Party Representations

4.46 There have been several objections from local residents (individuals and groups) to this appeal scheme. These raise a number of issues including in summary:

- The proposal constitutes inappropriate development in the Green Belt and there are no very special circumstances to justify such development
- Potential harm to the Green Belt and contribution of the site to the GB purposes
- Adverse impacts on the countryside, National Landscape, Ancient Woodland and Area of Great Landscape Value
- Loss of wildlife and adverse ecological and biodiversity impacts
- The land has the potential to be designated as National Landscape
- Potential noise and disruption during construction of the development
- Potential harm to the rural character of the area
- Concerns over the capacity of the access road and pedestrian safety in relation to the adjacent school
- Increase in traffic and congestion on local roads, and associated increase in adverse noise and air quality impacts
- Increased pressure on local services including doctor surgeries, dentists and schools
- Loss of green/open space that is valued by the local community
- Concerns over the drainage strategy and potential increased risk of flooding
- The development has not considered alternative housing solutions including on brownfield sites
- Negative impact on the value of existing neighbouring properties and loss of views
- Negative impact on the amenity of existing residents in terms of overlooking

4.47 Some of these issues are not material considerations (e.g. property values), while others are considered to have been satisfactorily addressed through the consideration of the application to date (e.g. highways capacity, drainage strategy, and mitigation measures). The proposal is in a sustainable location for new housing, has had regard to the character of neighbouring properties and Oxted town, and will make contributions towards improved infrastructure and services as necessary to support the proposed development.

Other Considerations

4.48

The Appellant considers the scheme to meet with the Council's policies and standards in all other respects. This includes relevant policies in the adopted Core Strategy ('CSP') and Detailed Policies ('DP') where appropriate, as follows:

- **Policy CSP1** – The site is considered to be a sustainable location for housing and broadly accords with the spatial strategy set out within the Core Strategy (focussing new development towards Category/Tier 1 urban settlements, including Oxted).
- **Policy CSP4** – 40% of the new homes will be affordable, which meets and exceeds the current policy requirement for up to 34% provision. These units will be tenure blind, indiscernible from and well-integrated with the market homes.
- **Policy CSP7** – The overall proposed mix is in general accordance with identified needs set out in the Council's latest evidence (2018 Strategic Housing Market Assessment) and would contribute towards the Councils' objective to increase the provision of smaller properties.
- **Policies CSP18 and DP7** – The design of the proposed development is high quality and has sought to respond to its local setting, existing residential amenity and the opportunities and constraints of the site, including through its scale, density, layout, materials and the use of amenity and open space.
- **Policy CSP19** – The overall proposed (gross) density of the scheme is approximately 18 dwellings per hectare, which reflects the site's surrounding lower-density context and the need for a sensitive development and open space elements on site.
- **Policies CSP12 and DP5** – The proposed scheme makes provision for safe and suitable access for cars, emergency vehicles, pedestrians, and cyclists. It also makes appropriate provision for parking and servicing and is supported by sustainable transport measures as set out in the submitted Travel Plan. The scheme would also have a negligible/minimal impact on the operation of existing transport infrastructure.
- **Policy CSP13** – The proposal includes the provision of substantial new public open space and recreational facilities which, combined with the playing pitches, exceeds the 'need' generated by the development and contributes to wider provision within Oxted and Limpsfield.
- **Policy CSP20** – The proposed scheme will not directly impact on the built fabric of any heritage assets in the area, and the significance of the surrounding heritage assets within the proximity of the site would be preserved by the proposed development.
- **Policy CSP21** – The housing development can be successfully integrated into the current urban framework, forming a natural infill within the current settlement pattern, and the scheme incorporates new landscape planting and a buffer to wider open land.
- **Policy DP22** – The proposed uses are not considered to present any noise amenity or air quality issues, including in relation to the nearby M25 and adjacent schools and playing pitches, and appropriate internal noise levels for the proposed homes can be achieved via conventional mitigation measures (e.g. glazing and ventilation).

- **Policy DP19** – New tree planting will introduce both ecological and landscape benefits, and any trees that require removal are either in poor condition or classified as low-quality and not considered as contributing to local character.
- **Policies CSP15 and DP21** – The site is located wholly within an area with the lowest probability of flooding from all sources, including surface water and groundwater flooding, and the proposals include sustainable drainage systems; surface water from the site can be sufficiently attenuated and discharged and foul sewage can be adequately addressed.
- **Policy CSP14** – The development will far exceed local policy requirements on sustainable construction, including achieving well over the required 20% reduction in CO₂ emissions through the incorporation of fabric efficiency measures and on-site renewable energy sources.

5.0 **Planning Conditions and Obligations**

Section 106 Agreement

5.1 It is recognised that the development will give rise to certain infrastructure requirements and as a result, the Appellant will enter into a S106 agreement to provide financial contributions to mitigate any adverse impacts. The Appellant will enter into further discussions with the Council in due course to bring forward a legal agreement that encompasses the necessary infrastructure obligations in order to make the proposed development acceptable in planning terms. The Appellant will seek to agree this with the Council to enable a final draft S106 agreement to be submitted prior to an Inquiry.

5.2 To date, the following contributions and obligations have been identified for inclusion within a S106 agreement:

- Affordable housing provision – up to 40% of the total units on site delivered as affordable housing (as shown on the proposed Affordable Housing Plan).
- Travel Plan monitoring fee.
- Open space and play space provision.
- Provision of a car club space.
- Custom-build units.
- Provision of the proposed link through to PRow Footpath 75 (as shown on the proposed Planning Layout drawing).
- Transport contribution towards the provision of a zebra crossing and improvements to the bus stop adjacent (including a bus shelter) to St Mary's CofE Primary School (as set out on the proposed Access Arrangements drawing).
- Provision of or contributions towards upgrades to the section of Bluehouse Lane proposed as a secondary pedestrian/cycle access point.

5.3 The Appellant will engage with the Council to ensure that these remain relevant and up to date and reserves the right to amend and/or add to these terms as part of this process.

Community Infrastructure Levy (CIL) Contributions

5.4 The Council adopted its CIL charging levy on 1 December 2014. Accordingly, the proposed development is liable to payment of the levy. In the case of residential development, this is charged district-wide at £120 per sqm of additional gross floorspace created (currently indexed to £191.30 for 2024). The full CIL payment would be made to mitigate the impact of the development on local services, for the purposes on the list of infrastructure types identified in the Council's CIL Regulation 123 list. Of relevance to this application, this includes education, medical, library, and waste and recycling. This fully accords with Policy CSP11 which requires developer funded contributions from development.

Planning Conditions

5.5 As the application was refused under delegated authority, no draft planning conditions were advanced as part of the Officer's Report. Several statutory consultees have requested

conditions be placed upon any grant of planning permission, and the Appellant will enter into discussions on the wording and mechanisms for these where appropriate. The Appellant anticipates that these conditions will reflect all other relevant matters to the application, some of which have already been discussed and agreed with relevant statutory consultees, including (amongst other things):

- Transport (including access arrangements and highway safety)
- Drainage (implementation of the sustainable drainage scheme)
- Noise (relating to the use of air source heat pumps)
- Archaeology (securing a geophysical survey and trial trench evaluation)
- Woodland Management Plan (relating to the adjacent Ancient Woodland)
- Lighting (including in relation to ecology)
- Construction Ecological Management Plan (relating to management of transport and waste and other ecological matters during construction)
- Landscape Ecological Management Plan (including measures for the protection, management and monitoring of habitats and species, in operation and construction)

5.6 The Appellant will engage with the Council on the preparation of a SoCUG that will include a finalised list of draft planning conditions.

6.0 Planning Balance and Conclusions

- 6.1 Overall, the Appellant will demonstrate that the scheme embodies the principles of sustainable development in accordance with the NPPF, and that any harm to the Green Belt as well as any other harm is clearly outweighed by a range of substantial planning, housing, environmental, social and economic benefits arising from the proposal.
- 6.2 These include (but are not limited to):
- The opportunity to deliver 116 much-needed new homes, including 40% affordable provision (46 units). This represents a substantial benefit in light of Tandridge's pressing affordable housing needs, substantial shortfall in housing delivery and land supply and significant environmental constraints.
 - The site will deliver housing in a highly accessible and key growth location on the edge of the built-up area of Oxted, which promotes sustainable patterns of development and accords with the Council's spatial strategy for the district.
 - The scheme will deliver new and enhanced public open space, including amenity space, an improved pedestrian and cycle network, and a large, equipped area of play, all of which provide increased opportunities for formal and informal recreation and will directly address identified access deficits and quantity shortfalls in the local area.
 - The new homes are designed to meet high levels of sustainable construction, with the proposed development achieving 70% carbon efficiency savings, utilising renewable energy sources and adopting a range of sustainable design standards.
 - Compensatory improvements to the Green Belt will be supported, including opening up formal access and routes through currently private and inaccessible Green Belt land and improvements to the quality of connections to the existing PRow network.
 - The provision of new housing will make an important contribution to the local economy and community, through the creation of new jobs, construction investment, additional economic output, and significant increases in local spending.
 - The site will further support the community, health and wellbeing of new and existing residents in the local area by increasing the choice and availability of affordable housing, providing high-quality open space and supporting employment needs.
 - Biodiversity enhancement and net gains will be achieved through the development, supporting the local ecological network.
- 6.3 Above all, the Appellant will conclude that VSC exist to justify granting planning permission for the proposed development in the Green Belt. Limited and only highly localised planning harm could be deemed to arise from the scheme and this harm is significantly outweighed by the wider benefit that the scheme would generate. There is a clear and urgent need to bring forward new housing land supply to address acute housing shortage and affordability pressures and to do it now.
- 6.4 The Appellant will contend that the proposal therefore accords with NPPF Paragraph 153 and the Statutory Development Plan at TLP Part 2 Policy DP10, and that there are no other material considerations which would support a refusal of permission. Accordingly, the

Appellant will conclude that the planning balance is in favour of the development, the appeal should be allowed, and planning permission granted.

Appendix 1

Summary of consultee and third-party comments

Consultee	Consultee Comment Date	Response Date	(Updated) Consultee Comment Date	Summary
Affordable Housing Officer	22 Jan	1 Feb		Amendments made/tenure updated (Affordable Housing Plan Rev A) – objection removed
AONB Officer	12 Jan	12 Jan and 31 Jan		Clarification provided – objection maintained
Contaminated Land Officer	5 Jan			No objection
Environment Agency	12 Dec			No objection
Lead Local Flood Authority	18 Dec	3 Jan	29 Jan	Updated information submitted – objection removed
National Highways	11 Jan			No objection
Natural England	12 Jan	5 Feb		Clarification provided – objection maintained
Surrey County Council (SCC) Archaeology	12 Dec	3 Jan	25 Jan	No objection
SCC Heritage	12 Dec			No objection
SCC Highways	29 Jan			No objection
Sport England	11 Jan	31 Jan		Addition information submitted – objection removed
Surrey Police	6 Dec			No objection, comments
Surrey Wildlife Trust	19 Jan	20 Feb		Objection maintained
TDC Ecology	5 Feb	13 Feb		Objection maintained
TDC Environmental Health	20 Dec			No objection
TDC Tree Officer	8 Jan	2 Feb and 14 Feb	14 Feb	Updated information submitted – objection maintained
Upper Medway Drainage Board	22 Dec			No objection

Appendix 2

Rights of Way Order decision ROW/3225371



Order Decision

Inquiry opened on 14 December 2020

by Heidi Cruickshank BSc (Hons), MSc, MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 12 May 2021

Order Ref: ROW/3225371

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Surrey County Council Footpath No. 612 (Oxted), 613 (Oxted & Limpsfield) and 614 (Oxted) Definitive Map Modification Order 2018.
- The Order is dated 8 August 2018 and proposes to record three footpaths lying generally to the north-east of Oxted. Full details of the routes are given in the Order Map and Schedule.
- There were four objections outstanding when Surrey County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is not confirmed.

Procedural Matters

The Inquiry

1. This Inquiry was scheduled to open on 1 April 2020 but was cancelled due to the Covid-19 pandemic. On reorganising the date, and taking account of the Government restrictions, the Inquiry was held as a virtual event, that is online. Following a test event/pre-Inquiry meeting held on 3 December 2020 I opened the Inquiry on 14 December. Just prior to the opening of the Inquiry I was made aware that notice of the Inquiry had not been given as required by the Rights of Way (Hearings and Inquiries Procedure) (England) Rules 2007. As a result, I asked the parties to identify potential resumption dates which we discussed at the opening of the Inquiry, subsequently adjourned to 8 March 2021. The Inquiry closed on 12 March 2021, having sat for all five days.

Site visit

2. I made a site visit on 25 November 2020 and was able to walk the majority of the claimed route sections, with the exception of G – H¹. I viewed this from Chichele Road and within the field, as this section was overgrown. There was no request for an accompanied site visit at the close of the Inquiry.

Costs

3. A costs application was made, initially in writing and expanded upon orally at the close of the Inquiry on 12 March 2021. That application is dealt with in a separate decision.

Main issues

4. The Order is made under section 53(2)(b) of the Wildlife and Countryside Act 1981 by reference to section 53(3)(c), which states that an Order should be

¹ Letters A – N and A1 & I1 refer to letters as used in the Order map

made to modify the Definitive Map and Statement on the discovery of evidence which, when considered with all other relevant evidence available, shows:

"(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this Part applies."

5. Surrey County Council, the order-making authority ("the OMA") relied on the statute, section 31 of the Highways Act 1980 ("the 1980 Act"). The subsections of particular relevance are set out below:

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes—

(a) has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and

(b) has maintained the notice after the 1st January 1934, or any later date on which it was erected,

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway...

...

(5) Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as a highway is, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.

(6) An owner of land may at any time deposit with the appropriate council—

(a) a map of the land ..., and

(b) a statement indicating what ways (if any) over the land he admits to have been dedicated as highways;

and, in any case in which such a deposit has been made, ... declarations [in valid form] made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time—

(i) within [the relevant number of] years from the date of the deposit, or

(ii) *within [the relevant number of] years from the date on which any previous declaration was last lodged under this section.*

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgment of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.

...

6. Before a presumption of dedication can be inferred under the statute, the 1980 Act requires that the relevant period of use be calculated retrospectively from the date on which the status of the way is 'brought into question'. The OMA and supporters identified dates of January 2012 in relation to land crossed by the section L – M – N – K and March 2013 for the sections to the south of point L as the dates on which use was brought into question. This would provide twenty-year periods of 1992/3 – 2012/13.
7. The case for the objectors² referred to fencing being erected and re-erected throughout the identified twenty-year period such that the use was interrupted, and dedication could not be presumed. They suggest that the relevant date should be 1988, when there was locking of gates and re-erection of fences. In relation to access from Chichele Road, via point G, they argued that 2004 should be used. These dates would give rise to earlier twenty-year periods.
8. To give rise to a presumption of dedication, the use must be 'as of right', that is without force, secrecy or permission, throughout the relevant twenty-year period. The objectors indicated that fences had been broken down such that the use had been by force and/or contentious throughout any relevant period.
9. If the matter failed under the statute, then I would need to consider whether there was evidence of dedication at common law. The OMA specifically argued that if section G – H did not succeed under the statute it should be considered under common law, in relation to periods either prior to, or subsequent to, blocking of the route in 2004 due to works carried out at the adjacent St Mary's Primary School ("SMPS")³.
10. I can only confirm the Order if I am satisfied, on the balance of probabilities, that public rights of way subsist.

Reasons

Background

11. The town of Oxted and village of Limpsfield lie to the south of the M25 and east-west of the Oxted railway line. The claimed routes run on agricultural land to the north-east of the built-up residential and business area. SMPS is adjacent to part of the claimed routes to the west, off Silkham Road, and Oxted

² In this decision the term 'objectors' refers to those who were represented and took part in the Inquiry for Oxted Residential Limited ("ORL"). Their interest related to the land to the south of point L, referred to as School Field. Section I1 – J Footpath 613 ("FP613") is in separate ownership. Statutory objections were also made by the owners of the land crossed by the route section L – M – K – N of Footpath 612 ("FP612"); and owners of property on Greenacres, to the west of alignment K – M, FP612. I shall take account of these objections as appropriate.

³ Shown as 'Oxted St Marys School' on the Order map

School to the south-east, off Bluehouse Lane. Footpath 75, which is accessed from point J, is part of the Greensand Way, a long-distance walking route.

12. The land is designated as Metropolitan Green Belt. The owners of School Field, the land south of point L, from 2008, ORL, seek to develop the land and have undertaken work towards this aim.
13. The applications to record the routes were made on behalf of Oxted and Limpsfield Residents Group ("OLRG") on 20 November 2013. Having investigated the matter, the OMA were satisfied that the evidence supported a reasonable allegation of public rights and made the Order accordingly.

Section 31 of the Highways Act 1980

The relevant twenty-year period

14. In relation to the land north of point L I agree with the OMA that the deposit of a statutory declaration made under section 31(6) of the 1980 Act – see paragraph 5 above - on 23 January 2012 provides a clear date on which use was brought into question. This was related to the purchase of the land as part of Court Farm, completed just a few days earlier. At the same time, they also erected new barbed wire fencing and notices saying, 'Private Land No Public Right of Way Court Farm'.
15. For School Field I generally agree with the OMA that there is a clear date, being March 2013 when ORL installed hoardings across the land at points B and between G and H. OLRG refer to this event and, having gathered their evidence of use, made the applications to record the routes six months later.
16. However, in relation to access from Chichele Road at point G I consider that there was an earlier date at which use was brought into question and that was in 2004, in relation to works at the OSMS. It appears that this started in late March 2004, with the intention to complete by the September term start but, according to the SMPS Bursar, it was not completed until the beginning of December 2004.
17. I agree with the OMA that the intention of the interruption may be relevant, following *Lewis v Thomas (1950)*⁴. However, whilst the works were not carried out by the landowner, it was clearly undertaken with their consent and without provision for continued access, either for public or private use; the Farm Manager of Titsey Estates ("the Farm Manager") was involved in the management of the land and indicated that from 2004 there was no tractor access from point G and so his access was from the south, via points A – B.
18. I am not satisfied that eight months is simply a temporary break or that the facts of this case show that there was, or remained, an intention to dedicate or recognise public rights over this land. With subsequent evidence of fencing I consider that public use here was brought into question in March 2004, following *Godmanchester and Drain v Secretary of State for Environment, Food and Rural Affairs*⁵ ("Godmanchester").
19. In relation to access via point B, OLRG referred to the owner of 18, Chichele Road, occasionally telling people they could not walk the track at the bottom of his garden, past his garages. I understand that this owner was present from

⁴ [1950] 1 KB 438

⁵ [2007] UKHL 28

1977 – 2000 but people generally ignored him on the basis that he did not own the land in question, although it is my understanding that he had legal rights of access over it. I consider there to be a wide range of matters which can bring use into question and that those actions need not be taken by, or on behalf of, a landowner. The actions of this party were clearly known to the general public, being referred to by OLRG. Following *Godmanchester*, I am satisfied that they were sufficient to bring into question the use of section A – A1 – B, potentially as early as 1977.

20. Although there was some suggestion that users had been turned back or told that there was no public access when in the fields, this generally appears to have arisen subsequent to 2013, when stronger actions were being taken to prevent public access onto the land. Nevertheless, I saw evidence of use, including at the time I was present, during my site visit in 2020. I agree with the OMA that the lack of notices, until after 2013, was at odds with the claim of trying to prevent use at an earlier date. Although it was argued that notices were, and would be, removed, there remains provision for dealing with this under section 31(5) of the 1980 Act as set out in paragraph 5 above.
21. A main issue raised by the objectors related to the breaking down of fencing in order to access the routes. Although I consider one of the directors of ORL to be referring to very recent actions, which he appears to associate with people trying to prevent the development of the land, I consider that there is evidence of fencing being broken down at earlier times.
22. The main access gates are at points A1, B, G and N. In relation to point A1 the objectors suggested that it would not have been possible to walk through, as it was locked, and that the vegetation to the side would have prevented people from by-passing the gate. This argument did not stand up to the clear evidence of the Farm Manager, who used this area for access and indicated that he did not find this gate locked.
23. However, this fair and reliable evidence also provided evidence that the gate at point B was padlocked, with the public accessing the land to the sides of the gate until the hoarding was erected in 2013. The Farm Manager was aware of people on the land, sometimes on the claimed routes and sometimes in the middle, on a diagonal between points I and C.
24. A former owner of the land, now a Director of ORL, indicated that his father had farmed the land, initially as a tenant from the 1950s and as the owner from the 1970s. His father ran a dairy herd until about the end of 1975, with access to the milking sheds via the route G – H, and occasionally had youngstock on the land until the early 1980s. The land was subsequently used for arable crops. He recalls there being problems with fencing being cut, particularly at point G, and having to be repaired. Farming as a tenant himself in the period 1988 – 2008 he repaired fencing mainly adjacent to the gates at points B and G but occasionally at point N, which land was in his brother's ownership from 1993.

Evidence of use

25. The evidence of use arises from the user evidence forms ("UEFs") submitted in connection with the applications, interviews undertaken by the OMA and evidence given to the Inquiry. I found the evidence I heard to be reliable and the claimed use entirely understandable, reflecting what may be expected in an

urban fringe area, walking dogs and/or children, in this case particularly to and from school, with the draw of the wider landscape of the North Downs for longer rambles. There was use by groups such as youth groups and those undertaking walks or runs for fitness and wellbeing.

26. The evidence covers use from 1966 to 2013, when the applications were made. The reported frequency of use was variable, from a couple of times a year to daily. Although the objectors raised doubts as to use 'every day' I consider this could be reasonable where a dog requires walking, for example. Despite concerns that people completing UEFs were not living in the area, due to Land Registry information, I agree that there are explanations, such as renting or name changes due to marriage or divorce.
27. Overall, I consider the type and amount of use reported capable of supporting the claimed rights. I consider the cross-examined evidence that I heard was supportive of the use reported and assisted in clarifying certain matters.

Use as of right

28. In order for use to give rise to a presumption of dedication it is necessary to look at matters relating to whether or not that use was 'as of right'. To be as of right the use must be without force, without secrecy and without permission. There was no suggestion of use by permission, with the exception of use for shooting by one party in the period 2007 - 2015. There was some suggestion of secrecy, but the issue of force was a main focus of the Inquiry.

Secrecy

29. Although there was a suggestion of use in secret, with some people using the land in the early morning for example, I consider the evidence shows open and visible use. The aerial photographs support the existence of physical routes on the ground, which appear to have come into being due to footfall, for example a route similar to section B - C - D - E can be seen in the photograph of May 2008. I consider that these routes, visible from the air, would be similarly visible on the ground to a reasonable landowner, making it clear that there was use of the land. I note that section K - L - M also shows use of a differing route running approximately K - L, which suggests wandering in this area.
30. The WS Planning Scoping Report ("WSPSR") on behalf of Village Developments PLC⁶, dated February 2008 refers to 'Public Footpaths' stating "*The site is accessed via a public footpath to the west and south. The southern footpath links the site with Oxted town centre.*" Later in the report it is stated that "*Footpaths currently link the site to Bluehouse Land and Chichele Road.*" One of the Directors of ORL suggested this had been an error and could refer to another site, known as Barrow Court, which lies to the west of this site. As this site has one bridleway passing through it and links, via other rights of way, to Barrow Green Road, this explanation does not make sense.
31. Whilst I was asked to treat this document as little more than a 'sales pitch', aimed to persuade Tandridge District Council ("TDC") to allow development on the site, I consider that it is a report of an independent party recording what they saw and understood to exist on the ground. The photographs in the report assist in confirming that the routes referred to relate to, at least, the

⁶ A company related to ORL

claimed route sections A – B and G – H. I consider this supports the claimed use and suggests that it was open and visible, not secretive.

Force

32. The main issue between the parties related to whether there was use by force due to fencing being broken alongside gates and between fields. I am entirely satisfied that the users I heard from did not find their way barred by fencing prior to the clear bringing into question of use in 2013. The objectors were at pains to agree that they did not think that the fences had been broken by the supporters. I am satisfied that people would not have walked through areas with barbed wire with their children or dogs or, where relevant, clients. The evidence was clear that users did not find barbed wire blocking their route during use, otherwise they would not have used the routes in question.
33. However, the objectors indicate that fencing was present, and was repaired to prevent access. I suspect there is some conflation of the repair of fences since more recent efforts to exclude the public from the land over the last eight or so years and repairs in the previous period, when there was less incentive to keep the public out, with no animals present. However, the evidence of more recent breaking down of fences supports the contention that this was a continued pattern from the earlier period. The user evidence clearly shows that people did not always access the claimed routes by way of the gates. The reasonable explanation for existence of a gap alongside a gate is that the gate formed an obstruction to use, at the very least at times.
34. At point B I am satisfied that the gate was locked from at least 2011. However, even prior to that it seems that many users walked to the side of the gate, mostly it seemed to the western side, although I understand there was also a gap to the east at times.
35. Dealing with the gates at point G I am satisfied that the used access since December 2004 was to the east of the existing gates, near the lamppost and bus stop. The easternmost section of fence was broken and pulled back to allow access as the gates were padlocked as shown by Google Street View and photographs in the WSPSR. Whilst the users evidence supported this as the access point, they had not themselves encountered fencing in this area. A former owner said that he mended this fence, taking it back to the hedge line to form a barrier, on many occasions.
36. There was little clarity from users to show that the used access prior to the interruption in March 2004 was any different. Although I note the reference in the 2006 letter from the Rector of St Mary's Church to the gate being capable of being opened even the lead supporter indicated that, whilst using the pedestrian gate prior to 2004, in later years the gate was locked. Even if I were to accept that use was via the gates in the period 1984 – 2004, in my view the level of use is insufficient to raise a presumption of dedication.
37. For point N people have referred to walking either through the gate or alongside through the gap, which is on the northern side of the gate. In the period 1988 – 2008 it was said that the former owner, a brother, was told when the fence or padlock was broken and required repair. The current landowners informed the OMA that when they bought the land the gate was locked with a broken barbed wire fence across the gap. The person with

- permission to shoot referred to having a key for a padlock on this gate, although often finding the gap open.
38. In relation to point I1 the tenants of the land to the east indicated that they had repaired the boundary fence from at least 2004. Whilst users generally were unaware of fencing there was some acknowledgement of rusty wire in the overgrowth. I noted older fencing on/around tree trunks on my site visit and heard from the Farm Manager of having to retrieve livestock out of School Field, which had come from the adjacent field, contrary to the belief of some that there were never livestock in that area.
39. It is clear that when there were livestock on the land there must have been fences, which must have been repaired or replaced to keep animals secure. Subsequently there would be less imperative to keep fences in place but there is some evidence that this occurred. I find a tension between the claim that fences were regularly repaired and the fact that there were a number of back garden entrances onto the land, which were apparently only fenced off recently. If public access was an important issue the easy people to tackle were those who were taking access through gates from their properties. Nevertheless, the point I must deal with is the access over the claimed routes.
40. The Order sets out the gates as the access points, but it seems that the public have been using the gaps as much, if not more than, the gates. I accept that *Fernlee Estates Ltd v City & County of Swansea and the National Assembly for Wales (2001)*⁷ might support the use of an alternative line for a short period in certain circumstances but find *R v SSE ex parte Blake, (1984)*⁸, relevant with regard to the fact that locked gates, even if bypassed, indicate the landowners lack of intention to dedicate a public right of way.
41. On the balance of probabilities, the gates have been locked and the fences repaired at times throughout any potential twenty-year period. Although I accept that the users providing evidence directly to the Inquiry have not found their way barred I consider that the breaking of fences means that subsequent use must be contentious and, therefore, by force, following *Taylor v Betterment Properties (Weymouth) Ltd., 2012*⁹ and *R (Lewis) v Redcar and Cleveland Borough Council, 2010*¹⁰. As a result, I have not considered whether the claimed routes could be recorded through the gaps rather than the gates.

Conclusions

42. In relation to the section A – B of FP612 I consider that the actions of the neighbouring landowner brought use into question over such a period of time that the user, which continued despite knowledge of objection, was incapable of giving rise to a twenty-year period of use as of right. Additionally, the use of a gap, or gaps, alongside the gate at point B, which were subject to fencing at times leaves this continued use contentious. Therefore, no presumption of dedication arises over this section of claimed route.
43. For section G – H of FP613 I am satisfied that use was brought into question in March 2004, which would give rise to a potential twenty-year period from 1984 – 2004. As noted earlier, the best evidence is that the used route in this

⁷ [2001] EWHC Admin 360

⁸ [1984] JPL 101

⁹ [2012] EWCA Civ 250; [2012] 2 P&C.R.3

¹⁰ [2010] UKSC 11

location was to the east of the gates, through a fenced, or formerly fenced, area. As such I am not satisfied that the use can be as of right, as it would be by force, albeit that the individuals supporting the Order had not themselves forced their way through or broke fencing. As such no presumption of dedication can arise in relation to this section for this period. If use had been via the gate prior to 2004 I find the evidence before me insufficient to raise the presumption of dedication in the period to 1984.

44. In relation to the section I – J of FP613 I again consider that there is evidence of older fencing and some replacement of fencing in later years. I am not satisfied that there is clear evidence of a twenty-year period where use could have been as of right. Therefore, no presumption of dedication arises in relation to this section.
45. At point N, FP612, I consider there is again evidence of fencing, some replacement of fencing and use through the adjacent gap. Therefore, I am not satisfied that the use can be as of right and no presumption of dedication arises in relation to this section.
46. Taking all the above into account I consider that the entrance points to the land are not capable of providing evidence of a clear twenty-year period of use as of right. As such I do not consider the use of the remaining sections of routes as capable of raising a presumption of dedication, as they would have no end point on a public highway, or place of interest. There is also some evidence of wandering other than on the claimed route, for example in aerial photography on alignment K – L and in relation to use of the ancient woodland alongside route E – I at certain times, such as to see the bluebells.
47. I have separately considered the section F – N, on the recording of which the landowner, TDC, has taken a neutral stance. Whilst it is possible in law for a cul-de-sac route to be recorded I consider the evidence of use here does not relate to such use; people were not walking back and forth in order to use this specific section but, from the evidence, to use other routes, primarily the claimed route but I also note the route to the north, on which I was not hearing evidence, which appears to run behind houses on Silkham Road. Taking these matters into account I am not satisfied that the evidence supports the recording of this section of the claimed route of FP612 as a separate entity.
48. Taking account of all these matters I consider, on the balance of probabilities, that the Order should not be confirmed by reference to the statute.

Common law

49. It was suggested by the OMA I could find under common law in relation to the use of section G – H after 2004. However, the issues of broken fencing remain a barrier to finding that use was with the intention of the landowner to dedicate a public right of way over the land in question. I do not consider that the use in the shorter period 2004 – 2013 is sufficient to support dedication at common law.
50. Turning to the common law position in relation to the entirety of the claimed routes, the same issues arise with regard to showing the intention of the landowners to dedicate public rights. The erection and maintenance of locked gates and fences does not support an intention to dedicate. Taking account of the evidence as a whole I do not consider, on the balance of probabilities, that the burden of proof to show common law dedication has been met.

Other matters

51. I was referred to a large number of judgments, the majority of which I have not found it necessary to mention within the decision. I have, of course, taken them into account in reaching this decision.
52. I am unable to take account of the concerns raised regarding mixing of dogs and livestock and potential effects on farm incomes. I also cannot take account of concerns of trespass, privacy and security for adjacent property. I fully understand the importance of these matters to those involved.
53. It was clear that there was a view that the routes were being claimed to prevent development of the land. I consider that the evidence I heard showed use of the land over many years, with no indication of skewing of evidence to a particular agenda. Although from the evidence I have determined not to confirm the Order, I would note that the recording of public rights of way would not in any way prevent the development of the land.
54. I would also note that the National Planning Policy Framework supports promoting healthy and safe communities in a number of ways. In particular paragraph 98 sets out that "*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*" As such the development of the land would not prevent additional public access and would be likely to require such provision.

Conclusions

55. Having regard to these and all other matters raised at the Inquiry and in the written representations, I conclude that the Order should not be confirmed.

Formal Decision

56. I have not confirmed the Order.

Heidi Cruickshank

Inspector

APPEARANCES

For the Order Making Authority:

Mr T Ward of Counsel *instructed by* Surrey County Council
who called:

Mrs D Jones Senior Countryside Access Officer

In Support of the Order:

Mr P Giles
who called:

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Mrs J Wren

In Objection to the Order:

Dr A Bowes of Counsel *instructed by* DMH Stallard *on behalf of*
Oxted Residential Limited & the Tory Family
who called:

Mr N Greenhalgh

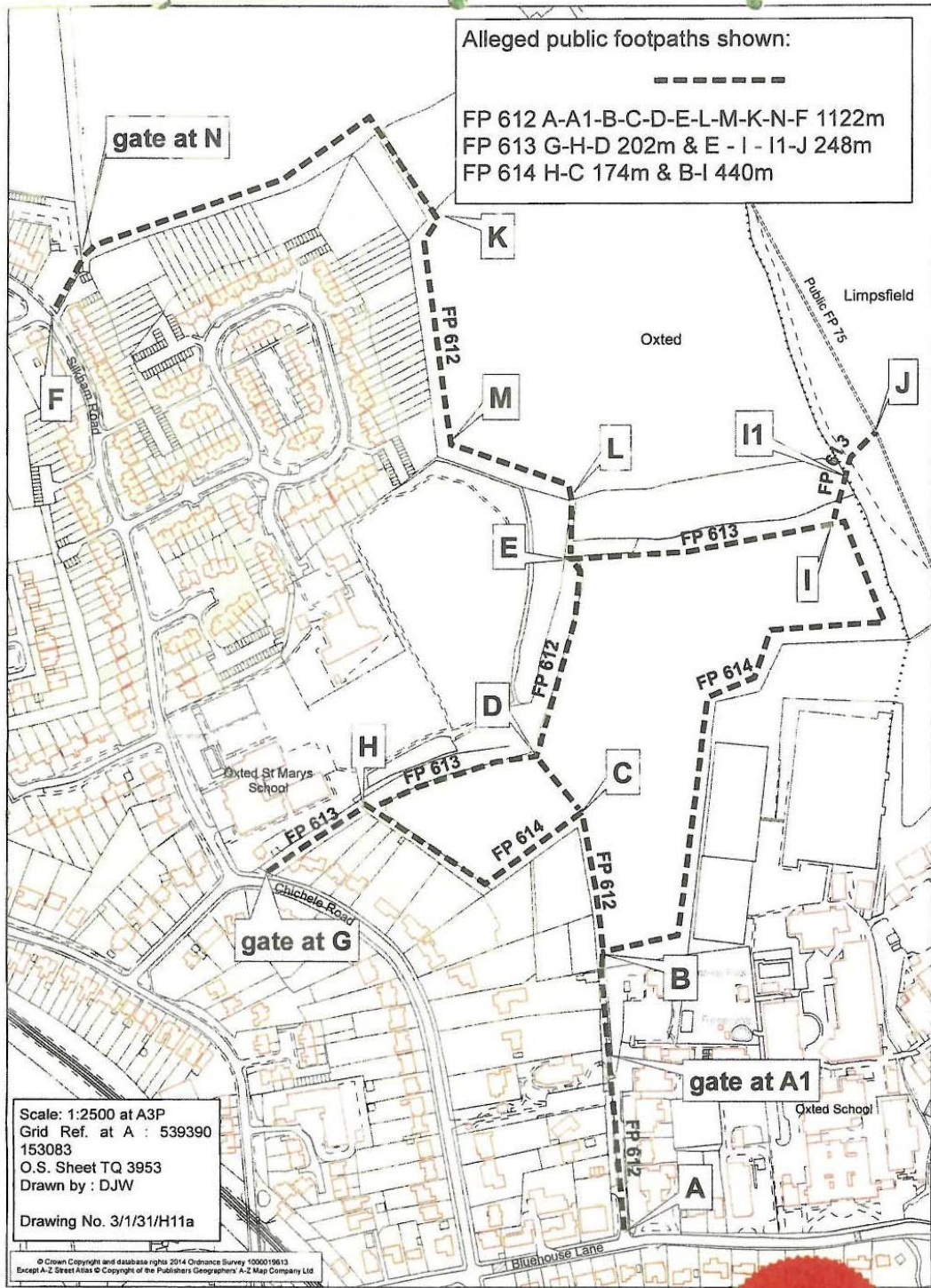
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Mr C Tory

INQUIRY DOCUMENTS

- 1 The Order
- 2 Closing submission and legal cases bundle on behalf of the OMA
- 3 Photographs from Mr Giles on behalf of Oxted & Limpsfield Residents Group
- 4 Closing Statement of Mr Giles on behalf of Oxted & Limpsfield Residents Group
- 5 Opening Submissions on behalf of Oxted Residential Limited
- 6 Oxted Residential Limited Land Registry documents
- 7 Oxted Residential Limited photographs, legal charge and Land Registry documents
- 8 Correspondence Oxted Residential Limited/Oxted & Limpsfield Residents Group
- 9 Closing submissions on behalf of Oxted Residential Limited
- 10 Oxted Residential Limited Legal cases bundle
- 11 Oxted Residential Limited costs application
- 12 Surrey County Council chronology of contacts in relation to costs application



WILDLIFE AND COUNTRYSIDE ACT 1981
MAP MODIFICATION ORDER
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