

LAND SOUTH OF BARROW GREEN ROAD

APPEAL BY CROUDACE HOMES LTD

PINS REF APP/M364/W/25/3372747

**OPENING STATEMENT ON BEHALF OF THE OXTED & LIMPSFIELD
RESIDENTS GROUP
AND OXTED PARISH COUNCIL**

Introduction

1. The Oxted and Limpsfield Residents Group (“OLRG”) and the Oxted Parish Council (together, “the Rule 6 Party”) support Tandridge District Council in its opposition to this appeal.
2. The status and role of the Parish Council in this matter will be obvious. OLRG was formally constituted as a residents’ association in 2008. It currently has over 2000 members, 8 elected District Councillors and 11 Parish Councillors.¹ Since its inception, it has represented the view of local residents on numerous occasions, including through participation in the Tandridge Local Plan EiP and as a rule 6 party in previous appeals.

The Rule 6 Party’s Objections Summarised

3. Known locally as Stoney Field, the Appeal Site is in the Green Belt, on the edge of but outside the settlement boundary for Oxted. Contrary to the Appellant’s case, it is

¹ A copy of OLRG’s Constitution is available on its web-site.

obvious that Stoney Field contributes strongly to Green Belt purposes (a) and (d)². It is therefore not “grey belt”, and the appeal scheme should be treated as “inappropriate development” in the Green Belt, which is contrary to both Local Plan Policy DP10 and para 153 of the NPPF.³

4. Stoney Field also lies close to, and within the setting of the Surrey Hills National Landscape (“SHNL”). All parties agree on the importance of the SHNL as a landscape afforded the highest protection⁴. It is therefore significant that (as Natural England have observed⁵) there are striking and dramatic views of the SHNL from across the field,⁶ and that the Appeal Site is equally prominent in views back from the SHNL towards Oxted.⁷
5. The landscape value of Stoney Field is reflected in the fact that it is within a wider swathe of land which Natural England is proposing to bring within the SHNL. If the extension had already taken place, the appeal scheme would undoubtedly constitute “major development” which would be contrary to paras 189 and 190 of the NPPF. In that context, it is self-evident that allowing this appeal would - as RfR3 alleges - “nullify” the proposed extension in so far as it relates to the Appeal Site. Of itself, that is an important, material consideration: Natural England’s plans are now well advanced, and should be given significant weight. However, the Rule 6 Party’s concerns about the impact of the appeal scheme on the National Landscape do not depend on Natural England’s proposals: having regard to para 189 of the NPPF, and Policy CSP20 of the Local Plan, an impact on setting alone is capable of providing a “strong reason” for refusal within the meaning of para 11 (d)(i) of the NPPF⁸.
6. Further, whether or not the proposed extension comes to fruition, the very fact that it is being proposed (together with the evidence base which supports that proposal)

² It also contributes to purpose (c), but this is not relevant when deciding whether it is Grey Belt

³ Stoney Field can also not be regarded as Grey Belt because of the impact on fn 7 designations, discussed below.

⁴ Bryant proof CD6.10A, para 7.18

⁵ CD8.6: Consultation Analysis Main report June 2025

⁶ Mr Thurlow’s description of them as “wonderful unspoilt and dramatic panoramic landscape views” is equally accurate: CD7.5 para 11.2. These views are illustrated in Hooper Proof (CD8.13) Figs 2 and 3 (taken from the Appellant’s ES); Dudley Proof (CD7.7) Figs 5 and 9

⁷ Hooper LVIA (CD8.14) Viewpoints 9 and 10, Dudley Proof (CD7.7) Figs 12 and 13

⁸ Fn 7 states that policies the policies which “protect areas or assets of particular importance” include those “relating to” a National Landscape. The parts of para 189 which deal with the setting of National Landscapes “relate to” a National Landscape and are therefore included.

demonstrates that Stoney Field is not “mere countryside”, but has a much greater intrinsic value. That is unsurprising when, as Natural England have observed, it “blends seamlessly with” the National Landscape. This is important, because Stoney Field:

- a. is also within the setting of the Grade I listed Church of St Mary the Virgin and the Grade II listed Court Farm House, and contributes positively to the appreciation of their significance;
- b. adjoins the Oxted Parish Council Burial Ground, the peace and tranquillity of which is enhanced by views across the Field to the SHNL⁹;
- c. at least abuts (if it does not actually include part of¹⁰) The Bogs ancient woodland; contains or is bordered by a number of TPO trees; and includes an area of semi-natural woodland that is a candidate SNCI;
- d. is traversed by Bridleway 97, which is well used by walkers, horse riders and cyclists, and there is an as-yet undetermined application (submitted in December 2022) to modify the definitive map to recognise three further footpaths around the perimeter of Stoney Field. These paths through and around Stoney Field are well used and highly valued by local residents and visitors alike: as Jackie Wren will explain¹¹, the Field is an important and accessible resource for local residents seeking exercise, and a vital tranquil haven for those seeking mental respite or peace of mind¹², while - as Tony Pearson’s evidence¹³ shows - for visitors to the area it is an impressive gateway to the SHNL, providing a key route from Oxted Train Station to the network of paths and the Open Access Land which lead up onto the Downs, from where there are corresponding views back down over the Field from promoted viewpoints¹⁴.

⁹ See Hooper Proof Figs 4 and 5 (taken from the Appellant’s ES)

¹⁰ The Rule 6 Party notes the evidence of the Surrey Wildlife Trust, on behalf of the Council (CD7.8) that it cannot be definitively proved (either way) whether the ancient woodland extends into the Appeal Site, but does not regard it as credible that the ancient woodland conveniently stops dead at the Appeal Site boundary.

¹¹ CD8.18

¹² Para 96(c) of the NPPF states that planning decisions should aim to achieve healthy inclusive and safe spaces which enable and support healthy lives. Stoney Field is such a place.

¹³ CD8.17

¹⁴ Dudley Proof para 3.8, 4.387-4.38 and Figs 12 and 13; Hooper LVIA Viewpoints 9 and 10

7. On this basis, as both Ms Hooper and Mr Dudley demonstrate, Stoney Field has the necessary condition, scenic beauty, distinctiveness, and natural and cultural heritage associations to be regarded a “valued landscape” for the purposes of para 187(a) of the NPPF.
8. All of this value would be lost if this appeal were to be allowed. It is common ground¹⁵ between all three landscape consultants that the effect on the Appeal Site itself would be “major adverse”. If Ms Hooper and Mr Dudley are correct in their view that this is a valued landscape, that major adverse impact is, of itself a direct conflict with para 187(a) of the NPPF and Local Plan Policy CSP21. It is also common ground¹⁶ that there would be a permanent major adverse effect on the amenity of users of Public Bridleway 97 contrary to Policy CSP13. However, as Ms Hooper and Mr Dudley demonstrate, the appeal scheme would also have a permanent adverse impact on the SHNL and its setting, contrary to paras 187(a) and 189 of the NPPF and Policies CSP20 and 21.
9. In addition, while it recognises that the highway authority has not objected, the Rule 6 Party remains concerned about the safety of the appeal scheme from a highway perspective. In particular, it is common ground that Barrow Green Road is not a suitable route for pedestrians.¹⁷ Local residents do not share the Appellant’s confidence that this is not an issue because there is an alternative route to St Mary’s Primary School, when that alternative is twice as long, and therefore inherently less attractive. As Jackie Wren¹⁸ will explain, there are also concerns about the increased traffic on Wheeler Avenue and the junction with Church Lane.
10. To the extent that these matters give rise to conflict with the development plan and/or national policy, the only justification which the Appellant can offer is that, because Tandridge does not have an up-to-date Local Plan, it cannot demonstrate a 5 year housing land supply (“5YHLS”) for the purposes of para 11(d) of the NPPF. There are four key reasons why that argument goes nowhere.

¹⁵ See Bryant proof para 7.4

¹⁶ See Bryant proof paras 7.36, 8.1

¹⁷ See Cranley proof 6.2.13, Wren proof paras 36-39

¹⁸ CD8.18

11. First, the para 11(d) presumption does not apply if any of the fn7 policies provides a “strong reason” for refusal. In this case, there are four such policies in play, namely those relating to:

- a. Green Belt: If (as we submit is obvious) the appeal scheme would constitute inappropriate development in the Green Belt, there will not only be harm to the Green Belt “by definition”: the appeal scheme would have a demonstrable adverse impact on the openness of the Green Belt, and harm to purposes (a), (c), (d) and (e). The inclusion of Green Belt as a fn 7 designation is itself a clear indication that a shortfall in the 5YHLS does not demonstrably outweigh this harm so as to meet the test of “very special circumstances”.
- b. The National Landscape: Policies “relating to” National Landscapes are also within fn7. Para 189 of the NPPF, which requires development within the setting of National Landscapes to be “sensitively located and designed to avoid or minimise adverse impacts on the designated area”, is such a policy. Locating 190 houses in a field which offers dramatic views of the National Landscape from a well-used PRoW cannot be described as “sensitive”, and the adverse impact on the setting of the SHNL is a further “strong reason” for refusal which disengages para 11(d).
- c. Ancient woodland. Although the Rule 6 Party is no longer producing its own evidence¹⁹ on this issue, it has been concerned throughout the consideration of this application that the appeal scheme would adversely affect The Bogs ancient woodland by disrupting the drainage on which that ecosystem depends, and by introducing a significant new population which would use the woodland for recreation and whose pets would increase predation within the woodland. The Rule 6 Party supports the Council’s view that these concerns have still not been adequately addressed, and that until they are, there can also be no confidence in the Appellant’s assertions with regard to Bio-diversity Net Gain.

¹⁹ The hydrologist who provided originally advice to OLRG is now being called by the Council as its own witness

d. Heritage assets. As noted above, Stoney Field is within the setting of both St Mary's Church and Court Farm House. The Rule 6 Party supports the Council's conclusion that the appeal scheme would harm the significance of both assets. While that harm is assessed as "less than substantial", St Mary's is a Grade I listed asset, and – as Mr Froneman observes²⁰ - the appeal scheme would remove the last remnant of an important aspect of its setting, with the result that St Mary's would no longer be recognisable as the rural parish church it has been since the 12th Century. The Rule 6 Party supports the Council in its view that this is also a "strong reason" for refusal.

Any one of these on its own would be sufficient to disengage the para 11 (d) presumption. Collectively, they form an overwhelming case against the grant of permission.

12. Second, there is no logic in allowing this appeal on the basis that there is a shortfall in the 5YHLS unless it is clear that this development will help remedy that situation. However, as Mr Sumner²¹ explains, the sewerage network in the area of Stoney Field is already overloaded. Despite having had non-return valves fitted, properties on Gordons Way still experience sewerage backing up into their properties in times of heavy rain. Until the existing network has been upgraded, the appeal scheme would only exacerbate that already unacceptable problem. The Rule 6 Party understands that it is common ground that, if permission is granted, it should be subject to a Grampian condition preventing occupation until such time as the network has been upgraded. However, there is no certainty about when this will happen. There is, therefore, no certainty about the extent to which the appeal scheme will contribute to the 5YHLS, or whether it will even do so at all.

13. Third, the argument based on Tandridge's inability to demonstrate a 5YHLS is a chimera. The reason Tandridge finds itself in this position is because (despite considerable efforts to bring a new plan forward) Tandridge does not currently have an up-to-date local plan. In those circumstances, national policy dictates that the housing

²⁰ CD7.9

²¹ CD8.5

requirement is calculated using the standard methodology, without any allowance for the environmental constraints which would be brought to bear when determining the housing requirement through the Local Plan process. This is important because 94% of Tandridge lies within the Green Belt, the district is overlain by two National Landscapes, there are significant areas of flood risk, and proximity to junction 6 of the M25 means there are significant infrastructure capacity constraints. In the light of these factors, it is inconceivable that, even if it had an up-to-date Local Plan, that plan would be able to meet the full needs of the district. Critically, this is not merely assertion on the Rule 6 Party's part: it is what the previous Local Plan Inspector himself concluded.²² Against that backdrop, it would be little short of perverse if the failure to have an up-to-date local plan became the justification for measuring the 5YHLS by reference to a housing target which the District could not possibly be expected to meet, even if an up to date Local Plan were in place.

14. Finally, in deciding what weight should be placed upon a shortfall in the 5YHLS, the caselaw²³ is clear that it is relevant to have regard to the steps which the LPA itself is taking to address that situation. As Mr Thurlow demonstrates, since the failure of its previously emerging Local Plan, Tandridge has taken active steps to ensure that there is a pipeline of sites which are being granted permission. The absence of an up-to-date plan is not preventing Tandridge from bringing forward sites to meet its need, and (having just launched its Regulation 18 consultation²⁴) Tandridge is now moving forward swiftly with a new Local Plan.

Conclusions

15. Having regard to the above, it is indisputable that the appeal scheme is contrary to the development plan as a whole. In the Rule 6 Party's submission, it is also contrary to

²² CD4.22 para 44

²³ See in particular *Hallam Land Management v. SSCLG* [2018] EWCA Civ 1808 at [46]

²⁴ CD4.27 and 4.28

fundamental aspects of national policy which seek to protect assets of particular importance. Although Tandridge does not have a 5YHLS, and no-one doubts the need for housing and affordable housing, the NPPF itself provides a clear steer as to the weight which those needs should be given when assets such as Green Belt, National Landscapes, Ancient Woodland and listed buildings are at stake. In the light of the harm to those assets in this case (both individually and collectively) the Appeal Site cannot be regarded as “grey belt”; the application is therefore inappropriate development in the Green Belt; there are no very special circumstances which outweigh the harm to the Green Belt; the para 11(d) of the NPPF presumption in favour of sustainable development is specifically disengaged by reason of the harm to the Green Belt, the SHNL, the ancient woodland and heritage assets; and there are no “other material considerations” which would justify a decision other than in accordance with the development plan.

16. It is on this basis that the Rule 6 Party will be inviting you to dismiss this appeal.

PAUL BROWN K.C.

27 January 2026

Landmark Chambers

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