

REBUTTAL PROOF OF EVIDENCE OF AMIT PATEL

Appeal Ref: 6006497

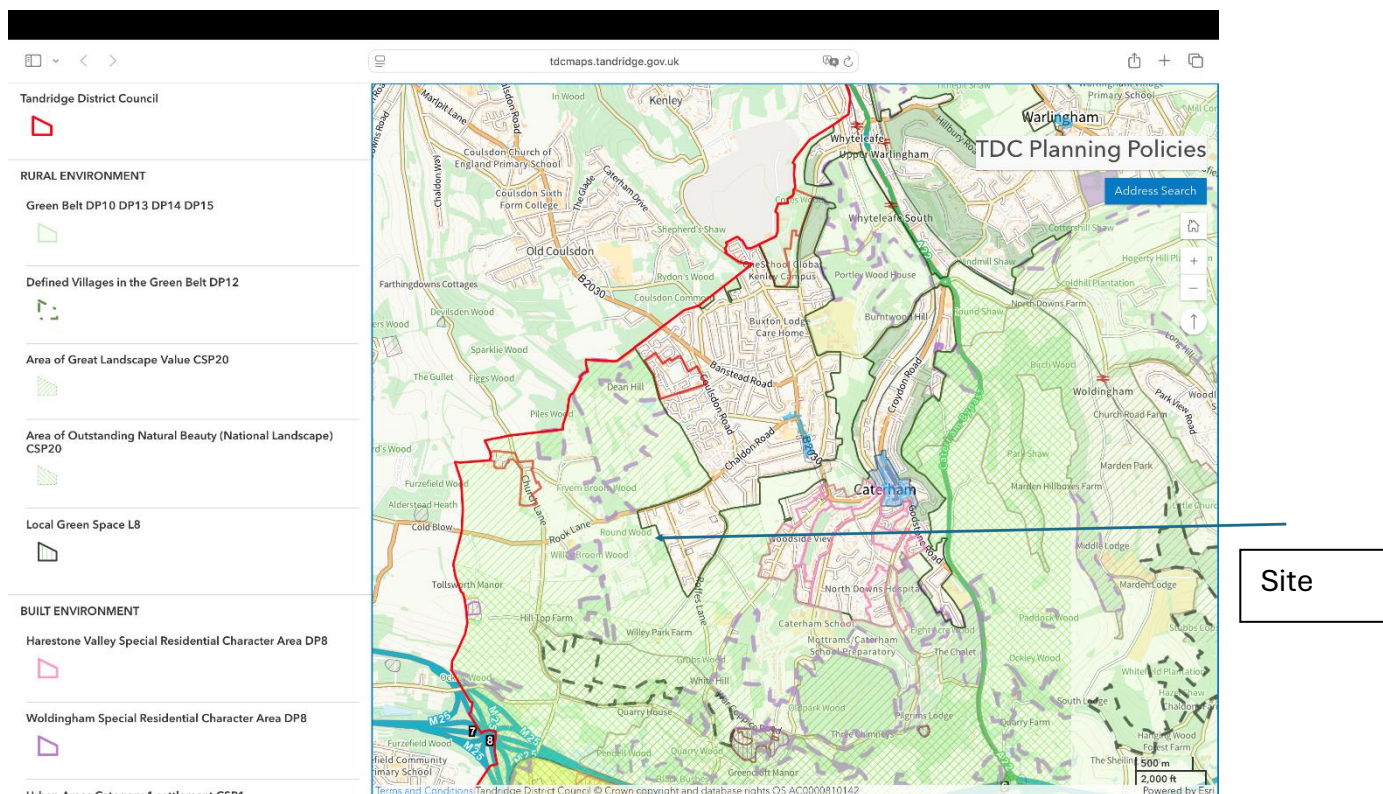
Site: Land at Mount Avenue, Chaldon, CR3 5BB

1. Introduction

1.1 This Rebuttal Proof of Evidence responds to the Proofs of Evidence of Mr Friend and Mr Allman.

2. Proof of Evidence of Mr Friend

- 2.1 At paragraph 4.1.10 Mr Friend says that *“Chaldon is a village, and therefore these purposes are not engaged in this location”*.
- 2.2 In so far as Mr Friend is seeking to suggest at that paragraph that the settlement to the north and east of the site is not a “town”, and therefore the site cannot be said to be “adjacent or near to a large-built up area” within the meaning of the PPG, he is wrong.
- 2.3 I reproduce below an extract from the Policies Map of the adopted Development Plan. The northern and eastern boundary of the site can be seen to comprise the settlement limits of Caterham. Caterham is plainly a “town” and a “large built-up area” and is defined as a Category 1 settlement by Policy CSP1 Tandridge Core Strategy.
- 2.4 Insofar as Mr Friend is seeking to suggest that that the site cannot contribute towards purpose (a) because it is not adjacent or near to a large-built up area, I disagree with him because it is adjacent to the settlement of Caterham as defined by the Policies Map.



3. Proof of Evidence of Mr Allman

3.1 At paragraph 3.69-3.74 and Appendix F, Mr Allman relies upon the 2011 Census Journey to Work data. However, that dataset only serves to demonstrate that private car use remains the dominant travel mode in the surrounding area:

3.2 For the two Output Areas that encompass the appeal site:

Output Area	Car Driver Mode Share
North Chaldon	66%
South Chaldon	61%

3.3 This means that approximately two-thirds of employed residents already travel to work as car drivers. By comparison, only:

- 14-17% travel by rail;
- 1-2% travel by bus;
- 0-4% cycle; and
- 4-6% walk to work.

3.4 The Census modal share data demonstrates:

Area	Car Driver Mode Share
England (NTS 2024 – all trips)	59%
South Chaldon	61%
North Chaldon	66%

3.5 North Chaldon therefore records a car-driver share that exceeds the national average for all trips, despite Government policy over many years seeking to increase modal shift towards sustainable travel. The evidence indicates that the locality already exhibits a strong dependence on private vehicle use

3.6 The evidence relied upon by Mr Allman confirms (rather than undermines) my opinion that car-driver mode share in the appeal site catchment exceeds national averages. Rather than demonstrating a sustainable location, the evidence demonstrates an existing pattern of travel dominated by private vehicle use.

3.7 The same Census evidence demonstrates that bus use is particularly limited.

3.8 Within the appeal site output areas:

North Chaldon records only 1% bus mode share.

South Chaldon records only 1% bus mode share.

- 3.9 The NTS 2024 found that public transport accounts for approximately 9% of trips nationally. This means local bus use is approximately nine times lower than the national average proportion of public transport trips, reinforcing that public transport does not currently function as a significant alternative to the private car in this location
- 3.10 Even allowing for changes in travel patterns since 2011, these figures illustrate the longstanding difficulty in securing meaningful modal shift away from the private car in this location.
- 3.11 At paragraphs 3.19-3.22, Mr Allman seeks to justify the fact that the day-to-day services and facilities are well in excess of the 800m advised in Manual for Streets. Mr Allman has two points (i) that across Britain 80% of journeys under 1 mile (i.e. 1.6 km) are made on foot and (ii) the 800m guideline is an “aspiration”, which (iii) is not reasonable to apply in rural areas.
- 3.12 First, whilst I note the research in the CIHT “Planning for Walking” (2015) publication, it does not tally with the observed behaviour locally where the majority of journeys are made by car. Moreover, Mr Allman has not quoted the extract in full, which continues to say at paragraph 2.1 “... *but beyond that distance cars are the dominant mode*”. That also tallies with the National Travel Survey (2024) which provides that car is the most common mode for journeys over 1 mile.
- 3.13 Second, I disagree with Mr Allman that 800 m is an “aspiration”. The CIHT Guidelines for “Providing Journeys on Foot” (2000) explains at Table that 800 m is in fact the “preferred maximum” for access to town centres (with 200m being the desirable distance). Whilst people might be inclined to walk further to commute or to go to school, here, the primary school options are beyond the 1 km “acceptable” level and the secondary options are beyond the “maximum” of 2km.
- 3.14 Finally, Mr Allman says at paragraph 3.22 that the 800m guideline “*might be reasonably aimed at built up urban areas ... but it is not a reasonable expectation in Rural Villages*”. Whilst that may or may not be true, I do not consider it advances the Appellant’s case. First, as I explain above, the site is adjacent to the town of Caterham. Second, paragraph 155(c) NPPF is only engaged in the case of development proposed in the Green Belt which, by definition, is not the urban area. It follows that it was the expectation of policy that Grey Belt sites were only to be developed where they are in sustainable locations.
- 3.15 At paragraphs 3.2-3.14, Mr Allman emphasises a DfT Connectivity score of 52. However, the same evidence identifies considerably higher scores elsewhere in the District:

Location	Connectivity Score
Caterham-on-the-Hill	74
Oxted	72

Location	Connectivity Score
Caterham	71
Warlingham	70
Whyteleafe	69
Mount Avenue Site	52

3.16 The appeal site therefore scores:

- 22 points below the most connected location in Tandridge.
- 20 points below Oxted.
- 19 points below Caterham town centre.

This reinforces the conclusion that there are more accessible and sustainable locations within the District.

3.17 Finally, paragraph 3.67, Mr Allman places significant weight on the approval of 8 dwellings at 15 Mount Avenue. I do not consider the applications are comparable because:

- Firstly, the scale of development was materially different. The Mount Avenue proposal fell below the threshold for major development and therefore it was at least arguable that paragraph 110 of the Framework was not engaged in the same way because the proposal did not constitute "significant development". In contrast, the appeal proposal is unequivocally major development and represents significant development for the purposes of national policy. The requirements of paragraph 110 therefore carry substantially greater weight in the assessment of this scheme.
- Secondly, the site comprised previously developed land located within Caterham's Large Built-Up Area, where both local and national policy seek to direct growth. By contrast, the appeal site would extend development beyond the established urban area. Accordingly, the earlier permission was consistent with the planned distribution of development in a way that the appeal proposal is not. In those circumstances, there was no need to undertake a fresh consideration of the site's overall sustainability credentials beyond the established policy position. The approved development accorded with the development plan's spatial strategy, including Core Strategy Policy CSP1, which seeks to direct development towards the District's most sustainable locations. It is was therefore necessary to assess the appeal site's sustainability characteristics and accessibility on their own merits, including whether future occupiers would have realistic opportunities to access services and facilities by sustainable modes of transport, but not in the case of the 15 Mount Avenue.
- Thirdly, the sustainability credentials of the two sites are materially different. Paragraph 8 of the NPPF confirms that sustainable development comprises economic, social and environmental objectives which should be pursued in mutually supportive ways. The urban location of 15 Mount Avenue contributed positively to those objectives. By contrast, the appeal site does not benefit from the same locational advantages in that it is not previously developed land and therefore relying on brownfield land for development rather than green field land.

- Furthermore, the NPPF supports the effective use of land, including the reuse of previously developed land. The redevelopment of 15 Mount Avenue attracted policy support in that regard. The appeal proposal does not share those characteristics and therefore cannot rely upon the same policy considerations in support of its acceptability.
- Finally, the 15 Mount Avenue permission did not raise the same degree of concern in relation to the encroachment of development into the countryside, the erosion of the settlement edge or the urbanising effects of development beyond the established built form. The planning balance undertaken in that case was therefore materially different and reflected the particular characteristics of that site.
- For these reasons, the Council considers that the decision at 15 Mount Avenue was highly site-specific. It does not establish a precedent for residential development on the appeal site and provides limited support for the appellant's case. The appeal proposal must instead be assessed on its own merits against the development plan and the relevant policies of the NPPF.

4. Golden Rules Compliance

- 4.1 In finalising this proof, I have also had regard to the proposal's compliance with the "Golden Rules" for green belt release and development referred to in paragraph 158 of the Framework, to which significant weight should be attached. While I acknowledge that my earlier assessment did not expressly identify that requirement, I have now taken it into account. Even attaching significant weight to the proposal's compliance with the relevant Golden Rules, my overall conclusion remains unchanged. The transport and locational sustainability concerns identified in my proof, together with the proposal's conflict with the development plan and national policy, continue to outweigh the benefits arising from compliance with the Golden Rules and do not alter my opinion on the appeal proposal.