

**Land South of Kenley Aerodrome, Victor Beamish Avenue,
Caterham, Surrey, CR3 5FX**

Appeal Reference: APP/M3645/W/24/3354498

OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT

Introduction

1. This is an appeal by the Croydon and District Education Trust (the “**Appellant**”) against the refusal of outline planning permission by Tandridge District Council (the “**Council**”) for the development of 80no. residential dwellings including 50% affordable housing,¹ associated landscaping, amenity space and car parking with all matters reserved apart from access at the land off Salmon’s Lane West to the south of Kenley Aerodrome, Victor Beamish Way, Caterham, Surrey, CR3 5FX (the “**Site**”).
2. The nature of the Site and surrounding area are described in the Main Statement of Common Ground (“**MSoCG**”).² That is not repeated here, but key points to note are that:
 - (1) the Site is immediately adjacent to the settlement boundary of Caterham, a Category I Settlement under Policy CSPI of the Core Strategy;³ and
 - (2) although the Site is in the Green Belt, until last April the Council was promoting a (now withdrawn) Local Plan which would have allocated the Site for housing, removed it from the Green Belt and included it within the revised settlement boundary of Caterham.
3. The appeal follows the refusal of planning permission by officers under delegated powers for seven reasons relating to the following issues:
 - (1) loss of a playing pitch;
 - (2) Green Belt;
 - (3) unsustainable location in transport terms;

¹ As recorded at §1.4 of the Main SoCG, the description of development was amended to increase the quantum of affordable housing to 50% to accord with §157 of the December 2024 NPPF.

² CD 10.01.01.

³ CD 5.01 (p.15).

- (4) unacceptable impact on highway capacity, in particular the roundabout junction of Salmons Lane West, Buxton Lane and Ninehams Road;
 - (5) tree felling and replacement;
 - (6) insufficient information to assess heritage impacts;
 - (7) insufficient information in relation to ecology.
4. All those matters have now been resolved to the satisfaction of the Council and Surrey County Council (“**SCC**”) as highway authority. This is explained in the Highways Statement of Common Ground (“**Highways SoCG**”)⁴ and the addendum to the MSoCG (the “**Addendum SoCG**”).⁵ Furthermore, the Council now positively agrees that planning permission should be granted for this development.⁶
5. Before turning to the main issues, it is important to place them in context.

The Site’s allocation in the Withdrawn Local Plan

6. It is unsurprising that the Council now accepts that planning permission should be granted. After all, for many years the Council itself advocated the removal of the Site from the Green Belt⁷ and its allocation for housing in Policy HSG06 of its withdrawn Local Plan (2019) with an indicative capacity for 75 dwellings.⁸
7. The Council’s proposed allocation of the Site for housing was the subject of:
- (1) independent expert advice;⁹
 - (2) public consultation at the Regulation 18 and Regulation 19 stages which resulted in no objections to the proposed allocation from any statutory consultee;
 - (3) detailed sustainability appraisal¹⁰ in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; and
 - (4) rigorous scrutiny through the local plan examination process.

⁴ CD 10.04.

⁵ CD 10.01.02.

⁶ CD 10.01.02 §8.

⁷ The Green Belt Assessment (CD 6.32) accepted that “*this site does justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary*”.

⁸ CD 6.01 p.110.

⁹ Including a ‘critical friend review’ of the Council’s Green Belt Assessment: CD 6.20; and the Tandridge Landscape Capacity and Sensitivity Study prepared by Hankinson Duckett Associates (Chartered Landscape Architects (on which see Kirkpatrick §§3.4.1-3.4.2).

¹⁰ CD 6.46 which at §5.18.2 (p.287) concluded that the Site is “*a sustainable site subject to sensitive design and identified mitigations*”

8. The upshot of that thorough appraisal of the Site was that the examining Inspector raised only one issue regarding draft allocation HSG06 in his final report, namely there was a need for further evidence “*in respect of the effect of the proposals on designated heritage assets*”, but that evidence had not been provided by the Council.¹¹ Importantly, the examining Inspector did not request any alterations to the Green Belt Assessment documents which supported and justified the removal of the Site from the Green Belt.
9. As part of this application, the Appellant submitted a Heritage Statement (including a Statement of Significance) assessing the significance of heritage assets that could be affected by the scheme and by the then extant draft allocation HSG06.¹² As explained below, this was reviewed by SCC’s Senior Historic Buildings Officer who agreed with the assessment. Not only did he not object, he actually concluded that the scheme would result in heritage benefits.¹³
10. Progress of the withdrawn Local Plan stalled significantly due to concerns about its main housing allocation at Godstone. Ultimately, the Council resolved to withdraw its draft Local Plan on 18 April 2024.
11. Since the withdrawal of the Local Plan, there has been no material change of policy or circumstances that could warrant a different conclusion as to the Site’s suitability for housing. On the contrary, the direction of national policy (especially the new Grey Belt policy) coupled with the increased need for housing in the Council’s area, means that the case for planning permission is *even stronger* now than it was when the Council decided to allocate the Site.

The housing crisis in Tandridge

12. There is a very real housing crisis in Tandridge. It is agreed that the Council is unable to demonstrate a five-year housing land supply (“**5YHLS**”). The Council is substantially short of the 5YHLS requirement. The Council’s Authority Monitoring Report (“**AMR**”) for 2023/24,¹⁴ determined that the Council had a housing land supply of just 1.92 years (equivalent to a shortfall of 2,341 homes).¹⁵ The revised standard method will see the Council’s annual target increase from 634 to 773.¹⁶
13. The most recent results of the 2023/24 Housing Delivery Test show that the Council

¹¹ CD 6.02 §75.

¹² CD 1.30 (Heritage Statement, June 2023), CD 1.31 (Heritage Statement Addendum, January 2024) and Statement of Significance (December 2021).

¹³ As reported at §5.7 of the Delegated Report: CD 4.01.

¹⁴ CD 6.18.

¹⁵ CD 10.01.01 MSoCG §7.16.

¹⁶ CD 10.01.01 MSoCG §7.16.

had delivered just 42% of its identified housing requirement over the past three years,¹⁷ creating a backlog of unmet demand that worsens with each passing year.

14. The position in relation to affordable housing is even bleaker. The Caterham, Chaldon and Whyteleafe Neighbourhood Plan Monitoring at Appendix 10 of the AMR for 2021/22 (November 2022) confirmed that the Neighbourhood Plan area delivered no affordable homes over the period.¹⁸ The equivalent monitoring at Appendix 6 of the AMR for 2023/24 (May 2024) reports no delivery of affordable housing within the Neighbourhood Plan Area.¹⁹
15. In the result, nothing has materially changed since when in 2023 the Inspector in the Land West of Limsfield Road appeal²⁰ concluded that the evidence showed: “*the continuation of what is already an acute deficiency and shortfall in the local housing supply and delivery*”,²¹ and “*an ongoing and continuing extremely bleak outlook for local affordable housing provision*”.²²
16. This housing crisis is being compounded by the failure to adopt a development plan. It is 2025, but Tandridge has not adopted a development plan since before the inception of the NPPF in 2012. Consequently, it has never had a plan in place which reflects the national policy imperative to significantly boost the supply of housing (now in NPPF §61).
17. The consequences of this systemic under-delivery are severe and far-reaching:
 - (1) thousands of households are unable to secure the housing they want and need;
 - (2) there is a growing pronounced local unmet need for affordable housing; and
 - (3) younger families and first-time buyers are being priced out of the district, exacerbating social inequalities and diminishing community cohesion.
18. There are no mechanisms in place which are likely to change the position in the short to medium term. The Council has not even got a draft development plan out to initial consultation. On 27 February 2025, the Council adopted its new Local Development Scheme (“**LDS**”) which does not envisage Regulation 18 consultation on a new Local Plan until April 2026 to October 2026. The “*high-level programme proposed*” estimates finalisation and adoption of a new Local Plan occurring as far off as July 2028. But that

¹⁷ See CD 6.49 and Yarker §§2.7 & 5.4.

¹⁸ CD 6.16 p.166.

¹⁹ CD 6.18 p.106ff.

²⁰ CD 8.02, Appendix 14.

²¹ §67.

²² §72.

is unlikely to ever happen. As the report to committee on the LDS explains, on 5 February 2025, the Government confirmed that Surrey is on the fast-track for local government reorganisation and Local Plan making will soon become the responsibility of a newly formed unitary authority.²³

19. National planning policy requires local plans to be reviewed at least every five years. Green Belt reviews happen as part of regular local plan updates in well-functioning planning authorities. Yet in the Council's plan area, the failure of the Council's withdrawn Local Plan (due to issues relating to an entirely separate main housing allocation) leaves the district reliant on a policy framework that largely predates even the first iteration of the NPPF in 2012.
20. The Council's Interim Policy Statement for Housing Delivery ("IPSHD")²⁴ allows for the delivery of site allocations that were proposed in the withdrawn Local Plan where the examining Inspector did not raise concerns (see criterion (ii)). Appendix A of the IPSHD further explains that:

The emerging Local Plan process [for Our Local Plan 2033] identified a number of large sites (75+ units) that could potentially be brought forward where the Examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings.
21. This interim criteria based policy forms part of the Council's Housing Delivery Test and Action Plan,²⁵ and attracts some weight albeit it is not part of the development plan. The IPSHD also supports the grant of planning permission in this case. The only issue that the Inspector raised in relation to draft allocation HSG06 related to the Council's failure to provide sufficient information about heritage impacts. That deficiency has been overcome by the Appellant's Heritage Statement which is endorsed by SCC and which demonstrates that the scheme would result in heritage benefits. Consequently, in substance the Site meets the terms of criterion (ii) of the IPSHD.
22. Given the constraints in this area, there is no viable path to meeting housing needs without releasing suitable Green Belt land. This is not a choice; it is an inevitability.
23. Ultimately, the only way to achieve the objective of meeting housing and affordable housing needs in Tandridge for the foreseeable future is for Inspectors to grant planning permission on appeal -especially for sites, like this one, that the Council proposed to

²³ See §§10-11.

²⁴ CD 6.04.

²⁵ CD 6.05.

allocate for housing in its withdrawn Local Plan after rigorous assessment.

24. I will now address the reasons for refusal in the order in which they have been resolved.

Heritage

25. SCC's advice as conservation consultee for the Council (2 September 2022) was that the proposals for the northern area and western area were well-considered, and SCC provided some detailed comments on the layout in the southern area. Following that advice the scheme layout was amended to retain more trees and reduce the number of units from 87 to 80.²⁶ Those amendments led to the SCC's Senior Historic Buildings Officer advising (on 14 February 2024) that:²⁷

Subject to the reserved matters, I am of the opinion that the scheme overall will result in a benefit to the conservation area owing to the proposed commemorative feature, reinstatement of paths, better connectivity with the airfield and the arrangement of buildings along Victor Beamish Avenue. Such a benefit is modest, and this will need to be taken into account with regard to other matters raised by consultees.

26. It is common ground that an agreed planning condition to secure the benefits identified by SCC's Historic Buildings Officer would overcome Reason for Refusal 6 in its entirety.²⁸ The condition will secure:
- (1) improved connectivity through the Site and between the listed former NAAFI and the aerodrome, including reinstatement of historic paths;
 - (2) the proposed arrangement of buildings along Victor Beamish Avenue; and
 - (3) the commemorative structure or feature to enhance the interpretation of the Site and wider aerodrome.
27. The heritage benefits carry great weight in the planning balance due to the statutory duty in s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy in NPPF §212.

Ecology

28. It is common ground that all matters relating to ecology and biodiversity are acceptable, subject to the imposition of agreed planning conditions.²⁹
29. The application was supported by a comprehensive suite of ecological surveys over a

²⁶ Markham §1.41.

²⁷ CD 4.01 §5.7.

²⁸ CD 10.01.01 §7.12.

²⁹ MSoCG CD 10.01.01 §§7.40-7.42.

two year period³⁰ and an Ecological Assessment.³¹ Natural England was consulted on the application and did not raise any objections.

30. As Mr Hallett's evidence explains, the concerns raised by Surrey Wildlife Trust that underpinned reason for refusal 7 have been overcome by:³²
- (1) an additional Dormice survey (which did not find any evidence of Dormice on the Site);
 - (2) further information regarding the extent of grassland to be retained;
 - (3) the submission of an updated reptile survey plan; and
 - (4) an explanation as to why the scheme will not result in unacceptable recreational pressure on designated nature reserves.
31. It is agreed that, as a matter of law, the 10% Biodiversity Net Gain requirement which came into force in January 2024 does not apply to this application because it was submitted before that date.³³

Loss of trees

32. The Council's Principal Tree Officer provided his final consultation response on 6 March 2024.³⁴ In light of the amended layout which retained more trees, he no longer cited any policy conflict and instead merely suggested that at the reserved matters stage "*in any detailed application further provision is made for larger species tree planting*". Despite this Reason for Refusal 5 cited issues concerning the felling and replacement of trees and the effect on trees in the conservation area.
33. There are currently 341 trees within the Site. All the category A (high quality) trees would be retained, as well as the trees along Victor Beamish Avenue, the woodland trees to the east and the category A trees in the central part of the Site. 10 category B trees of moderate quality would be removed. 114 category C trees, which are of poor quality, would be removed. 6 category U trees are in such poor condition that they have been assessed as needing removal for management reasons irrespective of any development proposals. Therefore the majority of trees that would be removed are poor quality.

³⁰ See the summary at Hallett Table 1.

³¹ CD 1.23.

³² See also MSoCG CD 10.01.01 §7.41.

³³ MSoCG CD 10.01.01 §7.42.

³⁴ CD 4.01 §7.127.

34. As Ms Markham explains, the Council requested some supplementary analysis of the effect of the tree proposals on the Kenley Aerodrome Conservation Area which was provided on 20 January 2025.³⁵ The Appellant produced a Supplementary Tree Plan to show the location of a minimum of 225 replacement trees.³⁶ This indicates that additional trees could be planted to reinforce the historic character of the Conservation Area.
35. Overall there would be a net gain of trees in the Site. Mr Kirkpatrick's analysis is that the canopy of the trees that would be removed equates to 9,747.03m². Once the newly planted trees are fully established, in 30 years time, their total canopy would equate to 9,880.02m², which exceeds the existing canopy area. Once the new trees are established the general contribution of trees to the character and appearance of the Conservation Area would be enhanced.
36. As recorded in the Arboriculture Statement of Common Ground,³⁷ this clarification resolved the Council's concerns with respect to the felling and replacement of trees and there are no arboriculture matters in dispute. In particular, the Council considers the loss of 124 (principally category C trees) to be acceptable.³⁸
37. The Council's remaining concern related to the effect of the tree proposals on the Conservation Area in the *temporary* period until the new trees reach maturity has also been resolved. Mr Lee's proof of evidence confirms that the Council no longer seeks to pursue any aspect of reason for refusal 5.³⁹

Sustainability & junction capacity

38. As set out in the Highways SoCG,⁴⁰ Surrey County Council ("**SCC**") in its capacity as highway authority now agrees that the scheme would provide appropriate cycle and pedestrian infrastructure linking the site to key local amenities and that it would provide a material benefit to the safe operation of the Buxton Lane / Salmons Lane West / Ninehams Road mini-roundabout junction. As such, both reasons for refusal 3 and 4 have been overcome in their entirety.
39. SCC's eventual position aligns with its stance throughout the withdrawn Local Plan process and also with its pre-application advice (22 June 2022) on this application which concluded that the scheme could be supported subject to a mitigation package to

³⁵ Markham §1.8.

³⁶ CD 1.38 & CD 1.39.

³⁷ CD 10.02 §3.

³⁸ CD 10.01.01 MSoCG §§7.36-7.39.

³⁹ §§10.1-10.2.

⁴⁰ CD 10.04.

minimise reliance upon the private car.⁴¹ SCC's position also aligns with the Council's evidence base for the withdrawn Local Plan. Part 3 of Appendix I of the Council's Green Belt Assessment, 2018 (the "**GBA**") concluded that the Site was:

...located on the edge of the built-up area of Caterham, a sustainable settlement designated as Tier 2 in the Council's Settlement Hierarchy and identified as a preferred location for development as part of the spatial strategy. Accordingly the Council consider that the site is strategy compliant and would have a significant role to play in achieving sustainable patterns of development across the district.

40. The Inspector's report on the withdrawn Local Plan did not raise any concerns relating to the location of the Site or its suitability for residential development in terms of highways matter or sustainability. Neither did the pre-application advice of SCC or the Council raise sustainability concerns.⁴² In fact, in the Council's pre-application advice positively concluded that the Site was sustainably located.⁴³
41. Mr Bell's evidence explains the improvements initially proposed by the Appellant accorded with the mitigation measures envisaged in the Council's Infrastructure Delivery Plan (2019) and SCC's pre-application advice of June 2022.⁴⁴ Following the refusal of planning permission, despite pressing SCC and the Council to specify what additional infrastructure they considered necessary,⁴⁵ it is only very recently that they have particularised the further mitigation measures they required. The Appellant is willing to provide the further mitigation and can do so now it knows what the authorities had in mind.
42. The Highways SoCG explains the further mitigation, the policy basis for requiring it, how it will be secured and why it is necessary to make the development acceptable in planning terms. New and enhanced facilities for pedestrians and cyclists will ensure that the scheme will offer a genuine choice of transport modes so that a wide range of local services and facilities can be reached on foot or by cycle within a suitable distance. The impact of development traffic will be negligible and the performance of existing junctions will not be adversely affected.
43. Accordingly, the scheme complies with local and national policy in terms of the accessibility of the Site to local amenities and public transport such that future residents would not be reliant upon car travel. Additionally, the residual cumulative impact of the scheme on the operation of the highway network would not be severe.

⁴¹ CD 3.01.

⁴² CD 3.01 and CD 3.03.

⁴³ CD 3.03.

⁴⁴ Bell Section 6.

⁴⁵ See e.g. §10 of the post-CMC note.

Green Belt

44. The new NPPF now provides two clear routes for this scheme to qualify as an exception to inappropriate development in the Green Belt:
- (1) **Paragraph 154g:** redevelopment of previously developed land (“**PDL**”). The Site qualifies as PDL and the Appellant’s evidence demonstrates that the proposal will not cause substantial harm to the openness of the Green Belt; and
 - (2) **Paragraph 155:** Grey Belt provisions for major development. The Council now agrees that the scheme meets all criteria, including addressing housing need, being in a sustainable location and meeting the Golden Rules.
45. As to the Golden Rules:
- (1) **Affordable Housing:** the scheme provides 50% affordable housing which meets the requirement in NPPF §157 and so criterion (a) of the Golden Rules in NPPF §156 is satisfied;
 - (2) **Infrastructure:** the scheme will make the necessary improvements identified to local infrastructure identified by SCC and the Council and so criterion (b) of the Golden Rules in NPPF §156 is satisfied; and
 - (3) **Green Space:** as agreed and as explained in Mr Kirkpatrick’s evidence, the scheme fully complies with criterion (c) of NPPF §156, delivering new, high quality greenspaces that are on the doorstep for new residents and readily accessible to the wider public.⁴⁶
46. The proposal’s agreed compliance with the Golden Rules further strengthens its justification under the NPPF’s framework for sustainable development.
47. In terms of PDL, the Site comprises areas of former buildings, structures and hardstanding relating to the previous use of the Site as part of the former Royal Air Force Station which operated from 1917 until the 1970s. The Council’s own GBA (a key evidence base document for the withdrawn Local Plan) concluded that “*the site is previously developed land*”.⁴⁷
48. Mr Kirkpatrick’s evidence and the Landscape and Visual Impact Assessment (“**LVIA**”) demonstrate that the harm to openness caused by redeveloping the Site for housing would not be substantial. Consequently, the requirements of NPPF §154g are satisfied

⁴⁶ Kirkpatrick §4.3.25.

⁴⁷ CD 6.32 Part 3 of Appendix I of the GBA (2018).

and the scheme is appropriate development via that route too.

Loss of a playing pitch

49. Sport England and the Council's objection based on loss of a playing pitch is misconceived. It is wrong in law, fact and policy. In summary:

- (1) as explained by Ms Yarker,⁴⁸ the alleged 'playing pitch' does not have a lawful use as a playing pitch, so there can be no loss of a playing pitch in planning term. The 2004 and 2009 planning permissions relied on by the Council were not implemented as explained by Mr Stanley in his affidavit.⁴⁹ This is supported by the contemporaneous assessment of the Council when, in 2009, it renewed the 2004 planning permission *because it had not been implemented*;⁵⁰
- (2) even if there were a loss of a playing pitch there would be no, or at least no significant, conflict with policy because:
 - (a) the 'playing pitch' has never been publicly accessible and has only ever been used by a private school which now has its own new on-site state of the art sports facilities. The 'playing pitch' is therefore surplus to the school's requirements (NPPF §104(a)) and it has already been replaced by better provision (NPPF §104(b)). The (2024) planning permission and listed building consent for the school's new facilities post-date Sport England's 25 September 2023 consultation response which means that Sport England's assessment is out of date;
 - (b) as Sport England acknowledge, the 'playing pitch' does not conform with the recommended Football Association size guidelines and only a 7 x 7 pitch can be accommodated.⁵¹ The area is also sub-standard and the Headmaster explains that the school ceased its use due to "*a health and safety risk because of the uneven ground*";⁵²
 - (c) as Ms Yarker explains,⁵³ the Council's Playing Pitch Strategy⁵⁴ only identifies minor shortfalls in sports pitch provision in the District and it considers that shortfalls can be bet through better use of existing provision. It is

⁴⁸ Yarker §§5.1-5.20.

⁴⁹ CD 8.04 Appendix I.

⁵⁰ CD 8.18 (delegated report for the 2009 application) and CD 8.19 (application covering letter for the 2009 renewal).

⁵¹ Lee Appendix PL1 (25 September 2023).

⁵² CD 8.04 Appendix I, exhibit KS4.

⁵³ Yarker §§5.18-5.19.

⁵⁴ CD 6.03.

agreed the Site does not form part of the Council's sports pitch strategy and that the school's provision has not become part of the Council's recognised supply.⁵⁵ The Site has never been publicly accessible and there is nothing that would require public access to be granted in the future;

- (3) even if (contrary to the Appellant's case) there were a loss of a playing pitch, in the circumstances outlined in sub-paragraph (2) above, it would not come close to significantly and demonstrably outweighing the benefits of the scheme. Consequently, as the Council agrees, 'loss of a playing pitch' would not in any event justify the refusal of planning permission.⁵⁶

Benefits & planning balance

50. As Ms Yarker explains,⁵⁷ there are significant benefits to the appeal scheme, including:

- (1) the provision of 80 residential units;
- (2) the provision of 50% affordable housing (40 units);
- (3) compliance with the Golden Rules and development of a brownfield site;
- (4) heritage benefits;
- (5) conservation benefits; and
- (6) economic benefits from the creation of construction jobs and expenditure by new residents which will support local services and businesses.

51. In this appeal, there are three distinct routes to granting planning permission for the scheme, each firmly grounded in national planning policy.

52. The first route is through compliance with the new Golden Rules. The Council agrees this route is satisfied and that planning permission should be granted.⁵⁸ Compliance with the Golden Rules:

- (1) establishes the scheme is Grey Belt development that is not considered inappropriate development in the Green Belt: NPPF §155;
- (2) means that no further assessment of Green Belt impacts is required: see NPPF footnote 55; and

⁵⁵ CD 10.01.01 §7.15.

⁵⁶ CD 10.01.02 §7.

⁵⁷ Yarker §§5.64-5.75.

⁵⁸ CD 10.01.02 §7.

- (3) attracts significant weight when carrying out the tilted balance: NPPF §158.
53. The second route is through compliance with NPPF §154g i.e. the scheme constitutes appropriate redevelopment of PDL in the Green Belt. Under this route, there would be no “*strong reason*” for refusal for the purposes of NPPF §11(d)(i) because the Green Belt as an “*area or asset of particular importance*” is not “*protected*” from appropriate development.
54. Thirdly, even if there scheme were deemed inappropriate development, very special circumstances exist that justify the scheme. The benefits clearly outweigh the potential harm to the Green Belt and any other harm resulting from the proposal, which means that there would remain no strong reason for refusal under NPPF §11(d)(i).
55. It is hardly surprising that the scheme complies with Green Belt policy. After all, the Council’s own evidence base for the withdrawn Local Plan found that the Site was suitable for housing development, that there were “*exceptional circumstances*” such that it should be removed from the Green Belt and allocated for housing. There has been no change of circumstances and the Council continues to rely on the same evidence base in its work to begin a new Local Plan.⁵⁹
56. Moving then to the tilted balance under NPPF §11(d)(ii), regardless of the above scenarios, the adverse impacts of granting planning permission do not come close to significantly and demonstrably outweighing the substantial benefits of the scheme.
57. Whichever of these three routes is followed, the conclusion is the same: planning permission should be granted because the scheme is firmly supported by the NPPF.

Conclusion

58. This appeal is about more than just a development -it is about addressing a systemic failure in housing delivery and responding to an acute need for affordable housing. This Site represents a sustainable, well-considered response to this challenge -as indeed the Council plainly thought when it previously sought to allocate the Site for housing.
59. The evidence is clear: this scheme will meet vital housing needs, provide significant public benefits and address the chronic failings of the local planning system. The Appellant will ask you to allow this appeal and to grant planning permission for a development that will make a real and positive difference.

Richard Moules KC

⁵⁹ MSoCG §4.5.

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4th March 2025