

Application: 2022/685

Location: Land At The Old Cottage, Station Road, Lingfield, RH7 6PG

Proposal: Outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse. (The application site is located within Lingfield Conservation Area and affects the setting of Listed Buildings and Structures).

Ward: Lingfield and Crowhurst

Decision Level: Delegated

Constraints: Area of High Archaeological Potential, Area of Special Advertising Consent, Ancient woodland(s) within 500m, Special Protection Area, Conservation Area: Lingfield (High St/Gun Pond/Church Town), Flood Zone 2, Gatwick Bird Strike Zone; Gatwick Safeguarding - 90m, Green Belt area, adjacent to Larger Rural Settlement: Lingfield, Parish: Lingfield, Roads: B class: Town Hill & Racecourse Road, Risk of Flooding from Surface Water – 1 in 1000, 1 in 100, & 1 in 30, Rights of Way: 381a; Special Protection area(s); Affects the setting of Listed Buildings and Structures: Garden Wall to New Place – Grade: II; New Place – Grade II; The Old Cottage – Grade II; Church Of St Peter And St Paul – Grade: I; The Guest House – Grade: II*; Shore - Tomb 20 Yards North West of North Aisle of Church of St Peter and St Paul – Grade: II; Garden Wall to East of the College – Grade: II; Hale Tomb 10 Yards South West of Church of St Peter and St Paul – Grade: II; Church Gate Cottage – Grade: II; Church House Star Inn Cottages – Grade: II*; Old Town House And Old Town Cottage – Grade: II*; Barn 15 Yards South West Of Old Town House – Grade: II; Pollard Cottage Pollard House – Grade: I; The College including former Kitchen to South West – Grade: II*; and, The Barn – Grade: II.*

RECOMMENDATION: REFUSE

Summary

- Note: This planning application is now the subject of an appeal against non-determination. It is necessary, therefore for the Local Planning Authority to determine its position in regard to the forthcoming inquiry and to agree what its decision would have been had the application not been appealed.**
- The proposal would result in inappropriate development within the Green Belt for which very special circumstances have not been demonstrated to clearly outweigh this, and other identified harm.
- The proposal would fail to preserve or enhance the character and appearance of Lingfield Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. The application fails to set out clear and convincing justification to outweigh the harm.
- The quantum of development (density), its layout and form will result in a cramped and over developed site and, together with the introduction of significant areas of circulation spaces, will have an urbanising effect on the site and adjoining areas of open countryside
- The proposal has not demonstrated that proposal would be able provide safe would introduce vehicular access in conflict with an existing Public Right of Way

and this would be detrimental to the safety of users of the Right of Way and proposed access road.

6. The total affordable housing contribution is 40% affordable units which exceeds policy expectations of the adopted development plan. However, the proposed affordable housing mix fails to accord with the District's need for 75% of affordable dwellings to sit within the Social Rent Tenure.
7. The proposal is considered to lack adequate information to satisfy concerns about achieving biodiversity net gain in conflict with the NPPF and to demonstrate that it would have an acceptable impact on reptiles via the submission of a reptile mitigation strategy.
8. In the planning balance, the housing land supply position is afforded significant weight, including the proposed provision of affordable housing but this significant benefit is not considered to be so substantial as to outweigh the evident harm to the green belt and its openness, the open countryside and the adverse impact on heritage assets. Great weight must be given to the high degree of less than substantial harm to Lingfield Conservation Area and its setting and to the impact on nearby Grade 1 and 2* Listed Buildings. For these reasons, the housing land supply position is not considered to constitute very special circumstances that would justify approval notwithstanding the impact on the Green Belt.
9. The Local Planning Authority has also considered in the balance the potential benefits of in terms of biodiversity net gain and potential improvements to the Public Right of Way but the conclusion is that, as a result of the nature and quantum of the identified significant harm planning permission would have been refused for the reasons set out above and more fully at the end of this report, had the application not been appealed against non-determination.

Site Description

10. The application site comprises a cluster of fallow agricultural fields to the East of Lingfield Village. The site is within the Metropolitan Green Belt with a total site area of approximately 6.3 ha. It is entirely outside of the defined settlement of Lingfield but immediately abuts its boundary to the South West. More than half of the site is within the Lingfield Conservation Area. A footpath is located in the northern half of the site, running north-east. There are no buildings within the site. There are very clear and open views of the site from the public highway in Station Road and at the bottom of Town Hill as well as from the Public Right of Way in the north. Clear views are also obtained from within the garden of The Star Inn, within the Conservation Area.

Relevant History

11. 2022/235/EIA – Outline planning permission for a residential development. The detailed design proposals seek to deliver a residential development of the site, in order to meet identified local need for housing including affordable housing (Environmental impact assessment) – EIA Screening Opinion issued 10 February 2022 – Not EIA Development
12. GOR/475/70 – Layout of estate street with the erection of 51 dwellings – approved 26 August 1970 (not implemented)

13. GOR/5712A – Residential development at a density not exceeding 8 dwellings per hectare, on 21.5 acres of land at New Place Farm, Lingfield – Refused by the LPA, then dismissed at appeal on 27 April 1966, then appeal dismissal upheld by the Ministry of Housing and Local Government 29 July 1966.

Proposal and Key Issues

14. This application seeks outline consent with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car & cycle parking and refuse. (The application site is located within Lingfield Conservation Area and affects the setting of Listed Buildings and Structures).
15. With this being an outline application, the principal of development is the key planning consideration. It is therefore the case that the outstanding reserved matters are access, appearance, landscaping, layout, and scale.
16. The proposal does include illustrative layouts, scale and an indicative site plan. While these details are considered to an extent in the Assessment of this application, officers are mindful that they are not regarded as final details.
17. Were the application to be approved these matters would be considered in more detail at reserved matters stage.
18. The key issues relevant to this Application are:
 - Principle of Development;
 - Impact on the Green Belt;
 - Infrastructure;
 - Housing Mix and Affordable Housing;
 - Density;
 - Character and Appearance;
 - Heritage;
 - Landscaping and Trees;
 - Parking Provision and Highway Safety;
 - Biodiversity;
 - Flood Risk Management;
 - Residential Amenity;
 - Energy and Sustainability;
 - Very Special Circumstances; and
 - Housing need and the planning balance

Development Plan Policy

- Tandridge District Core Strategy (2008) – Policies CSP1, CSP12, CSP14, CSP15, CSP17, CSP18, and CSP21
- Tandridge Local Plan Part 2 – Detailed Policies (2014) – Policies DP1, DP5, DP7, DP19, and DP20
- Woldingham Neighbourhood Plan (2016) – Not applicable
- Limpsfield Neighbourhood Plan (2019) – Not applicable
- Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) – Not applicable

- Emerging Tandridge Local Plan 2033 – TLP01, TLP02, TLP06, TLP10, TLP18, TLP32, TLP35, TLP37, TLP33, TLP44, TLP45, TLP47, TLP46, TLP47, TLP48, TLP49, TLP50

Supplementary Planning Documents (SPDs)

- Tandridge Parking Standards SPD (2012)
- Tandridge Trees and Soft Landscape SPD (2017)

National Advice

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

List of consultees:

- Lingfield Parish Council
- Gatwick Airport Limited
- SCC Highways
- Surrey Wildlife Trust
- SCC Countryside Access Officer
- SCC Heritage Officer

Statutory Consultation Responses

19. The following Statutory consultation responses were received.

Consultee:	Lingfield Parish Council	Date received:	3 August 2022
Summary of comments:	objection received and the following points were made: <ul style="list-style-type: none"> • Green Belt and Conservation Area • Surrounded by listed buildings • Overwhelming community objection • This site is not included in the emerging Neighbourhood Plan. 		
Officer Response:	Officers note the comments made and the material planning considerations are addressed in the Assessment.		

TDC advice

20. The following TDC consultation responses were received:

Consultee:	TDC Housing Team	Date received:	3 August 2022
Summary of comments:	Comments on the proposed affordable housing provision for this application are as follows: <p>The application is for 99 units, 40 of which are for affordable housing. 40% provision is above our policy requirement of 34%. The mix of 5 x 1 bed flats, 21 x 2 bed flats and 14 x 3 bed houses is heavily weighted towards smaller flatted units, however due to the additional units provided above and over our policy level this is acceptable.</p> <p>75% of the affordable housing units should be for affordable rent, this is equal to 30 units. As there is currently a strong need for</p>		

	<p>affordable rented 3 bed houses, therefore the majority of these must be for affordable rent.</p> <p>The mix for affordable rent that will best meet housing needs is as follows: 12 x 3 bed houses 15 x 2 bed flats 3 x 1 bed flats</p> <p>For shared ownership: 2 x 3 bed houses 6 x 2 bed flats 2 x 1 bed flats</p> <p>If this outline application is approved early discussions with a registered provider are recommended.</p>
Officer Response:	Officers note the comments made.

Consultee:	SCC Highways	Date received:	8 July 2022, 1 December 2022, 6 February 2023, 19 April 2023
Summary of comments:	<p><u>First Comments: 8 July 2022</u></p> <p>Insufficient information has been provided to enable the County Highway Authority to fully assess the transportation implications of the proposed development and its impact on the public highway and therefore if permitted could prejudice highway safety and cause inconvenience to other highway users contrary to the objectives of the NPPF (2021,) and policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).</p> <p>Informative to Applicant/LPA</p> <p>The following information/plans should be provided in accordance with the County Highway Authority pre-planning advice dated 11 March 2022 and included in Appendix A of the submitted Transport Assessment.</p> <ul style="list-style-type: none"> • Traffic surveys/junction analysis • Proposed level of car parking • Public Transport Improvements • Widening of the footway along the frontage of the site • Pedestrian visibility splays to be added for the two informal crossing points on Town Hill and Station Road (drawing no. 1912026-03) • Swept Path Analysis to demonstrate that removal/refuse/delivery/emergency vehicles can turn within the site and exit in forward gear onto Town Hill. • Full access drawing should be provided with width/radii etc. notated • A Stage 1 Safety Audit should be submitted with the planning application. The CV's of the auditors will need to be provided 		

prior to this being commissioned so the CHA can check they comply with the team competencies required by GG119.

Second Comments: 1 December 2022

I refer to the above planning application upon which you have requested our consideration of the highway and transport issues. Before I am able to provide a full response, please request the following be provided by the Applicant:

1. Could the Travel Plan be updated to include the following:
 - details of proposed EV charging;
 - details of proposed cycle storage for the flatted element;
 - Section 5 to include details of who will appoint and fund the TPC role;
 - Section 7 to be updated to say that if targets are not met in Yr5, then monitoring will continue to Yr9.
 - please note that the Year 1 survey is not a baseline survey (para 7.3). The baseline survey will be in addition to the surveys undertaken in yrs 1, 3 and 5.
2. A Stage 1 RSA has been provided however, it was requested in pre-planning advice that the CV's of the auditors be provided to SCC prior to this being undertaken. Can it please be confirmed that the auditors from Gateway TSP comply with the team competencies set out in GG119.
3. The requested improvements to the bus stops in the vicinity of the site and set out in the pre-planning advice provided has not been referred to in the Transport Assessment or the subsequent addendum. Can the applicant confirm that they are willing to provide these improvements.
4. The Highway Authority requested that footway along the frontage of the site be widened to 3 m which would accommodate a shelter for the bus stop directly in front of the proposed development however, this has not been shown on the application drawings.
5. The Highway Authority requested that that a swept path analysis be provided for the proposed access to demonstrate that a removal van/refuse vehicle /fire appliance/delivery vehicle can enter/exit onto Town Hill.

Please request that the Applicant provides the above amendments/information in sufficient time so that we may respond before your deadline for determination. Please ensure that the response to this letter is in writing and all appropriate documentation, as requested, is attached.

6 February 2023

Thank you for forwarding the additional highway response dated 20 December and the information submitted which is considered acceptable and addresses the comments raised by the Highway Authority.

Having reviewed the TA again I require some additional information/amendments in relation to the visibility splays that are to be provided from the proposed access onto Town Hill.

A speed survey has been conducted however traffic counters were only located at the 30/40 speed limit sign and we would usually expect counters to be provided either side of the access to capture eastbound and westbound speeds as they pass the proposed access. It is considered that vehicles could be still travelling close to the 40 mph as they pass the access before then entering the 30 mph speed limit zone. Could the applicant therefore provide an amended access plan showing the visibility splay to the east (left of the access) in accordance with the 40 mph posted speed of the road.

The applicant is also proposing to extend the 30 mph speed limit as far as the junction of Station Road including Station Road however there is no speed data provided for this section of Town Hill. It is likely that a scheme of traffic calming will also need to accompany the reduction in speed limit, is the applicant prepared to fund this?

In accordance with the Tandridge Local Plan requirement for this site, a contribution is required for the 'mobility impaired person bridge at Lingfield Station'. It is considered that the station should be made fully accessible for occupants of the new development particularly given the close proximity to the proposed development to encourage sustainable modes of travel however it is likely that it would cost at least a £1 million to provide this. It is assumed that there have been discussions with Network Rail for this to be included in the Local Plan. I just wanted to know your thoughts on whether the applicant should be expected to fund the total cost if this?

19 April 2023

Prior to commencement of the development to enter into a S278 Agreement with Surrey County Council to provide the following highway works, in accordance with the Highway Authority's requirements.

- Before any other operations are commenced the proposed vehicular access from the site to Town Hill shall be constructed to a standard to accommodate the safe ingress and egress of construction vehicles and such works to be substantially completed in general accordance with drawing no. 1912026-02 Rev A and to include dropped crossings and tactile paving across the bellmouth and provided with visibility zones in accordance with drawing no. 1912026-01 Rev B prior to first occupation of any dwelling and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 m high.

- Prior to first occupation of the development bus stop improvements to include enhanced passenger waiting facilities, accessible height kerbing, bus shelters with seating and lighting, Real Time Passenger Information, bus stop clearway markings on the carriageway and clearway plate and replacement/provision of bus stop poles and flags as required at the bus stops in the vicinity of the site on Town Hill, Church Road and Station Road in accordance with a scheme to be submitted to and approved in writing by the Highway Authority.

- Prior to first occupation of the development pedestrian crossing facilities shall be provided on Town Hill and Station Road adjacent to the site in accordance with a scheme to be submitted to and approved in writing by the Highway Authority.

S106 Financial Payments

Prior to commencement of the development to pay to the County Council a sum of £4,600 in respect of the future monitoring of the Travel Plan.

The Highway Authority also recommends the following conditions and informatives are imposed on any permission granted.

Conditions

1. Details of parking / turning areas
2. Fast-charge Electric Vehicle charging points
3. Secure and covered parking for bicycles
4. Revised residential Travel Plan
5. Construction Transport Management Plan

Informatives

1. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course.
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles.
3. The developer is advised that Public Footpath Number 381a crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
4. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

7. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant utility companies and the developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022.
9. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
10. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
11. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

Informative to Applicant/LPA

- The residential Travel Plan should be revised to include the following:
 - details of proposed EV charging;
 - details of proposed cycle storage for the flatted element;
 - Section 5 to include details of who will appoint and fund the TPC role;
 - Section 7 to be updated to say that if targets are not met in Yr5, then monitoring will continue to Yr9.
 - In addition:
 - please note that the Year 1 survey is not a baseline survey (para 7.3). The baseline survey will be in addition to the surveys undertaken in yrs 1, 3 and 5.
- The Highway Authority support the request for improvements to Public Footpath 381a which crosses through the site as set out in SCC's Countryside Access Teams formal response.
- A plan has been provided in the Transport Assessment showing the locations of proposed uncontrolled crossing points on Town Hill and Station Road however the CHA consider that this requires further investigation to identify an appropriate solution and therefore we have requested that a scheme be submitted.

	<ul style="list-style-type: none"> The Local Plan requires that this site provides a contribution to improvements at Lingfield Railway Station. The CHA have sought to pursue this with the LPA but have not been provided with any further information at this stage and therefore we are not able to recommend an appropriate contribution.
Officer Response:	Officers note the comments made and have sought to seek clarity. Conditions & S106 contributions can be sought, as recommended.

Consultee:	TDC Locality Team	Date received:	21 July 2022
Summary of comments:	<p>Recycling and waste provisions have been reviewed and the following primary concerns are raised:</p> <ul style="list-style-type: none"> Transport assessment states 'maximum 25 metres from refuse collection vehicle to bin store.' This is not acceptable. The bin collection point will need to conform to BS 5906:2005 Waste Management in Buildings Code of Practice, in respect to the maximum pull distances for bins for the crews. This being no more than 15m for up to 360 litre sized bins and no more than 10m for 360 litre bins and over. If this outline is approved I would also like to see the following: <ul style="list-style-type: none"> Swept path analysis to show the access for the waste collection vehicles. Bin collection point at the edge of each property and the bin storage points to demonstrate adequate space. Individual properties will each require at least 1 x 240 litre recycling bin, 1 x 180 litre refuse bin and 1 x 23 litre food caddy. Please note, this is a minimum - residents can purchase larger refuse bins at an additional cost, have additional recycling bins and subscribe to the garden waste collection service which uses 240 litre bins. Location and layout of any bin stores planned for the apartments including number of bins. 		
Officer Response:	Officers note the comments made and accept that an appropriate condition could be secured for details of waste management. With the application being in outline, these details are not necessarily required at this stage of the proposal.		

Consultee:	TDC Tree Officer	Date received:	16 January 2023
Summary of comments:	<p>I have walked through the site and scrutinised the submitted arboricultural report against my own observations.</p> <p>Considering the large population of trees and hedges within the site (75 individual trees, 11 groups of trees, 13 hedge elements) there are very few impacts, and this is of course mainly down to the majority of trees being located on field boundaries, as opposed to throughout the main areas of proposed built form. As this is the case, the opportunity has clearly been taken to consider the tree stock as the assets that they are, and to design around them - as good practice and TDC policy dictates.</p> <p>It should be noted that a large part of the site is located within the Lingfield Conservation Area. This designation imparts significant protection to the trees located within the bounds of the conservation area, and of course also affects how landscaping should be</p>		

designed to ensure it is in keeping with the character of the conservation area.

The arboricultural elements to be removed for the purposes of layout design are: T49 – Norway spruce – ‘C’ category, T73 – Horse chestnut – ‘C’ category, G5 - dense mix of hawthorn, holly, hazel and blackthorn, with occasional young ash - ‘C’ category, G7 - mix of goat willow, hazel, ash, blackthorn, holly and yew growing densely together to form impenetrable mass of vegetation; includes occasional young English oak growing above average height of group - ‘C’ category, H2 - Hawthorn hedge - ‘C’ category, H7 (partial) - blackthorn, yew, silver birch, elder, ash, English oak, hawthorn, holly and hazel; blackthorn dominant - ‘C’ category, H11 - Hedge comprising hawthorn, ash, holly and blackthorn ‘C’ category, Two further trees (T15 & T50) are to be removed for sound arboricultural reasons, due to their poor condition.

As mentioned above, largely the layout has been designed to avoid conflicts with trees, and to provide significant green spaces within the site, both in terms of larger amenity spaces, and smaller spaces on frontages and verges where amenity planting can be accommodated. In some areas this has resulted in sufficient space for tree planting, according to the indicative landscaping within the layout plan, but in order for the new streets to be ‘tree lined’ as required by paragraph 131 of the NPPF 2021 it will be necessary for further tree planting to be designed into the scheme. In my view this can be secured by condition.

Conflicts between retained trees and new dwellings has largely been avoided. There are a few instances where trees will require pruning to accommodate scaffolding during construction, but the long-term sustainability of the tree/building relationship is otherwise good, with few issues of trees casting shade into gardens, or being overbearing in proportion to the plot. There are also a few areas where no dig permeable surfacing will be required, where hard standing intrudes into root protection areas, but the instances where this is necessary are few, and the details can be provided under condition.

The nearest ancient woodland is 180m to the east and is separated from the site by Station Road and the railway line. There are no conflicts in that respect.

In conclusion, having considered the submitted arboricultural report and from my observations on site I am satisfied that the proposals accord with TDC policies as they relate to trees and landscaping, subject to further detail being submitted under condition. I therefore raise no objections.

I have drafted conditions below, which you may wish to amend as necessary. Please note the specific requirement for ‘tree lined’ streets.

Hard and soft landscaping

No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- tree lined streets

Tree, hedgerow and shrub planting design to include a diverse mix of native and non-native species, and all trees to have sufficient soil volume designed into the scheme to allow for successful establishment to maturity.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which either during development or within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7/DP8/DP9 [DELETE AS APPLICABLE] of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Trees – Detailed Arboricultural Method Statement

Notwithstanding the details already submitted, no development shall start until a detailed tree protection plan and detailed arboricultural method statement, in full accordance with sections 5.5 and 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations [appropriate and specific to the approved scheme], to include details of all works within the root protection area, or crown spread [whichever is greater], of any

	<p>retained tree, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.</p> <p>Trees - No tree works during development</p> <p>No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.</p>
Officer Response:	Officers note the comments made and should the application be minded for approval the conditions recommended will be applied.

Consultee:	SCC Heritage Officer	Date received:	10 August 2022 & 15 February 2023
Summary of comments:	<p><u>Response dated 10 August 2022</u></p> <p>The header shows that the historic environment considerations are the character and appearance of the conservation area and the setting of nearby listed buildings. Special regard has to be had to these matters in the determination of the application in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The effect on the significance of a locally listed building should also be taken into account when assessing the application in line with paragraph 203 of the NPPF which requires a balanced judgement with regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>The applicant has provided a detailed heritage statement and has carried out a search of the Historic Environment Record to meet the requirements of paragraph 194 of the NPPF. The applicant has split the built heritage assets into five groups which I shall use for ease of reference. For clarity these are:</p> <ul style="list-style-type: none"> • Lingfield Conservation Area • The Church of St Peter and St Paul (Grade I) • Listed buildings to the west of Church Road group, comprising of: <ul style="list-style-type: none"> - Pollard Cottage (Grade I) - Church House and Star Inn Cottages (Grade II*) - Old Town House and Old Town Cottage (Grade II*) - Church Gate Cottage (Grade II) - The Barn (Grade II) • Barn 15 yards south-west of Old Town House (Grade II) <ul style="list-style-type: none"> - The College (Grade II*) - Garden Wall to the East of The College (Grade II) 		

- The Guest House (Grade II*)
- Three tombs in the grounds of Lingfield Church (all Grade II)
- Listed buildings in The New Place group, comprising of:
 - New Place (Grade II*)
 - Garden Wall to New Place (Grade II)
 - The Old Cottage (Grade II)
- Locally listed buildings comprising of:
 - New Place Farm
 - Cyder Barn

The impact on the heritage assets will vary within some of the aforementioned categories so where possible I have highlighted which assets have the potential to be more or less affected by the scheme. Owing to the outline nature of the scheme it is difficult to fully assess the impact of the development on the heritage assets and it would have been much more helpful if some of these details could have been provided at this stage of the application, particularly the appearance and scale of the dwellings.

The application site is a set of fields (known as Star Fields) mostly located within Lingfield Conservation Area which join the two separate areas of Church Town to the west and New Place to the east. The openness of Star Fields reinforces the distinction between these two separate, but important, historical sites in Lingfield. I consider this to make a contribution to the special interest of the Conservation Area. It is a matter of fact that the fields are within the Conservation Area and have been so since 1972. Star Fields are located within the Church Town part of the Conservation Area.

Church Town developed following the founding of a college for secular chaplains in 1431 by Reginald de Cobham with the Church of St Peter and St Paul at its centre. This drove a period of prosperity in Lingfield which Peter Gray and Kay Percy suggested lasted to 1500 with a further period of prosperity around 1600 possibly linked to the Reformation. Many of the buildings around Church Road date from this period including Old Town House (late 16th century), Pollard Cottage (15th century) Church Gate Cottage (early 17th century), Church House and Star Inn Cottages (16th century), The Barn (17th century) and Barn 15 yards south-west of Old Town House (17th century). These form a very clear coherent settlement which would have historically been surrounded by open fields and orchards as was still the case when the 1869 OS map was produced. This gave Church Town a clear and distinctive appearance as an individual and isolated settlement which grew independently from the development around Gun Pond to the south-west and New Place to the east.

These buildings form the aforementioned 'listed buildings to the west of Church Road group' referenced in the heritage statement. As a collective group their historic interest can be summarised as a small development based around the collegiate Church of St Peter and St Paul dating from the 15th to 17th centuries. Key aspects which reinforce this interest include the physical separation from other developed areas of Lingfield and views out toward Star Fields.

While such views to Star Fields are limited by The Star Inn, the open nature of the field frames the background of the building and is a kinetic view as one moves north past the public house. There are also views from the first floor and attic windows of Church House and the first floor of Pollard Cottage. I do not consider there are clear views of Star Fields from any of the remaining listed buildings in this group.

While the Church Road group of listed buildings is visible across Star Fields, these are much less prominent owing to tree coverage and only Church House can be clearly identified owing to its windows on the first and attic floors. Much more clearly identifiable is the Grade I Church of St Peter and St Paul which is prominent in kinetic views along Station Road where it is framed by Star Fields. This forms an important part of its setting and enables Church Town to remain clearly identifiable from a distance as a distinct settlement. The Design and Access Statement incorrectly shows this as being prominent in just one view point, but it is in fact continuous along much of Station Road. This view contributes to the building's setting by not only revealing its rural setting but its importance as the centre of the Church Town area of Lingfield.

To the east of Church Town is the New Place group, at the core of which is the Grade II* listed New Place and its associated Grade II listed wall. This is an impressive small scale country house set apart from the rest of Lingfield not only by its location but also through the use of stone making it unique for a house in the parish from this date (there are few stone buildings in Lingfield owing to the underlying geology). Adjacent to this is the Old Cottage which was one of the first brick built houses in the parish, said to date to 1743. The isolation of both of these buildings from the rest of the settlement has gradually been eroded through development. Owing to the existing hard and soft boundaries I do not consider that Star Fields makes a contribution to the setting of The Old Cottage. However, there are clear views of Star Fields both to and from New Place which reveal its historic and architectural significance as a small country house.

The remaining group of heritage assets are the locally listed buildings which consist of the Cyder Barn on the east side of Station Road and New Place Farm. The Cyder Barn is a converted apple store and dovecot built around 1880 on the east side of Station Road. The consultant and I agree there would be no impact on the setting of this building owing to its separation from the site so it is not discussed further. With regard to New Place Farm, this consists of a small farmstead with a prominent oast house set in Star Fields which is of clear historic and architectural interest. The building has a close association with the rural landscape owing to its historic function. There are views of the building along Town Hill which are framed by Star Fields and reveal its architectural interest. This makes some contribution to its setting.

The application is for outline permission for a development of 99 dwellings with all matters reserved except for access and layout. Owing to its location within the Conservation Area the scheme has

the potential to cause a great deal of harm owing to the loss of the semi-rural setting of the aforementioned heritage assets and infilling of a site which helps understand the separate development of distinct areas of Lingfield. As part of the heritage statement, the consultant has provided quite a detailed assessment of the level of harm to each aspect which I have commented on below.

The scheme will result in the infilling of part of the Conservation Area which is important for understanding the historic interest of the development of Lingfield, particularly on the approach from New Place to Church Town. The development will harm views of the Conservation Area from Station Road but more concerning will likely be visible behind The Star Inn along Church Road. Owing to the nature of the application, I do not consider it has been proven that the development is possible without causing a great deal of harm – currently the plans show a large slate roofed building, which would certainly be an inappropriate backdrop to views from this part of the Conservation Area. For this reason, I consider the application will result in a high degree of less than substantial harm to the Conservation Area. Were the applicant willing to provide details of the appearance, form and height of the proposed buildings as part of application (rather than reserve them), I would be willing to reconsider this level of harm and may be more of a mind to agree with the consultant.

The development will also lead to the loss of views of the Grade I Church of St Peter and St Paul and the loss of the fields which give it a rural setting. The consultant has argued that this will only result in a low level of harm because some views will remain and there would be greater access public access from Star Fields (discussed later). I disagree with this in that the fields reveal the rural origins of the church and this will be lost through development. The developer has also made a point to demonstrate that a key view will be retained from Station Road as part of the development, but in fact this appears to terminate in a set of trees which will ultimately block views of the church. The current plans also show the two slate roof 'oast house' buildings framing this view, which I consider would challenge the prominence of the church tower. Taking all this into consideration I consider that this will result in a moderate degree of less than substantial harm to the setting of the Grade I listed building.

The consultant has argued that overall the development will result in a low to negligible level of less than substantial harm to the listed buildings to the west of Church Road group on the basis that the view of the church spire does little to reveal the significance of the individual listed buildings and structures. I consider that he has not looked at the views from the individual buildings in this group toward Star Fields. There are very clear views of the site from Church House (Grade II*) and some views from Pollard Cottage (Grade I) which in both cases reveal the rural development of Church Town as a settlement. I consider in the case of these two specific listed buildings there is a demonstrable amount of less than substantial harm, even if it is to the lower end of spectrum owing to the fact that such views are limited to specific windows.

As noted above, there are views to and from the application site from New Place. These views reinforce the degree of separation between New Place as a Grade II* country house and Church Town as a distinct settlement. Again, I consider that such harm would be toward the lower end of the less than substantial harm spectrum. I do not consider there is any impact on The Old Cottage.

The final aspect is the impact on New Place Farm. The consultant has noted that the impact on this 'would not be determinative in itself'. I am not sure of the meaning of this comment as my understanding is the impact of all heritage assets should be considered, even if they are only locally listed. In this case there would be quite a high degree of harm to the setting of the locally listed building because of its strong association with the surrounding rural landscape. There will also be loss of views of the oast house from Station Road. Were this to be a designated heritage asset, I would place it to the higher end of less than substantial harm because the landscape forms an important part of the significance of the building.

The consultant has noted the above should be considered against any heritage specific public benefits as part of a net heritage balance and argues that the proposed public open space within the conservation area should be considered a benefit because of increased views toward the church spire and historic core. Owing to the topography of the site and the surrounding trees, I am not convinced there actually would be anything but glimpsed views of the church so can only afford this a small degree of benefit. I would urge you to consider whether the space by itself would consist of much of a public benefit as it is really quite small.

In addition to the above, there are a number of aspects of the development which fall under reserved matters that are worthy of comment at this point. I am quite concerned by the emerging architecture of the scheme. The application currently shows two slate covered oast houses framing the entrance to New Place Farm. I consider these to be highly inappropriate and not only because they confuse the understanding of the farmstead, but because slate is not a vernacular Surrey material. To suggest that Lingfield would have had oast houses with slate roofing would not reflect the nuances of the area. The oast houses would also frame views toward the church and reduce its prominence as mentioned previously.

The garaging shown on the illustrative street scenes in the Design and Access Statement appears as if it has been tacked on the side of the building with little thought as to how it relates to the main structure. While this may be appropriate for the odd house, to have it on a continuous street scene sketch looks odd and could benefit from some further consideration. While such structures may have been weatherboarded historically, it may be better to build them in brick and look at using weatherboarding on the houses instead if the intention is to bring relief to the monotony of materials. In Limpsfield

garaging was achieved by terracing the houses in Stanhopes, which may be a better way of achieving this outcome.

I am also concerned about the proposed height and form of the buildings which is currently a reserved matter. I have based my comments on the basis of the buildings being two storeys, although some of the drawings are quite clearly for 2 ½ storeys. Were the height of the buildings to be increased further, particularly close to Church Town then I would have to push more strongly for refusal. At the current time I am still not convinced this development is possible without causing quite a great deal of harm to the Conservation Area.

I have assessed this application in accordance with paragraphs 195 and 199 of the NPPF. I have found the application will result in harm to the following:

- A high degree of less than substantial harm to Lingfield Conservation Area owing to the infill between Church Town and New Place, loss of views from Station Road and views of modern housing along Church Road.
- A moderate degree of less than substantial harm to the Grade I listed Church of St Peter and St Paul owing to the loss of views of the spire and reduction in prominence.
- A low level of less than substantial harm to the Grade I Pollard Cottage and Grade II* Church House owing to the loss of rural views from windows in the buildings which enable the isolated development of Church Town to be understood.
- A low level of less than substantial harm to the Grade II* listed New Place owing to the loss of views of its historic rural surroundings which enable its development as a small country house separate to Church Town to be understood.

There is a small heritage benefit from the provision of public space within the Conservation Area which will allow some limited views of the Church of St Peter and St Paul. Owing to the fact this is only a small benefit, the aforementioned harm greatly outweighs this and results in net harm.

In line with paragraph 199 of the NPPF great weight must be applied to this harm and greater weight applied to those buildings which are designated Grade I and II*. Should this go to planning committee, please make sure you make it clear that great weight must be applied to this harm in carrying out the statutory duty with regard to the impact on conservation areas and listed buildings.

The application will also result in a high degree of harm to the setting of New Place Farm which is locally listed. I consider this harm to be high because its rural surroundings are an important part of understanding the historic function of the building. Normal weighting should be applied to this.

The above will all need to be taken into account as part of an overall planning balance to assess the benefits of providing housing in the district. I am of the opinion that the impact on the aforementioned

	<p>heritage assets could be used as a reason for refusing the application should the proposal not balance favourably.</p> <p>I would support the applicant withdrawing the application to provide more details about the appearance and scale of the development should they wish to demonstrate that the scheme can be achieved with a lesser degree of harm. However, I do not think that the impact on the aforementioned heritage assets can be entirely removed and there will always be a degree of harm from developing this site which will need to be considered as part of a planning balance.</p> <p><u>Response dated 15 February 2023</u></p> <p>Thank you for providing the attached sections. I have reviewed these and they have reinforced my concerns.</p> <p>As is clear from section B-B, the topography is largely quite flat particularly between The Star Inn and the proposed dwellings. There is a real risk that a lot of these dwellings are going to be visible from Church Road and risk causing a lot of harm. For this reason I do not think the outline application has clearly demonstrated that the level of harm should be considered acceptable.</p> <p>I continue to disagree with the applicant about the scheme not reducing the prominence/dominance of the Church. While I note that section C-C shows the oast buildings are smaller than the church, this takes no account of perspective. In reality the oast buildings would form the dominant structure in the view the applicants are offering us as part of the application.</p>
Officer Response:	Officers note the comments made and they are addressed in the Heritage section of the Assessment.

Consultee:	SCC Archaeological Officer	Date received:	22 February 2023
Summary of comments:	<p>Further to my comments of 27/07/2023 and delays to the consideration of those comments by the Planning Case Officer and the applicant, due to the misnumbering of my consultation response, I have received a request from the applicant that the recommendation for pre-determination trial-trench evaluation be removed at this Outline stage (Point 1). The applicant has requested that it be a pre-determination requirement of any subsequent detailed application.</p> <p>The applicant has also requested that pre-determination investigations at this Outline stage be limited to the recommended geophysical survey and earthwork survey (Point 2).</p> <p>Point 1</p> <p>The applicant has noted the delay in receiving my previous comments and has raised concerns about timescales for conducting and reporting on the trial trench evaluation fieldwork before they submit their outline application. In this instance, given the exceptional circumstance caused by the delay to my comments being available to them, I consider it reasonable to secure the</p>		

	<p>evaluation, and any subsequent archaeological mitigation work that may be required, by a condition attached to the Outline permission, if granted.</p> <p>To ensure the evaluation and any subsequent archaeological mitigation work that may be required is secured satisfactorily, the following condition is appropriate and should be attached to the Outline permission:</p> <p>“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.”</p> <p>Note: The results of the evaluation will need to be considered in the design and layout of any detailed application that may ensue. As such, its results will need to be submitted as supporting evidence with any subsequent detailed application.</p> <p>Point 2</p> <p>The results of the earthwork survey will inform on the extent and nature of the known and potential Ridge and Furrow earthworks present within the development site. The results will provide information to be taken into account in respect of the development’s archaeological impacts and its impacts on the historic landscape. The earthworks are non-designated Heritage Assets and as such, in accordance with the National Planning Policy Framework (para 203), the results of the survey will help to inform on their significance so that it can be taken into account in determining the application.</p> <p>The results of the geophysical survey will assist in determining the archaeological potential of the development site. The survey has the potential to better inform the extent of the Ridge and Furrow within the site, including any plough-out earthworks that, if present, would contribute to an understanding of the extant earthworks and their significance.</p> <p>The results of the geophysical survey will present any detected potential archaeological features, so assisting in the definition of the archaeological potential of the site and the extent and nature of any subsequent trial trench evaluation.</p> <p>For the above reasons, it is recommended that the earthwork survey and geophysical survey be conducted and their results submitted to the Planning Authority for approval and consideration prior to the determination of this Outline application.</p> <p>Both surveys will need to be defined by a Written Scheme of Investigation (WSI Method statement) that has been submitted to and approved in writing by the Planning Authority.</p>
Officer Response:	Officers note the comments made.

Consultee:	Gatwick Airport	Date received:	13 July 2022
-------------------	-----------------	-----------------------	--------------

Summary of comments:	The development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to a planning condition for submission of SUDS details. Observations were also made about the use of cranes and Gatwick require 4 weeks notice prior to erecting any cranes and also provide contact details
Officer Response:	Officers note the comments made and would support the inclusion of a SUDS condition and would also seek to include an informative regarding the comments made about crane operation.

Consultee:	Surrey Wildlife Trust	Date received:	24 January 2023 & 17 April
-------------------	-----------------------	-----------------------	----------------------------

Summary of comments:	<p>Table 1 Summary of Recommendations Table provided</p> <table border="1"> <thead> <tr> <th>Planning Stage</th> <th>Recommendation</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Prior to determination</td> <td>Bat roost presence / likely absence surveys if trees with high or moderate suitability to support roosting bats are to be subject to any works</td> </tr> <tr> <td>Outline reptile mitigation strategy</td> </tr> <tr> <td>Further detail on how biodiversity net gain is to be achieved.</td> </tr> <tr> <td>Tree officer to assess whether an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement is required.</td> </tr> <tr> <td rowspan="6">Prior to commencement</td> <td>Badger survey</td> </tr> <tr> <td>Sensitive Lighting Management Plan</td> </tr> <tr> <td>Hazel dormouse mitigation strategy</td> </tr> <tr> <td>Biodiversity Enhancement Strategy</td> </tr> <tr> <td>Landscape and Ecological Management Plan (LEMP)</td> </tr> <tr> <td>Construction Environmental Management Plan (CEMP)</td> </tr> <tr> <td>Prior to occupation</td> <td>N/A</td> </tr> <tr> <td rowspan="2">General Recommendations</td> <td>Vegetation and site clearance should take place outside of breeding bird season; or following nesting bird checks</td> </tr> <tr> <td>Clearance of scrub and hedgerows can only take place under a hazel dormouse mitigation licence (can only be applied for once planning permission received and all conditions pertaining to hazel dormouse are discharged)</td> </tr> </tbody> </table> <p>Key findings:</p> <p><u>Protected species</u></p> <p>Badger: SWT advise that immediately prior to the start of development works, a survey of the site by an appropriately qualified and experienced ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the LPA to prevent harm to this species.</p> <p>Bats: SWT advise that compliance with this best practice guidance is secured through a Sensitive Lighting Management Plan, advised</p>	Planning Stage	Recommendation	Prior to determination	Bat roost presence / likely absence surveys if trees with high or moderate suitability to support roosting bats are to be subject to any works	Outline reptile mitigation strategy	Further detail on how biodiversity net gain is to be achieved.	Tree officer to assess whether an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement is required.	Prior to commencement	Badger survey	Sensitive Lighting Management Plan	Hazel dormouse mitigation strategy	Biodiversity Enhancement Strategy	Landscape and Ecological Management Plan (LEMP)	Construction Environmental Management Plan (CEMP)	Prior to occupation	N/A	General Recommendations	Vegetation and site clearance should take place outside of breeding bird season; or following nesting bird checks	Clearance of scrub and hedgerows can only take place under a hazel dormouse mitigation licence (can only be applied for once planning permission received and all conditions pertaining to hazel dormouse are discharged)
Planning Stage	Recommendation																			
Prior to determination	Bat roost presence / likely absence surveys if trees with high or moderate suitability to support roosting bats are to be subject to any works																			
	Outline reptile mitigation strategy																			
	Further detail on how biodiversity net gain is to be achieved.																			
	Tree officer to assess whether an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement is required.																			
Prior to commencement	Badger survey																			
	Sensitive Lighting Management Plan																			
	Hazel dormouse mitigation strategy																			
	Biodiversity Enhancement Strategy																			
	Landscape and Ecological Management Plan (LEMP)																			
	Construction Environmental Management Plan (CEMP)																			
Prior to occupation	N/A																			
General Recommendations	Vegetation and site clearance should take place outside of breeding bird season; or following nesting bird checks																			
	Clearance of scrub and hedgerows can only take place under a hazel dormouse mitigation licence (can only be applied for once planning permission received and all conditions pertaining to hazel dormouse are discharged)																			

by a suitably qualified ecologist, submitted to the LPA for approval in writing prior to commencement of development.

Breeding Birds: The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nesting season of early March to August inclusive.

Reptiles: We therefore recommend that an outline reptile mitigation strategy be submitted to and approved in writing by the LPA prior to determination. The strategy will need to be prepared by a suitably qualified ecologist and appropriate to the local context.

Protected habitat – Lowland mixed deciduous woodland: Habitat of Principal Importance

We recommend that should the LPA be minded to grant planning permission, they request adequate protection measures for the lowland mixed, deciduous woodland. We would advise that the Tree Officer reviews whether an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan is required prior to determination.

Requirement to demonstrate a biodiversity net gain

We therefore advise that the LPA requests the applicant to submit separate biodiversity net gain calculations for the proposed development and the off-site area. This will enable the LPA to be clear as to what is required for the proposals to achieve a biodiversity net gain. If known, we also recommend that more detail on the off-site habitat area is provided (i.e., location plan, habitat map, species list), and should include a commitment from the landowner that the enhancements can be made and will be managed in perpetuity.

Should the LPA be minded to grant permission for the proposed development, the development should proceed only in strict accordance with the enhancement measures specified in a detailed Biodiversity Enhancement Strategy, submitted for approval by the LPA prior to commencement and the final approved Biodiversity Net Gain Assessment. This could be included within an appropriately detailed landscape and ecological management plan.

Landscape and Ecological Management Plan (LEMP)

Should the LPA be minded to grant planning permission for this proposed development, we recommend that the LPA requires the development to be implemented in accordance with an appropriately detailed landscape and ecological management plan (LEMP).

Construction Environmental Management Plan (CEMP)

Given the presence of ecological receptors on site, there is a risk of causing ecological harm resulting from construction activities. Should the LPA be minded to grant permission for the proposal the

	<p>applicant should be required to implement the development only in accordance with an appropriately detailed CEMP. This document will need to be submitted to and approved by the LPA in writing, prior to the commencement of the development.</p> <p>Response dated 17 April 2023</p> <p>A further response was received stating that SWT maintain that it would be beneficial for the LPA to understand more detail behind proposal to secure a biodiversity net gain through an off-site option</p>
Officer Response:	Officers note the comments made and would support the inclusion of conditions as recommended. Further information will be sought from the applicant given the concerns raised.

Consultee:	SCC Countryside Access	Date received:	18 April 2023
Summary of comments:	<p>I gather there will be properties built on the north side of the public footpath (Lingfield FP381a). This is a very busy path used by children travelling from Station Road area into the village for school, and by commuters travelling to and from the railway station. We would therefore be very concerned for safety of path users should it be severed to allow vehicles to travel across it. We would require safety measures to be put in place to ensure that users of the public footpath have right of way, and requiring vehicles to stop before proceeding across the path. This should be agreed with the Countryside Access Officer prior to works commencing.</p> <p>We would also request that the applicant undertake surface improvements to the public footpath within the land they have control of while development is under way. We would request a S106 contribution to enable SCC to carry out improvements on parts of the path outside land the applicant is responsible for. We would welcome the opportunity to work with the applicant to explore the possibility of acquiring greater width for the public footpath to enable the creation of a cycle path. Again, the Countryside Access Officer should be consulted regarding this.</p> <p>We would also draw the applicant's attention to the following: -</p> <ul style="list-style-type: none"> • Safe public access must be maintained along the public footpath at all times and no access should be made via the footpath. • Should the applicant feel they are unable to ensure public safety while work is underway, a temporary closure may be necessary. A minimum of 3 weeks' notice must be given and there is a charge. Please contact the Countryside Access Officer if this is required • There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. • Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks' notice. 		

	<ul style="list-style-type: none"> • Contractor's vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Council will expect the applicant to make good any damage caused to the surface of the right of way connected to the development. • Applicants are reminded that that the granting of planning permission does not authorise obstructing, diverting or interfering in any way with a public right of way.
Officer Response:	Officers note the comments and note that conditions/heads of terms could be secured if deemed to be appropriate.

Third Party Comments

Objections:

21. A significant number of objections have been received which raise the following points, those which are material planning considerations are addressed in the 'Assessment' section of this report:

- Green Belt impact
 - Harmful to Green Belt
 - Concern over impact on openness
 - Risks a joining-up of the settlements of Lingfield and Dormansland.
- Heritage impact
 - Harm to conservation area not outweighed by benefits
 - Adverse impact on views and setting of important heritage assets
 - Loss of views to heritage assets
- Visual appearance and character
 - Overdevelopment
 - Low quality outline application
 - Highly visible site
 - Not in keeping with the homes in the surrounding area
 - Development would constitute sprawl
 - Star Fields is a key site for preserving the rural character of Lingfield village.
 - Loss of / harm to rural character.
- Highways/transportation impacts
 - Traffic
 - parking
 - Safety
 - Capacity of roads to cope with development
- Wildlife Impact
 - Protected and non-protected animal species spotted on site
 - Depleted biodiversity
 - Site contains a Biodiversity opportunity area.
- Trees concerns
- Infrastructure concerns:
 - Impact on services
 - GP provision
 - Dentists
 - School impact
 - Cycle infrastructure
 - Poorly lit streets
- Flooding concerns

- Lack of consultation [Officer Comment: The Council has fulfilled its duty to consult. A number of comments relate to pre-application consultation and while this is encouraged by the Council, it is not mandatory]
- Draft Site Allocation in emerging Local Plan not supported
- Concern more homes could be added [Officer Comment – this would most likely require a new planning application]
- The appropriateness of an application in an outline form has been questioned.

General comments:

22. General comments were made and raise the following points:

- Concern over land ownership where the land adjoins ‘Land of Marriners’.

Support:

23. To date no correspondence to support the application has been received.

Assessment

Procedural note

24. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.
25. The NPPF imposes a presumption in favour of sustainable development (paragraph 11). For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. In the absence of a 5-year housing land supply, it can be argued that Tandridge’s development plan policies are, in part, out of date.
27. However, with regard to paragraph 11 (d) (i), footnote 7 explains that areas or assets of particular importance include land within the Green Belt and designated heritage assets. It is therefore necessary to assess whether the proposal would be in conflict with Green Belt policy and policies designed to protect heritage assets before deciding whether the presumption in favour applies in this case. The final assessment on this will be undertaken at the end of this report.

A comment on Our Local Plan: 2033 (hereinafter referred to as the “emerging Local Plan”)

28. The examination Inspector has raised significant concerns with the proposed plan as it stands and, in view of a relatively recent written Ministerial Statement and publications from the Government, a significant change in the national planning policy context is considered to be imminent. The examination Inspector’s concerns include, specifically with respect to this site, the absence within the submitted Local Plan evidence base of a heritage assessment for the site (see paragraph 32 below). Whilst the applicant (now appellant) considers that significant weight should be afforded to the “emerging plan”, the NPPF is clear that the weighting afforded to emerging plans is affected by the extent to which there are unresolved objections. The objections in the case of the application (appeal) site are significant and the weight of public objections is very significant. The emerging plan, though submitted for examination, cannot therefore be afforded significant weight in this case but rather little if any weight.
29. The concerns around the soundness of the emerging Local Plan relate to the capacity of Junction 6 of the M25, as well as constraints to the A264 and A22. With particular concerns about recently allocated sites in Mid-Sussex and also the proposed DCO for the expansion of Gatwick Airport. Consequently, the LPA has written to PINS to set out how it intends to take the Local Plan forward. The LPA is proposing that the emerging Local Plan can be modified to provide for homes which can be delivered over the medium term within the scope of the transport infrastructure constraints that have been identified. Therefore, it is proposed to update the housing site allocation policies to clarify the amount of open market and affordable housing expected on these sites and to identify the necessary infrastructure that will now be required to support growth in the absence of alternative provision in the Garden Community, as proposed in South Godstone.
30. TDC’s Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration and comprises an update to identify what additional measures the Council will take to improve housing delivery. This comprises sites that are coming forward on brownfield land and Green Belt sites from the emerging Local Plan which have been through two regulation 18 consultations and a regulation 19 consultation and have been rigorously assessed via the HELAA and Green Belt assessments. The IPSHD sets out criteria where applications will be invited on Appendix A and Appendix B sites.
31. Appendix A sites comprise:

“The emerging Local Plan process 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.”
32. On 11 December 2020 the examining inspector wrote to the LPA (logged as document ID16 for the purposes of the Examination) with concerns about this site and this was on the basis of its allocation for 60 dwellings – the Examiner stated:

“The proposed allocation falls predominantly within the Lingfield Conservation Area and the settings of a number of listed buildings. In order for me to be able to reach a view on the soundness of the proposed allocation, please provide me with your assessment of the significance of heritage assets for which there is potential for the allocation to cause harm, and an assessment of the effect of the proposed allocation on the significance of heritage assets.”

33. Given the concerns raised in relation to the application site in regards to the draft site allocation (HSG12), Appendix A of the IPSHD makes it clear that this Site Allocation will not be pursued as part of the current IPSHD. Therefore, limited if any weight can be afforded to draft Site Allocation HSG12.
34. The following report considers all the perceived benefits of allocating the land for housing as set out in the evidence base for the “emerging plan” but the fact that the site has been put forward for development in that plan carries no more than limited if any weight at this stage due to the level of unresolved objections and the inspector’s concerns with it.
35. Furthermore, unless the site is allocated and simultaneously removed from the Green Belt, it remains within the Green Belt and must be considered as such. Any presumption that the site might be allocated at some stage in the future does not change the fact that very special circumstances must be demonstrated if this development is to be allowed under prevailing policies.

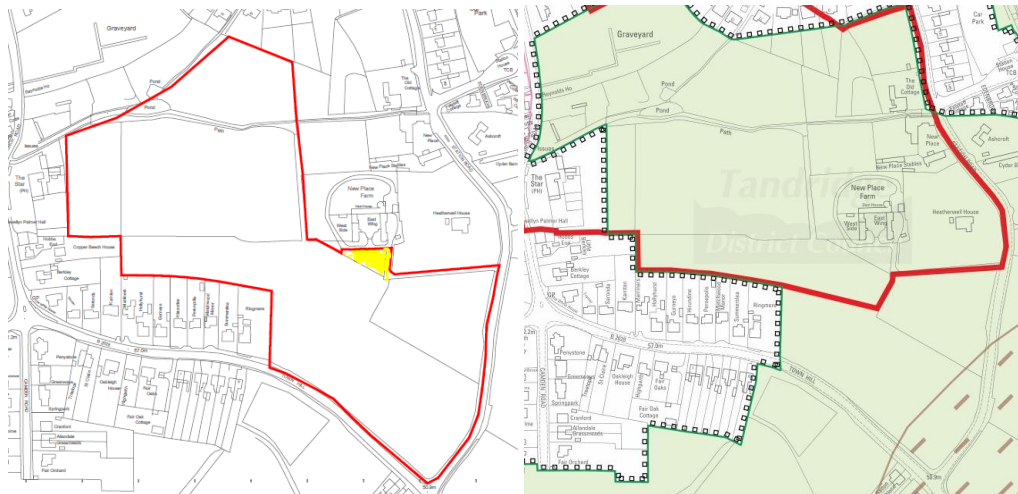
Principle of Development

Sustainability principles

36. The NPPF 2021 emphasises that the purpose of the planning system is to achieve sustainable development and there are three overarching objectives by which to achieve this goal:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
37. The NPPF also states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will

vary from urban to rural areas. Policy CSP1 of the Tandridge District Core Strategy (2008) seeks to promote sustainable patterns of travel and make best use of previously developed land, by directing development towards the existing built-up areas of the District, our Category 1 settlements. Development appropriate to the needs of rural communities may be permitted in our Category 2 settlements. The latter comprises those settlements defined as Larger Rural Settlements and those washed over by the Green Belt but that have a defined boundary.

38. Within the emerging Local Plan Lingfield is identified as a Semi-Rural Service Settlement, falling within Tier 2. The evidence underpinning the emerging Local Plan includes a Settlement Hierarchy (2015 and 2018 update), which comprises an assessment of TDC's various settlements and where they sit in the hierarchy. Tier 1 of the hierarchy comprises the most sustainable settlements whilst Tier 2 settlements are identified as being able to demonstrate good levels of service provision and access to facilities (shops, primary education, community facilities and access to local health care).
39. The spatial strategy, within the emerging Local Plan, directs development towards both TDC's Tier 1 and Tier 2 Settlements. As such the Council has proposed the allocation of land within or abutting Lingfield's settlement boundaries. The emerging Local Plan includes the majority of the application site within Site Allocation HSG12: Land at The Old Cottage, Station Road, Lingfield. The site fits almost entirely within the proposed Site Allocation, with the exception of a small triangular area shown in yellow (Site Location Plan) above.
40. The site's status in the adopted development plan is that it is not located within the settlement boundary but does adjoin it.



Left: Site Location Plan for the proposed area, note the yellow highlighted area is outside of the draft Site Allocation in the emerging Local Plan. Right: Extract from adopted plan showing the Existing settlement boundary (dotted line), the Conservation Area boundary (in red) and the Green Belt (shaded green).

41. Although little if any weight is afforded to the proposed site allocation (HSG12), the supporting evidence refers to the potential for exceptional circumstances to justify the release of the site from the Green Belt and an expectation for the provision of 40% affordable housing. Other key headlines of the proposed Strategic Allocation were:

- The yield of housing estimated at circa 60 homes, within Use Class C3 (dwellinghouses).
- A need to conserve and enhance the Conservation Area and be sympathetic to the historic area and historic buildings.
- Maximise opportunities for green infrastructure enhancements and habitat protection – avoiding s41 habitat areas;
- Focus development toward the areas adjacent to existing built form and the north of the site – to limit wider landscape impacts
- Any Public Right of Way within or abutting the site should be retained
- preserve, clear and defensible boundaries between the edge of the site and the Green Belt
- Respond to fluvial flooding risk (Flood Zone 2) surface water flooding, reservoir flooding, potential extension of flood zones due to climate change.
- The need for Infrastructure Delivery Plan (IDP) / financial contributions, to include:
 - o Mobility impaired persons bridge at Lingfield Station
 - o Opportunities to improve Lingfield station car park
 - o Rebuilding of Lingfield Surgery
 - o On-site provision of open space

42. All these points are considered in the following assessment.

Location and Transport

43. The site is located close to Lingfield Railway Station (within 200 metres) which can be accessed via the public footpath in the north of the site. Two bus stops are also close to the boundary of the site with a bus stop alongside the Railway Station and bus stops close to the Junction with Town Hill/Station Road/Racecourse Road. The B2028 provides the most significant road connection in close proximity to the site. Overall, it is considered that there is a reasonable range of sustainable transport options from this location but a proposal for 99 dwellings adjacent to this rural settlement will result in a significant reliance on private cars for journeys.

44. It is concluded that the proposal fails to deliver a sustainable form of development. While the location benefits from reasonable levels of transport connectivity, it is unclear how the proposal would enhance and support sustainable transport options and it is considered to be likely to encourage reliance on the private car over more sustainable transport modes such as walking and cycling. The redevelopment of the site would therefore be unsuitably located and would be unsustainable contrary to Policy CSP1 of the Core Strategy 2008 and contrary to the sustainability objectives of the NPPF 2021.

Principle of the land use

45. The existing site comprises fallow agricultural fields within the Green Belt. The adopted development plan does not suggest that this site would be suitable for housing.

46. The emerging Local Plan is given limited if any weight.

47. Unless allocated through the development plan process this site is within the Green Belt and is unsuitable for housing, conflicting with the adopted settlement hierarchy. The site is considered to play a functional role as Green Belt land to

check unrestricted sprawl from the surrounding settlement areas and this will be explored further below.

48. Given that the site lies in the Green Belt an assessment needs to be made in respect of its appropriateness and whether very special circumstances exist that outweigh any identified harm to the Green Belt.

Impact on the Green Belt

Policy Background

49. The proposal site is located within the Green Belt and the National Planning Policy Framework (NPPF) 2021 advises that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence and, to this end, paragraph 147 of the NPPF says that new development in this area would be considered as inappropriate and therefore harmful and should not be approved except in 'very special circumstances' (VSC). Further to this Paragraph 148 adds that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

50. Paragraph 149 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt none of which apply to the proposed development.

51. Local Plan Policies DP10 and DP13 reflect the provisions of the NPPF 2021.

52. In order to consider the acceptability of the proposal in regards to its impact on the Green Belt, it is necessary to refer to the following key questions:

1. *Whether the proposals constitute inappropriate development in the Green Belt;*
2. *The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and*
3. *Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.*

53. The application is accompanied by a Planning Statement, prepared by ROK Planning, dated April 2022. This sets out the Applicants own assessment of the Green Belt impact as well as setting out its case for Very Special Circumstances.

Q1. Does the proposal constitute inappropriate development in the Green Belt

54. Paragraph 134 of the NPPF 2021 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

55. Paragraph 138 of the Framework sets out the five purposes of the Green Belt:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;

- c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
56. The application site is not identified as previously developed land. It is considered that the site actively serves at least three of the five purposes of the Green Belt (identified at NPPF para 138 a, c & e) and the site's inclusion within the Green Belt boundary is therefore considered to be strongly justified.
57. The function of this particular section of the Green Belt is important in protecting the surrounding countryside from encroachment as well as preserving the historic setting of the village. The proposals would result in a significant spatial and visual expansion of the settlement to the East. Consequently, there would be harm to the purposes of including this land within the green belt and also to its openness.
58. Paragraph 147 of the NPPF 2021 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the framework regards the construction of new buildings as inappropriate development within the Green Belt. Officers note that this is a conclusion shared by the applicant and the Planning Statement states that, "technically the proposed development represents 'inappropriate' development in the Green Belt".
59. In such cases, the NPPF advises at paragraph 148 that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations" (paragraph 148). Following further considerations below the LPA will conclude its assessment with a review of the applicant's case for 'Very Special Circumstances'.

Q2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

60. As noted above, paragraph 147 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
61. Planning Practice Guidance provides further clarification about the definition of openness and specifies that 'openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume'. Furthermore, 'the degree of activity likely to be generated, such as traffic generation' can also be considered.
62. Currently the site serves as a notable break between the built form on Town Hill and Station Road as well as heritage assets at New Place Farm and the wider Conservation Area. The proposal is in a location that can be viewed from all points of the compass. In particular from Town Hill Road and Station Road, to the south and east and the public right of way to the north.
63. This planning application has been submitted in Outline, with all matters reserved except access and appearance. However, the status of the layout plan

is uncertain as the proposal includes only an indicative sketch allowing for an appreciation of how the proposed development could appear but not necessarily defining a fixed proposal, so further details of the proposed layout would be required by condition before that could be formally considered. The sketch layout does give an idea of the proposed density and disposition of the proposed open spaces as well as the separation from important boundary vegetation. The proposal would extensively develop the site, and the open space would be mainly along the proposed access roads or pushed to the periphery to serve a dual purpose of screening the site. This would therefore result in a marked loss of openness.

64. There would also be an impact on the wider landscape setting and residual parts of the Green Belt:
- The landscape character in views looking west from Station Road would be urbanised.
 - The Green Belt to the rear of New Place Gardens and around The Old Cottage would be narrowed and its function would be significantly eroded and the area to the north around the cemetery would become severed completely from the rest of the Green Belt.
 - Other views into the site would be interrupted by the new development, where they are currently unobstructed except, in part, by vegetation.
65. Given its highly visible nature there would be a marked impact on openness. The proposed screening of the development with vegetation will not alleviate this harm and the screening itself, could have negative impacts on openness.
66. A key Public Footpath runs through the site, running east to west. It is evident that this path functions as a key connection to the Local Centre and the Railway Station. The footpath also forms an important part of a walking route which serves the purposes of amenity. It is well-used by walkers and dog walkers alike for enjoyment of the open space and also the surrounding heritage assets which are considered to be of high amenity value in the Conservation Area.
67. While limited weight is afforded to the emerging Local Plan it is noted that the developer has approached the draft Site Allocation optimistically. However, the emerging allocation speaks of a development of up to 60 homes, noting that Development should be focused towards the areas adjacent to existing built form and the north of the site to limit wider landscape impact. Given the indicative drawings and the quantum of development, it is clear that the proposed scheme would not be capable of complying with this key criteria.
68. Overall, it is considered that due to the likely form and layout of the development, that the proposal would have a significant impact on openness, both visually and spatially.
69. Due to the harm to the visual and spatial openness of the site, the proposal would result in significant harm to openness of the Green Belt contrary to NPPF 2021 and Policies DP10 and DP13 of the Detailed Policies 2014. Substantial weight should be afforded to these factors.

Q3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

70. The NPPF does not provide guidance as to what can comprise 'very special circumstances'. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
71. An assessment of the VSC's is undertaken later in this report.

Infrastructure

72. Core Strategy Policy CSP11 (Infrastructure and Services) sets out that appropriate levels of infrastructure and services will be sought. The Council's evidence base includes an Infrastructure Delivery Plan (2019) (IDP) that identifies the District's infrastructure requirements, the priority of infrastructure to be delivered and how it will be funded. This stance is echoed within TLP 2033 Policy TLP 04 (Infrastructure Delivery and Financial Contributions).
73. As set out in Planning Practice Guidance (PPG) (Planning Obligations), "planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure".
74. It is of course recognised that to secure infrastructure funding any request must meet the three tests set out under Reg 122 of the CIL Regs 2010 and as such must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Such contributions would be secured throughout the negotiation as part of any S106 Legal Agreement, in the absence of such the proposal would fail to meet the objectives of Policy CSP11 and would be unacceptable.
75. The application site lies within the parish of Lingfield. The IDP has identified a number of different infrastructure requirements for the parish, to which this proposal may be expected to contribute.
76. Within the IDP it sets out health needs and specifically the need to rebuild Lingfield Surgery, noting this is a priority for delivery is 1-5 / 6-10 years (set in 2019). The estimated cost, set out in 2019 is £7.5 million. In addition to health quiet lanes/rural enhancement schemes are also a priority in Lingfield with an estimated cost of £80,000. It is important to note that while extra care is a consideration within the IDP for the District, this was not highlighted as a priority within Lingfield. In addition a Mobility Impaired Persons bridge and car park provision are required at Lingfield Station with delivery being 1-5/6-10.

77. The applicant has proposed contributions towards the following improvements to infrastructure to be secured by way of a Section 106 Agreement:
- Mobility Impaired Persons bridge at Lingfield Station – understood to be a proportionate contribution rather than the full cost.
 - Car Park provision at Station Road/Town Hill
 - Lingfield Surgery rebuild
 - Provision of open space
78. The above contributions are welcomed and would help to address identified need as set out in the IDP, however, the finer detail has not yet been discussed and the sums have not been quantified. There are some key matters in regard to footpath widening and bus stop relocation/provision that remain outstanding.

Housing Mix and Affordable Housing

79. The affordable housing provision will need to be set in the context of national and local planning guidance. Policy CSP4 of the Core Strategy states, the Council will require that a proportion of new dwellings built in the District will be affordable, to be available to people on lower incomes, unable to afford housing at the prevailing market price or who need to live within the District.
80. Specifically, Policy CSP4 sets out triggers for affordable housing in the District as follows:
- in built up areas: 15 units or more or sites of or greater than 0.5 hectares, or,
 - in rural areas the threshold is 10 or more.
81. The total quantum of affordable housing sought is up to 34%, with a split of up to 75% being within the social rented tenure. The Council will confirm the proportions required, having regard to the specific needs at the time and within the area. Officers are mindful of the notion within the Core Strategy to contribute to mixed communities, this is also backed by the NPPF (para 63).
82. The application site area is in the region of 6.22 hectares in area and this ordinarily attracts provision of 34%. The development proposes a total contribution of 40.4% affordable housing on a unit basis which exceeds the Policy requirement. The applicant has not proposed the tenure split for the development.
83. TDC's Housing Team has provided representations and note that the overall quantum of affordable housing proposed exceeds the policy requirement. However, concerns have been raised regarding the mix noting that 75% of the affordable housing units should be for affordable rent, this is equal to 30 units. As there is currently a strong need for affordable rented 3 bed houses, therefore the majority of these must be for affordable rent.
84. The mix for affordable housing suggested by the Housing Team, to best meet the District's need is as follows:

Affordable rent:
12 x 3 bed houses
15 x 2 bed flats
3 x 1 bed flats

Shared ownership:

2 x 3 bed houses
6 x 2 bed flats
2 x 1 bed flat

85. The proposal is considered to comprise an inappropriate mix of dwellings, which fails to appropriately match the District's housing need. Therefore, the proposed mix fails to accord with Policy CSP4 of the Core Strategy and this forms a reason for refusal.

Density

86. Core Strategy Policy CSP19 contains density ranges dependent on the location of development in the District. Within Rural Areas (Larger Rural Settlements/Woldingham/Green Belt Settlements /countryside) – 30 to 40 dwellings per hectare, unless the design solution for such a density would conflict with the local character and distinctiveness of an area where a lower density is more appropriate.
87. The NPPF has since taken the approach to place greater emphasis on the character and appearance consideration of development rather than compliance with density ranges.
88. Officers have calculated the density of the site (99 units divided by the total site area of 6.22 hectares) which is 15.91 u/h, which sits comfortably below the prescriptive Policy position.
89. However, in this instance there are a number of notable sensitivities that need to be taken into consideration. Firstly, appropriate buffering would be required, to preserve the openness of neighbouring areas and the pattern of development. Secondly, there is a need to protect the character of the Conservation Area and buffer to protect heritage assets and views.
90. Having reviewed the indicative layouts officers are not satisfied that the proposed number of units would be capable of being accommodated on the site without overly filling it with new development which would impact unacceptably on openness and urban form of the development, as well as the character and appearance of the conservation area and nearby heritage sensitivities. Therefore, the proposal is considered to be of an inappropriate density, contrary to Policy CSP19 of the Core Strategy.

Character and Appearance

91. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
92. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting

and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.

93. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
94. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
95. Paragraph 40 of the National Design Guide stipulates that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary." Paragraph 49 also states that the "identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. Furthermore, paragraph 51 advises that local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.
96. Officers are cognisant that this application has been submitted in Outline with all details but access and layout reserved. Indicative drawings accompany the application which give an impression of how a development of this scale might be accommodated on the application site. It would not be appropriate to comment on the finer design elements of the proposal. However, given the impact of a major development in this location, wider impacts on character and appearance are considered.
97. The application is accompanied by a Design and Access Statement (DAS), indicative drawings and a Landscape and Visual Impact Assessment.
98. The spread of built form across this site is generally even. Utilising much of the site, with development abutting New Place Farm. Open spaces do offer some relief from the built form. However, they are pushed to the edges, appearing in many instances as corridors or verges, which offer limited opportunities for meaningful amenity or recreation. Notably the more significant areas of open space are in the south-east corner of the site and in the north, directly to the south of the Public Right of Way. It is the case that the south-east corner of the site is relatively exposed when viewed from the adjacent roads, with a relatively low and slender hedge, which currently contains a number of gaps. While it may seem beneficial to provide more soft landscaping on this corner, there are concerns that this could have a dominating effect on the road and the openness, the countryside character currently enjoyed.
99. This site was assessed as part of the Examination of the emerging Local Plan through the Tandridge Landscape Capacity and Sensitivity Study (reference LIN 030). It is evident that the applicant relies on the draft Site Allocation, to justify the development. However, it ignores key criteria which set out that

development should be focused towards the areas adjacent to existing built form and the north of the site, in order to limit the impact on the wider landscape. Officers struggle to interpret any clear coherence to these criteria. Instead, the design of the proposed indicative layout (albeit not a reserved matter), shows development spread much more evenly across the site which is not desirable and conflicts with the principles that the Council applied when previously considering the proposed allocation.

100. The Public Right of Way (PROW) in the north of the site is heavily used by pedestrians coming to and from the railway station. Directly to the north of the PROW would be built form, which would impact the current unobstructed views currently enjoyed and it is also noted that this area would require some form of road access which would conflict with users of the PROW. It is unclear how safe access and egress could be achieved without reducing a notable portion of vegetation (see below under highway safety).
101. The drawings are stated as being indicative (although layout is not a reserved matter). Nevertheless, they are helpful in giving the impression of what 99 units would look like within this space.
102. The Design and Access Statement indicates that heights across the site would be restricted to two storeys. This would appear to be in keeping, with much of the surrounding residential heights in the locality. However, given the heritage sensitivities and the spread of development it is likely that the proposed built form would appear dominant. There are concerns that a hard urban edge could be formed, particularly impactful adjacent to the PROW and the roads in the south east.
103. Of particular concern is the positioning of a block of flats pushed up to the boundary with New Place Farm. This relationship is considered to be inappropriate, taking away from the significance of this neighbouring, characterful site which makes a positive contribution to the Conservation Area. Under the indicative layout, it is evident that a significant area of the site would be taken up by roads, parking and circulation spaces which would be in contrast to its present rural character.
104. Overall, officers have concerns about the quantum of development, its layout and form, the impact on openness and on the rural character and setting. The proposal would therefore fail to comply with Policies CSP18 and CSP21 of the Core Strategy, and Policy DP7 of the Local Plan.

Heritage

105. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respect to listed buildings in exercising its planning functions. In considering whether to grant planning permission for a development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
106. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: 'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

107. Chapter 16 of the NPPF focuses on the topic of conserving and enhancing the historic environment. Paragraph 193 states the following:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'.

108. Paragraph 197 of the NPPF states that in determining applications concerning non-designated heritage assets, that:

"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

109. Paragraph 199 sets out the weight to be afforded to the conservation of heritage assets:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

110. Paragraph 203 of the NPPF relates to non-designated heritage assets and states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

111. At local level, Policy DP20 seeks to protect, preserve and wherever possible enhance the setting of historic assets, it states that 'only where the public benefits of a proposal significantly outweigh the harm to or loss of heritage asset or its setting'.

112. The application is accompanied by a Heritage Impact Assessment and SCC's Heritage Officer (HO) has provided observations in response to the proposed development and the heritage assessment, as set out below (in italics).

Historic environment considerations are the character and appearance of the conservation area and the setting of nearby listed buildings. The effect on the significance of a locally listed building should also be taken into account when assessing the application in line with paragraph 203 of the NPPF which requires a balanced judgement with regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant has provided a detailed heritage statement and has carried out a search of the Historic Environment Record to meet the requirements of paragraph 194 of the NPPF. The applicant has split the built heritage assets into five groups which I shall use for ease of reference. For clarity these are:

- *Lingfield Conservation Area*
- *The Church of St Peter and St Paul (Grade I)*
- *Listed buildings to the west of Church Road group, comprising of:*
 - *Pollard Cottage (Grade I)*
 - *Church House and Star Inn Cottages (Grade II*)*
 - *Old Town House and Old Town Cottage (Grade II*)*
 - *Church Gate Cottage (Grade II)*
 - *The Barn (Grade II)*
- *Barn 15 yards south-west of Old Town House (Grade II)*
 - *The College (Grade II*)*
 - *Garden Wall to the East of The College (Grade II)*
 - *The Guest House (Grade II*)*
 - *Three tombs in the grounds of Lingfield Church (all Grade II)*
- *Listed buildings in The New Place group, comprising of:*
 - *New Place (Grade II*)*
 - *Garden Wall to New Place (Grade II)*
 - *The Old Cottage (Grade II)*
- *Locally listed buildings comprising of:*
 - *New Place Farm*
 - *Cyder Barn*

The impact on the heritage assets will vary within some of the aforementioned categories so where possible I have highlighted which assets have the potential to be more or less affected by the scheme. Owing to the outline nature of the scheme it is difficult to fully assess the impact of the development on the heritage assets and it would have been much more helpful if some of these details could have been provided at this stage of the application, particularly the appearance and scale of the dwellings.

The application site comprises fields (known as Star Fields) mostly located within Lingfield Conservation Area which join the two separate areas of Church Town to the west and New Place to the east. The openness of Star Fields reinforces the distinction between these two separate, but important, historical sites in Lingfield. The HO considers that this to make a contribution to the special interest of the Conservation Area. It is a matter of fact that the fields are within the Conservation Area and have been so since 1972. Star Fields are located within the Church Town part of the Conservation Area.

Church Town developed following the founding of a college for secular chaplains in 1431 by Reginald de Cobham with the Church of St Peter and St Paul at its centre. This drove a period of prosperity in Lingfield which Peter Gray and Kay Percy suggested lasted to 1500 with a further period of prosperity around 1600 possibly linked to the Reformation. Many of the buildings around Church Road date from this period including Old Town House (late 16th century), Pollard Cottage (15th century) Church Gate Cottage (early 17th century), Church House and Star Inn Cottages (16th century), The Barn (17th century) and Barn 15 yards south-west of Old Town House (17th century). These form a very clear coherent settlement which would have historically been surrounded by open fields and orchards as was still the case when the 1869 OS map was produced. This gave Church Town a clear and distinctive

appearance as an individual and isolated settlement which grew independently from the development around Gun Pond to the south-west and New Place to the east.

These buildings form the aforementioned 'listed buildings to the west of Church Road group' referenced in the heritage statement. As a collective group their historic interest can be summarised as a small development based around the collegiate Church of St Peter and St Paul dating from the 15th to 17th centuries. Key aspects which reinforce this interest include the physical separation from other developed areas of Lingfield and views out toward Star Fields. While such views to Star Fields are limited by The Star Inn, the open nature of the field frames the background of the building and is a kinetic view as one moves north past the public house. There are also views from the first floor and attic windows of Church House and the first floor of Pollard Cottage. I do not consider there are clear views of Star Fields from any of the remaining listed buildings in this group.

While the Church Road group of listed buildings is visible across Star Fields, these are much less prominent owing to tree coverage and only Church House can be clearly identified owing to its windows on the first and attic floors. Much more clearly identifiable is the Grade I Church of St Peter and St Paul which is prominent in kinetic views along Station Road where it is framed by Star Fields. This forms an important part of its setting and enables Church Town to remain clearly identifiable from a distance as a distinct settlement. The Design and Access Statement incorrectly shows this as being prominent in just one view point, but it is in fact continuous along much of Station Road. This view contributes to the building's setting by not only revealing its rural setting but its importance as the centre of the Church Town area of Lingfield.

To the east of Church Town is the New Place group, at the core of which is the Grade II listed New Place and its associated Grade II listed wall. This is an impressive small scale country house set apart from the rest of Lingfield not only by its location but also through the use of stone making it unique for a house in the parish from this date (there are few stone buildings in Lingfield owing to the underlying geology). Adjacent to this is the Old Cottage which was one of the first brick built houses in the parish, said to date to 1743. The isolation of both of these buildings from the rest of the settlement has gradually been eroded through development. Owing to the existing hard and soft boundaries I do not consider that Star Fields makes a contribution to the setting of The Old Cottage. However, there are clear views of Star Fields both to and from New Place which reveal its historic and architectural significance as a small country house.*

The remaining group of heritage assets are the locally listed buildings which consist of the Cyder Barn on the east side of Station Road and New Place Farm. The Cyder Barn is a converted apple store and dovecot built around 1880 on the east side of Station Road. The consultant and I agree there would be no impact on the setting of this building owing to its separation from the site so it is not discussed further. With regard to New Place Farm, this consists of a small farmstead with a prominent oast house set in Star Fields which is of clear historic and architectural interest. The building has a close association with the rural landscape owing to its historic function. There are views of the building along Town Hill which are framed by Star Fields and reveal its architectural interest. This makes some contribution to its setting.

The application is for outline permission for a development of 99 dwellings with all matters reserved except for access and layout. Owing to its location within the Conservation Area the scheme has the potential to cause a great deal of harm owing to the loss of the semi-rural setting of the aforementioned heritage assets and infilling of a site which helps understand the separate development of distinct areas of Lingfield. As part of the heritage statement, the consultant has provided quite a detailed assessment of the level of harm to each aspect which I have commented on below.

The scheme will result in the infilling of part of the Conservation Area which is important for understanding the historic interest of the development of Lingfield, particularly on the approach from New Place to Church Town. The development will harm views of the Conservation Area from Station Road but more concerning will likely be visible behind The Star Inn along Church Road. Owing to the nature of the application, I do not consider it has been proven that the development is possible without causing a great deal of harm – currently the plans show a large slate roofed building, which would certainly be an inappropriate backdrop to views from this part of the Conservation Area. For this reason, I consider the application will result in a high degree of less than substantial harm to the Conservation Area. Were the applicant willing to provide details of the appearance, form and height of the proposed buildings as part of application (rather than reserve them), I would be willing to reconsider this level of harm and may be more of a mind to agree with the consultant.

The development will also lead to the loss of views of the Grade I Church of St Peter and St Paul and the loss of the fields which give it a rural setting. The consultant has argued that this will only result in a low level of harm because some views will remain and there would be greater access public access from Star Fields (discussed later). I disagree with this in that the fields reveal the rural origins of the church and this will be lost through development. The developer has also made a point to demonstrate that a key view will be retained from Station Road as part of the development, but in fact this appears to terminate in a set of trees which will ultimately block views of the church. The current plans also show the two slate roof 'oast house' buildings framing this view, which I consider would challenge the prominence of the church tower. Taking all this into consideration I consider that this will result in a moderate degree of less than substantial harm to the setting of the Grade I listed building.

The consultant has argued that overall the development will result in a low to negligible level of less than substantial harm to the listed buildings to the west of Church Road group on the basis that the view of the church spire does little to reveal the significance of the individual listed buildings and structures. I consider that he has not looked at the views from the individual buildings in this group toward Star Fields. There are very clear views of the site from Church House (Grade II) and some views from Pollard Cottage (Grade I) which in both cases reveal the rural development of Church Town as a settlement. I consider in the case of these two specific listed buildings there is a demonstrable amount of less than substantial harm, even if it is to the lower end of spectrum owing to the fact that such views are limited to specific windows.*

As noted above, there are views to and from the application site from New Place. These views reinforce the degree of separation between New Place as a Grade II country house and Church Town as a distinct settlement. Again, I consider that such harm would be toward the lower end of the less than substantial harm spectrum. I do not consider there is any impact on The Old Cottage.*

The final aspect is the impact on New Place Farm. The consultant has noted that the impact on this 'would not be determinative in itself'. I am not sure of the meaning of this comment as my understanding is the impact of all heritage assets should be considered, even if they are only locally listed. In this case there would be quite a high degree of harm to the setting of the locally listed building because of its strong association with the surrounding rural landscape. There will also be loss of views of the oast house from Station Road. Were this to be a designated heritage asset, I would place it to the higher end of less than substantial harm because the landscape forms an important part of the significance of the building.

The consultant has noted the above should be considered against any heritage specific public benefits as part of a net heritage balance and argues that the proposed public open space within the conservation area should be considered a benefit because of increased views toward the church spire and historic core. Owing to the topography of the site and the surrounding trees, the HO is not convinced there actually would be anything but glimpsed views of the church so can only afford this a small degree of benefit.

In addition to the above, there are a number of aspects of the development which fall under reserved matters that are worthy of comment at this point. The HO is concerned by the emerging architecture of the scheme. The application currently shows two slate covered oast houses framing the entrance to New Place Farm and they are considered to be highly inappropriate and not only because they confuse the understanding of the farmstead, but because slate is not a vernacular Surrey material. To suggest that Lingfield would have had oast houses with slate roofing would not reflect the nuances of the area. The oast houses would also frame views toward the church and reduce its prominence as mentioned previously.

The garaging shown on the illustrative street scenes in the Design and Access Statement appears as if it has been tacked on the side of the building with little thought as to how it relates to the main structure. While this may be appropriate for the odd house, to have it on a continuous street scene sketch looks odd and could benefit from some further consideration. While such structures may have been weatherboarded historically, it may be better to build them in brick and look at using weatherboarding on the houses instead if the intention is to bring relief to the monotony of materials. In Limpsfield garaging was achieved by terracing the houses in Stanhopes, which may be a better way of achieving this outcome.

The HO also raised concerns about the proposed height and form of the buildings which is currently a reserved matter. The HO comments are on the basis of the buildings being two storeys, although some of the drawings are quite clearly for 2 ½ storeys. Were the height of the buildings to be increased further, particularly close to Church Town then I would have to push more strongly for refusal. At the current time I am still not convinced this development is possible without causing quite a great deal of harm to the Conservation Area.

The HO assessed this application in accordance with paragraphs 195 and 199 of the NPPF. I have found the application will result in harm to the following:

- A high degree of less than substantial harm to Lingfield Conservation Area owing to the infill between Church Town and New Place, loss of*

views from Station Road and views of modern housing along Church Road.

- A moderate degree of less than substantial harm to the Grade I listed Church of St Peter and St Paul owing to the loss of views of the spire and reduction in prominence.*
- A low level of less than substantial harm to the Grade I Pollard Cottage and Grade II* Church House owing to the loss of rural views from windows in the buildings which enable the isolated development of Church Town to be understood.*
- A low level of less than substantial harm to the Grade II* listed New Place owing to the loss of views of its historic rural surroundings which enable its development as a small country house separate to Church Town to be understood.*

There is a small heritage benefit from the provision of public space within the Conservation Area which will allow some limited views of the Church of St Peter and St Paul. Owing to the fact this is only a small benefit, the aforementioned harm greatly outweighs this and results in net harm.

In line with paragraph 199 of the NPPF great weight must be applied to this harm and greater weight applied to those buildings which are designated Grade I and II.*

The application will also result in a high degree of harm to the setting of New Place Farm which is locally listed. I consider this harm to be high because its rural surroundings are an important part of understanding the historic function of the building. Normal weighting should be applied to this.

The above will all need to be taken into account as part of an overall planning balance to assess the benefits of providing housing in the district. I am of the opinion that the impact on the aforementioned heritage assets could be used as a reason for refusing the application should the proposal not balance favourably.

The HO would support the applicant withdrawing the application to provide more details about the appearance and scale of the development should they wish to demonstrate that the scheme can be achieved with a lesser degree of harm. However, the HO does not consider that the impact on the aforementioned heritage assets can be entirely removed and there will always be a degree of harm from developing this site which will need to be considered as part of a planning balance.

Following the submission of further section drawings, the HO responded to confirm that they have reinforced my concerns. As is clear from section B-B, the topography is largely quite flat particularly between The Star Inn and the proposed dwellings. There is a real risk that a lot of these dwellings are going to be visible from Church Road and risk causing a lot of harm. For this reason the HO does not think the outline application has clearly demonstrated that the level of harm should be considered acceptable.

The HO continues to disagree with the applicant about the scheme not reducing the prominence/dominance of the Church. The HO notes that section C-C shows the oast buildings are smaller than the church, this takes no account of perspective. In reality the oast buildings would form the dominant structure in the view the applicants are offering us as part of the application.

113. Officers endorse the comments made by the HO. In considering the impact on the Conservation Area, officers have concerns about the likely harm from the development due to its location and quantum of development which would result in a loss of the semi-rural setting of heritage assets (as set out by the HO) and infilling of a site which helps understand the separate development of distinct areas of Lingfield. In assessing the impact on the Conservation Area, officers note the present value of the openness and break between New Place to Church Town, and the designated and non-designated heritage assets. These aspects contribute to the high amenity value and historic character of the conservation area. Officers therefore take the view that the sheer quantum and scale of development would fail to preserve the special open character of the conservation area, with it being diminished in its rural character.
114. Officers are also mindful that as Part of the Local Plan Examination the Inspector raised concerns about the draft Site Allocation (HSG12) which is modelled on up to 60 residential units. In particular the soundness of the draft Site Allocation was raised due to its effect on the significance of heritage assets. This matter was not resolved during the Local Plan Examination.
115. Therefore, in the absence of any substantive and reliable design and layout details, it is considered there would be a high degree of less than substantial harm to the Conservation Area. The HO has identified harm to designated and non-designated assets as set out above and this ranges from a low level of less than substantial harm to a high degree of less than substantial harm. In particular it is noted that there would be a loss of views to the Grade I Church of St Peter and St Paul as well as the fields which signify the rural setting and Officers agree with the HO that there would be a moderate degree of less than substantial harm to the setting of this important heritage asset.
116. The LPA has a statutory duty to preserve designated heritage assets from harm and great weight should be given to the conservation of designated heritage assets. It is considered that the proposal would fail to preserve or enhance character and appearance of the Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. Officers are not satisfied that the application sets out clear and convincing justification to outweigh the harm. Therefore, the proposal fails to accord with the above identified national, regional and local policies and legislation, in particular Policy DP20 of the Local Plan.
117. With regards to archaeology, SCC's Archaeology team were consulted and raise no objection. It is considered that pre-commencement conditions could be applied to future reserved matters application as appropriate.

Landscaping and Trees

118. Policy CSP18 of the Core Strategy required that development must have regard to the topography of the site, important trees and groups of trees and other important features that need to be retained. Criterion 13 of the Local Plan Policy DP7 required that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes the provision for retention of existing trees that are important by virtue of their significance within the local landscape.
119. The Tandridge Trees and Soft landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is

'essential that the design of the spaces around building is given the same level of consideration from the outset as the design of building themselves'. Trees are not only a landscape environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.

120. TDC's Principal Tree Officer (PTO) has reviewed the proposal which includes an Arboricultural Assessment. The PTO highlights that considering the large population of trees and hedges within the site (75 individual trees, 11 groups of trees, 13 hedge elements) there are very few impacts, and this is of course mainly down to the majority of trees being located on field boundaries, as opposed to throughout the main areas of proposed built form. As this is the case, the opportunity has clearly been taken to consider the tree stock as the assets that they are, and to design around them – as good practice and TDC policy dictates.
121. It should be noted that a large part of the site is located within the Lingfield Conservation Area. This designation imparts significant protection to the trees located within the bounds of the conservation area, and of course also affects how landscaping should be designed to ensure it is in keeping with the character of the conservation area.
122. The arboricultural elements to be removed for the purposes of layout design are: T49 – Norway spruce – 'C' category, T73 – Horse chestnut – 'C' category, G5 – dense mix of hawthorn, holly, hazel and blackthorn, with occasional young ash – 'C' category, G7 – mix of goat willow, hazel, ash, blackthorn, holly and yew growing densely together to form impenetrable mass of vegetation; includes occasional young English oak growing above average height of group – 'C' category, H2 – Hawthorn hedge – 'C' category, H7 (partial) – blackthorn, yew, silver birch, elder, ash, English oak, hawthorn, holly and hazel; blackthorn dominant – 'C' category, H11 – Hedge comprising hawthorn, ash, holly and blackthorn 'C' category, Two further trees (T15 & T50) are to be removed for sound arboricultural reasons, due to their poor condition.
123. As mentioned above, largely the layout has been designed to avoid conflicts with trees, and to provide significant green spaces within the site, both in terms of larger amenity spaces, and smaller spaces on frontages and verges where amenity planting can be accommodated. In some areas this has resulted in sufficient space for tree planting, according to the indicative landscaping within the layout plan, but in order for the new streets to be 'tree lined' as required by paragraph 131 of the NPPF 2021 it will be necessary for further tree planting to be designed into the scheme. In my view this can be secured by condition.
124. Conflicts between retained trees and new dwellings has largely been avoided. There are a few instances where trees will require pruning to accommodate scaffolding during construction, but the long-term sustainability of the tree/building relationship is otherwise good, with few issues of trees casting shade into gardens, or being overbearing in proportion to the plot. There are also a few areas where no dig permeable surfacing will be required, where hard standing intrudes into root protection areas, but the instances where this is necessary are few, and the details can be provided under condition.
125. The nearest ancient woodland is 180m to the east and is separated from the site by Station Road and the railway line. There are no conflicts in that respect.

126. The PTO is satisfied from the submitted arboricultural report and observations on site that the proposals accord with TDC policies and no objections are raised, subject to the following conditions for:
- Hard and soft landscaping
 - Trees – Detailed Arboricultural Method Statement
 - Trees – No tree works during development
127. Officers are supportive of the above conditions should the application be minded for approval. The proposal would therefore adhere to Local Plan Policy DP7 and Core Strategy Policy CSP18. For these reasons, officers support the proposal in relation to trees and landscaping.

Parking Provision and Highway Safety

128. The NPPF 2021 states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
129. Core Strategy Policy CSP1 states that in order to promote sustainable patterns of travel, and in order to make the best use of previously developed land, development will take place within the existing built-up areas of the District and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised. Core Strategy Policy CSP12 advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
130. The proposal has been referred to the Surrey County Council Highways Team which has considered highways and transport issues. Key details of the response are referred to throughout the following assessment.

Access, layout and safety

131. The proposed access is shown to be via a single access/crossover to Town Hill. The County Highways Authority (CHA) has responded on four occasions for further information. Of concern is the uncontrolled pedestrian crossings and some concerns were raised in the Stage 1 Safety Audit about the position of access, visibility for pedestrians and suggested recommendations including relocating them.
132. The CHA commented requested a “Transport Assessment showing the locations of proposed uncontrolled crossing points on Town Hill and Station Road however the CHA consider that this requires further investigation to identify an appropriate solution and therefore we have requested that a scheme be submitted”. As full details to satisfy these concerns have not been submitted the applicant will therefore need to provide a revised proposal addressing these

matters. To achieve this the CHA has recommended a Grampian condition for the access to be provided before any other operations commence.

133. Given that Access is not a reserved matter, it is unfortunate that the details of the access are not fully resolved. However, officers would be supportive of a Grampian condition were application to be approved.
134. Officers note the requests for further information from the County Highways Authority (CHA) for travel plan details, cycle parking and EV charging it is reasonable to secure these matters by condition. Given the form of development it is considered that there would be scope to provide for parking, bins, and cycle parking on site and these details would be for consideration under reserved matters.
135. The proposed access and egress to the site would be subject to reserved matters and the safety and workability would be assessed at a later date.
136. A concern is raised by officers regarding the northernmost parcel of land which is sited to the north of the Public Right of Way (PROW). It is evident that residential development is intended in this location and there are concerns about conflict with users of the PROW as it is likely that vehicles would need to cross the path to access this portion of the development. Officers are not satisfied that this is a workable or safe point of access. SCC's Senior Countryside Access Officer (CAO) has provided observations to indicate that this is a very busy path used by children travelling from Station Road area into the village for school, and by commuters travelling to and from the railway station. The CAO is very concerned for safety of path users should it be severed to allow vehicles to travel across it and required safety measures to be put in place to ensure that users of the public footpath have right of way and requiring vehicles to stop before proceeding across the path. The response indicates that this should be agreed with the Countryside Access Officer prior to works commencing. However, officers are concerned that this may have other implications such as the loss of vegetation marked as being retained to allow for visibility splays. Therefore, at this stage it is not considered appropriate for this to be dealt with by way of a pre-commencement condition.
137. As part of its consultation response the CHA requested that footway along the frontage of the site be widened to 3 m which would accommodate a shelter for the bus stop directly in front of the proposed development as well as bus stop improvements. This would be secured by way of S278 agreement. However, this has not been addressed by the applicant in any substantive way. Normally this could be secured by way of a S278 agreement, as the footway and bus stop would sit outside the site.
138. While the footpath improvements and bus stops remain unresolved. Officers do welcome the offer of S106 Heads of Terms for a Mobility Impaired Persons bridge at Lingfield Station and Car Park provision at Station Road/Town Hill. As mentioned earlier in this report the finer detail has not been proposed by the applicant.

Proposed Trip Generation

139. The County Highway has not raised any concerns in regards to trip generation. However, officers to flag that there only appears to be one access point on the indicative drawings and have concerns about the intensity of traffic movements

from one location. In any case this matter could be addressed within a later reserved matters application.

Servicing

140. The County Highway Authority requested that that a swept path analysis be provided for the proposed access to demonstrate that a removal van/refuse vehicle /fire appliance/delivery vehicle can enter/exit onto Town Hill. This could be dealt with as a reserved matter once access and circulation spaces are known.

Cycle and car parking provision

141. The applicant proposes that these details will be provided at reserved matters stage. However, officers flag concerns that the proposal could result in a car heavy and reliant development, that has a negative impact on the road network.
142. Officers have considered the response from SCC and the information gathered on site for the assessment of the proposal. Overall, it is considered that the increase in residential units from the development would increase vehicular movements in the locality. However, this is not considered to cause significant harm and would be subject to further analysis as a reserved matter.

Conclusion

143. There are significant concerns about the proposed layout in regard to the safety of users of the Public Right of Way and therefore this forms a reason for refusal. Therefore, the proposal is considered to be detrimental to the safety of users of the Public Right of Way contrary to the provisions of Core Strategy Policy CSP12 and local Plan Policies DP5 and DP7.

Biodiversity

144. Section 15 (paragraphs 174 – 188) of the NPPF speaks of the need to conserve and enhance the natural and local environment. Developments that conserve or enhance biodiversity should be supported. Development proposals are required to minimise impacts on and providing net gains for biodiversity.
145. CS Policy CSP17 requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
146. LP Policy DP19 advises that planning permission for development directly or indirectly affecting protected or priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
147. The current site is largely undeveloped and contains mature landscaped grounds, and the field set to pasture beyond.
148. In regards to biodiversity and ecology impacts, Surrey Wildlife Trust (SWT) were consulted.

Biodiversity net gain

149. SWT have indicated that the submitted Biodiversity Net Gain Feasibility Assessment appears to show that the current development will not achieve a biodiversity net gain unless:
- The scheme is modified by decreasing housing density and hardstanding and retaining a greater number of natural features for subsequent enhancement.
 - Habitat will be created and/or enhanced off-site; or
 - A financial contribution is made to a third party habitat bank
150. SWT therefore advised that the LPA requests the applicant to submit separate biodiversity net gain calculations for the proposed development and the off-site area. This will enable the LPA to be clear as to what is required for the proposals to achieve a biodiversity net gain. If known, we also recommend that more detail on the off-site habitat area is provided (i.e., location plan, habitat map, species list), and should include a commitment from the landowner that the enhancements can be made and will be managed in perpetuity. Officers confirm that no such information has been received.
151. The applicant has responded to confirm their intention to discuss potential off-site mitigation opportunities. Given the concerns over the scale of development, officers have considerable concerns about the inability to deliver on-site net gains. To date, officers have not been supplied with a suggested head of term to include feasible sites where such gains/improvements to biodiversity could be made.

Protected species

152. Badger: In regards to bats SWT have noted the likelihood of badger activity/setts on site/adjacent to the site. SWT advise that prior to the start of development works, a survey of the site by an appropriately qualified and experienced ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the LPA to prevent harm to this species.
153. Bats: The Ecological Appraisal appears appropriate in scope and methodology and has identified two trees with high bat roost suitability and three trees with moderate bat roost suitability within the development site. It is understood that the trees in question are to be retained as part of the proposals. SWT therefore advise that roosting bats do not appear to present a constraint to the proposed development. However, should plans change and the trees in question be subject to removal, pruning works, or isolation, further presence/likely absence surveys should take place prior to determination. In response the applicant has provided further information to SWT. SWT have reviewed that information and advise that all of the trees on site identified as having more than negligible bat roost suitability will be retained. In addition, none of these trees are identified for pruning works in the submitted Arboricultural Impacts Report (March 2022). As this is an outline application, further details of tree protection can be secured by condition. Therefore, it is not considered that any additional bat surveys are required.

154. Reptiles: SWT notes, 'the presence/likely absence surveys have identified the presence on-site of an 'exceptional' population of common lizard and a 'low' population of grass snake. As the site supports an exceptional population of common lizard it meets the criteria for a 'Key Reptile Site' (Froglife (1999) Reptile Survey: an introduction to planning, conducting and interpreting surveys for snake and lizard conservation.' Therefore, it advises that appropriate mitigation is required. SWT recommend that an outline reptile mitigation strategy be submitted to and approved in writing by the LPA prior to determination. The strategy will need to be prepared by a suitably qualified ecologist and appropriate to the local context. Officers have not received an updated survey for SWT to review and further advise the LPA.
155. Officers note that there is a clear deficiency in the information to address, biodiversity improvements on site, particularly biodiversity net gain. Therefore, this forms a reason for refusal as the applicant has not demonstrated how this will be achieved and this further raises concerns about the excessive scale of development of this sensitive site.
156. Finally, the failure to provide an adequate reptile mitigation strategy prior to determination raises significant concerns about the impact on reptiles (protected species), given the suitability of the site as a habitat and the findings to date. As a consequence, this also forms a reason for refusal.
157. The proposal has not demonstrated that it would have an acceptable impact on biodiversity and therefore fails to accord with Section 15 of the NPPF, Core Strategy Policy CSP17 and Local Plan Policy DP19.

Flood Risk Management

158. One of the twelve land-use planning principles contained in the NPPF and to underpin plan-making and decision-taking relates to taking full account of flood risk. Paragraph 159 of the NPPF advises that; 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.
159. Policy DP21 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 advises that proposals should seek to secure opportunities to reduce both the cause and impact of flooding. Development proposals within Flood Risk Zones 2 and 3 or on sites of 1 hectare or greater in zone 1 will only be permitted where, inter alia, the sequential test and, where appropriate, exception tests of the NPPF have been applied and passed and that it is demonstrated through a Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce flood risk both to and from the development or at least be risk neutral.
160. The impact of climate change on the global environment is recognised and flooding from surface water runoff is one of the main consequences. The planning system is expected to play a critical role in combating the effects of climate change by pursuing sustainable development and use of Sustainable Urban Drainage Systems.
161. The application is accompanied by a 'Flood Risk Assessment and SUDS Statement'.
162. The Environment Agency flood risk maps have been reviewed as part of this assessment. The Site mostly sites within Flood Zone 1 which has a low

probability of flooding. However, a small area in the south/south-east of the site is located within Flood Zone 2, which has a medium probability of flooding.

163. Officers have concerns about the risk of flooding within the area of the site within Flood Zone 2, particularly because the indicative layout shows housing sited within higher risk area. However, with this being an outline application there is potentially scope to rearrange the development so that housing isn't located in an area of risk.
164. If the application had been minded for approval, Officers could have proposed a suitably worded condition to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development. This is in accordance with a SuDS condition that has also been recommended by Gatwick Airport.
165. If the application is to be approved, officers are satisfied that flooding and drainage issues could be dealt with within reserved matters and under discharge of conditions applications.

Residential Amenity

166. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
167. The above policies reflect the guidance at Paragraph 130 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.
168. Given the outline nature of the proposal this would be a matter for any subsequent reserved matters.

Energy / Sustainability

169. Policy CSP14 requires the reduction of carbon dioxide (CO₂) emissions by means of on-site renewable energy technology. For schemes of more than ten dwellings a 20% saving in CO₂. Development over 5000m² is expected to incorporate combined heat and power or similar technology.
170. Officers are mindful that this is an outline application and the above requirements would form information presented under reserved matters if the application is minded for approval.

Very Special Circumstances

171. As discussed above, it is considered that the proposed development would comprise inappropriate development within the Green Belt which would have a greater impact on openness than existing development on the site. It has also been found that the proposed development would have a harmful impact on the character and appearance of the site and surrounding area.

172. In such circumstances, and in accordance with paragraph 147 of the NPPF, inappropriate development is, by definition, considered harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
173. The applicant has set out the following VSC case which is contained within their accompanying Planning Statement. Furthermore, TDC's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration and comprises an update to identify what additional measures the Council will take to improve housing delivery.
174. "It is considered that the following factors represent the VSC necessary to justify the grant of planning permission and clearly outweigh any harm to the Green Belt": Officers respond to each of the points raised below in italics:
1. *Housing allocation in the emerging Local Plan:*
As set out in the Principle of Development section of this Assessment, it is proposed to update the housing site allocation policies. Given the concerns raised in relation to the proposed application site in regards to the draft site allocation (HSG12), Appendix A of the IPSHD makes it clear that this Site Allocation will not be pursued in the emerging Local Plan. It is therefore the case that this VSC can be given only limited weight.
 2. The necessity of releasing Green Belt land to meet identified need;
As set out in the Green Belt Assessment, the proposed development is considered to be harmful to openness. In addition the proposal is for a significant number of units which would be unduly harmful to Green Belt. Also see comments below on the planning balance and housing land supply.
 3. TDC's Local Plan is out-of-date and they are unlikely to have a plan-led solution until December 2023 at the earliest;
See comment below about housing land supply.
 4. TDC are a poorly performing authority in terms of both supply and delivery;
The district comprises 94% Green Belt designation and the housing deliver and land supply is therefore very challenging. TDC are seeking to get a local plan adopted and to secure sufficient land to meet a greater proportion of the objectively assessed need. However, this site no longer forms part of that strategy.
 5. Social benefits;
Officers acknowledge the benefit provided by new housing, not least the affordable component. The proposed developer contributions towards infrastructure should be seen more as mitigation than a social benefit. See further comments below under the Planning Balance.
 6. Sustainability;
Officers note that the proposal is close to Lingfield Station and bus stops. However, it is the case that the proposal remains to be a car intensive use. It is the case that the County Highways Authority has requested

contributions to widen a footway and provide bus stops. So far this request remains unresolved.

7. Limiting harm to the Green Belt;
The notion that building on this portion of Green Belt is less damaging is not shared by the LPA. Whilst it does enjoy a location adjacent to the settlement boundary of Lingfield it would involve encroachment into undeveloped land and would be harmful by definition. No assessment of the relative function of different parts of the green belt has been undertaken and this claimed VSC amounts to nothing more than an assertion of opinion.
8. Other VSC:
The applicant has yet to clarify this point.

175. Officers have carefully considered the VSC's put forward by the applicant. Most notably the Council is not able to demonstrate a five-year housing supply. However, it is the case that there is found to be a significant harmful impact to the Green Belt, this is because there are significant incursions that harm openness, the application represents further sprawl to the boundary of Lingfield joining up two distinct areas of the settlement, one being the historic areas around St Peter and St Pauls Church and New Place Farm and development around the Railway Station. It is the case that this matter alone is not found to outweigh this harm.
176. Overall, when taken together, the aforementioned VSC's put forward are not accepted by the officers. This is because there is a clear difference of opinion over the status of the Local Plan, which the LPA considers as in conformity with the NPPF. It is also misleading to present a case for social benefits when the majority of the benefits are in fact mitigation for the development. Officers are therefore of the view that there are no very special circumstances to justify this development on the Green Belt and the view that the proposal represents inappropriate development on the Green Belt is maintained.

Housing need and the planning balance

177. At the heart of the applicant's (appellant's) case is the belief that green belt should be sacrificed to deliver much needed housing. The NPPF's presumption in favour of sustainable development is applied where policies are deemed to be out of date but is then disapplied in places where there is clear reason to protect an area of particular importance (in this case – the Green Belt and the Conservation Area and other heritage assets). There would be demonstrable harm to the function and the openness of the green belt, to the character and appearance of the Conservation Area and to the setting of several Grade I and Grade II* Listed buildings arising from the proposed development.
178. Officers have had particular regard to the impact on the above-mentioned heritage assets and have concluded that there would be unjustifiable harm cause. Great weight is to be given to this impact as heritage assets are a finite and irreplaceable resource.
179. On the Green Belt, officers are satisfied that there are no very special circumstances that warrant granting planning permission in this case.
180. Whilst the Council's housing land supply position is that it cannot show a five-year supply of deliverable housing land, the combination of heritage, Green Belt

and other adverse impacts is such that planning permission for this development cannot, on balance, be justified.

181. Officers have weighed in the balance all of the supposed benefits in environmental, social and economic terms as listed in the applicant's (appellant's) planning statement and have concluded that this would not be a sustainable form of development for the reasons stated above.

Conclusion

182. As a result of the nature and quantum of these concerns it is that had the Council been the determining authority, outline planning permission would have been refused for the reasons set out at the end of this report.
183. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 and 219 of the NPPF. Due regard, as an important material consideration, has been given to the NPPF and PPG in reaching this recommendation.
184. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: THAT HAD THE COUNCIL BEEN THE DETERMINING AUTHORITY FOR THIS APPLICATION, PLANNING PERMISSION WOULD HAVE BEEN REFUSED FOR THE REASONS SET OUT BELOW, AND THAT THE APPEAL AGAINST NON-DETERMINATION OF THE APPLICATION BE RESPONDED TO ON THAT BASIS

Reasons for Refusal

1. The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. No very special circumstances exist to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 13 of the National Planning Policy Framework 2021 with respect to protection from built development of Green Belts.
2. The proposal would fail to preserve or enhance character and appearance of Lingfield Conservation Area and would be harmful to the setting and significance of designated and non-designated heritage assets. The application fails to set out clear and convincing justification to outweigh the harm. Therefore, the proposal fails to accord with the above identified national, regional and local policies and legislation, in particular Policy DP20 of the Tandridge Local Plan Part 2: Detailed Policies (2014), and Section 16 of the National Planning Policy Framework (2021).
3. The quantum of development (density), its layout and form will result in a cramped and over developed site and, together with the introduction of

significant areas of circulation spaces, will have an urbanising effect on the site and adjoining areas of open countryside which has negative impacts on biodiversity contrary to the provisions of policies CSP18, CSP19 and CSP21 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014).

4. The proposal would introduce vehicular access in conflict with an existing Public Right of Way and this would be detrimental to the safety of users of the Right of Way and proposed access road, The proposal is therefore contrary to the provisions of CSP12 of the Tandridge District Core Strategy (2008) and Policies DP5 and DP7 of the Local Plan Part 2: Detailed Policies (2014).
5. The proposed affordable housing mix fails to accord with the District's need for 75% of affordable dwellings to sit within the Social Rent Tenure and is therefore contrary to Policy CSP4 of the Tandridge District Core Strategy (2008).
6. The proposal has not demonstrated that it would have an acceptable impact on reptiles and reptile mitigation strategy has not been provided to address these concerns and therefore the proposal fails to accord with Policy CSP17 of the Tandridge District Core Strategy (2008) and Policy DP19 of the Tandridge Local Plan Part 2: Detailed Policies (2014) and Section 15 of the National Planning Policy Framework (2021).

Delegated decision by Interim Head of Planning – 21/04/2023