

Tandridge District Council

Statement of Case

**Town and Country Planning Act 1990
Appeal by Croydon and District Education Trust
Site Address: Land South of Kenley Aerodrome, Victor
Beamish Avenue, Caterham, Surrey, CR3 5FX.**

**PINS Appeal Ref No.: APP/M3645/W/24/3354498
LPA Ref No.: TA/2023/878**

December 2024

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1. The Application

- 1.1 This appeal relates to planning application TA/2023/878 for the following description of development:

“Development of the site for 80 no. residential dwellings including 40% affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access).”

- 1.2 The application was refused by Tandridge District Council acting as local planning authority (LPA) on 13 May 2024, and the grounds for refusal were:

1. The proposal would result in the loss of a playing field, which would not be replaced as part of the proposal and would therefore conflict with Policy CSP13 of the Tandridge District Core Strategy 2008, Policy DP 18 of the Tandridge Local Plan - Part 2: Detailed Policies 2014, Sport England’s Playing Fields Policy and Guidance Document and with Paragraph 103 of the National Planning Policy Framework (December 2023).

2. The proposed development is considered to be inappropriate development in the Green Belt, given that it would fail to comply with any of the defined exceptions at paragraphs 154 and 155 of the National Planning Policy Framework (December 2023). The cumulative benefits of the scheme which have been presented as Very Special Circumstances (VSCs) are insufficient to outweigh the substantial harm to the Green Belt, by virtue of inappropriateness and due to the harm to openness that would arise, in addition to the significant harm to the character and appearance of the site, area and landscape. Accordingly, the proposed development is considered to be contrary to Policies DP10 and DP13 of the Tandridge Local Plan 2014 Part 2: Detailed Policies and the NPPF (December 2023).

3. The site is located in an unsustainable location in transport terms, where the only realistic means of transport would be the private car, due to the distance to local amenities, the lack of suitable pedestrian and cycle connections to those amenities, and the limited availability of accessible public transport services. This is contrary to the aims of the NPPF (December 2023), the Surrey Local Transport Plan 4 (2022) Policy CSP1 Tandridge District Core Strategy (2008), and Policy DP1 of the Tandridge Local Plan 2014 Part 2: Detailed Policies.

4. The proposals would result in an unacceptable impact to highway capacity, in particular at the roundabout junction of Salmons Lane West, Buxton Lane and Ninehams Road, contrary the aims of the NPPF (December 2023), the Surrey Local Transport Plan 4 (2022) the Tandridge Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan - Part 2: Detailed Policies 2014.

5. The proposed development would result in the felling of a significant number of protected trees subject to Tree Preservation Order protection or protected due to their location within the Kenley Aerodrome Conservation Area. The indicative layout details provided would not allow for the retention of existing trees that are important by virtue of their significance within the local landscape and would not appear to allow sufficient space for appropriate replacement planting and as such the proposal would conflict with the requirements of Policy CSP 21 of the Tandridge District Core Strategy 2008, Policy DP7 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and paragraph 180 of the National Planning Policy Framework (December 2023).

6. Insufficient information has been provided to allow a full assessment of the potential harm of the proposed development on designated and non-designated heritage

assets, including the Kenley Aerodrome Conservation Area within which the application site is located and the Grade II listed former Dining Room and Institute building which the application site surrounds. Proposed 'mitigation' measures have not been detailed and it has not been demonstrated that the public benefits of the proposal would significantly outweigh the less than substantial harm that would result to the character and appearance of the conservation area, the impact on the character and setting of the listed building and through the loss of the non-designated former workshop buildings as a result of the development. As such, the proposal would conflict with Policy DP20 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and paragraphs 205, 206, 208 and 209 of the National Planning Policy Framework (December 2023).

7. Insufficient information has been provided to demonstrate that the proposed development would conserve and enhance the natural environment and deliver an appropriate level of biodiversity net gain. As a result, the proposal would conflict with the requirements of Policy CSP17 of the Tandridge District Core Strategy 2008, Policy DP19 of the Tandridge Local Plan - Part 2: Detailed Policies 2014 and the National Planning Policy Framework (December 2023).

- 1.3 The LPA will set out in its evidence at the public inquiry into this appeal a detailed justification of each of these grounds for refusal.
- 1.4 Prior to the appellant submitting the outline planning application the subject of this appeal the LPA had responded to a request from them for written pre-application advice which the Council's records indicate was provided to them on 12th September 2022 (LPA Ref: PA/2022/139) but it is noted that the appellants Statement of Case indicates that they do not believe this response was received.
- 1.5 The documents referred to in the statement below can be made available on request by contacting Tandridge District Planning Department by e-mail at 'planningapplications@tandridge.gov.uk' or by telephone on 01883 722000 quoting 'Croydon and District Education Trust appeal Kenley Aerodrome' and application reference number TA/2023/878.

2. Appeal Site and its Surroundings:

- 2.1 The appeal site is located on the edge of Kenley Aerodrome and within the Kenley Aerodrome Conservation Area close to the border with the London Borough of Croydon. The site forms part of a wider area that was once a Battle of Britain era airfield and comprises the land surrounding the Grade II listed former NAAFI building. To the west, on the other side of the access road (Victor Beamish Avenue), is a flat open area of land with a number of semi-mature trees. The northern part of the site includes redundant workshops, that are not listed, an area of hardstanding and there are some deposits of building materials. To the south of the former NAAFI building, which is now in use as a school, is a playing field.
- 2.2 The entirety of the site is located within the Metropolitan Green Belt. The site was previously considered as a potential allocation for housing (HSG06) in 'Our Local Plan 2033'. However, this plan was withdrawn in April 2024 as the Inspectors' final recommendation was that the submitted plan should not be adopted due to soundness issues.
- 2.3 The site forms the setting of the Grade II listed NAAFI building now in use as a school by One School Global. Within the curtilage of the former NAAFI building is the parade

ground which is used as a playground by the school. To the east of the principal school building are four portacabins which are used as teaching facilities. The site however excludes the former NAAFI building itself, which is used by One School Global, an independent day school.

- 2.4 The site has a quoted area of 4.74 hectares.
- 2.5 All trees within the site are protected by virtue of their location within the Conservation Area and all trees that were present in 1999 are the subject of a Tree Preservation Order (TPO) (subject to certain exemptions).
- 2.6 Beyond the northern boundary of the site lies the operational RAF Kenley Aerodrome which is still owned by the Ministry of Defence and is currently used by 615 Volunteer Glider Squadron and also by the Surrey Hills Gliding Club. To the east, south and further west of the south boundaries, the area is predominantly residential, characterised by suburban two/three-storey detached, semi-detached, and terraced housing in a sylvan setting.

3. **Planning History**

- 3.1 PA/2022/139 – Pre-application submission in respect of a proposal for Outline permission with all matters reserved aside from access for the erection of 88 dwellings (including 36 affordable housing units) and associated landscaping, tree planting and parking. Advice Given 12.09.2022.

- 3.2 There is no specific planning application history for the appeal site itself, but parts of the site have been included within the site areas of other applications, including:

2003/474 - Improvements to existing site access road and junction, to adoptable standard. conversion of former workshop building (incorporating infilling of courtyard) to place of worship (Class D1) with associated parking & landscaping – Approved 20.05.2003;

2004/903 - Change of use to provide day school, incorporating use of parade ground as play area and upgrading of field to use as playing field – Approved 03.06.2004;

2009/1296 - Change of use to provide day school, incorporating use of parade ground as play area and upgrading of field to use as playing field - application to extend time limit for implementation of permission 2004/903 – Approved 09.12.2009.

4. **Development Plan Policy & Legislation:**

- 4.1 The adopted development plan consists of Tandridge District Core Strategy (2008) and Tandridge Local Plan Part 2 – Detailed Policies (2014). Within the development plan, the most relevant policies for the determination of this appeal are considered to be:

- i) Tandridge District Core Strategy Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP12, CSP13, CSP14, CSP15, CSP17, CSP18, CSP19 and CSP21;
- ii) Tandridge Local Plan Part 2 – Detailed Policies – Policies DP1, DP5, DP7, DP10, DP13, DP18, DP19, DP20, DP21 and DP22; and
- iii) Caterham, Chaldon & Whyteleafe Neighbourhood Plan Policies CCW4, CCW5, CCW6 and CCW10.

The relevance of these policies to the determination of this appeal will be set out in more detail in the Council's evidence. The Council reserves the right to comment on any additional development plan policies cited by the appellant as part of its case.

4.2 The LPA's evidence will be that Tandridge District Core Strategy housing policy CSP2 is out of date. All other policies of the development plan listed above remain relevant to the determination of the appeal. In accordance with paragraph 232 of the National Planning Policy Framework December 2024 (NPPF), due weight should be given to these other policies in the determination of this appeal according to their degree of consistency with the Framework. The closer the policies in the development plan are to the policies in the Framework, the greater the weight that may be given to them in determining this appeal. The LPA will set out in evidence what weight should be given to each of the policies listed in paragraph 4.1 above.

4.3 There are also the following Supplementary Planning Documents (SPD's) that have been formally adopted by the LPA or Surrey County Council:

Tandridge Parking Standards SPD (2012)

Tandridge Trees and Soft Landscape SPD (2017)

Surrey Design Guide (2002)

4.4 The LPA will refer in its evidence to the provisions of these development plan policies, and where relevant, the provisions of the SPDs, and how these justify the dismissal of this appeal.

5. **Material Considerations:**

5.1 The NPPF December 2024 is an important material consideration in the determination of this appeal. The LPA will in presenting its evidence at this appeal refer particularly to the following chapters of the NPPF:

Chapter 2: Achieving sustainable development, and particularly paragraph 11 and its footnote 7;

Chapter 5: Delivering a sufficient supply of homes;

Chapter 12: Achieving well-designed places;

Chapter 13: Protecting Green Belt land;

Chapter 15: Conserving and enhancing the natural environment;

Chapter 16: Conserving and enhancing the historic environment.

5.2 The LPA will refer to relevant parts of Planning Practice Guidance and the National Design Guide (particularly paragraphs 40, 49, 51 and 52) in its evidence.

5.3 The LPA's Interim Policy Statement for Housing Delivery – September 2022 (IPSHD) is a material consideration and comprises an update to identify what additional measures the LPA will take to improve housing delivery. The IPSHD sets out criteria where applications will be invited on Appendix A and Appendix B sites.

6. Five-year housing land supply and affordable housing

- 6.1 The LPA acknowledges that, as set out in the Annual Monitoring Report 2023/24, it cannot demonstrate a 5-year housing land supply. On 1st April 2024, there was a total supply of permissions for 1,464 dwellings representing a 1.92-year supply. Although permissions continue to be granted, either by the LPA or on appeal, the position is not expected to markedly change prior to the public inquiry into this appeal.
- 6.2 However, the Council now has a clear delivery pipeline of new housing. Since the adoption of the IPSHD, permission has been granted, or resolutions to grant made, for 410 new dwellings and 152 new units of specialist housing. These comprise 5 large Green Belt sites, with 4 of them delivering either 45% or 40% affordable housing.
- 6.3 The Council's five-year housing land supply is calculated using the standard method, on the basis of an unconstrained need figure (634 dpa) on the basis of 2014 household projections. Although they went on to find it unsound, the Inspector who examined the Council's 'Our Local Plan: 2033' accepted that Tandridge would not be able to meet its OAN in full: see paragraph 44 of his report dated 14 February 2024 and paras 41-44 of his preliminary conclusions dated 11 December 2020. This is because there are major policy and infrastructure constraints to development in this district, including the Green Belt (encompassing 94% of the district), two National Landscape areas (AONBs), areas of flood risk, and significant infrastructure capacity constraints including safety issues (for example around the M25 J6). These constraints can reasonably be expected to significantly reduce any future housing requirement.
- 6.4 The LPA's case will be that absence of a 5-year housing land supply as a very special circumstance to override Green Belt policy (paragraphs 153 of the NPPF) is insufficient to override the substantial weight that must be afforded to the harm caused by inappropriate development in the Green Belt and other harm that this planning proposal gives rise to. Details of these other harms that the LPA considers will arise is set out in this Statement of Case.

7. Key planning issues for consideration at this appeal:

- 7.1 The LPA will set out in detail in its evidence why each of the seven grounds of refusal of the appeal application are justified and warrant dismissal of this appeal.

Loss of Playing Field

- 7.2 With reference to ground of refusal 1, the LPA will demonstrate that the proposal will result in the loss of a playing field and will support this position with reference to the planning history of the site, referring to the 2004 planning permission which included the provision of the playing field located to the south of the parade ground within the curtilage of the former NAAFI building and the renewal of the planning permission in 2009, and by way of Google Maps and Street View images that clearly show the playing field marked up to provide pitches for various sports in the period between April 2017 and May 2022, the presence on the site of nets associated with the use of the land for sports and the clear wear of the grass areas around the goalmouths which indicate regular use of the land for sport.
- 7.3 Reference will be made to paragraph 104 of the NPPF and will confirm that the appellant has not undertaken any assessment which has clearly shown that the open

space or land to be surplus to requirements and evidence will be provided to demonstrate that the loss resulting from the proposed development would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

- 7.4 Reference will also be made to the requirements of paragraph 96 c) of the NPPF which confirms that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, enable and support healthy lives, through both promoting good health and preventing ill-health, for example through the provision of sports facilities.
- 7.5 The comments of Sport England will be highlighted, and reference made to their Playing Fields Policy and Guidance Document and their statutory objection to the appeal application.

Green Belt Harm

- 7.6 With respect to ground of refusal 2, the appeal site is within the Green Belt. Both the NPPF at paragraph 154 and development plan policy DP10 regard the construction of the 80 dwellings and associated infrastructure proposed in the appeal application as inappropriate development in the Green Belt and thereby harmful to its primary purpose of retaining openness. It will also be demonstrated that the appeal proposal does not accord with the criteria specified in paragraph 155 as the proposal conflicts with criteria a., c. and d.
- 7.7 The LPA will also show that the loss of the site to development will cause further harm to the Green Belt because the site currently plays a role in supporting purposes (a), (b), (c) and, to some degree, (d) of the Green Belt as set out in paragraph 143 of the NPPF. By retaining the site as open countryside, it checks the unrestricted sprawl of urban areas, prevents neighbouring towns merging into one another, safeguards the countryside from encroachment and preserves the setting and special character of a historic 'town'. Reference will be made to the Planning Statement (July 2023) submitted with the appeal application and the comments in paragraphs 5.81 to 5.101 of the document where it is confirmed that the appellants consider the site does make a limited contribution to purposes (a), (b) and (c) and a moderate contribution in respect of purpose (d). In relation to the role which the site plays in safeguarding the countryside from encroachment, the LPA will rely on the further evidence (addressed below) as to the quality of the countryside of which the site forms part. The LPA will also explain the loss of openness resulting from the proposal.
- 7.8 Paragraph 153 of the NPPF provides that when considering any planning application substantial weight should be given to any harm to the Green Belt.
- 7.9 Evidence will also be provided in respect of the status of parts of the site as 'previously developed land' in Green Belts which specific reference to the definition of such land within Annex A of the NPPF.
- 7.10 The LPA will also refer to the changes in respect of Green Belt proposals contained within the new National Planning Policy Framework that was published on 12th December 2024 and will put forward its case in respect of the value of the land in Green Belt terms, how it functions in respect of the purposes of the Green Belt and will cover any potential 'grey belt' considerations in addition to addressing the previously developed land issue.

- 7.11 The LPA will refer to the definition of 'previously developed land' contained in Annex 2 of the NPPF and will put forward its case that only a small proportion of the appeal site can be considered to be "land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land" and that other parts of the site should be excluded from consideration as previously developed land as they constitute "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."
- 7.12 In reference to the definition of 'grey belt' contained within the NPPF – "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143" - the LPA will put forward its case that the appeal site does strongly contribute to purposes (a) and (b).
- 7.13 The 'very special circumstances' put forward by the appellant in support of the appeal application will also be detailed and the LPA will provide its comments on the weight or otherwise it considers could reasonably be given to those matters will be indicated. It will be noted that the appeal proposal, in the opinion of the LPA, does not accord with the new 'Golden Rules' and that the reference by the appellants to the wording of 'the second part' of paragraph 154 (g) of the NPPF is no longer relevant given its deletion for the December 2024 version.

Unsustainable Location in Transport Terms

- 7.14 The LPA's evidence will also demonstrate why the appeal site is considered to represent an unsustainable location in transport terms, where the only realistic means of transport for occupiers and visitors to the development would be the private car, due to the distance to local amenities (partly due to the topography of the surrounding area), the lack of suitable pedestrian and cycle connections, and the limited availability of accessible public transport facilities.
- 7.15 Reference will be made to the requirements of paragraphs 109-110, 115 and 117 of the NPPF, the Surrey Local Transport Plan 4 (2022) and relevant development plan policies.
- 7.16 The Transport Assessment submitted with the appeal application will be referred to and evidence will be presented relating to the accessibility of local amenities, in particular food retail facilities, and attention will be drawn to the fact that the overall distance to local amenities and the lack of dedicated cycle infrastructure would result in residents of the proposed development being far more likely to make regular journeys to local amenities by car.
- 7.17 The mode share data in the submitted Transport Assessment will be reviewed and it will be highlighted that this demonstrates that only low numbers of residents in the local area walk or cycle to work, based on Census data. The figure relating to travel to work by rail will also be scrutinised and the case will be made that residents would be more likely to travel to local railway stations by car, rather than by walking or cycling. Parking provision at the railway stations and the frequency and availability of bus services will also be examined.
- 7.18 In respect of promoting sustainable transport reference will be made to the changes in the new NPPF to require a vision led approach and the implications of the move away from the previous predict and provide approach to the decide and provide approach now advocated.

Impact on Highway Capacity

- 7.19 The LPA will also demonstrate why the proposal would result in an unacceptable impact to highway capacity on the local highway network, in particular at the roundabout junction of Salmons Lane West, Buxton Lane and Ninehams Road.
- 7.20 The Transport Assessment will be referred to and it will be argued that the actual potential impacts of the proposed development on highway capacity may in fact be worse than suggested by the modelling data provided.
- 7.21 The requirements of paragraphs 116 and 117 of the NPPF will be considered and the LPA will confirm why it is considered that the appeal proposal conflicts with these requirements, as well as relevant development plan policies.

Tree Loss

- 7.22 The LPA will highlight that the information submitted with the appeal application indicates that the appeal proposal will result in significant tree loss and will put forward it's case that this will result in an adverse impact both in terms of the character and appearance of the Conservation Area and in ecological and biodiversity terms. The issue of whether appropriate replacement planting would be feasible will also be examined given the site constraints and the amount of available land for such replacement planting.
- 7.23 The LPA will confirm that all trees within the appeal site are subject to protection by virtue of their location within a designated Conservation Area and that all trees that were present on the site in 1999 are the subject of a Tree Preservation Order (TPO) (subject to certain exemptions). (TPO 10/1998/TAN).
- 7.24 The LPA will draw attention to the fact that the NPPF December 2024, at paragraph 136, provides that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Development plan policy DP7 (13) requires that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape, and that their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground.
- 7.25 Reference will also be made to the Council's 'Trees and Soft Landscaping – Supplementary Planning Document' (November 2017).

Impact on Heritage Assets

- 7.26 The LPA will confirm the details of heritage assets in the vicinity of the appeal site and will refer to relevant Government guidance and development plan policies and will also refer to the Kenley Aerodrome Conservation Area Proposals Statement. In particular, reference will be made to paragraph 212 of the NPPF where it is confirmed that 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, paragraph 215, which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use, and paragraph 216, which 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 and that 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.

- 7.27 Reference will also be made to the comments on the appeal application made by the Historic Buildings Officer at Surrey County Council who provides the LPA with specialist heritage advice and it will be noted that the comments did consider that less than substantial harm to heritage assets would occur as a result of the appeal proposal and that the opinion of the Historic Buildings Officer that the scheme overall will result in a benefit to the conservation area was heavily caveated on the basis that the detailed scheme for the site would include features that are not contained within the appeal proposal such as a proposed commemorative feature, reinstatement of paths, better connectivity with the airfield and the arrangement of buildings along Victor Beamish Avenue as the proposals are 'illustrative' apart from the access arrangement.
- 7.28 The LPA will put its case that the appellants have consistently failed to understand the significance of the conservation area and that the site was laid out in the 1930s. It will be argued that the character and appearance of the area does not solely relate to buildings and Victor Beamish Avenue, but the wider landscaping of the site and that this has not been adequately taken into account in the appeal proposals.

Impact on the Natural Environment

- 7.29 Reference will be made to the comments of the Surrey Wildlife Trust who confirmed that the appeal submission was deficient in terms of the documentation submitted in respect of ecology/biodiversity issues and that further information was required in respect of the following matters:
- Clarification regarding the suitability of trees to be removed to support roosting bats; and further survey if required;
 - Hazel dormouse presence/likely absence surveys;
 - Clarification of extent of reptile presence/likely absence surveys;
 - Clarification of classification of grassland habitats;
 - Assessment of impacts on the nearby statutory and non-statutory sites;
 - Detailed assessment of on-site woodland;
 - Biodiversity net gain assessment.
- 7.30 Reference will also be made to paragraph 99 of Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System) which states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted."

- 7.31 It will be confirmed that the appeal site lies within 140 metres of the South London Downs National Nature Reserve (NNR) at its nearest point, Coulsdon Court Wood and Betts Mead Site of Borough Importance Grade I, and Kenley Aerodrome Site of Borough Importance Grade II. Given that there are direct footpaths onto the statutory and non-statutory sites from the proposed development site it will be suggested that there will be the potential for recreational pressure on the South London Downs NNR, Coulsdon Wood and Betts Mead and Kenley Aerodrome Sites of Borough Importance. It will therefore be put that an assessment should have been made of the cumulative recreational impacts of the proposed development and that insufficient information has been provided with the appeal application to conclude that there will be no adverse impacts on protected habitats.
- 7.32 It will also be confirmed that the woodland in the east of the site has been identified on the DEFRA MAGIC website as lowland mixed deciduous woodland Habitat of Principal Importance (HPI) which the NPPF, in paragraph 192, states should be protected and that plans for such areas should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. It will be suggested that the appeal proposals do not demonstrate that this will be the case.

8. **Planning Balance and Conclusions:**

- 8.1 The Appeal Site is within an area with a number of significant constraints: it is located within the Green Belt, a designated conservation area, is subject to a Tree Preservation Order and forms the setting of a Grade II listed building. The proposal would also result in the loss of a playing field, which would not be replaced, and is subject to a statutory objection from Sport England.
- 8.2 The appeal site is also considered to be unsustainably located in terms of accessibility and would rely on occupiers of the development predominantly using private cars to access local facilities due to the lack of genuine alternatives due to the provision of public transport facilities, their frequency and the distances of the site from railway stations. The topography of the site would also play a significant role in the choice of occupiers as the site is located upon the top of a hill and local facilities are all set at a significantly lower height, so whilst it may be possible for some trips to be taken to these sites on foot or by bicycle returning to the appeal site would involve relatively long trips uphill which would be challenging for a lot of occupiers.
- 8.3 The local highway network is also heavily used and some junctions are at or near capacity and the traffic generated by the appeal development is considered to be likely to give rise issues in highway safety terms.
- 8.4 In terms of the Green Belt issue the proposed development would represent inappropriate development. Whilst parts of the site are considered to constitute previously developed land, as defined in the NPPF, large parts are not. The site is also not considered to constitute 'grey belt' as the site is considered to strongly contribute to purposes a) (*to check the unrestricted sprawl of large built-up areas*) and b) (*to prevent neighbouring towns merging into one another*) of the Green Belt, as specified in paragraph 143 of the NPPF, as the site is located in close proximity to the London Borough of Croydon, to the north, and currently provides a gap between the settlements of Caterham-on-the-Hill and Whyteleafe.

- 8.5 The LPA acknowledges that since the appeal application was determined there have been significant changes to Government policy in respect of Green Belt development, and in particular the guidance in paragraph 156 is noted. However, the proposal is not considered to accord with the 'Golden Rules' specified as the proposal, as submitted and determined, would only provide 40% of the proposed dwellings as affordable housing units, which is less than the 49% contribution necessary to accord with criteria 156 a); the proposal has not detailed any improvements to local infrastructure deemed to be necessary (the current proposal for pedestrian crossing improvements are not considered to be sufficient by the local highway authority) as required by criteria 156 b); and has not provided details of the provision of new, or improvements to existing, green spaces that are accessible to the public as detailed in criteria 156 c), (and as expanded upon in paragraph 159).
- 8.6 It is noted that the appellant's have now indicated (by email received dated 20th December 2024) that they intend to increase the proportion of affordable housing units to 50%, but this is considered to be a matter for the Inspector given that this was not the basis upon which the appeal application was determined.
- 8.7 Moving to the guidance in paragraph 155 of the NPPF the LPA will put forward its case that the appeal site is not 'grey belt' land and that even if it were to be so considered, it would not be in a sustainable location and would not meet the 'Golden Rules' requirements.
- 8.8 In these circumstances it is considered that very special circumstances are needed to justify a grant of permission. This is a very high bar. 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.
- 8.9 Having regard to the above matters, the Council's case will be that very special circumstances for overriding Green Belt policy do not exist in this case.
- 8.10 Green Belt harm must be given substantial weight. This includes definitional harm by reason of inappropriate development in the Green Belt, harm to the purposes of the Green Belt and impact on openness.
- 8.11 Other harms include:
- Loss of playing field;
 - Unsustainable location in transport terms;
 - Highways capacity issues;
 - Harm to heritage assets;
 - Harm to protected trees;
 - Potential harm to ecology/biodiversity.

Taken collectively, these other harms are considered to attract significant to substantial weight.

- 8.12 Set against these harms in the planning balance are those benefits of the proposed development that the appellant argues contribute to the very special circumstances for allowing this appeal, namely:
- Site constitutes previously developed land;
 - Lack of up-to-date development plan for the area;

- The housing shortage in the district and the lack of a 5-year housing land supply;
- The provision of affordable homes;
- The sustainable location of the proposal;
- The positive impact of the proposal on the Kenley Aerodrome Conservation Area and the former NAAFI building;
- Investment in the local economy;
- Improved accessibility through the conservation area;
- The provision of landscaped open spaces;
- Environmental improvements, such as SuDS;
- Construction employment.

8.13 The Council will in its evidence comment on the purported very special circumstances above evaluating if they can be considered as such and whether they duplicate some of the subsequent very special circumstances. The Council's case will be that while the provision of new housing can be afforded substantial weight, the other very special circumstances set out above should only attract between limited and moderate weight, if any weight at all, based on the evidence the appellant has submitted to date.

8.14 The LPA's case will be that the proposed development is, consequently, an inappropriate form of development within the Green Belt and no very special circumstances exist that would justify the appeal being allowed.

9. Documents, Maps and Plans

9.1 The LPA intends to refer to the following documents, maps and plans that have not previously been forwarded to the Inspectorate:

Document 1 – Pre-Application Response – PA/2022/139

Document 2 – Planning Decision TA/2004/903

Document 3 – Planning Decision TA/2009/1296

Document 4 – Aerial Photographs and Stret View Images of the Playing Field

Document 5 – Green Belt Assessment Documents

9.2 Copies of these documents are attached in the Appendix.

10. Conditions:

1. The development hereby permitted shall start before the expiration of 3 years from the date of this permission or 2 years from the date of approval of "the last of the reserved matters" to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. Before any development hereby permitted starts, approval of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the District Council. Detailed plans and particulars of the "reserved

matters” shall be submitted in writing not later than 3 years from the date of this permission and shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. The development shall be carried out in accordance with the following approved plans and documents:

Plans:

21125/C04B – Urban Grain and Density Plan, C05 – Access and Movement Diagram, C06A – Building Heights Diagram, C07A – Illustrative Residential Mix Diagram, C08A – Tenure Mix Diagram, C09A – Parking Distribution Diagram, C10A – Land Use Diagram, C100 – Site Location Plan, C104C – Colour Site Layout, P101 – Existing Site Plan, P110 – Proposed Site Layout – Tree Removal, 2193-00-GF-DR-L-00100 – General Arrangement Plan, 2193-00-GF-DR-L- 00101 – General Arrangement Plan and 21125/SK15 – MoD Height Restriction.

Documents:

Design and Access Statement (Ref: 21125 Rev A) (January 2004), Landscape Design and Access Statement (June 2023), Landscape and Visual Impact Assessment (June 2023), Tree Protection Plan (Ref: 21174-4) (January 2024), Arboricultural Impact Assessment and Method Statement (Ref: 21174-AIA2-CA) (January 2024), Manual for Managing Trees on Development Sites, Ecology Assessment (Ref: 9952.EcoAss.vf2) (June 2023), Energy and Sustainability Statement (June 2023), Flood Risk Assessment (June 2023), SuDS Strategy (June 2023), Utility Statement (June 2023), Desk Study, Geotechnical and Geoenvironmental Interpretative Report (June 2023), Heritage Statement (June 2023), Heritage Statement Addendum (January 2024), Statement of Significance (December 2021), Transport Assessment (June 2023), Travel Plan (June 2023).

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

4. The application for the approval of the appearance of the development as a Reserved Matter shall be accompanied with details demonstrating how the development will satisfy a 20% reduction against Building Regulations (as of the date of this permission) of carbon emissions through the use of renewable energy resources at the site, details of all installations required to achieve that reduction and a timetable for the implementation of all renewable energy installations. Subsequently, all installations that are specified within those details shall be implemented in accordance with approved timetable and retained thereafter.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute the reduction of carbon dioxide emissions in accordance with Policy CSP14 of the Tandridge District Core Strategy 2008 and to ensure that the associated installations are visually acceptable and incorporated into the appearance of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014.

5. The application for the approval of the Reserved Matter of landscaping shall be accompanied with details setting out:

- 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 and hedgerow planting as compensation for those elements being removed.
- Any earthworks/grassed areas
- The species, number and spacing of trees and shrubs
- A timetable for undertaking all of the proposed works of hard and soft landscaping.

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 hard and soft landscaping shall be undertaken in accordance with the approved timetable that forms part of the details required to be submitted and approved.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Council, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Council gives written consent to any variation.

Reason: To ensure that the landscape and visual impact of the development is acceptable in accordance with Policies CSP16, CSP18 and CSP21 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 Detailed Policies 2014 and the NPPF.

6. 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.

Reason: In order to offset the harm to the non-designated Heritage Asset and to comply with the National Planning Policy Framework (paragraphs 208, 210a and 216).

7. No development shall take place until the applicant, or their agents or successors in title, has submitted a scheme for the provision of an information board that sets out the history of the site to the Local Planning Authority, to be approved in writing. The information board shall be installed in accordance with the approved details.

Reason: In order to offset the harm to a non-designated Heritage Asset and to comply with the National Planning Policy Framework (paragraph 216).

8. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site

has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

i. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site including, but not limited to asbestos, hydrocarbons and unexploded ordnance.

ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the satisfactory amelioration of contaminated land and that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DP22 of the Tandridge Local Plan: Part 2 Detailed Policies 2014 and paragraph 174 of the National Planning Policy Framework.

9. No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: This condition is essential to ensure satisfactory amelioration of contaminated land and protection of the water environment, in accordance with Policy DP22 of the Tandridge Local Plan: Part 2 Detailed Policies 2014.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected

contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: This condition is essential to ensure satisfactory amelioration of contaminated land and protection of the water environment, in accordance with Policy DP22 of the Tandridge Local Plan: Part 2 Detailed Policies 2014.

11. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 187 of the National Planning Policy Framework.

Informative: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 187 of the National Planning Policy Framework.

Informative: Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm

events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated storage volumes shall be provided using an infiltration-based strategy.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including filter strip and swale details.

c) Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

15. Any Air Source Heat Pumps installed as part of the development hereby approved shall be designed so that the noise from the use of the ASHP's will conform with the advice given in the Institute of Acoustics and Chartered Institute of Environmental Health Professional Guidance Note on Heat Pumps, which recommends a maximum sound rating level of <35 dB at any noise sensitive neighbouring premises.

Reason: To protect the residential amenities on neighbouring occupiers.

16. No development shall take place until such time as a construction management strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence (MoD). This construction management strategy shall contain details of cranes, other tall construction equipment (including the details of obstacle lighting), temporary buildings, silos and bulk storage of spoil or construction materials that may be deployed or sited on the application site or any adjoining land at any time during the implementation of this development.

The development shall be carried out strictly in accordance with the approved construction management strategy or any variation approved in writing by the Local Planning Authority in consultation with the MoD.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the safe and effective operation of the aerodrome at RAF Kenley.

17. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the District Council. The CEMP should include, but not be limited to:

- a) Map showing the location of all the ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fences, exclusion barriers and warning signs

Subsequently, the development shall only be undertaken in accordance with the approved CEMP, all measures set out within the approved CEMP shall be implemented prior to the first occupation of the dwellings (unless a phased implementation timetable has been agreed as part of the CEMP in which case the CEMP shall be fully implemented in full accordance with that phased implementation timetable) and retained at all times thereafter.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

18. Prior to the commencement of development, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the District Council. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the above referenced report and should include, but not be limited to the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme

Subsequently, the development shall only be undertaken in accordance with the approved LEMP, all measures set out within the approved LEMP shall be implemented prior to the first occupation of the dwellings (unless a phased implementation timetable

has been agreed as part of the LEMP in which case the LEMP shall be fully implemented in full accordance with that phased implementation timetable) and retained at all times thereafter.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

19. No external lighting shall be installed at the site unless details of that lighting have first been submitted to and approved in writing by the District Council.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

20. The application for the approval of layout as a reserved matter of layout is sought, the application shall be accompanied with:

- details of the layout of all proposed car parking
- details of the provision of electric vehicle charging points (number, position and the proposed equipment)
- the allocation of car parking
- a timetable for the provision of visitor parking
- a timetable for providing the means of accessing all of the approved car parking from the public highway (including turning and circulations areas).
- details of the provision of bicycle parking and e-bike charging points.

Subsequently, all visitor parking and means of accessing the approved car parking shall be provided in accordance with the approved timetable and no dwelling shall be occupied until the parking, electric vehicle charging point and bicycle parking (including e-bike charging points) serving that dwelling has been provided.

Thereafter the vehicle and bicycle parking, all charging points and all circulation and turning areas shall be retained and maintained for their designated purposes.

Reason: The above condition is required to meet the objectives of the NPPF (2024), Surrey County Council Local Transport Plan (LTP4) 2022-2032, and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014) in relation to car and cycle provision and charging points.

21. No development shall commence until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from construction works;

- i) HGV deliveries and hours of operation
- j) vehicle routing
- k) measures to prevent the deposit of materials on the highway
- l) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- m) no HGV movements to or from the site shall take place outside of the hours agreed through the Construction Management Plan; and
- n) on-site turning for construction vehicles has been submitted to and approved in writing by the District Council. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users. The above condition is required to meet the objectives of the NPPF (2024), Surrey County Council Local Transport Plan (LTP4) 2022-2032, and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

22. Prior to the commencement of the works, a scheme for the recording of existing architectural and historic features affected by the works shall be submitted to and approved in writing by the Local Planning Authority. This shall include a record of the Former Workshop Building to level 3 of Understanding Historic Buildings and a photographic record of the entire site. The scheme shall thereafter be implemented as approved.

Reason: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted, and to record the architectural and historic fabric of the building in accordance with the advice of paragraph 218 of the National Planning Policy Framework.

23. Prior to the commencement of works, details of the commemorative feature, artwork and /or sculpture; a timescale for their implementation; and their proposed locations shall be submitted and approved in writing Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the development hereby permitted is not occupied until the specified operations have been completed in the interests of the amenities of the area.