
APPELLANT'S STATEMENT OF CASE

Land South of Barrow Green Road, Oxted

Appeal against the decision of Tandridge District Council to refuse outline planning permission for up to 190 dwellings, an extra care facility with up to 80 beds (use class C2), together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure, and all other associated development works, with all matters reserved save for the means of access.

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On behalf of:

Croudace Homes Ltd

croudacehomes

LPA Ref: 2025/245

WBP Ref: 9060

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Woolf Bond Planning
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1.0 Introduction and Overview

General

- 1.1. This Statement of Case has been prepared by Woolf Bond Planning Ltd in support of an appeal ("the Appeal") by Croudace Homes Ltd ("the Appellant") against the decision of Tandridge District Council ("the Council") ("TDC") to refuse their outline application ("the Application") for the proposed erection of up to 190 no. dwellings (including affordable homes), an extra care facility with up to 80 beds, together with the formation of vehicular access, landscaping, parking, open space, green and blue infrastructure and all other associated development works. All matters reserved except access (LPA Ref: TA/20250245).
- 1.2. The Appellant issued a notice of an intention to submit an appeal to PINS and the Council on 18 August 2025.
- 1.3. The Appellant is seeking to advance the Appeal by means of the Inquiry procedure (see section 8 below). Accordingly, this Statement of Case ("SoC") is accompanied by a draft Statement of Common Ground ("SoCG") that the Appellant will seek to agree with the Council. As part of the SoCG process, the Appellant will also seek to agree a set of draft conditions and a list of Core Documents with the Council.

The Council's Decision to Refuse Planning Permission

- 1.4. The Application was refused by decision dated 15 August 2025. The reasons for refusal were as follows:

Reason for Refusal 1: Inappropriate Development in the Green Belt

The proposed residential development represents inappropriate development in the Green Belt that would result in definitional harm and significant harm to openness both spatially and visually. The proposed development would also result in significant other planning harm. The Green Belt harm and other planning harm is not clearly outweighed by the benefits of the proposal (nor by

any other material consideration(s)), such that very special circumstances do not exist. As such, the proposed development is contrary to paragraph 153 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP10.

Reason for Refusal 2: Landscape Impact

The application site is sensitive being in the setting of the Surrey Hills National Landscape. The proposed development would adversely impact upon the character and distinctiveness of the landscape and countryside of the site and wider area and significantly detract from the overall character and appearance of the area and thereby the setting of the National Landscape. As such, the proposed development is contrary to the provisions of NPPF paragraph 189 and Core Strategy Policies CSP20 and CSP21 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.

Reason for Refusal 3: Landscape Impact

The current proposal by Natural England to include the application site in the Surrey Hills National Landscape, based on advice of expert landscape consultants, has reached an advanced stage and is now a material planning consideration in the determination of this planning application. A grant of planning permission that would nullify this proposal would be unjustified. Planning permission should not be granted for development such as now proposed that would prejudice the outcome of the proposal to include the site in the National Landscape and damage an environmental asset contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.

Reason for Refusal 4: Impact on The Bogs Ancient Woodland

The applicant has not demonstrated that the proposed development, and in particular the outline drainage proposals, will not result in the loss or deterioration of an irreplaceable habitat both on-site and off-site, that is The Bogs ancient woodland, within and adjoining the site boundary. This is contrary to NPPF 2024 paragraph 193 (c) which requires that such development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is similarly contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss, and that impact or loss should not just be mitigated but overall ecological benefits should be delivered.

Reason for Refusal 5: Biodiversity

The information provided with the application is insufficient to show that there will not be adverse impacts on biodiversity as a result of the proposed development contrary to the provisions of paragraphs 187 and 193 of the NPPF and Tandridge Local Plan Core Strategy policy CSP17 and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19.

Reason for Refusal 6: Heritage

The proposed development would cause less than substantial harm to the setting of St Mary's Church, a Grade I listed building, and Court Farm House a Grade II listed building and is thereby contrary to paragraph 215 of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP20 because it has not been satisfactorily demonstrated that the public benefits of the development would outweigh that harm.

Reason for Refusal 7: Loss of Best and Most Versatile (BMV) Agricultural Land

The proposed development would lead to the loss of a significant area of best and most versatile agricultural land contrary to the provisions of NPPF paragraph 187(b).

Reason for Refusal 8: Landscape Impact

The proposed development would have a major adverse effect for users of public bridleway 97 which would not just be limited to the loss of views of the National Landscape but the degradation and loss of experience of open countryside that is a valued landscape and an important recreational and well-being resource for local residents, contrary to policies 96(c) and 105 of the NPPF and Tandridge Local Plan Core Strategy policy CSP13.

Reason for Refusal 9: Sustainability

The harm that would arise to the Green Belt, the setting of the National Landscape, open countryside and Bridleway 97, and potentially biodiversity, from the development proposals makes the development unsustainable in the context of paragraph 8(c) of the NPPF and Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.

- 1.5. Although the Council did not impose a reason(s) for refusal relating to the absence of a legal agreement, planning obligations necessary to make the Scheme acceptable in planning terms, that are directly related to the development and are fairly and reasonably related in scale and kind to the development will be secured through a completed S106 agreement.

1.6. Based upon the Council's reasons for refusal, the main issues for the determination of the Appeal are considered to be, and are addressed in Section 5 of this Statement of Case below, as follows:

1. Whether the proposal would be an inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ("NPPF") and any relevant development plan policies.
2. The effect of their proposal on the character and appearance of the area, including the setting of the National Landscape.
3. The effect of the proposal on designated heritage assets.
4. The effect of the proposal on Ancient Woodland and ecology.
5. The overall planning balance, including the nature and extent of any economic social and environmental benefits.

Overview of the Appellant's Case

Spatial Matters: The Principle of Development

1.7. The Appeal Site is located in the Green Belt, adjacent to, but beyond the settlement boundary for Oxted. This results in a conflict with the settlement boundaries established under policies CSP1 and CSP2 of the Core Strategy, and DP9 of the Local plan Part 2. However, the weight attached to this conflict is reduced, because (i) the development plan is out of date in terms of the spatial application of its housing policies, and these policies are frustrating the delivery of identified housing needs, whilst, in addition, (ii) the Council is not able to demonstrate a five year supply of deliverable housing land.

1.8. Either scenario (i) or (ii) above triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.

1.9. It is clear that the tightly drawn Green Belt boundaries mean that market and affordable housing needs cannot be met in Tandridge without using existing Green Belt land.

1.10. This position was countenanced at paragraph 6.2 of the CS, which states as follows:

“...the policy on Housing Provision CSP2 does recognise that if it is not possible to allocate sufficient land without encroaching into the Green Belt, growth will be directed to land immediately adjoining built up areas, i.e. which are within the Green Belt. The precise location of such land would depend on its accessibility to services, public transport and other infrastructure, in other words the most “sustainable locations”.”

1.11. Insofar as Oxted is identified as one of the most sustainable settlements in Tandridge, it is logical, given the chronic five year housing land supply position, to provide for development on the Appeal Site, within walking distance to the town centre.

1.12. The settlement boundaries were identified to meet a much lower housing requirement than is now required under the revised NPPF (2024). Accordingly, the settlement boundaries were drawn to deliver a level of housing need that is manifestly out of date.

1.13. The policies and the associated settlement boundaries are aimed at delivering an out-of-date spatial strategy, which fails to meet local housing need. Furthermore, the stated purpose of Policy CSP1 is to ensure development is directed to the most sustainable locations, to reduce the need to travel by private vehicle. This Site is accepted as a Tier 1 sustainable location with good walkability and public transport accessibility, so the overall policy intention is satisfied.

1.14. The Appellant's case is that there are no strong reasons for refusal at paragraph 11(d)(i) of the NPPF, such that the Appeal falls to be positively assessed under paragraph 11(d)(ii).

- 1.15. The adverse impacts of granting planning permission relating to (a) development beyond a defined settlement boundary (in an out of date development plan), (b) localised landscape impact, (c) less than substantial harm to designated heritage assets; and (c) loss of agricultural land, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 1.16. The Appellant's position is that **the Appeal Site comprises Grey Belt**, with the proposals satisfying the definition at Annex 2 of the NPPF.

- 1.17. The Appeal Scheme also satisfies the considerations at paragraph 155 of the NPPF, as well as the Golden Rules at paragraphs 156 to 157 of the NPPF. In the circumstances, development of the Appeal Site in the manner proposed should not be regarded as inappropriate.

- 1.18. In accordance with the approach set out at paragraph 158 of the NPPF, compliance with the Golden Rules attracts significant weight in favour of the grant of planning permission.

- 1.19. Local Plan Green Belt policy is inconsistent with the NPPF so is afforded limited weight, consistent with NPPF paragraph 232. The proposal complies with the NPPF, and significant weight is to be afforded to compliance with the Golden Rules.

- 1.20. Contrary to the Appellant's position, if the Appeal Scheme is not found to comprise Grey Belt land, the acceptability of the proposal falls to be determined under the approach at paragraph 153 of the NPPF.

- 1.21. In that scenario, the Appeal Scheme would result in (i) definitional harm, (ii) minor harm to visual openness at a site level, and the limited change (given the level of visual containment of the Site) to visual openness of the wider Green Belt, (iii) significant impact on the spatial aspect of openness on the Appeal Site; and (iv) there is also conflict with the third purpose of the Green Belt

(safeguarding the countryside from encroachment) (purpose (c)) with the Appeal Scheme having a moderate impact in this regard.

- 1.22. As required under paragraph 153 of the NPPF, any harm to the Green Belt (definitional and actual) plus any other harm, would, in the case of a finding that the appeal site is not Grey Belt, need to be outweighed by other considerations.
- 1.23. That balance has been undertaken, and in that scenario, The many benefits amount to the Very Special Circumstances ("VSC") to justify the grant of planning permission for the development of much needed housing (market, 50% affordable, and older persons accommodation), in a sustainable location, in an Authority where there is a chronic need for all types of housing.

Landscape Impact

- 1.24. Whilst a change in landscape character is unavoidable, the changes will relate to the landscape and townscape context associated with the Appeal Site. This includes in relation to the experience of users on the public bridleway 97 which runs through the Appeal Site.
- 1.25. Whilst the Appeal Site is located approximately 500m from the National Landscape ("NL") (to the north), and is within its setting, the Appeal Site itself is not a Valued Landscape.
- 1.26. Furthermore, TDC's Assessment of the Appeal Site as a potential development site in the Tandridge Landscape Capacity and Sensitivity Study (2016) did not identify it as a valued landscape, concluding that the Appeal Site is of moderate value and has medium landscape capacity for housing development (Annex H3 of the LVIA refers).
- 1.27. In accordance with the approach set out at paragraph 189 of the NPPF, the Appeal Scheme has been sensitively located and designed to minimise adverse impacts on the NL.
- 1.28. In a future baseline scenario, should the NL boundary be extended to include the Appeal Site, the significance of residual effects following implementation of the Appeal Scheme on the Appeal Site would remain as assessed in the LVIA.

- 1.29. In that scenario, the test at paragraph 190(a) of the NPPF would be engaged, requiring consideration and an assessment of the need for the development, including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy.
- 1.30. In addressing the landscape impact of the Appeal Scheme, the Appellant will refer in evidence to relevant appeal decisions and case law, including but not limited to *CPRE v SoSHCLG [2025]*, *EWHC 1781 (Admin)* which approved 165 homes in the High Weald National Landscape, in which Justice Mould concludes (para 77) that 'section 85(A1) of the 2000 Act does not rule out the grant of planning permission for development in an AONB simply by virtue of the fact that the development would give rise to some, albeit limited, unavoidable harm to the natural landscape.'

Drainage and Irreplaceable Habitats

- 1.31. The Appeal Scheme has been sensitively designed to ensure there will be no direct or indirect impacts upon off-site Ancient Woodland, including on account of the surface water drainage strategy. Moreover, there will be no adverse impact upon potential Sites of Nature Importance; as demonstrated in the Application particulars. Matters are addressed in section 5 below.

Heritage

- 1.32. The Heritage Impact Assessment ("HIA") submitted with the Appeal Application establishes that the Site, at present, makes a limited contribution to the significance of the Church of St Mary the Virgin, as a remnant of its historic rural setting, and the partial views afforded of the listed building.
- 1.33. Whilst this element of the setting will be altered by the proposed development, changing the approach from the north-west, the scale of harm is assessed as being 'limited' and 'less than substantial'. Therefore, in accordance with the approach set out at paragraph 215 of the NPPF, the harm must be weighed against the public benefits of the proposal, which are manifest.

- 1.34. The HIA assessed that there will be no impact, and no harm, to the significance of Court Farm House.
- 1.35. The Appellant's case is that the heritage harm does not provide a strong reason for refusal.

Agricultural Land

- 1.36. The Appeal Site comprises Subgrade 3a BMV agricultural land.
- 1.37. The NPPF requires economic benefits of agricultural use to be considered. The economic benefits of use of this Site for such purpose are limited at £2,200 per annum over the BMV land.
- 1.38. In terms of the NPPF, this is not considered to represent a significant development of agricultural land. Accordingly, poorer quality land does not need to be considered in preference.
- 1.39. The Appellant attaches only minimal weight to this loss of agricultural land.

Planning Obligations

- 1.40. As set out in section 7 below, the Appellant will negotiate with the Council an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990.

Summary

- 1.41. Although the Appeal Scheme conflicts with the out-of-date settlement policy boundaries, and is in conflict with the development plan when taken as a whole, the weighty material considerations (including the tilted balance under NPPF) support the grant of planning permission for the development of much needed homes (including affordable), in an inherently sustainable location at one of the most sustainable settlements in the District.
- 1.42. The benefits from the Appeal Scheme are manifest, not least the provision of

market and affordable housing when the District is facing a significant housing crisis, which government policy is seeking to address. The Appeal Site is sustainably located, within easy walking and cycling distance to the town centre and the train station. Accordingly, the Site affords one of the most sustainable locations to accommodate housing development within all of Tandridge

- 1.43. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, the material considerations in favour of the Appeal Scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary, loss of BMV agricultural land, less than substantial heritage harm, and localised change to the landscape.
- 1.44. The Appeal Scheme satisfies the economic, social and environmental roles of the NPPF and planning permission should be granted.

2. The Appeal Site and Surrounding Area

The Appeal Site

- 2.1. The Appeal Site is located to the west of Oxted town centre and comprises an irregularly shaped 9.7ha parcel of arable and pasture land.
- 2.2. The Appeal Site lies directly adjacent to the settlement boundary of Oxted, with built form of the settlement wrapping around the Site, to the south, east and north.
- 2.3. Access is currently achieved by Barrow Green Road at the Chalkpit Lane crossing.
- 2.4. To the south there are residential properties on Wheeler Avenue; to the east is the graveyard of St Mary's Church and the Church itself (Grade I Listed).
- 2.5. The train line passes the northern boundary (separated by a dense area of vegetation and Barrow Green Road), with regular direct services connecting Oxted to London Bridge. The settlement of Oxted extends further north, beyond the rail line.
- 2.6. To the west of the Appeal Site is a pocket of woodland (Ancient Woodland, The Bogs) and more sporadic residential dwellings.
- 2.7. A small stream runs along the western boundary of the Appeal Site, but the Appeal Site itself is wholly within Flood Zone 1 (lowest risk of flooding). There are some limited areas of surface water flood risk and these are addressed in the Flood Risk Assessment and Drainage Strategy. Furthermore, a Sequential Test has been taken (and a sequential approach taken to the design and layout).
- 2.8. There are dense trees and hedgerow to the northeast, south and western extents of the Site, with significant landscape buffers around the perimeter of the Site. The Site itself is not covered by any wildlife designations. The area known as 'The Bogs' (to the south-west of the Site) contains ancient woodland.

- 2.9. The area where the development is proposed is classified as falling within Flood Zone 1.
- 2.10. There are no further environmental constraints to otherwise preclude the proposed development.

Locational Context

- 2.1. The surrounding area is characterised by residential development and the urban influence of the Oxted settlement area, with some areas of mixed arable and pastoral farmland, and woodland.
- 2.2. Due to intervening visual barriers such as built form, trees and the railway corridor, many views from the local area towards the Appeal Site are effectively obstructed and/or partially screened, even during winter months.
- 2.3. Local views across and into the Site are possible from bridleway 97, the burial ground and stretches of Barrow Green Road and Chalkpit Lane adjacent to the Appeal Site's northern boundary; in these views, the settlement is visible beyond the Appeal Site.
- 2.4. In longer views, the Appeal Site is discernible in the wide, panoramic views from elevated locations on the scarp to the north.

Accessibility

- 2.11. There is an existing vehicular access onto Barrow Green Road to the north. A public right of way ("PRoW") crosses the Site from the south-east corner to the northern boundary providing pedestrian access and connectivity in either direction. The Site is in a highly sustainable location, being an easily walkable distance to a number of local services and facilities including:
 - St Mary's Church of England Primary School (approx. 250m)
 - Hazelwood Nursery and Pre-School (approx. 450m)
 - Oxted Secondary School (500m)

- Oxted Health Centre (approx. 700m)
- Master Park recreation ground and pavilion (approx. 150m)
- Oxted Community Centre (approx. 100m).

2.5. The Appeal Site is only a 6-minute walk from the Site to Oxted train station, providing regular services to London Bridge, London Victoria and East Grinstead. There is also a bus stop within 4 minutes' walk, providing connectivity to bus routes 410, 410A, 594, 595 and 612 (to Redhill, Holland and Domewood).

3. The Appeal Scheme

Introduction

- 3.1. The Application was developed and informed following a thorough review of the opportunities and constraints afforded by the Appeal Site and its context.
- 3.2. The Appeal Scheme proposes up to 190 dwellings (C3 Use) (including 50% affordable), an extra care facility with up to 80 beds (C2 Use), along with associated landscaping, open space, parking, green and blue infrastructure, and all other associated development works, with access from Barrow Green Road and Wheeler Avenue.
- 3.3. Only the principle of developing the site for up to 190 dwellings and an 80 bed extra care home, with associated works, together with the means of access is to be determined as part of this appeal. Appearance, landscaping, layout, and scale are reserved for subsequent determination.

Appeal Scheme Plans

- 3.4. The proposals are set out on the following plans:

The Scheme

- i) Site Location Plan Ref 3129-A-1000-PLA
- ii) Land Use Parameter Plan Ref 3129-A-1200-PL-D
- iii) Proposed Site Access Barrow Green Road Drawing 107491 PEF XX XX D H 0300 Rev P01
- iv) Proposed Site Access Wheeler Avenue Drawing 107491-PEF-XX-XX-DR-H-0200 Rev P02

Supporting Plans

- v) 3129-C-1005-PL-B Illustrative Masterplan
- vi) 3129-C-1006-PL-B Illustrative Masterplan in Context
- vii) 6514_100_A Illustrative Landscape Strategy

- 3.5. It is agreed with TDC that the plans at (i) to (iv) comprise the Scheme plans for the purpose of assessing the Appeal Scheme.

3.6. Plans (v) to (vii) are submitted for illustrative purposes only but provide context for the assessment of the potential impact of the Scheme upon the Appeal Site and character of the area.

Proposed Land Uses

3.7. The proposed land uses are summarised in Table 1 below.

Table 1: Land Uses

Land Use	Area
Land for Housing	Approx. 5.4ha
Land for 80-bed Care Home	Approx. 0.6ha
Green Infrastructure (landscape amenity green space, including SuDs).	Approx. 3.7ha
Total Site Area	Approx. 9.7ha

3.8. This results in an average net residential density of 35dph (190 dwellings/5.4ha).

3.9. Storey heights are proposed at predominantly 2-storey, with some 2.5-storey elements located towards the centre of the Site to add visual interest in the streetscenes.

The Masterplan/Design Approach

3.10. As detailed in the submitted Design and Access Statement (“DAS”), the vision for the proposal includes delivery of a new community in an extremely sustainable location (close to central Oxted). The design approach has sought to integrate the proposal with the existing street pattern (to ensure permeability and connections with the surrounding streets) and with the Site’s landscape setting.

3.11. A key design driver has been the need to respect the setting of the Grade I listed St. Mary’s Church and create viewing corridors where possible to the tower. Furthermore, the design approach seeks to deliver high quality design befitting the location and reflecting the local character of Oxted. Further

information on the design approach and the analysis of site context and local character, and how this has informed the design, is set out in the DAS.

- 3.12. As explained in the DAS, the Illustrative Masterplan has evolved pursuant to a detailed analysis of the Appeal Site's character, opportunities, and constraints.
- 3.13. This has resulted in the Illustrative Masterplan proposing the following principal components:
 1. Landscaped open space proposed around existing pedestrian and cycle access via public right of way, connecting with Court Farm Lane;
 2. Linear green route comprising of existing PRoW within tree lined green corridor including swales for surface water drainage;
 3. All built form along linear green route designed to front directly onto the route to maximise activity and overlooking of route and promotion of sustainable travel modes into central Oxted;
 4. Nodal junction in centre of development joining linear route with green street leading to main vehicle arrival on Barrow Green Road. Key focal buildings designed to hold corners of space and provide frontage to both routes leading onto the nodal point;
 5. Dwelling density and scale dissipates to the north along the linear route to reflect the outer edge of the development and rural setting;
 6. Main vehicle access into development from Barrow Green Road;
 7. Low density detached dwelling frontage orientated to face towards northern edge and arrival space;
 8. Tree lined green street throughout the development area;
 9. Proposed location for Extra Care Home – built form should be located to front onto key corner and street frontage with rear of site reserved for

landscaped private gardens backing onto boundary with adjacent burial ground;

10. Residential 'lane' style streets 'siding' onto eastern edge to provide appropriate treatment to boundary – some limited surveillance and overlooking of adjacent footpath route whilst respecting sensitive edge with burial ground;

11. Secondary vehicle access into site from Wheeler Avenue, providing access to the southern development parcels only;

12. Arrival space designed around new access from Wheeler Avenue with opportunities for new planting;

13. Existing mature tree retained and treated as a landscape asset within the design of the open space centrally located to the development; surrounding dwellings to face towards the tree whilst respecting RPAs;

14. Opportunity for green corridor through the development area forming a link from the outer edge of the site through to the linear PRoW route;

15. Landscaped buffer area proposed as public open space with opportunities for SUDs attenuation;

16. Informal pedestrian routes through southern area of open space potentially design as 'boardwalk' style routes to ensure they can be used all year round;

17. Area of public open space where development edge set back from northern boundary, allowance for new tree planting within space to provide natural screening of new development from views from the north and north-west;

18. Lower density dwellings proposed facing towards the outer edges of the site along the landscape buffer to the west and north; mainly detached houses with hipped roofs and parking/garages to the side to provide gaps in the street scene and reduce massing of new built form facing the development

edge, good natural surveillance.

- 3.14. The concept design outlined a series of principles for the proposed development, and as part of this, the development of the Framework masterplanning process has identified a series of key spaces that are central to the emerging designs and aspirations to provide a high quality new development.

- 3.15. These spaces will lead the formation of a set of character areas, upon which building and landscape typology, design and appearance should be specifically designed to suit each character area.

- 3.16. The key spaces across the development are as follows:
 1. St. Mary's arrival – an intimate area of open space providing access with Court Farm Lane with buildings informally set around an area of open space to provide surveillance and frontage onto the pedestrian route.

 2. Central nodal space - junction of PRoW corridor with eastwest green street; priority to be given to PRoW with road narrowing, change of surface and potential raised surface up to PRoW to reduce vehicle speeds and highlight pedestrian/cycle priority in this space.

 3. Barrow Green arrival – arrival into development from Barrow Green Road across attractive landscaped space, with buildings set back from the main road to provide frontage and outlook onto open space.

 4. Ash Green – 'linked' space around the mature Ash Tree to the centre of the site, with green corridor extending towards the PRoW and the southern landscape buffer.

 5. Wheeler Avenue arrival – attractive space designed to incorporate new planting within a small landscaped space, with a collection of buildings placed around the space.

 6. Woodland Edge - a 'contained' landscaped space with adjacent woodland along the western edge opposite the new built form, which will provide a

rich and unique character to this part of the site.

- 3.17. A set of character areas has been proposed across the development to ensure the design of the buildings and landscaping, and the application of materials can help convey character, assist wayfinding, and provide variety and visual interest around the development.
- 3.18. The design principles proposed within the DAS are accompanied by a 'Design Commitment' Statement' which has been prepared to guide the detailed scheme design at the reserved matters stage. It establishes a set of core design principles that will ensure the delivery of a successful and integrated development.

Dwelling Mix

- 3.19. The Appeal Scheme proposes 50% affordable housing, which is in excess of the current policy requirement and seeks to address the acute affordable housing need within the District.
- 3.20. As such, the Scheme proposes up to 95 market dwellings and 95 affordable (50%).
- 3.21. Although the market mix is not proposed to be fixed through the Appeal, it is intended that the S106 will secure the affordable housing mix.

Landscaping Strategy

- 3.22. Although landscaping is a reserved matter, the submitted Illustrative Site Plan provides for a landscaped buffer to the site boundaries, which could be managed and maintained through the establishment of a Management Company.
- 3.23. The creation of new landscaped amenity and open space areas and the proposed habitat creation are benefits of the Scheme that represent acceptable uses within the Green Belt in accordance with paragraph 154(b) of the NPPF.

4. The Development Plan and Material Considerations

General

- 4.1. Whilst the detailed policy position will be set out in evidence, this section summarises relevant planning policy and other material considerations, against which the acceptability of the Appeal Scheme falls to be determined. As such, this section of the Statement of Case sets out the overarching decision-making framework. Section 5 then sets out the Appellant's assessment of the main issues for determination in this Appeal (which matters are summarised in section 1 above).
- 4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the legal requirement that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This represents the S.38(6) 'balance'.
- 4.3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in the exercise of planning functions. Subsection (1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
- 4.4. In light of the relevant statutory duty of the 1990 Act (section 66(1)), considerable weight and importance has been given to the requirement to pay special regard to the desirability of preserving the setting of the identified listed buildings. It is recognised that the setting of the ST Mary's Church (Grade I Listed) would be impacted by the Appeal Scheme, leading to a low level of less than substantial harm
- 4.5. The meaning of preservation with regard to the setting of listed buildings under the relevant parts of the Act can be taken to be the avoidance of harm. However, such a presumption is not overriding or irrebuttable, as there will be cases where

such harm would be outweighed by material considerations powerful enough to do so. Accordingly, it is the Appellant's case that the overall planning balance would be favourable to the Appeal Scheme in light of the relevant part of this legislation.

The Development Plan

Overview

- 4.6. For the purposes of s38(6), the Development Plan comprises the following adopted plans.
 - Tandridge District Core Strategy 2008;
 - Tandridge Local Plan Part 2: Detailed Policies 2014-2029.
- 4.7. The Core Strategy ("CS") was adopted in October 2008 and sets out the overarching strategy in seeking to meet development needs in the period 2006 to 2026.
- 4.8. The CS sets out a requirement to plan for 125 dwellings annually, equating to 2,500 dwellings over the plan period.
- 4.9. This compares to the 826dpa derived from the application of the Standard Method in so far as the Core Strategy is now more than five years old¹. In addition, the Council is unable to demonstrate an adequate supply of deliverable housing land, whilst there remains an acute need for affordable housing. A 20% buffer is also added to reflect the HDT results. This establishes a requirement to plan for 991 dwellings annually. This is substantially in excess of the 125dpa planned for in the CS and subsequent Local Plan Part 2. Moreover, neither Development Plan document sought to review the Green Belt boundaries.
- 4.10. As recorded at section 1 above, the tightly drawn Greenbelt boundaries mean that market and affordable housing needs cannot be met in Tandridge without using existing Green Belt land.

¹ See paragraph 78 and footnote 39 of the NPPF

4.11. This position was countenanced at paragraph 6.2 of the CS, which states as follows:

“...the policy on Housing Provision CSP2 does recognise that if it is not possible to allocate sufficient land without encroaching into the Green Belt, growth will be directed to land immediately adjoining built up areas, i.e. which are within the Green Belt. The precise location of such land would depend on its accessibility to services, public transport and other infrastructure, in other words the most “sustainable locations”.”

4.12. In the circumstances, the presumption in favour of sustainable development is engaged on account of the development plan being 'out of date' having regard to the lack of consistency between the policies contained therein and the approach to development set out in the NPPF (paragraph 11 refers).

4.13. Any one of the following scenarios, all of which are engaged in TDC, (i) the failure of the development plan to meet current development needs, (ii) the lack of a five year supply of deliverable housing land; and (iii) the HDT results (42%), individually trigger the presumption in favour of sustainable development.

4.14. In locational terms, Oxted is acknowledged in the adopted Core Strategy as being one of the most sustainable locations for growth in the district. Growth is currently constrained at Oxted and the other category one settlements identified under policy CS2, on account of the Green Belt that wraps around the settlement edge and, in the context of Oxted, includes the Appeal Site.

4.15. The applicable development plan policies from the CS and the Local Plan Part 2 are listed below, which matters are to be addressed in evidence.

Tandridge District Core Strategy 2008

- CSP1 - Location of Development
- CPS2 – Housing Provision
- CSP4 - Affordable Housing
- CSP7 - Housing Balance
- CSP11 - Infrastructure and Services
- CSP12 - Managing Travel Demand
- CSP13 - Community, Sport and Recreation Facilities/ Services

- CSP14 - Sustainable Construction
- CSP15 - Environmental Quality
- CSP17 - Biodiversity
- CSP18 - Character and Design
- CSP19 - Density
- CSP20 - AONB
- CSP21 - Landscape and Countryside

Tandridge Local Plan Part 2: Detailed Policies 2014-2029

- DP1 - Sustainable Development
- DP5 - Highway Safety and Design
- DP7 - General Policy for New Development
- DP10 - Green Belt
- DP19 - Biodiversity, Geological Conservation and Green Infrastructure
- DP20 - Heritage Assets
- DP21 - Sustainable Water Management
- DP22 - Minimising Contamination, Hazards and Pollution

4.16. Further analysis of the policy requirements, compliance with the same, and other material considerations, is provided in Section 6, below.

Other Material Considerations

4.17. Section 38(6) PCPA also requires that other 'material considerations' be weighed in the planning balance. The relevant material considerations are summarised here and elaborated further below in Section 6 (which undertakes an assessment of the scheme against policy and other material considerations).

4.18. Material considerations which are relevant to the determination of the Appeal include the following:

- The National Planning Policy Framework (NPPF) (Dec 2024); and the Government's response to the July 2024 consultation on changes to the NPPF, which sets out further explanation of the rationale for the changes made in December 2024;
- Written Ministerial Statements regarding the housing crisis and the importance of boosting housing supply, as detailed in this statement;

- Tandridge District Council Interim Policy Statement for Housing Delivery (IPSHD) (2022) which sets out criteria for housing proposals on unallocated sites. In recent appeal decision APP/M3645/W/24/3345915 (Land at Chichele Road) the Inspector treated this as a material consideration (as it sets out a mechanism for addressing housing need) but limited the weight given, on the basis that the IPSHD does not form part of the Development Plan (paragraph 9 of that decision) and on its own is “unlikely to be sufficient to address the scale of the shortfall.” (paragraph 76 of that decision).
- Decision of Tandridge Council (Full Council) on 18 April 2024 to commence work on a new Local Plan and outputs of this process, including the Local Development Scheme (June/July 2024) which sets out timescales for production and adoption of a new spatial strategy and plan. It was anticipated that the plan be submitted for examination by Q3 2026/27. In recent appeal decision APP/M3645/W/24/3345915 (Land at Chichele Road, 11 December 2024) the Inspector noted, at paragraph 77 of the decision, that *“the Council has now embarked on the preparation of a new local plan...with a view to subject it for examination in Q3 2026/27. However, it will still be several years until a new local plan is adopted and, in the meantime, the problems associated with an under supply of housing (including difficulties with accessing housing, increased house prices, worsening affordability...), as evidenced by the appellant.”*
- Evidence base documents produced in connection with ‘Our Local Plan 2033’ (which was subsequently withdrawn); of particular relevance to determination of this application and the principle of development on the Appeal Site are:
 - o Green Belt Assessment (Parts 1 to 3);
 - o Landscape Sensitivity and Capacity Study - Oxted North (2016);
 - o Settlement Hierarchy 2015 and Addendum 2018;
 - o Urban Capacity Study and the Brownfield Register (2018);
 - o Housing Need evidence base documents;
 - o HELAA – the conclusions regarding this Site are set out in this statement.

- Inspector's Report in connection with 'Our Local Plan 2033' dated February 2024;
- Housing Delivery Test results and Council's Housing Land Supply position;
- Various planning applications and appeals decisions in Tandridge²;
- Tandridge District Council Supplementary Planning Documents (SPDs); including the Parking Standards SPD (2012) and Trees and Soft Landscaping SPD (2017).
- Judgements and appeal decisions where relevant to addressing the reasons for refusal.

4.19. The Appellant's position in relation to the relevant planning policy and material considerations is as follows:

- The Appeal Site is in a highly sustainable location, adjacent to the most sustainable settlement in the District, but is outside the settlement boundary and in conflict with the Development Plan;
- There is clear evidence of a pressing need for the development which is proposed on the Appeal Site and it is widely accepted that should development come forward as proposed, the future occupants would have ready access to a range of services and facilities and public transport, such that the development would be sustainably located despite its 'countryside' location.
- The spatial strategy is accepted as being out of date because it pre-dates, and is inconsistent with the NPPF. That strategy planned for a level of housing which falls significantly below current levels of housing need (approximately 12% of the annual requirement). Furthermore, delivery

² Of particular relevance are APP/M3645/W/24/3345915 Land at Chichele Road Oxted, (11 December 2024 – under the previous NPPF) which relates to HELAA site OXT006; and APP/M3645/W/23/3319149 Land at The Old Cottage, Station Road, Lingfield RH7 6PG. (Oct 2023)

rates have fallen well below the levels planned for, and future supply is also chronically short. The Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing (as confirmed in the appeals identified at footnote 2). As such, paragraph 11(d) NPPF is triggered. There are no footnote 7 matters which provide any strong reason for refusal for the purposes of paragraph 11(d)(i). As such, and in accordance with paragraph 11(d)(ii) planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, *"having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

- In Suffolk Coastal DC v Hopkins Developments Ltd [2017] UKSC 37 Lord Carnwath's judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements. There are obvious parallels with Tandridge where the adopted housing strategy derives from an assessment of housing need that pre-dates the introduction of the NPPF in 2012.
- In the circumstances, the weight attributable to the conflict identified with Policy CSP1 and DP10 is reduced insofar as the settlement boundaries reflect out of date housing requirements, and the Green Belt policy (DP10) is inconsistent with the NPPF, not providing for any the development of Grey Belt land.
- The Appeal Site is 'Grey Belt' and its development is not regarded as 'inappropriate' in the NPPF. It complies with the Golden Rules, and the NPPF directs that this attracts significant weight as a benefit.
- Even if, contrary to our conclusion, the Appeal Site was found not to comprise 'Grey Belt' (in accordance with the NPPF Annex 2 definition), the proposal still complies with national Green Belt policy as there are VSCs which justify the grant of permission.

- Whilst there will inevitably be some landscape impact resulting from the Scheme, this is to be expected if the Council is to demonstrate a five year supply of deliverable housing land, in a scenario where they accept development on greenfield sites beyond defined settlement boundaries is necessary in order to meet housing need. However, and in this scenario, the Appeal Site is not within a designated valued landscape (but is within the setting of the national landscape with some intervisibility between the two.). The appeal decision issued in relation to OXT006 (see footnote 2 above) emphasises the extent to which Oxted, a higher order/top tier settlement (in sustainability terms) has limited options for accommodation of growth.
- This proposal offers an opportunity to deliver growth at Oxted (one of the District's most sustainable settlements) without unacceptable landscape impacts, in circumstances where other potential options identified by the Council (such as OX006) have been found to be unacceptable. The decision in respect of OXT006 was made under the previous NPPF, so a different policy test applied at that time.
- In highway terms, the Appeal Site is in a sustainable location.
- The Scheme secures an overall BNG score of +21%, and will deliver energy efficient homes in an accessible location.
- Not only are there are no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which justify the grant of planning permission.
- The Appeal Scheme is submitted in accordance with the NPPF. As such, the Scheme should be allowed so as to permit a sustainable form of much needed new market and affordable housing, and care home accommodation which help to address the District's housing needs and to provide the additional benefits which have been identified.

NPPF (Dec 2024)

- 4.20. The NPPF is a weighty material consideration, given that the most important Development Plan policies for determination of the application are out of date. As such, we highlight key NPPF paragraphs here, before moving on to provide an assessment of the key issues arising, relevant Development Plan policy and material considerations.

- 4.21. The content of the NPPF as it relates to the Proposed Development of the Appeal Site is addressed in the order set out below:
 - Achieving sustainable development
 - Decision making
 - Delivering a sufficient supply of homes
 - Promoting sustainable transport
 - Achieving well-designed and beautiful places
 - Protecting Green Belt land
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment.

Achieving sustainable development:

- 4.22. Paragraph 8 of the NPPF identifies the three dimensions to sustainable development, comprising (a) economic, (b) social and (c) environmental considerations.

Economic role:

- 4.23. The economic role requires that the planning system ensure sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved via this proposal, on the basis that it is located within a sustainable location, within walking and cycling distance of local services and facilities. It also provides for housing development of the type and mix required

to meet identified needs.

Social role:

- 4.24. The social role requires that the planning system deliver sufficient supply of housing (to enable communities access to the homes they need), creating a high-quality, well designed built environment, accessible to local services and reflecting the community's needs. All of these requirements can be achieved via this Proposal.

Environmental role:

- 4.25. The environmental role requires that the planning system protect and enhance the natural, built and historic environment. This can be achieved with this Proposal, in a location that will not result in any significant adverse effects upon the character of the wider surrounding area. It will also deliver biodiversity improvements and a new expansive area of green space.
- 4.26. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 11 (d) makes it clear that where the policies which are most important for determining the application are out of date (as is the case here), permission should be granted unless (i) policies in the NPPF protecting areas of importance provide a strong reason for refusal (which doesn't apply here) or (ii) any adverse impact of granting permission would "significantly and demonstrably" outweigh the benefits. They do not.
- 4.27. Recent changes to the wording of 11(d)(ii) make clear that sustainability of location, the effective use of land, delivery of affordable housing, and quality design are particularly important considerations.
- 4.28. The Appeal Site has been accepted as being highly sustainable and the proposal delivers 50% affordable housing, in excess of local policy requirements. Whilst the Appeal Scheme is submitted in outline, with the Parameter Plans providing the 'fixes; for the purpose of assessing the impact of the Scheme, the layout and design detail will ensure effective use of land whilst delivering high quality design which is informed by and complements its

context.

- 4.29. The analysis below demonstrates that the policies for the supply of housing in Tandridge District are out of date, in terms of both the housing requirement itself, and the settlement boundaries which historically sought to identify where development would be supported.
- 4.30. This is due to the fact that the spatial strategy pre-dates the introduction of the NPPF and is based on a housing requirement which falls far short of current requirements. Furthermore, delivery has fallen well below planned rates (as evidenced by the Housing Delivery Test result) and looking forward, there is a very substantial shortfall in future housing land supply.
- 4.31. The settlement boundaries are based on the 2008 Core Strategy housing requirement of 125dpa, which is a mere 12% of the current standard method requirement (**125dpa** as compared with the current housing requirement of **993 dpa**). The 125dpa figure was taken directly from the South East Plan, and as such, there has not been a strategy in place which addresses objectively assessed need for quite some time.

Decision making

- 4.32. Section 4 of the NPPF sets out the approach to decision-making.
- 4.33. Paragraph 39 makes clear that **decision makers at every level should seek to approve applications for sustainable development where possible.**
- 4.34. As detailed above, the Council accepts that this Appeal Site is in a sustainable location, as evidenced by the evidence base documents.

Delivering a Sufficient Supply of Homes

- 4.35. Section 5 of the NPPF sets out the government's revised approach to delivering a sufficient supply of homes.

- 4.36. As the Written Ministerial Statement (“WMS”) makes clear, the government is committed to addressing the acute and entrenched housing crisis. A planning and infrastructure bill is also due to be introduced to speed up and streamline the planning process.
- 4.37. The Government has made it clear that one of their main objectives is to build more homes of all tenures in seeking to provide for 370,000 new homes per annum.
- 4.38. The WMS makes it clear that decisions must be about how to meet housing needs not whether to do so at all. This approach heralds the imposition of mandatory housing targets.
- 4.39. Paragraph 61 sets out the Government’s objective of significantly boosting the supply of homes.
- 4.40. Paragraph 62 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method set out in national planning guidance, unless an alternative approach is justified.
- 4.41. Paragraph 78 sets the requirement for LPAs such as Tandridge (whose Local Plan is more than five years old) to identify and update annually a five year supply of deliverable housing sites based upon the application of the Local Housing Needs, derived from the Standard Method.
- 4.42. Based upon the recent Housing Delivery Test (“HDT”) results (Dec 2024), Tandridge must add a 20% buffer to this requirement, due to persistent under delivery in recent years.
- 4.43. The Council accepts that they do not have a five year supply of deliverable sites and that the tilted balance of paragraph 11(d)(ii) is engaged. The Appeal Scheme, delivering up to 190 dwellings and an 80 bed extra care home would make a notable contribution towards the very substantial housing shortfall in Tandridge District.

4.44. Pursuant to footnote 8, a lack of such supply triggers the presumption in favour of sustainable development at paragraph 11(d)(ii) NPPF.

Healthy Communities

4.45. Section 8 sets out the approach to achieving healthy, inclusive and safe communities.

4.46. Paragraph 98 sets out a requirement to provide the social, recreational and cultural facilities and services needed.

4.47. Paragraph 100 sets out the importance of meeting education needs arising from existing and new communities requiring LPAs to take a proactive, positive and collaborative approach to meeting this requirement.

4.48. Paragraph 103 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

4.49. Paragraph 105 requires that the planning system protects and enhances public rights of way and takes opportunities to add links to the existing network.

4.50. The Appeal Scheme achieves both objectives, including through the provision of on site open space and enhancements to the public rights of way network, improving the quality of the right of way through the Site and enhancing permeability of the Site.

Sustainable Transport

4.51. Section 9 sets out the approach to promoting sustainable transport.

4.52. Paragraph 109 requires transport issues to be considered from the earliest stages of development proposals, identifying transport solution that deliver well-designed and sustainable places.

4.53. Paragraph 110 states that the planning system should actively manage patterns of growth; focusing significant development on locations which are, or

can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes.

- 4.54. The Appeal Scheme has been subject to considered and collaborative pre application engagement with County Highways and the LPA. Their advice has informed the overall approach to the proposed transport solutions as an integrated approach to the overall scheme design.
- 4.55. This Appeal Site is accepted by the Council as a sustainable location (as evidenced by the 2018 HELAA process, and the conclusion that it is in accordance with the preferred strategy) and is within safe and convenient walking access to local services and facilities.
- 4.56. Paragraph 115 sets out 4 criteria to be applied when assessing the suitability of specific applications for development.
- 4.57. The Appeal Scheme satisfies the requirements of paragraph 115 on account of ensuring the following:
 - a) sustainable transport modes are prioritised
 - b) safe and suitable access to the site can be achieved for all users
 - c) the Development Framework Plan provides for a network of streets, parking areas with details to be secured at the reserved matters stage
 - d) impacts from the development on the transport network can be mitigated by means of necessary off site highway works to be secured through a legal agreement
- 4.58. Paragraph 116 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on Highway safety or the residual cumulative impacts on the road network following mitigation would be severe. That is not the case here, with Surrey County Highways as the Local Highway Authority, confirming no objection to the Appeal Scheme subject to securing the requisite off-site highway improvement works.
- 4.59. Finally, and in addition, the Appeal Scheme also satisfies the provisions set out within paragraph 117 of the NPPF.

Achieving well-designed places

- 4.60. Section 12 sets out the approach to achieving well-designed places.
- 4.61. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.62. Good design is at the heart of sustainable development.
- 4.63. Paragraph 135 sets out assessment criteria to be applied in considering the suitability of developments in design terms. Again, all of these requirements are satisfied with the Appeal Scheme (the accompanying DAS refers).
- 4.64. Paragraph 136 adds that trees make an important contribution to character and quality and that opportunities should be taken to incorporate trees.

Protecting Green Belt Land

- 4.65. Chapter 13 of the NPPF sets out national policy for protection of Green Belt land. Paragraph 142 establishes that the Government attaches great importance to the Green Belt and paragraph 143 set out the purposes of Green Belt designation.
- 4.66. Paragraphs 145 and 146 make clear that where an LPA cannot meet its identified need for homes, this would amount to exceptional circumstances justifying alteration of Green Belt boundaries. As such, Tandridge's emerging Local Plan will need to go further than in the past to identify additional land to meet housing needs. Pursuant to paragraph 148, sustainability of locations must be a key factor in the process of Green Belt boundary review.
- 4.67. In the context of decision making, paragraph 153 directs that substantial weight be given to any harm to the Green Belt.
- 4.68. Paragraphs 154 and 155 now set out a number of instances where development would not amount to "inappropriate development" in the Green

Belt.

- 4.69. Paragraph 155 contains the new 'Grey Belt' concept (with a definition of this term now provided in Annex 2).
- 4.70. Paragraph 156 sets out a number of 'Golden Rules' for the development of such Grey Belt land.

Meeting the challenge of climate change and flooding

- 4.71. Section 14 relates to flood risk and climate change, within the objective of seeking to ensure development avoids areas at higher risk of flooding.
- 4.72. As detailed above, a Flood Risk Assessment and Drainage Strategy has been prepared and ensures relevant policy and guidance is satisfied.
- 4.73. The Appeal Scheme will not cause any increase in flooding beyond the Appeal Site. Surface water will be attenuated on site in a network of swales, attenuation basins and soakaways, then released at existing greenfield rates into the adjacent watercourse.
- 4.74. In accordance with the approach set out at paragraphs 173 and 175 of the NPPF, a Sequential Test has been undertaken and it is not a reason for refusal, which position is of no surprise given the findings contained therein.

Natural Environment

- 4.75. Section 15 relates to the natural environment.
- 4.76. Paragraph 187 seeks to protect and enhance 'valued landscapes' (which does not apply here) and 'recognise the intrinsic character and beauty of the countryside'.

Historic Environment

- 4.77. Section 16 sets out the approach to conserving and enhancing the historic environment.

4.78. The low level of less than substantial harm has been factored into the assessment of the Appeal Scheme's acceptability in the context of paragraph 215 of the NPPF.

Identified Local Housing Need and 5 Year Housing Land Supply Position

4.79. As set out in the Officer's Delegated Report upon the Appeal Application, the Council accepts that they cannot demonstrate the necessary five-year supply of housing land; and in their estimation, can only demonstrate 1.71 year supply of deliverable housing land (paragraph 27 of the Report refers).

4.80. The Report identifies that the requirement for the five year period April 2024 to March 2029 (including a 20% buffer) is now 4,964 dwellings (or 993dpa).

4.81. For the Council to demonstrate 1.71 year supply for the period April 2024 to March 2029, the overall deliverable supply must be 1,698 dwellings³. The Council has not explained the reasons for the increase in supply of 234 dwellings from the 1,464 dwelling figure stated in Tables 15 and 16 of the AMR 2023/24.

4.82. Our assessment of the Council's five year housing land supply position is predicated upon the application of the SM housing requirement figure.

4.83. The latest methodology takes account of information on the dwelling stock⁴ alongside an average of median workplace-based affordability ratios⁵. The outputs of these factors indicate that the District's housing need is for at least **826 dwellings annually**.

³ 1.71 x 993

⁴ Most recently published 22nd May 2025 (Table 125). The 2024 dwelling stock figure for Tandridge district is 38,160 which applying the 0.8% ratio results in a figure of 305.28

⁵ Most recently published 24th March 2025. The five year average affordability ratio for the district (2020-24) is 13.98 which results in an overall affordability adjustment using the specified formula in the PPG of 2.7062

4.84. The Council correctly includes a minimum 20% obligated by the December 2024 NPPF and the outputs in the results of Housing Delivery Test ("HDT"), most recently issued on 12th December 2024.

4.85. The overall five year target applying the Standard Method figure of 826dpa with a 20% buffer results in a requirement of 4,956 dwellings (991dpa) to be met in the five year period 1 April 2024 to 31 March 2029.

4.86. The Council's purported supply of 1,464 dwellings (tables 15 and 16 of the 2023/24 AMR) results in a 3,492 dwellings deficit against the 4,956 dwellings SM housing requirement specified above. On the Council's figures, this represents a **supply of only 1.48 years**.

4.87. Whilst the Council accepts that it is unable to demonstrate a five year supply for the period April 2024 to March 2029, **our position is that the Council's deficit is greater than the 3,492 dwellings specified above**.

4.88. In reviewing the components of housing supply, the Appellant disputes a proportion of the supply since the dwellings were either completed before the base date of the assessment (1st April 2024) or are not supported by the relevant evidence. This results in the Appellant reducing the extent of the district's deliverable supply to 860 dwellings.

4.89. The implications for the achievement of the minimum 5 year supply are shown in Table 2 below.

Table 2: The Respective 5yr HLS Positions

Step	LPA	WBP
A - Annual requirement (1/4/24 – 31/3/29)	826	826
B - Base year Requirement: (1/4/24 – 31/3/29) (A x 5)	4,130	4,130
C - Add 20% buffer pursuant to HDT (B x 20%)	826	826
D – Final five year requirement (1/4/24-31/3/29) (B + C)	4,956	4,956
E - Annual requirement (1/4/25 – 31/3/30) (F/5)	991.2	991.2
F – Deliverable supply (1/4/25 – 31/3/30)	1,464	860
G - No. Years Supply (F/E)	1.48	0.87
H - Extent of Surplus / Shortfall compared to 5 year requirement (F – D)	-3,492	-4,096

- 4.90. Table 2 identifies a significant deficit when applying the Council's assessment or that undertaken by the Appellant.
- 4.91. As confirmed in case law (see *Hallam Land Management Ltd v Secretary of State* [2018] EWCA Civ 1808), the extent of the shortfall is relevant to the weight that can be given to out-of-date policies, as well as to the benefits of housing delivery. In addition, Paragraph 232 of the NPPF requires that the weight to be given to policies according to their degree of consistency with the Framework – with more weight given to policies which are consistent with the NPPF's objectives and goals. Accordingly, the extent of the shortfall is substantially material to assessing the merits of housing delivery from the Appeal Scheme.
- 4.92. The Appellant will liaise with the Council with a view to preparing a separate Statement of Common Ground on housing land supply. This will include matters in relation to the five-year requirement and the deliverability or otherwise of the identified components of supply, hopefully narrowing the issues between the parties on this issue and saving time and resources at the inquiry.
- 4.93. The Council's inability to demonstrate five-year supply of housing land supply engages the presumption in favour of sustainable development pursuant to NPPF paragraph 11d.
- 4.94. The Appeal Site is controlled by the Appellant, a housing developer, and it can be delivered quickly, thus contributing towards the 5-year housing land supply shortfall; representing a substantial benefit of the proposal.
- 4.95. The delivery of market housing from the Appeal Scheme, in a sustainable location is a material consideration of **substantial weight** in favour of the grant of planning permission.

Affordable Housing Need

The National Picture

- 4.96. The Appeal Scheme proposes the on-site provision of up to 95 affordable dwellings, which amounts 50% of the total number of dwellings to be provided, which is compliant with the requirements for a grey belt proposal within the Green Belt as envisaged by the NPPF.

- 4.97. In advance of the Inspector's consideration of the appeal, so that matters on affordable housing need and supply can be resolved at the earliest opportunity within the appeal process, the appellant sets out below their position on the extent of affordable housing need in Tandridge. This detail is provided up front in this Statement of Case to allow for early discussions with the Council in order to agree the terms of an Affordable Housing SoCG, either as a standalone document or as part of the more comprehensive Planning SoCG.

- 4.98. The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework (2012, 2018, 2019, 2021, 2023 and 2024 versions).

- 4.99. The NPPF is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.

- 4.100. The NPPF sets a strong emphasis on the delivery of sustainable development, including affordable homes, at paragraphs 20 and 63.

- 4.101. Paragraph 61 clearly sets out the Government's aim to "boost significantly the supply of homes" while throughout the NPPF the importance of affordable housing is highlighted (paragraphs 11dii, 63, 64, 65, 66, 67, 71, 76, 82, 154f, 156 and 157).

- 4.102. The need for affordable housing and importance is emphasised in many Government publications, including:

- Building the Homes We Need ministerial statement by the Deputy Prime Minister on 30th July 2024.
- Written Ministerial Statement made by the Minister of State for Housing and Planning on 12 December 2024 (Publication of new NPPF).
- Statements by the Chancellor associated with the publication of the National Infrastructure Strategy (19th June 2025);
- Letter from Baroness Taylor of Stevenage (Parliamentary under-Secretary of State for Housing and Local Government to Cotswold District Council on 18th August 2025 with respect to housing targets

4.103. The most recent statement of intent from the Government is set out in a recent letter to Cotswold District Council, which acknowledges the very significant national housing crisis which position is quoted below:

As I am sure you are aware, we are in the middle of one of the most acute housing crises in living memory. Home ownership is out of reach for too many, too few homes are built, and even fewer are genuinely affordable. Our housing shortage drives high rents and leaves some of the most vulnerable without access to a safe and secure home. The Government believes that we must build more homes, and in the places where people want to live and work, and that the best way to deliver is through a reformed planning system. Housing targets are an important tool to ensure housing is delivered in the right places.

In December 2024, the Government implemented a new standard method for assessing housing needs which aligns with the ambition for 1.5 million new homes over this parliament, and that better directs new homes to where they are most needed and least affordable.

The Government has always been clear these are ambitious targets. To identify the minimum number of homes expected to be planned for, the standard method uses a formula that incorporates a baseline of local housing stock, which is then adjusted upwards to reflect local affordability pressures. Areas where unaffordability is most acute see the largest adjustment.

A standard method is used by local authorities to inform the preparation of their local plans. Once local housing need has been assessed, authorities should then make an assessment of the number of new homes that can be provided in their area. This should be justified by evidence on land availability and constraints on development, such as National

Landscapes, areas at risk of flooding, and any other relevant matters.

The new method strikes a balance between meeting the scale of need across the country and focusing additional growth on those places facing the biggest affordability pressures, by more than doubling the affordability multiplier applied in the method. It is based on a more objective assessment of need, supports a more strategic approach to housing, distributing growth across wider city regions, not just to the largest urban authorities within our largest cities. Housing need across Mayoral Combined Authority areas will increase by over twenty percent compared to the current method.

Where housing delivery lags behind local need, it is right that local authorities take the steps necessary to increase housing delivery, including bringing forward new homes from outside the plan, where appropriate. However, the Government is clear that this is not a passport to poor quality housing, and it has added new safeguards to 'the presumption' to ensure this. While the lack of a five-year housing land supply is a strong indicator of housing need in an area not being sufficiently met, this does not mean that planning permission for housing will be automatically granted, and local planning authorities must consider a range of factors when determining planning applications.

All areas of the country must play their part in building the homes we need. The Government expects local authorities to explore all options to deliver the homes their communities need: maximising brownfield land, working with neighbouring authorities, and, where necessary, reviewing Green Belt. Each authority is expected to assess and plan how to meet its local housing needs over the plan period.

Each local plan is subject to a public examination in front of an independent Inspector, who plays an important role in examining plans impartially to ensure that they are legally compliant and sound. A sound plan should be consistent with national policy, be positively prepared, effective, and based on proportionate evidence. Plans should also take the views of local people into account.

As you know, the Government was elected on a manifesto that included a clear commitment to build 1.5 million new homes in this Parliament. To deliver on that objective, the revised National Planning Policy Framework (NPPF), published on 12 December 2024, introduced a new standard method for assessing local housing needs which better reflect housing pressures across the country, and that uses a stronger affordability multiplier to focus additional growth on those places facing the biggest affordability challenges.

All parts of the country, including your area, are required to play their part, and decisions made locally should be about how to meet housing needs, not whether to do so at all.

Getting a local plan in place is the most effective protection against speculative development. Cotswold District Council last adopted a local plan in 2018, and the Government is aware you have been working on an update since 2020, with public consultations in 2022 and 2024. Where plans are not up to date, it is right that development can come forward outside of the plan. **From the Government's point of view, the homes our country needs cannot be put on hold. (Our emphasis)**

4.104. Whilst this letter was addressed to Cotswold District Council, it is nevertheless expresses the clear expectation for all areas to facilitate delivery of homes to address the national housing crisis.

4.105. As noted there has been consistent references to a national housing crisis, including by the Secretary of State in her statement to the Commons on 30th July 2024⁶. This statement including the following of relevance:

The Government have today set out the first major steps in their plan to build the homes this country needs.

Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars: stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country, and so nowhere is decisive reform needed more urgently than in housing.

We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.

That is why today I have set out reforms to fix the foundations of our housing and planning system, taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.

⁶ Column 63WS

Where authorities are under-performing —be that lacking a sufficient land supply or failing to deliver enough homes, as measured by the housing delivery test—we will therefore also make it clear that applications for sites not allocated in a plan must be considered where they relate to brownfield and grey-belt land.

4.106. There was recognition by members of the Conservative party of the extent of an ongoing housing crisis before the last election. This was through the statement of Lord Young of Cookham in the House of Lords on 14th March 2023⁷. Within his statement, it indicated:

I want to outline what steps might be taken in the next Parliament to improve housing outcomes for everyone, but particularly for young people. They have been one of the principal casualties of the housing market, which the Government themselves admitted in their White Paper seven years ago was broken and which is now, at best, convalescing. The foreword to that White Paper said:

“Soaring prices and rising rents caused by a shortage of the right homes in the right places has slammed the door of the housing market in the face of a whole generation”.

In 1989, more than half of those aged 25 to 34 had a home of their own; now that figure is about a quarter. The most common form of living for those of that age is with their parents. Shelter tells me 45% of renters aged 16 to 24 spend half or more of their income on rent. Many would spend far less with a mortgage on the same property, but the high rent means that they cannot afford a deposit—and, not always mentioned, they are now getting much less space within each flat.

There are wider political consequences from this. That generation of young people have parents and grandparents who share their concern—and may indeed be sharing their home—and will be looking for solutions when they vote later this year.

I was lucky enough to have done nine years as Housing Minister, in four Parliaments, under seven Secretaries of State—counting the noble Lord, Lord Heseltine, twice—and with four Permanent Secretaries, confounding the usual “Yes Minister” caricature of transient politicians and permanent civil servants. I draw on that experience in my contribution to this debate, recognising that I got many things wrong.

⁷ Column 2209

The first job of the Prime Minister after the election is to make it clear that the Housing Minister will be there, barring accidents, for the whole of that Parliament. That was not unusual. In my first nine years in the other place, there were two Housing Ministers, each lasting the whole Parliament, and both were highly effective. Since 2010, there have been 16. It is important to understand why this is a serious mistake.

An effective Housing Minister who will drive through the radical changes that are needed must build a strong personal relationship with the key players: the National Housing Federation, Homes England, the LGA, the Chartered Institute of Housing, the Town and Country Planning Association, the Home Builders Federation, and many others, including the think tanks. You cannot subcontract the building of those relationships to civil servants. That takes time.

4.107. The housing crises remains to be resolved as emphasised by the actions of the Government and reinforced by the letter of July 2025 to Cotswold District Council. There is an ongoing housing crisis nationally and the Government places significant weight of the essential role of local authorities in applying the measures in the planning system to ensure that this is addressed at the earliest opportunity. This objective therefore applies to increasing the provision of both market and affordable homes.

4.108. Given the ongoing housing crisis, it is therefore clear of the importance placed by the Government on the provision of new homes, including affordable.

Affordable Housing Need in Tandridge District

4.109. There is an acute need for affordable housing within the District, which is confirmed in recent appeal decisions in the District.

4.110. In the appeal decision for land at Chichele Road, Oxted (11th December 2024)⁸ the Inspector (paragraphs 78) confirmed).

“The appeal scheme would also deliver 58 affordable units, consisting of a mix of first home dwellings, affordable rented housing and shared ownership units. The provision

⁸ LPA ref TA/2023/1345 & PINS ref APP/M3645/W/24/33459915

of on-site affordable housing at a rate of 50% would exceed the 34% requirement set by Policy CSP4 of the CS. The presented evidence also clearly demonstrates that there is an acute shortage of affordable housing within the District. Again, I acknowledge the efforts engaged by the Council to provide additional affordable homes but, these are unlikely to suffice on their own to address the scale of the shortfall.”

(Our emphasis underlined)

- 4.111. Paragraph 8.3 of the Core Strategy refers to a high level of unmet need, whilst paragraph 8.4 refers to an annual shortfall of 449 dwellings. This unmet need has persisted and paragraph 127 of the Council's Housing Strategy (2019 to 2023) states meeting the District's need for affordable housing will be a sizeable task. It in turn refers to the Turley Report (Affordable Housing Needs Assessment – Updated Technical Paper for Tandridge District Council – June 2018) which calculates there is a need for 456 affordable homes per annum for the next 5 years⁹ and subsequently 284 homes per annum until 2033. It is added that this poses a significant challenge for the Council in balancing economic growth and social progress for residents while recognising the District's environmental constraints and unique characteristics.
- 4.112. Once the backlog is cleared, only newly arising need will need to be met, requiring 284 affordable homes annually for the remainder of the plan period.
- 4.113. Table 3 below compares the affordable housing need identified in the Updated Turley Report against the affordable completions in the district (data obtained from Government Statistics)¹⁰ said to have been achieved at Table 4 of the AMR.

⁹ As data in the Updated Report covers information up to April 2018 (as per paragraphs 2.5 and 211), the five year period for achieving 456 affordable dwellings is taken to be from April 2018 through to March 2023.

¹⁰ Table 1011C of the Government's Live Tables on Affordable Housing Supply.

Table 3: Summary of affordable housing delivery in Tandridge District

Year	Net Dwelling Completions		Updated Affordable Housing Technical Paper (2018)		
	All	Affordable	Requirement	Difference	Cumulative Provision
2018/19	244	76	456	-380	-380
2019/20	262	122	456	-334	-714
2020/21	117	44	456	-412	-1,126
2021/22	238	60	456	-396	-1,522
2022/23	303	59	456	-397	-1,919
2023/24	238	75	284	-209	-2,128
Total	1,402	436	2,564	-2,128	-2,128

4.114. As the above Table indicates, the delivery of 436 affordable dwellings achieved in the period 2018 to 2024 represents an **under provision of 2,128 dwellings** when compared to the requirements assessed in Council's Affordable Housing Technical Paper (Update) (2018). The provision of 436 dwellings only equates to 31% of the district's housing completions during this period.

4.115. Table 3 clearly demonstrates that affordable housing delivery in Tandridge District has to date been insufficient to address the backlog in need, let alone that associated with the generation of additional need.

4.116. Paragraph 63 of the NPPF indicates that the context of assessing affordable housing need must be within the overall framework of a local housing need assessment, as explained in paragraph 62.

4.117. The Updated Technical Assessment (2018) indicates that at April 2018, there were 872 households in affordable housing need (table 2.1).

4.118. This evidence contrasts with that from the Government (derived from the Council's submission on its housing register)¹¹. This indicates that in 2018 there were 1,399 households on the register (of which 1,081 were households in a "reasonable preference category". However, page 7 of the Council's Housing Strategy 2019 to 2023 suggests there were 1,555 persons on the housing waiting list at July 2018.

¹¹ <https://www.gov.uk/government/collections/local-authority-housing-data#2017-to-2018>.

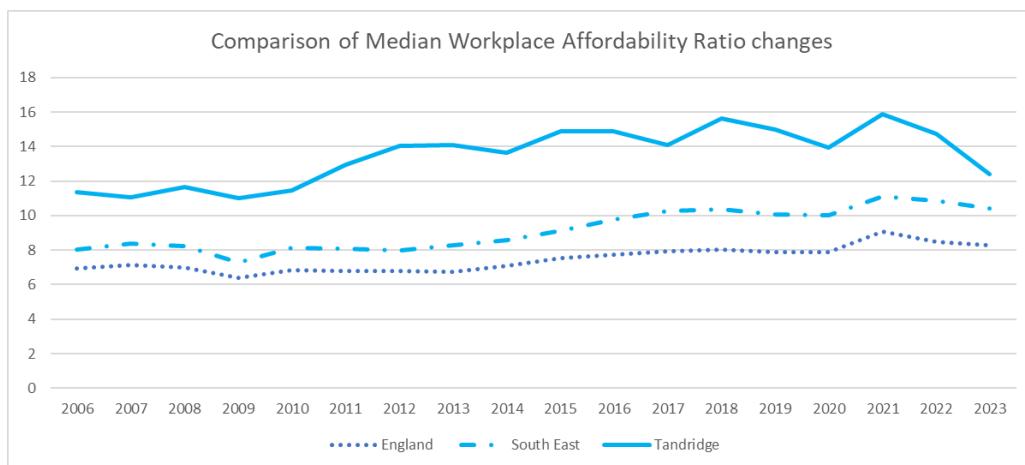
4.119. Whilst the above references the extent of affordable need on the housing register in 2018, Government Statistics detail how these have changed since, including the implications of the low affordable housing delivery in the district. This is shown in Table 4 below.

Table 4: Extent of housing waiting list in Tandridge District¹²

	1/4/18	1/4/19	1/4/20	1/4/21	1/4/22	1/4/23	1/4/24
Households on waiting list	1,399	1,424	1,734	1,718	1,788	1,910	1,835
Households in reasonable preference category	1,081	1,168	1,429	1,467	1,517	1,156	1,388
Homeless	65	42	49	76	36	54	83

4.120. Consequently, with significant unmet need as illustrated by 1,835 households on the register in 2024, the contribution of 95 affordable homes on the application site would make a substantial contribution towards address the identified needs of people in the District.

4.121. Tandridge has also experienced worsening of the affordability ratios in the District as illustrated below.



4.122. The chart also shows that affordability ratios in Tandridge District are significantly above those of England and the South East region.

¹² Data from <https://www.gov.uk/government/collections/local-authority-housing-data>.

4.123. The chart shows that affordable housing is acutely needed with the house prices to earnings ratio of 12.38 in Tandridge in 2023. Whilst it has declined, it remains very significantly above the regional and national figures. It is a crippling affordability ratio.

4.124. A step change in the delivery of affordable housing is therefore required if the Council is to get anywhere near to resolve the significant need as assessed in the Technical Assessment (including the Update) alongside the housing register and consequently begin to address the dysfunctions of the local housing market.

4.125. The Appeal Site in providing 95 affordable homes would make a very significant contribution towards addressing the clear affordable housing need in the district.

4.126. Other parts of this Statement of Case reference the accessibility of the Appeal Site to the services and facilities in Oxted.

4.127. The provision of up to 95 affordable homes on the Appeal site¹³ in the right location for affordable needs is a **benefit of very substantial weight**, especially as it is over 33%¹⁴ of the District's annual affordable need.

Future affordable housing supply

4.128. The future delivery of affordable housing in Tandridge District is highly uncertain. In addition to the current shortfall, there is also the question of whether future needs will be met. The risks of not meeting these needs are heightened by the fact that any future housing supply delivered through permitted development conversions is exempt from affordable housing, and on brownfield sites, the affordable housing potential is tempered by vacant building credit and or viability considerations. This has the potential to make the situation even more severe, not just for Tandridge District's vulnerable position

¹³ Equates to 39.6%

¹⁴ 95 of 285

on affordable housing land supply, but for the significant number of households on the Council's Housing Register (1,835 households as detailed in Table 4).

- 4.129. If 31% of the five-year supply is affordable (as per the average delivery shown in Table 2), then there is a woeful under supply of affordable homes accounted for in the Council's past supply compared to what is required. This reinforces the need for larger schemes that have the ability to make material contributions towards affordable housing delivery in contrast to delivery over the past 6 years.
- 4.130. Paragraph 63 of the NPPF requires that the needs of groups with specific housing requirements are addressed, which includes those requiring affordable housing. Whilst the Council's AMR 2023/24 at paragraph 56 indicates that 121 affordable homes are under construction, this is only 42% of the assessed annual need for 258 affordable homes as indicated in the Updated Turley Report (2018). Consequently, the substantial under-delivery of affordable housing will only get worse.
- 4.131. There is no guarantee that existing permissions will provide sufficient homes to address continuing annual need for 258 affordable dwellings (assessed in the Updated Turley Report) together with the 1,835 households on the Housing Register.
- 4.132. The failure to meet the identified needs of affordable housing is a dire situation indicating that the Council is not fulfilling the objectives in paragraph 61 of the NPPF. The continued under-delivery of affordable housing has contributed to the worsening of the affordability ratios in the District as indicated earlier in the chart.
- 4.133. It is therefore essential that further increases in house building occurs to improve affordability, especially given the continual under-delivery in supply.
- 4.134. A step change in the delivery of affordable housing is therefore required if the Council is to get anywhere near the accepted identified need in the Updated Turley Report and begin to address the dysfunctions of the local housing

market. Such a step change would be consistent with the thrust of paragraph 61 of the NPPF, to boost significantly the supply of homes.

4.135. Consequently, there can be no doubt that there is an acute need for affordable housing in Tandridge District. The evidence set out above emphasises that the provision of affordable housing should be afforded **very substantial weight** in the overall planning balance. This proposal includes a level of affordable housing provision at 50%, consistent with that required by the NPPF for a Grey Belt site. This is a significant benefit of the Appeal Scheme given the ongoing unresolved affordable housing needs as indicated by the Council's housing register. The most recent information on this shows 1,835 households on the register, which is 5.2% of the District's 35,621 households as confirmed in the 2021 Census.

80-Bed Extra Care Facility

4.136. The Tetlow King report submitted with the Appeal Application assesses the local need for specialist care accommodation within Tandridge, both in the short term up to 2027 and longer term up to 2040.

4.137. Based on the analysis set out in that report, the rate of residential care home accommodation in Tandridge is below the England average, at 31.24 beds per 1000 of the age 75+ population, compared to 35.75 across England.

4.138. The assessment identifies a need for 34 additional residential care beds by 2030 and 66 by 2035. The assessment also demonstrates a shortfall in en-suite single occupancy bed spaces. As such, the assessment of *qualitative* factors demonstrates an undersupply.

4.139. Taking account of these qualitative factors, the analysis shows a need for an additional 550 personal care beds and 104 nursing beds in the period 2023 to 2040, plus 82 dementia beds. In the shorter term (2023-2027) there is still a significant demand for new care home bed provision

5. The Main Issues for the Determination of the Appeal

Main Issues for Determination

5.1. Reflecting the content of the Appeal Application particulars, and the assessment of the Scheme undertaken by TDC, the Appellant has carried out an assessment of the Appeal Scheme under the following main issues:

- The principle of development in the Green Belt
- Landscape Impact
- Heritage Impact
- Impact on Ancient Woodland and Ecology
- The Overall Planning Balance

5.2. Each 'main issue' is addressed in turn below.

Main Issue 1: The Principle of Development in the Green Belt

The Council's Case

5.3. The Council's position (as set out in reason for refusal 1) is that the principle of development is unacceptable, because the Appeal Site is located in the Green Belt; and, on their assessment, because it does not constitute Grey Belt, development is inappropriate.

5.4. This triggers an assessment of the Scheme within the context of paragraph 153 of the NPPF. In this scenario, it is the Council's case that the Green Belt harm they identify (definitional harm, significant harm to openness (spatially and visually) and 'significant other planning harm' would not be clearly outweighed by the benefits, such that, on their case, very special circumstances do not exist.

The Appellant's Case

The Five Green Belt Purposes

- 5.5. Paragraph 143 of the NPPF sets out the five Green Belt purposes.
- 5.6. The parties disagree as to whether the Appeal Site makes a strong contribution to purpose (a).
- 5.7. As explained in the Application Particulars¹⁵, the Appeal Scheme does not make a strong contribution to purpose (a). Although the Appeal Site is adjacent to a large built up area, its development would not result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt). Rather, the Appeal Site makes a ‘moderate’ contribution as it is subject to urbanising influences.
- 5.8. It is also agreed with the Council that the Appeal Site does not strongly contribute to purposes (b), (c) (d) or (e).

Inappropriate Development

- 5.9. Paragraph 153 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It adds that 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.
- 5.10. The parties agree that none of the exceptions at paragraph 154 of the NPPF are engaged by the Appeal Scheme.
- 5.11. If the Appeal Site is not found to comprise grey belt land, the merits of the proposal fall to be determined under the approach at paragraph 153 of the NPPF.

¹⁵ Including Section 6 of the Planning Statement, where paragraphs 6.93 to 6.119 address Grey Belt matters.

- 5.12. In that scenario, the Appeal Scheme would constitute definitional harm to the Green Belt. It would also result in spatial and visual harm to the openness of the Green Belt; and conflict with purpose (c) (encroachment) (paragraph 143 of the NPPF).
- 5.13. In this scenario, it is the Appellant's position that the Green Belt harm and any other harm resulting from the proposal is clearly outweighed by other considerations.

Grey Belt

- 5.14. Paragraph 155 of the NPPF introduces the concept of 'Grey Belt' land, which enables the development of homes, commercial or other development in the Green Belt not to be regarded as inappropriate if specified conditions are met.
- 5.15. 'Grey Belt' is defined in the Glossary to the NPPF as land in the Green Belt that does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the NPPF. However, it excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing development.
- 5.16. The specific conditions at paragraph 155 of the NPPF that would need to be satisfied by the Appeal Scheme are as follows:
 - a) The development would need to utilise Grey Belt land and would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location; and
 - d) The development meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 of the NPPF.
- 5.17. The parties disagree on whether the Appeal Site meets the Grey Belt definition at point (a) (See paragraph 5.7 above).

5.18. However, it is agreed that (b) there is a demonstrable unmet need for the Appeal Scheme (due to the lack of a five year supply of deliverable housing land); and (c) the Appeal Scheme is in a sustainable location.

5.19. In accordance with paragraph 156 of the NPPF, the Appeal Scheme makes the following contributions:

- Affordable housing (50%)
- Secures monetary contributions through the S106 towards local infrastructure; and
- Provides publicly accessible open space

5.20. In accordance with paragraph 157 of the NPPF, the Appeal Scheme secures 50% affordable housing (subject to receipt of a signed S106 Agreement).

5.21. In the circumstances, it is agreed that the Appeal Scheme satisfies the 'Golden Rules' at paragraphs 156 and 157 of the NPPF.

5.22. In accordance with the approach set out at paragraph 158 of the NPPF, compliance with the Golden Rules attracts significant weight in favour of the grant of planning permission.

5.23. In addition to the disagreement on the contribution made by the Appeal Site to purpose (a), a further matter that remains in dispute is whether there are any footnote 7 considerations that would provide a strong reason for refusal.

5.24. For the purpose of determining the Appeal, the Council is of the view that heritage, landscape and impacts on irreplaceable habitats represent the footnote 7 considerations that remain as 'live' issues between the parties.

5.25. The Appellant's position is that heritage, landscape and irreplaceable habitats do not provide a strong reason for refusal. The Council's position is that they do. These matters are to be addressed in evidence.

5.26. If the Inspector concludes the Appeal Site/Scheme is Grey Belt and it accords with the Golden Rules, the proposal represents appropriate development and

should be positively determined in accordance with the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.

- 5.27. However, if the Inspector concludes the Appeal Site/Scheme is not Grey Belt, the proposal represents inappropriate development and should only be approved in very special circumstances.
- 5.28. In this scenario, the economic, social and environmental benefits arising from the Appeal Scheme amount to the very special circumstances to justify the grant of planning permission.
- 5.29. These matters will be addressed in evidence.

Main Issue 2: Landscape Impact

The Appellant's Case

- 5.30. The Council's position (as set out in reasons for refusal 2, 3 and 8) is that the Appeal Scheme will significantly detract from the overall character and appearance of the area, including the setting of the National Landscape. It is also argued that the proposal by National England to extend the National Landscape to include the Appeal Site means the grant of planning permission would be unjustified. It is also suggested that the development would have a major adverse effect on users of the public bridleway 97 that runs through the Appeal Site.

The Case of the Appellant

- 5.31. The Appeal Application was accompanied by a comprehensive Landscape and Visual Impact Appraisal ("LVIA").
- 5.32. A Landscape Statement of Case prepared by Elizabeth Bryant is Appended at **WBP1** and sets out the Appellant's case in response to the Council's landscape reasons for refusal, which matters are expanded upon below.
- 5.33. A landscape-led approach has been taken to the masterplan design, taking careful consideration of the relationship between the edges between Oxted and

the countryside, to ensure that the landscape acts as an integrating framework for the Appeal Scheme and an overarching green infrastructure provision forms part of the Land Use Parameter Plan. Publicly accessible open space and children's play areas will be provided as part of a Green Infrastructure strategy setting out landscaping and ecological enhancement proposals.

- 5.34. The concept design has been informed by a thorough analysis of the character and features of the existing landscape of the Appeal Site and its surroundings. The existing boundary vegetation, including hedgerows/ trees (some of which are subject to TPO) were identified as key constraints. The existing PRoW, was also identified as a key design driver, as was the relationship to St Mary's Church and graveyard.
- 5.35. The LVIA identifies that the Appeal Site has not been designated for its landscape value. It does not form part of the National Landscape, nor does it form part of a designated Area of Great Landscape Value (AGLV) (the latter being used widely across Surrey to protect areas outside the national landscape which have their own inherent landscape quality and act as a buffer to the national landscape itself).
- 5.36. The assessment also confirms that the Appeal Site is not a valued landscape. However, it does form part of the setting of the National Landscape due to proximity and the visual relationship with it.
- 5.37. The Council's Landscape Capacity and Sensitivity Study concluded that the Site is of moderate value and moderate sensitivity and that it has medium landscape capacity for housing development.
- 5.38. The LVIA concludes that on completion of the Appeal Scheme, landscape effects will be experienced by the Appeal Site and by local areas within the wider study area. The effects on the Appeal Site will be major and adverse and for the wider area, effects on landscape character will be minor and adverse. There will be negligible effects on the Surrey Hills National Landscape.
- 5.39. It is predicted that in terms of effects on visual amenity, users of the bridleway which crosses the Appeal Site will experience major and adverse effects; visitors to the burial ground and residents of properties on Wheeler Avenue will

experience moderate and adverse effects; and visitors to St Mary's Church, users of Barrow Green Road, Chalkpit Lane, Wheeler Avenue, and residents of properties north and west of the Appeal Site will experience minor and adverse effects.

- 5.40. Effects on the National Landscape itself are predicted to be negligible. The Appeal Scheme will not impact on any ridgelines and, due to intervening distance, will not impact on the tranquillity of the NL and will not harm any public views from it. Existing public views towards the scarp would be maintained and new public views of the scarp would be created from the extensive areas of public open space which are proposed.
- 5.41. Therefore, the requirements of CSP18 and DP7 are met, in terms of the character integrating with its surroundings. The requirements of CSP20 and 21 are inevitably not met in full, due to development of an open field within the setting of the national landscape, which will change the character of the Appeal Site at a local level.
- 5.42. At the time of lodging the Appeal, Natural England ("NE") is determining whether the Surrey Hills AONB ("NL") boundary should be varied; the Appeal Site lies within an area which NE are proposing for inclusion within the NL.
- 5.43. Whilst any decision to include the Appeal Site as part of the Surrey Hills NL Boundary Variation is a material consideration, the current position is that the Appeal Site is not within the NL. As such, the inclusion or otherwise of the Appeal Site within the NL in the future is not determinative given the many public benefits that are derived from the Appeal Scheme which justify the grant of planning permission.
- 5.44. Whilst a change in landscape character is unavoidable as a result of the Appeal Scheme, the changes will relate to the immediate landscape and townscape context of the Appeal Site, such as the experience of users of the public bridleway 97 which runs through the Appeal Site itself.

- 5.45. In accordance with the approach set out at paragraph 189 of the NPPF, the Appeal Scheme has been sensitively located and designed to minimise adverse impacts on the NL.
- 5.46. In a future baseline scenario, should the NL boundary be extended to include the Appeal Site, the significance of residual effects following implementation of the Appeal Scheme on the Appeal Site itself would remain as assessed in the LVIA, albeit subject to the duty to further the purposes of the NL.
- 5.47. In that scenario, the test at paragraph 190(a) of the NPPF would be engaged, requiring consideration and assessment of the need for the development, including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy.
- 5.48. In addressing the landscape impact of the Appeal Scheme, the Appellant will refer in evidence to relevant appeal decisions and case law, including, but not limited to, CPRE v SoSHCLG [2025], which approved 165 homes in the High Weald National Landscape, in which Justice Mould concludes (para 77) that 'section 85(A1) of the 2000 Act does not rule out the grant of planning permission for development in an AONB simply by virtue of the fact that the development would give rise to some, albeit limited, unavoidable harm to the natural landscape.'

Main Issue 3: Heritage Impact

The Council's Case

- 5.49. The Council's position is that the Appeal Scheme will result in less than substantial harm to the setting of St Mary's Church, a Grade I listed building, and Court Farm House, a Grade II listed building. Resulting from their assessment, the Council considers the Appeal Scheme is contrary to paragraph 215 of the NPPF because it has not been satisfactorily demonstrated that the public benefits of the development would outweigh the harm.

The Appellant's Case

- 5.50. As explained in the Heritage Impact Assessment ("HIA") submitted with the Appeal Application (RPS) (Feb 2025)), the HIA considers the impacts of the Appeal Scheme upon the identified heritage assets.
- 5.51. The HIA has been undertaken in accordance with paragraph 207 of the NPPF and Historic England guidance provided in *GPA3: The Setting of Heritage Assets*. It describes the significance of these heritage assets and assesses the contribution that their settings make to that significance. It also provides an assessment of the impact that the appeal scheme will have on the significance of the heritage assets.
- 5.52. The HIA demonstrates that this site makes a limited contribution to the significance of the Church of St Mary, as a remnant of its historic, rural setting. It also permits some public and private views of the listed building. Accordingly, it is concluded that the appeal scheme will alter this element of the listed building's setting. This will include changes to the approach to the listed building from the northwest and changes to the existing, limited views. It is concluded that the appeal scheme will give rise to a limited level of less than substantial harm to the significance of the Church of Saint Mary.
- 5.53. The HIA further concludes that this Site makes no contribution to the significance of Court Farm House and the appeal scheme will have no impact on the significance of this listed building.
- 5.54. In either scenario, whether one adopts the Appellant's position on the impact of the Appeal Scheme upon the designated heritage assets, or the Council's position, the Appellant concludes that the public benefits of the proposal outweigh the heritage harm sufficient to conclude that heritage is not a strong reason for refusal.

**Main Issue 4:
Impact on Ancient Woodland and Ecology**

The Council's Case

- 5.55. The Council is of the opinion that it has not been demonstrated that outline drainage proposals will not result in the loss or deterioration of an irreplaceable habitat both on site and off site, comprising The Bogs, Ancient Woodland which the council considers is both within and adjoining the site boundary.

The Appellant's Case

- 5.56. The outline drainage strategy has taken full account of 'The Bogs' which is a pSNCI and supports both ancient woodland and wet woodland.
- 5.57. The potential for direct and indirect impacts on ASNW (such as relational impacts, direct harm during construction, or hydrological changes due to implementation of the drainage strategy) has been assessed in the package of information submitted with the Appeal Application.
- 5.58. In particular, the Preliminary Ecological Appraisal (PEA) submitted with the Application (Ecology Partnership, December 2024) identifies that whilst the Site itself does not contain any parcels of ASNW.
- 5.59. The Bogs pSNCI covers both ancient woodland and wet woodland habitat. A small section of the wet woodland, which is not designated as ancient, but is designated as part of The Bogs pSNCI, is present on site.
- 5.60. A 15m buffer around the ASWN extends into the Site. In particular we refer the Council to paragraph 3.4 of the PEA, which identifies the presence of 2.2ha of ancient woodland adjacent to the southern site boundary; and Figure 3 of the PEA, which identifies that the ASNW lies wholly outside the Site boundary. That figure also identifies that there is a pocket of woodland within the Site boundary, adjacent to the ASNW, but which is not designated as such. The extent of the ancient woodland is also identified in Surrey Wildlife Records, which were purchased to support the baseline assessment.

5.61. The ecologist's conclusion on the extent of ASNW is based upon the Ancient Woodland Inventory (AWI) which was created through review of old maps to determine areas that had been continuously wooded for over 500 years. The woodland within the Site itself is not included in the inventory and is not included in SWT records and did not feature the ancient woodland indicators typical of ancient woodland, instead comprising alder, with very sparse understorey and a ground layer dominated by nettles and other species associated with nutrient enrichment.

5.62. The Ecological Impact Assessment (EIA) contained within the Environmental Statement (ES) provides further assessment on potential impacts to the ASNW at the Bogs; at table 10.7 The Bogs is identified as a high sensitivity receptor, containing a significant area of irreplaceable priority habitat. At paragraph 10.7.11 – 10.7.12 the ES confirms that all proposed works will be outside the 15m buffer from the ASNW and reaches the conclusion that there will be negligible/ neutral effect.

5.63. The impact assessment also reviewed the development proposals on the wet woodland which is located inside the red line boundary. This is not designated as ancient, but is covered by the pSNCI for The Bogs.

5.64. The Arboricultural Impact Assessment has been updated to provide additional assessment on the impact of the outfall pipework. (Paragraph 6.14 and Figure 2 have been updated to report on the potential for any ASNW and TPO impacts). The report identifies that the 150mm pipe will be installed just below the ground surface via hand dig methods and will not require removal of any established trees, only understorey vegetation (primarily elder, alder and goat willow) which will be restocked appropriately. No significant adverse impacts arise.

5.65. The surface water drainage proposals for the proposed development incorporate provision for no diminution in the supply of water from the application site by way of surface water run off to The Bogs by:

- using a staged discharge approach whereby post development flows to the ordinary watercourse running down the western edge of the application site

will replicate the greenfield Q2, Q30 and Q100 rates for the corresponding storm events, and

- the proposed development will be kept out of the existing spring area.

5.66. The Lead Local Flood Authority (LLFA) has confirmed that they are satisfied that the proposed drainage strategy meets their requirements, subject to a suitably worded condition, as set out in their letter dated 4th August 2025.

5.67. The development proposals will not affect groundwater or flows towards The Bogs. Nor will the proposals impact the Thames Water surface water sewer that drains into the watercourse to the northwest of the site. Accordingly, there will be no change in the flows entering the watercourse. Additionally, mitigation measures to divert an overland flow path that is predicted to form in the west of the site during extreme rainfall events have been designed to continue to convey flood flows through the site towards The Bogs, as per the existing condition.

5.68. As shown on the Illustrative Landscape Strategy Plan no development is proposed within 15m of the ASNW boundary. The drainage attenuation basins, roads and development plots (shown for illustrative purposes on the Illustrative Masterplan) are all located beyond the 15m buffer. This is compliant with the Government's Ancient Woodland Guidance (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions) (Jan 2022).

5.69. The existing habitats which lie adjacent to the ancient woodland (off site) and the wet woodland (which is both on and off site) are cultivated arable land, with limited margins and limited naturalised habitats. The loss of these habitats are not ecologically significant, these habitats are not semi natural and therefore do not provide the traditional ecotone associated with woodland edge.

5.70. The Scheme design is such that it provides wet grassland, species rich grassland and scrub planting, creating a new diverse woodland edge.

5.71. In terms of impacts from development, such as recreational impacts and other impacts such as lighting, these have been presented within the ES.

5.72. Access into the ancient woodland (which is off site and private) as well as the wet woodland which extends into the site, will be managed through fencing and planting, alongside the use of footpaths and access management. Lighting will be conditioned, by the southern aspect will be a dark corridor to remove impacts from changes in light levels.

5.73. The ecological surveys, including the desk based surveys which identified the extent of ancient woodland, are robust. It is considered that the design of the scheme, including the drainage, ensures that the wet woodland, the ancient woodland and the Bogs pSNCI will not be impacted by the proposals. Standard conditions, including a CEMP, and ecological enhancement plan and the HMMP will ensure that the development provides and secures ecological enhancement.

Main Issue 5:
The Overall Planning Balance

General

5.74. As in all cases, the Appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.75. As set out above, the development plan is out of date in terms of the spatial application of its housing policies. Additionally, the Council is not able to demonstrate a five-year supply of deliverable housing land. Furthermore, the presumption is also engaged on account of the HDT results.

5.76. Accordingly, although there is a degree of conflict with the settlement boundaries established under policies CP2 and CC02, this can and should rightly only be afforded **limited** weight.

Harms

5.77. As the “most important policies” are out-of-date for the purposes of paragraph 11(d) of the NPPF, and as there are no strong reasons for refusal in respect of footnote 7 matters, permission should be granted under 11(d)(ii).

5.78. This is because the adverse impacts of granting planning permission (localised landscape change, low level of less than substantial harm to St Mary's Church (through a change to the appreciation of its setting), and the loss of BMV agricultural land would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Benefits

5.79. This section considers the Appeal Scheme in the context of the three sustainability tests set out at paragraph 8 of the NPPF.

5.80. It should be read in conjunction with section 4 above (which address the benefits, both economic and social, of market housing and affordable housing, benefits which in each case command very substantial weight). These benefits are factored into the assessment below (avoiding double counting).

Economic

5.81. The Appeal Scheme satisfies the economic role of sustainability including through the provision of housing to support growth and the associated provision of infrastructure, to be secured through preparation of the S106 agreement and by on-site provision of 50% affordable housing.

5.82. The Appeal Scheme generates a series of local and District-wide economic benefits, including (i) construction of the scheme, and the range of employment generated as a result, (ii) employment opportunities created by the 80-bed extra care facility (CS2 use); and (iii) the ongoing expenditure from the households purchasing and occupying the new homes.

5.83. The principal economic benefits arising from the scheme are summarised below:

- (i) Increased house building in an area where there is both need and demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
- (ii) The economic benefits associated with the provision of up to 190 new homes in the District where there is an established need for housing given the demonstrable shortfall in the five-year housing land supply position.
- (iii) The economic benefits associated with delivery of much needed affordable homes (up to 95 dwellings) that will meet the acute need for affordable housing within the District.
- (iv) The 80-bed extra care facility will meet a specialist housing need while also providing the equivalent of an additional 44 dwellings towards the Council's supply of deliverable housing land.
- (v) Meeting general housing needs is a substantial economic benefit, consistent with the Government's objective of significantly boosting the supply of housing.
- (vi) In order for the economy to function, sufficient housing is required in the right locations and at the right time. This Site represents a location where there would be no significant adverse effect upon the landscape nor on the amenity of neighbouring properties.
- (vii) Based upon a multiplier of 3.4 jobs per new home¹⁶, up to 190 dwellings are estimated to create approximately 646 new jobs.
- (viii) Increased expenditure in the local area will support local FTE jobs.
- (ix) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £1,381,547¹⁷. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
- (x) In terms of household expenditure, data from the ONS Family Expenditure Survey 2022-23¹⁸ shows that the 'average UK household spend' is £526.10 per week (Table A33) (or £27,357.20 per year), whereas in South East England it is 16.4% higher than the UK average (Table A33). This means

¹⁶ See page 8 of the Homes Builders Federation "Economic Footprint of UK Housebuilding" (Sept 2024) -

https://www.hbf.co.uk/documents/13965/The_Economic_Footprint_of_Home_Building_in_England_and_Wales_report_-_September_2024_v.pdf

¹⁷ Research carried out by OnePoll on behalf of Barratt Homes (August 2014); <https://www.barrathomes.co.uk/the-buying-process/home-buying-advice/> which shows an average of £5,462 per dwelling – Updated at July 2025 via Bank of England Inflation Calculator to £7,271 per dwelling.

¹⁸ Family spending workbook 3: expenditure by region - Office for National Statistics (ons.gov.uk).

average weekly spend per household is £612.40 (or £31,844.80 per annum). For the Appeal proposal, the total gross expenditure is estimated to be around £6million per year to the economy. A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Tandridge District including those local to the Appeal Site. The expenditure per household will include a proportion of that spent on areas including food & non-alcoholic drinks (£70.90 per week); alcoholic drinks (£12.90 per week); recreation and culture (£69.30 per week), household goods and services (£39) and miscellaneous goods and services i.e. hairdressing & beauty treatments (£47 per week).¹⁹ Given the current economic challenges facing the UK these are significant economic benefits.

- 5.84. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 190 C3 dwellings and an 80-bed extra care facility (C2 use) on the Appeal Site fully accords with the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 5.85. This is further emphasised in the Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' where paragraph 11 states "*getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year*".
- 5.86. The economic benefits are to be accorded **substantial weight** in the planning balance.

Social

- 5.87. The Appeal Scheme more than satisfies the social role, in helping to support strong, vibrant, and healthy communities, including through providing the supply of housing required to meet identified needs in open market and affordable sectors. This is a very substantial benefit. In addition:
 - 1) Future residents will be in an easy walking, cycling or public transportation distance to local and higher order services and facilities in Oxted.

¹⁹ Figures based upon SE Regional data in Table A33

- 2) The Appeal Scheme will provide a range of housing types and sizes, including up to 190 dwellings to address identified housing needs including up to 95 affordable dwellings (50%)
- 3) The Appeal Scheme will secure a high quality form of development consistent with the development management policies of the NPPF and the approach to high quality design set out in the NPPF; and
- 4) Publicly accessible open space will be provided on the Appeal Site.

5.88. The details of the layout and house type design are to be agreed through the determination of a subsequent reserved matters application, with the detailed scheme to reflect the particular need for housing at that time.

5.89. Overall, the social benefits of the scheme can be afforded **substantial weight** in the overall planning balance.

Environmental

5.90. In terms of the environmental role, the Appeal Site is not located on land designated for its landscape value.

5.91. The Appeal Scheme will not have any material impact on existing ecology and will in fact lead to an overall biodiversity net gain through securing off-site enhancements.

5.92. The proposals would deliver sustainable homes allowing the fulfilment of this important objective whilst at the same time moving to a low carbon economy and securing an environmentally sustainable form of new residential development, with the Scheme securing an overall 10+% biodiversity net gain (to be refined at reserved matters stage).

5.93. On the basis of the above, there are environmental benefits which would arise from the proposals, to which, on balance, moderate positive weight should be attached in the overall planning balance.

Overall position on benefits

5.94. Overall, the benefits of the Appeal Scheme should be accorded **substantial weight**.

The Overall Planning Balance

5.95. Table 5 below summarises these adverse impacts and benefits, and the weight attributed thereto.

Table 5: Harms and Benefits

Harms	Weight
Conflict with Development Plan settlement boundaries.	Limited
Localised change in landscape character/visual impact.	Limited
Loss of BMW agricultural land resource	Limited
Low level of less than substantial heritage harm	Great weight
Benefits	Weight
Provision of up to 95 market homes	Very substantial
Provision of up to 95 affordable homes	Very substantial
Provision of development in a sustainable location, which supports healthy walkable lifestyles	Moderate
Development which complies with the Golden Rules of paragraph 156 NPPF	Significant (as directed by paragraph 158 NPPF)
Delivery green space and improved ProW network.	Moderate
Economic benefits – Creation of jobs during the construction phase and increased spend during the operational phase	Moderate

5.96. When carrying out the planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, **the adverse impacts are not significantly, nor demonstrably, outweighed by these benefits.**

5.97. By contrast, the benefits significantly outweigh the limited adverse impacts, and planning permission should therefore be granted.

5.98. There are no “strong reasons” for refusing the Appeal Scheme under paragraph 11(d)(i) to the NPPF. It is therefore necessary to turn to the tilted balance under paragraph 11(d)(ii).

5.99. The identified landscape and visual impacts are only of **moderate** weight and the loss of BMV attracts only **limited weight**. The conflict with the spatial strategy also attracts **limited** weight, whilst great weight is given to the low level of less than substantial heritage harm. By contrast the package of benefits attract **substantial** weight.

5.100. Applying this test, the identified adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (quite the opposite). As such, the Appeal Scheme benefits from the presumption in favour of sustainable development.

5.101. The Appellant therefore consider that the Appeal should be allowed.

6. Consultation Responses and Public Representations

- 6.1. A number of internal and external consultees raised no objection to the Appeal Scheme (where appropriate, subject to conditions/ s106 legal agreement):
 - Environment Agency.
 - Lead Local Flood Authority.
 - Surrey County Highways Authority
 - Surrey County Council Historic Environment Planning: Archaeology.
 - Designing Out Crime Officer: Surrey Police.
- 6.2. A number of statutory and non-statutory consultees also objected to the Scheme, which responses have informed the reasons for refusal and are therefore addressed in this Statement. This includes comments from the Surrey Hills National Landscape Management Board, Oxted Parish Council, Natural England and Surrey County Council Heritage Officer.
- 6.3. Public consultation responses are also summarised and considered in the Officer's Delegated Report.
- 6.4. The issues raised by interested parties (beyond those raised in the Reasons for Refusal, which are addressed above) have been addressed by the various statutory consultee responses (e.g. County Highways, the LLFA and EA) and/or by the Officer's Delegated Report. In addition, the impact of the Appeal Scheme upon local services and facilities will be mitigated through the package of measures to be secured through the S.106 agreement and through the financial sum to be secured through CIL.
- 6.5. The Appellant will address issues raised by interested parties as necessary in evidence, but does not consider that any of them would constitute reasons for dismissing the Appeal.

7. Planning Obligations and Conditions

Planning Obligations

- 7.1. Although the Council did not impose a reason(s) for refusal relating to the absence of a legal agreement, planning obligations necessary to make the Scheme acceptable in planning terms, that are directly related to the development and are fairly and reasonably related in scale and kind to the development will be secured through a completed S106 agreement.
- 7.2. The Appellant will negotiate with the Council an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended).
- 7.3. Tandridge District Council's Community Infrastructure Levy ("CIL") Charging schedule was adopted and took effect in December 2014. Allowing for indexation, the current rate for residential dwellings (C3) is understood to be £196.32 per qualifying square metre (as per the Council's Annual CIL Rate Summary 2025).
- 7.4. The financial contributions to be requested by the Council will need to meet the planning obligations test set out in part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the NPPF (Dec 2024).
- 7.5. As such, any planning obligations to be imposed as part of the application must be:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 7.6. Where not secured through CIL, financial contributions towards the following matters are to be negotiated as part of the application process and may be

required, based upon evidence to be provided by the Council (and statutory consultees as appropriate) in terms of need.

7.7. Obligations and/or contributions may be secured in relation to the following provisions:

On-site provision

- (i) On-site provision of affordable housing (50%).
- (ii) On-site open space.
- (iii) Travel Plan.
- (iv) Biodiversity net gain.

Off-site provision

- (v) Sustainable Transport measures.

7.8. The parties will work on a tripartite basis towards agreeing the form and content of the legal agreement.

Conditions

7.9. The Appellant will work with the Council to agree a suitable list of conditions in advance of the inquiry.

8. The Justification for the Inquiry Procedure

8.1. In accordance with the provisions set out in the PINS Guidance 'Criteria for determining the procedure for planning, enforcement, advertisement, and discontinuance notice appeals' (April 2022) (as amended and updated, most recently in August 2024), an Inquiry will be the most appropriate procedure in this instance because:

- There is a need for the evidence on landscape and visual issues, transport impacts, and the application of planning policy, the housing land supply position and planning balance, to be tested through formal questioning by an advocate.
- The issues are complex; and
- The Appeal has generated substantial local interest, sufficient to warrant an inquiry.

8.2. The issues which need to be assessed in the determination of the Appeal are complex and evidence will need to be presented by professional witnesses, particularly in dealing with matters relating to:

- The application of **local and national policy**.
- The application of **Green Belt** policy.
- The extent and materiality of the shortfall in the **five-year housing land supply position** having regard to the overall planning balance.
- The need for and benefits of **affordable housing**.
- The **landscape and visual impacts** of the Appeal Scheme.
- The acceptability of the Scheme in **heritage** terms.
- The acceptability of the Scheme in **ecological** terms.
- The acceptability of the Scheme in **drainage** terms.
- The judgment to be taken in carrying out the overall **planning balance**.

- 8.3. The Appellant and the Council are both expected to call up to 8 witnesses to deal with the issues above. There is also significant local public interest. As such, it is envisaged that the Appeal could require 8 sitting days for the evidence to be considered in full.
- 8.4. Subject to review of the Council's Statement of Case, the Appellant intends to call oral witnesses to address drainage, ecology, heritage, highways (to address local resident objections), housing land supply, landscape, need for extra care, and planning matters.
- 8.5. The Appellant reserves the right to review its position on this following receipt of the LPA's statement of case.
- 8.6. There is also significant local public interest, with 318 representations submitted.
- 8.7. Material facts and matters of opinion are in dispute on a wide range of technical issues, such that evidence will need to be tested through formal questioning by an advocate.
- 8.8. Finally, legal submissions will need to be made in relation to a range of matters, including the application of the NPPF and the section 38(6) test.

SB/WBP/9060
SEPT2025

WBP1

Statement of Case on Landscape and Visual matters

Land South Of Barrow Green Road Oxted (TDC ref 2025/245)

Prepared on behalf of

Croudace Homes Ltd

September 2025
Ref: 206-SOC_v2

LAND SOUTH OF BARROW GREEN ROAD

LANDSCAPE AND VISUAL STATEMENT OF CASE

- 1.1. The following sets out the Appellant's Statement of Case in respect of landscape and visual matters in relation to the refusal by Tandridge District Council of outline planning permission (LPA ref. 2025/245) for a residential development of up to 190 dwellings, an extra care facility with up to up 80 beds and associated works (hereafter referred to as 'the Appeal Scheme') on a site south of Barrow Green Road, Oxted (hereafter referred to as 'the Appeal Site').
- 1.2. Landscape-related issues identified by the Appellant to be addressed in the determination of the appeal are:
 - the level of landscape impact of the Appeal Scheme on the Surrey Hills National Landscape (formerly AONB);
 - whether the Appeal Site can be considered a 'valued landscape' for the purposes of para 187 (a) of the NPPF;
 - the significance of residual effects of the Appeal Scheme on visual receptors; and
 - what the implications of the significance of residual landscape and visual effects would be were the Appeal Site to be designated as part of the National Landscape (NL).
- 1.3. In summary, it is the Appellant's case that the Appeal Scheme would not '*significantly detract from the overall character and appearance of the area and thereby the setting of the National Landscape*' as stated in TDC's Reason for Refusal 2, and that visual effects would be limited.
- 1.4. The planning application was accompanied by a comprehensive Landscape and Visual Impact Appraisal (LVIA) (Chapter 12 of the submitted Environmental Statement) which assessed the potential effects of the Appeal Scheme on:
 - The constituent elements of the landscape;
 - The specific aesthetic or perceptual qualities (character) of the landscape; and
 - People whose views could change.

- 1.5. The significance of residual landscape and visual effects assessments in the LVIA was informed by a suite of accurate visualisations of the Appeal Scheme Illustrative Masterplan (Appendix H3 of the ES), which were prepared in line with industry guidance¹.
- 1.6. The LVIA was prepared by Elizabeth Bryant, founder and director of Bryant Landscape Planning (BLP), an independent landscape consultancy. The methodology applied in the LVIA (Section 12.3 of the ES) was based on Landscape Institute guidance²³, has not been challenged and is considered to be robust.
- 1.7. The Appellant will refer to the LVIA in their proof of evidence.

The Appeal Site

- 1.8. The Appeal Site is an arable field in agricultural use, adjacent to built-up areas of the settlement of Oxted, which lies to the south. Public access to the Appeal Site is possible via a bridleway - Public Right of Way (ref. UK011/97/10) - which crosses it. There are open views from the footpath north towards the prominent scarp slope of the North Downs.
- 1.9. There is a single mature ash tree, which is subject to a Tree Protection Order (TPO), within the field itself; the remainder of the vegetation is on the boundaries. A further six trees and two groups of trees on the boundaries are subject to TPOs. The area of woodland known as The Bogs to the west of the Appeal Site is designated as Ancient Woodland.
- 1.10. Due to its proximity to the National Landscape (NL), which at its closest, is approximately 500 metres (m) from the Site, the Appeal Site is considered to lie within the setting of the NL.
- 1.11. The Appellant does not consider the Appeal Site to currently be a valued landscape for the purposes of para 187(a) of the NPPF. This conclusion is informed by the following factors:
 - The Appeal Site is not subject to any designations which would denote landscape value, either:
 - *At the national level* – for example, inclusion within the boundary of a National Park or National Landscape; or
 - *At the regional level* – the designation of Area of Great Landscape Value (AGLV), which is widely used across Surrey for areas outwith the SHNL assessed as having their own inherent landscape quality and as being of high visual quality worthy of conservation, does not, and

¹ Landscape Institute (2019) Visual Representation of Development Proposals Technical Guidance Note 06/19

² Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) Landscape Institute and IEMA

³ Landscape Institute (2024) Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition

never has, apply to the Appeal Site, which is also not specifically recognised for its quality in the current development plan.

- TDC's assessment of the Appeal Site (ref. OXT007) as a potential development site in the Tandridge Landscape Capacity and Sensitivity Study⁴ did not identify it as a valued landscape and concluded that the Appeal Site is of moderate value and has medium landscape capacity for housing development (Annex H3 of the LVIA).

1.12. Whilst not assessing the Appeal Site as qualifying as a valued landscape under the meaning intended in the NPPF, the Appellant does not conclude that it therefore has no value. Applying the criteria for assessing the landscape value of undesignated landscapes provided in guidance⁵, the LVIA concludes that the Appeal Site is of medium landscape value (Table 12.11 of the ES). This aligns with the conclusions of the TDC Landscape Capacity Study.

1.13. Local views across and into the Appeal Site are possible from the bridleway which crosses it and the burial ground on the eastern boundary. There are views towards the Appeal Site from the stretches of Barrow Green Road and Chalkpit Lane adjacent to it; glimpsed views through boundary vegetation from Wheeler Avenue; and assumed views from windows of some properties orientated towards it.

1.14. Due to intervening visual barriers, views from the wider study area towards the Appeal Site are effectively obstructed and/or partially screened, even during winter months.

1.15. In longer views, the Site is discernible in the wide, panoramic views from elevated locations on the scarp to the north.

1.16. The existing visibility of the Appeal Site is illustrated in baseline winter photography provided at Appendix H2 of the ES.

Effects on Landscape Features

1.17. The LVIA identifies the landscape features which could experience direct effects from the Appeal Scheme as the mature trees, woodland and hedgerows on the Appeal Site boundaries. The LVIA predicts that these would experience minor neutral effects as a result of the Appeal Scheme.

Effects on Landscape Character

1.18. With regard to effects on landscape character, the Appellant will demonstrate that the Appeal Scheme, whilst changing the land use and character of the Appeal Site itself, would, with

⁴ Tandridge District Council (2016) *Tandridge Landscape Capacity and Sensitivity Study*

⁵ Landscape Institute (2021) *Assessing landscape value outside national designations Technical Guidance Note 02/21*

appropriate landscaping mitigation and sympathetic design of the proposed built form in terms of scale and materials (the detailed design of which would be in the control of the planning authority) represent development which would successfully respond to the local context and be a companionable extension to the settlement, extending the settlement boundary northwards.

- 1.19. Adverse landscape effects would be limited to the Appeal Site itself and its immediate surroundings, due to the introduction of built form where currently there is none.

The Appeal Site and the NL

- 1.20. The Appellant acknowledges the importance of the SHNL as a landscape afforded the highest protection and that development in its setting could have an adverse impact on the landscape and scenic beauty of the Protected Landscape. However, whilst the Appeal Site does fall within the setting of the NL, it is considered that the Appeal Site does not currently make a significant contribution to the experience of the landscape or its scenic qualities and that the visual influence of the Appeal Site on the SHNL is low.
- 1.21. The Appeal Scheme, as development within the setting of a National Landscape, is sensitively located, adjacent to the settlement, to minimise adverse impacts on the designated area, as required at para 189 of the NPPF.
- 1.22. The Appellant's case is that the predicted adverse effects on some views towards the NL would not significantly detract from the overall character and appearance of the area and the setting of the National Landscape. Whilst the sensitivity of the NL is agreed to be high, the effects on it would be negligible i.e. changes to some views towards the scarp from a limited area would not equate to the setting of the NL being spoilt. There are no predicted adverse effects on aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage, functional connectivity between the NL and its setting, or long views from the Protected Landscape.

Future Baseline

- 1.23. The Appeal Site is one of several sites proposed as potential extensions areas to the SHNL (Figure 12.3 of the LVIA). Notwithstanding that the Appellant does not consider that the Appeal Site meets the Natural England (NE) criteria for natural beauty, the LVIA recognises that were the boundary of the NL extended to include the Appeal Site, it would be a valued landscape under the meaning intended of the NPPF.
- 1.24. In a future baseline scenario where the NL boundary is extended to include the Appeal Site, the significance of residual effects following implementation of the Appeal Scheme on the Appeal

Site would remain as previously assessed in the LVIA i.e. a high and adverse magnitude of change and a major significance of effect.

- 1.25. The magnitude of change experienced by the NL would increase to medium and adverse and the significance of effect (previously assessed as negligible) would be moderate.
- 1.26. Notwithstanding the acknowledged potential adverse effect on the NL of the Appeal Scheme were the Appeal Site to become part of the NL, the Appellant will address in their evidence how TDC's duty under Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) to 'seek to further' the statutory purposes of Protected Landscapes would be compatible with the Appeal Scheme and that any adverse effects on the NL would not be disproportionate. The duty under LURA does not fetter discretion of the decision maker to undertake a planning balance in such a way that if there is any harm to a Protected Landscape, permission must be refused.
- 1.27. The test at NPPF para 190(a) is a matter addressed in the planning balance, undertaken by Woolf Bond Planning Ltd.
- 1.28. The Appellant will refer in evidence to relevant appeal decisions, such as CPRE v SoSHCLG [2025], which approved 165 homes in the High Weald National Landscape, in which Justice Mould concludes (para 77) that '*section 85(A1) of the 2000 Act does not rule out the grant of planning permission for development in an AONB simply by virtue of the fact that the development would give rise to some, albeit limited, unavoidable harm to the natural landscape.*'

Visual effects

- 1.29. The number of publicly accessible locations from which views of the Appeal Scheme would be possible is limited. The Appellant acknowledges that in views from the bridleway as it crosses the Site, the Appeal Scheme would be dominant in views and there would be major and adverse effects on the visual amenity of users of it. Built form would be visible from the stretch of Barrow Green Road as it passes to the north of the Site, from the southern stretch of Chalkpit Lane, from the burial ground and from Wheeler Avenue.
- 1.30. Views towards the Appeal Scheme from elsewhere in the settlement would be screened by intervening built form and tree cover.
- 1.31. Importantly, other views towards the scarp would be unchanged and it would still provide an attractive backdrop to the settlement, visible from multiple locations.

1.32. From elevated locations in the NL to the north, there would be glimpses of the roofscape of the Appeal Scheme but the Proposed Development would be largely indiscernible in the context of Oxted.

Summary

1.33. In summary, the Appellant's landscape case will cover matters relating to the effects on landscape character, views and the SHNL. It will be demonstrated that the Appeal Scheme could be successfully integrated into the local landscape and would not cause unacceptable harm to wider landscape character or to the special qualities of the SHNL.